



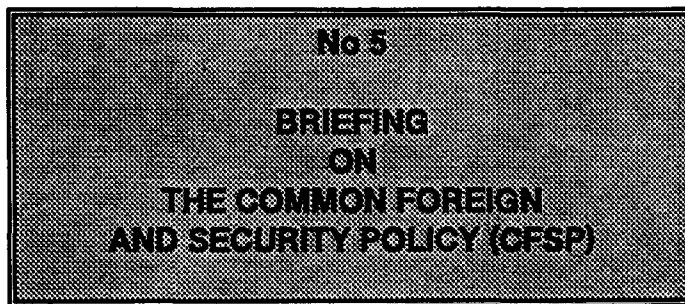
SECRETARIAT WORKING PARTY

TASK-FORCE
ON THE
" INTERGOVERNMENTAL CONFERENCE "

WORKING PARTY SECRETARIAT

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The Briefings have been drafted by the Parliament Secretariat Task Force on the Intergovernmental Conference. Their purpose is to gather together, in an organized, summary form, the proposals and suggestions which the authorities in the Member States, the Union's institutions and specialist commentators have put forward on the issues likely to be on the IGC/96 agenda.

Briefings will be updated as negotiations proceed.

Already out:

1. The Court of Justice
2. The Commission
3. The Court of Auditors, ESC and COR
4. Differentiated integration
5. The common foreign and security policy
6. The role of the national parliaments
7. The hierarchy of Community acts
8. Codecision procedure
9. CJHA
10. European citizenship
11. WEU, security and defence
12. Public services
13. Social policy
14. The European Parliament
15. The European Council
16. The Council of the European Union
17. The budget and the IGC
18. The IGC and transparency
19. Subsidiarity and the allocation of powers
20. The Union's legal personality and external representation
21. Commitology
22. Fundamental rights
23. The IGC and the democratic nature of the Union
24. The coherence of the external action of the EU under the first (Community) and second (CFSP) pillars
25. The 1996 IGC and the effectiveness of the Union
26. Europol
27. The IGC and the Schengen Convention
28. Combating fraud
29. Energy
30. Tourism and the IGC
31. Economic and social cohesion
32. European environment policy and the IGC
33. The CAP and the IGC
34. Civil protection and the IGC
35. Non-discrimination on sexual grounds
36. EU enlargement
37. Employment and the IGC
38. The IGC and Economic and Monetary Union
39. Asylum and immigration policy
40. Social exclusion and the IGC
41. Children and the IGC
42. Fight against drugs and the IGC
43. The IGC and the fight against racism
44. Youth and the IGC

**BRIEFING
ON
THE COMMON FOREIGN AND SECURITY POLICY**

Contents

I.	CONFERENCE AGENDA	5
II.	AREAS FOR REFLECTION	5
III.	POSITIONS ADOPTED BY THE EUROPEAN INSTITUTIONS	
	1. EUROPEAN PARLIAMENT	
	1.1 Bourlanges and Martin report	6
	1.2 Matutes report	6
	1.3 Dury and Maij-Weggen report	7
	1.4 Goerens opinion attached to the Dury and Maij Weggen report .	8
	1.5 Resolution on the Dublin European Council of 13 and 14 December 1996	10
	2. COMMISSION	
	2.1 Report of 10 May 1995 on the operation of the TEU	11
	2.2 Seminar of 19 November 1995	11
	2.3 Commission Opinion of 28 February 1996 on the IGC	12
	3. COUNCIL	
	3.1 Report of 10 April 1995 on the operation of the TEU	13
	3.2. Dublin II: General outline for a draft revision of the treaties	
	A. The CFSP: Objectives, means and structures	14
	B. Security and defence	16
IV.	POSITIONS ADOPTED BY THE MEMBER STATES	
	1. BELGIUM	17
	2. DENMARK	18
	3. GERMANY	18
	4. GREECE	20
	5. SPAIN	21
	6. FRANCE	22
	7. IRELAND	23
	8. ITALY	23
	9. LUXEMBOURG	24
	10. AUSTRIA	25
	11. NETHERLANDS	26
	12. PORTUGAL	28
	13. FINLAND	29
	14. SWEDEN	30
	15. UNITED KINGDOM	31

V.	REFLECTION GROUP	
1.	Progress report of 1 September 1995	32
2.	Report of 5 December 1995	34
VI.	MADRID EUROPEAN COUNCIL (15-16 December 1995)	35
VII.	GROUPS OF EXPERTS	
1.	Findings of the Group of Experts (Durieux Group) on the CFSP (19 December 1995)	35
2.	Second report of the High-Level Group of Experts on the CFSP led by Mr Durieux, submitted on 28 February 1996	35
3.	Interim report of the Bertelsmann Foundation (July 1995)	37

**BRIEFING
ON
THE COMMON FOREIGN AND SECURITY POLICY (CFSP)**

I. CONFERENCE AGENDA

A review of the EU Treaty provisions concerning the CFSP (Title V) is on the Conference agenda laid down by the Treaty itself (Article J.10).

II. AREAS FOR REFLECTION

A. The Union's external action

- (a) Further consideration to be given to consistency in the Union's external action: pillar structure or merely specific procedures?
- (b) Look into the question of legal personality for the Union.
- (c) Determine in greater depth the CFSP's objectives and fundamental interests.
- (d) Instruments: structural options to fulfil the role of analysis, planning and preparation for the CFSP. Decision-making procedures: various ad hoc options. Implementation : role of the Presidency, of the institutions and of ad hoc bodies.
- (e) Financing: options.
- (f) Role of the European Parliament and the national parliaments; consideration of greater interinstitutional cooperation.

B. Security and defence

- (a) Give further consideration to options for EU-WEU relations, in parallel with discussions under way in the WEU.
- (b) Look at solutions for EU decision-making procedures in security and defence matters: the need to reconcile respect for consensus with the Union's ability to act. Positive abstention? Different arrangements for solidarity in the light of internal limitations?
- (c) Look at the Union's lack of symmetry in security and defence matters. A variable geometry arrangement in this field? Where must flexibility stop if it is to be compatible with collective security and the consistency of the European design?

(d) Give further thought to a possible amendment of Article 223 and, in general, to all matters concerning a possible internal market for arms.

III. POSITIONS ADOPTED BY THE EUROPEAN INSTITUTIONS

1. EUROPEAN PARLIAMENT

1.1 Bourlanges and Martin report on the functioning of the Treaty on European Union with a view to the 1996 Intergovernmental Conference (adopted on 17 May 1995)

(a) A more effective EU foreign policy, encompassing the common commercial policy, development cooperation policy, and matters falling under the common foreign and security policy, should be established.

(b) Clearer-cut security and defence policies should be implemented at EU level.

(c) The common defence policy must serve to guarantee the borders of the Union and its Member States (one possibility being to take over Article 5 of the WEU Treaty).

(d) Powers should be transferred from the WEU to the Union.

(e) Where they so wished, a limited number of Member States, acting by a qualified majority, should have the option of embarking on humanitarian, diplomatic, or military action with 'joint action' status (individual Member States would not be forced to take part, but nor could they prevent the majority from engaging in the action).

(f) The Commission should play a full role in working out and framing the CFSP (not least by exercising a right of initiative and implementing power).

(g) A joint Commission-Council planning and analysis unit should be set up.

(h) A civilian European peace body should be set up to train observers, mediators, and disputes settlement specialists.

(i) The CFSP should be supervised by the European Parliament and the national parliaments.

(j) The European Parliament should be consulted whenever the Council adopts a common position or a decision on joint action.

1.2 Matutes report on progress made in implementing the common foreign and security policy (adopted on 18 May 1995)

(a) An interinstitutional agreement should be concluded on implementation of Article J.7 of the TEU and funding of the CFSP.

- (b) A delegation of European Parliament observers should attend international conferences.
- (c) An analysis and assessment centre should be set up within the EU.
- (d) A mutual assistance clause should be inserted in the TEU.
- (e) The European Union should be equipped with appropriate resources and machinery to place it in a more effective position to forestall and iron out conflicts by peaceful means.
- (f) Declarations should be issued in only a limited number of cases, and greater use made instead of common positions.
- (g) The categories of decisions to be adopted by a majority (simple or double qualified majority) or under the unanimity rule should be set out in a list.
- (h) The Union should have its own diplomatic apparatus.
- (i) Commission delegations in third countries should be upgraded to the status of European Union embassies.
- (j) The EU should be provided with its own means of gathering information, including optical reconnaissance satellites.

1.3 Dury and Maij-Weggen report on evaluation of the work of the Reflection Group and definition of the political priorities of the European Parliament with a view to the IGC (adopted on 13 March 1996)

The resolution states that the external role of the EU should be strengthened - particularly in the fields of peace-keeping and security -by means of the development of a fully effective common foreign and security policy, involving inter alia

- more widespread use of qualified majority voting,
- the establishment of a joint analysis and planning unit, to come under the authority of the Commission, and
- the gradual incorporation of the WEU into the EU.

Detailed proposals:

- (a) The external role of the EU should be strengthened by means of the development of an effective common foreign and security policy.
- (b) The Union should be given international legal personality.
- (c) The provisions on the various aspects of external policy, including the future common defence policy, should be gathered into one chapter of the TEU.

(d) The Union shall guarantee its territorial integrity and the security of its external frontier.

(e) The EU and its Member States must act consistently and efficiently in the case of external developments or threats (or challenges) at the external frontiers.

(f) The Council and Commission should be assisted by a central unit for making policy studies and submitting proposals. It would be run by the Commission in close cooperation with the Secretary-General of the Council. It would consist of staff from the Commission and the Council.

(g) Decisions relating to the CFSP should be taken by a qualified majority. Any Member State which is not in agreement with a common position or joint action in the areas covered by the CFSP should have a dispensation facility, but should not be able to veto the common position or joint action.

(h) The Member of the Commission with responsibility for foreign policy should represent the Union in the CFSP in close cooperation with the Council Presidency. The Member could be appointed in accordance with the procedure applying to the President of the Commission. Parliament rejects, therefore, the idea that there should be a 'High Representative' for the CFSP.

(i) The necessary steps should be taken to have a diplomatic representation of the Union established in third countries where fewer than four Member States have diplomatic representation.

(j) The CFSP should be financed on a Community basis. Member States which make use of the dispensation clause may not withdraw from Community financing.

(k) Parliamentary monitoring of the CFSP should be the responsibility of the European Parliament, where appropriate in cooperation with the national parliaments (for example, in respect of humanitarian aid and peace-keeping). The European Parliament must be consulted in respect of common positions and joint actions.

(l) Article 223 must be deleted.

1.4 Opinion of the Committee on Foreign Affairs, Security and Defence Policy (draftsman: Mr Goerens) on the assessment of the work of the Reflection Group and the European Parliament's political priorities with a view to the IGC (adopted on 21 February 1996)

(a) The common provisions of the Treaty should stipulate that the promotion of a just international order and of human rights and democratic principles are fundamental objectives of the Union's policy on external relations, security, economic affairs and development.

- (b) The instruments available for achieving the objectives of the CFSP should be expanded by including a specific reference to preventive diplomacy.
- (c) A preventive diplomacy capable of reducing the risks of conflict and instability in areas of interest to the European Union and ensuring the defence of its external frontiers should be developed.
- (d) With regard to the defence of the external frontiers of the Union, the Member States should undertake to conclude an agreement on mutual assistance and solidarity.
- (e) A European civilian peace corps, to which conscientious objectors may also be recruited, so as to train observers, mediators and experts in the field of conflict resolution should be set up.
- (f) Decision-making arrangements should be modified as follows:
- The Council should, when adopting the joint action, act by qualified majority, the votes of its members being weighted in accordance with Article 148(2) of the Treaty establishing the European Community.
 - A certain number of Member States, acting by a qualified majority, should be able to engage in a humanitarian, diplomatic or military action, which would have the status of a 'joint action', with the proviso that no Member State may be obliged to take part in a military action if it does not so desire and, equally, that no Member State may prevent the majority from carrying out such an action.
- (g) The CFSP should include all questions related to the security of the European Union, including the framing of a common defence.
- (h) The European Parliament should be consulted on common positions and joint actions.
- (i) The European Parliament should be able to ask questions of the Council or make recommendations to it regarding the CFSP. The Council should reply to Parliament's recommendations in writing within a fixed deadline.
- (j) The Commission should be assisted by a central analysis and planning unit. The central unit would establish the necessary links with the Council, the Commission and the General Secretariat of the Western European Union, to ensure mutual cooperation between these institutions. It would be headed by the Commissioner responsible for external relations, who would be responsible for external representation in the area of the CFSP. The central unit would establish the necessary links with the European Parliament. It would take account of the opinion of the European Parliament when the latter considers situations and would keep the European Parliament informed of its activities and findings.
- (k) Administrative and operational expenditure which the provisions relating to the common foreign and security policy entail for the institutions should be charged to the budget of the European Communities.

1.5. Resolution of the European Parliament on the Dublin European Council of 13 and 14 December 1996. 16 January 1997

a. The European Parliament welcomes the inclusion of an article on political solidarity, which should also include a clause on financial solidarity, and the specification of the objectives of the CFSP, particularly in respect of safeguarding the integrity of the Union;

b. Notes a declaration, to be included in the Final Act, concerning a new policy planning and early warning capability entailing, for the first time, the involvement of the WEU through the presence in the unit of some of its personnel and reiterates its request that this unit should be managed by the Commission in close cooperation with the Secretary-general of the Council;

c. Notes that the Irish Presidency's text is not such as to give the Union effective instruments for establishing a genuine CFSP and in particular has the serious weaknesses indicated below on which genuinely more detailed negotiations are needed:

1. the member of the Commission responsible for the CFSP should represent the EU in the CFSP, in close cooperation with the Council Presidency;

2. rejects the introduction of a new veto procedure in areas where qualified majority voting is already provided for; appropriate mechanisms should be set up to ensure that a Member State cannot unilaterally block any decision-making; recalls in this context the Italian document of 25 October 1996 and its general approach in favour of increased use of qualified majority voting in the decision-making process;

3. the unilateral strengthening of the role of the Secretary-General of the Council is unacceptable; believes, however that serious thought will need to be given to the idea of appointing an individual with a political background to be responsible for the CFSP but without any kind of responsibility within the general secretariat of the Council (the possibility of a Commissioner appointed according to special procedures and responsible to the Council could be envisaged);

4. the proposal in the German non-paper of 6 June 1996 and the Italian document of 25 October 1996 that Article J.8 should be amended so as to introduce qualified majority voting as the basic rule and that when a Member State requests unanimity for a decision, the request may be rejected by a qualified majority, is a positive step; the possibility of constructive abstention is appropriate in view of the fact that the other Member States will benefit from political and financial solidarity in the application of the decisions taken;

5. the conflict prevention capabilities of the EU should be better defined and strengthened ; a policy of conflict prevention and peaceful resolution of conflicts should become a pillar of a common defence and security policy;

6. it is unacceptable for operational expenditure to be deemed to be expenditure necessarily resulting from the Treaty within the meaning of Article 203 of the EC Treaty.

2. COMMISSION

2.1 Report of 10 May 1995 on the operation of the TEU

- (a) Practical cooperation among the institutions should be improved.
- (b) The overlapping of the different intergovernmental committees should be reduced.
- (c) The avenues opened up by the different CFSP policy tools should be explored, and the tools defined more clearly.
- (d) Insistence on unanimity should be avoided in cases where a qualified majority is already admissible under the Treaty; more effective decision-making procedures should be employed.
- (e) The pillars should be interlinked more closely.
- (f) An interinstitutional agreement should be concluded on financing of the CFSP.
- (g) 'Second pillar' measures should be subject to judicial review.
- (h) Interaction/cooperation between the EU and the WEU should be improved, and the role of the WEU and its position in relation to the Union should be defined from a long-term perspective.
- (i) Integrated multilateral forces should be set up under the responsibility of the WEU and/or NATO.
- (j) Joint machinery should be put in place within the EU to improve the Union's troubleshooting capability.
- (k) The Union should be represented more prominently at the external level.
- (l) The Union should be given legal personality.
- (m) The Community and its Member States should cooperate and coordinate their activities more closely in areas for which they share responsibility.

2.2 The Commission seminar of 19 November 1995.

- (a) restated its firm opposition to the appointment of a 'Mr (or Mrs) CFSP', a role

which would be best carried out by the 'Council Presidency/Commission duo';

(b) expressed support for the establishment of an 'analysis, forecasting and planning unit' (in which the Commission would participate and the WEU would be involved in 'an appropriate manner'), with the role of preparing CFSP actions (but with no right of initiative).

2.3 Commission Opinion of 28 February 1996 on the IGC ('Reinforcing political union and preparing for enlargement')

Three areas need to be examined with a view to strengthening the Union's ability to act (rather than react), which will involve:

(a) making foreign policy more consistent ('speaking with one voice') in the political, economic and development spheres; since the Treaty does not ensure such consistency, the 'Presidency-Commission tandem' should ensure effective cooperation (from the preparation of decisions through to their adoption and implementation) between the two institutions responsible for foreign policy;

(b) **making the Community's external action more effective, by:**

- adjusting the common trade policy to take account of the radical changes in the structure of the world economy;

- including specific provisions in the Treaty to enable the EU to speak with one voice in international organizations;

- coordinating Member States' policies with that of the Community in fields where responsibility is shared, such as development, transport and the environment;

(c) **establishing a firmer basis for the CFSP, by:**

- setting up a 'joint analysis unit' composed of experts from the Member States and the Commission, possibly with a contribution from the WEU;

- incorporating a permanent political committee into the Council's existing machinery for preparing decisions;

- making qualified majority voting the general rule, with specific rules for decisions involving military matters or actions affecting clearly defined vital interests of a Member State;

- making it possible in some situations for a limited number of Member States to act on behalf of the Union;

- giving the Council Presidency and the Commission primary responsibility for the implementation of decisions;

- considering how to strengthen the Presidency, with support from the Council secretariat, which 'should not prevent certain tasks being allocated to specific personalities on an ad hoc basis';

- including expenditure in this area in the Community budget;

(d) establishing a European defence identity within NATO, by:

- making a distinction between missions aimed at restoring or keeping peace (which should be written into the Treaty) and territorial defence;

- reinforcing the Union's security capability by enabling Defence Ministers to play an appropriate role in the Council;

- deciding that security missions may be carried out on behalf of the EU by Member States or by 'common structures';

- reconsidering the WEU's role, with a view to incorporating it into the EU according to a fixed timetable, together with its responsibility for the implementation of EU decisions and actions;

- strengthening the Union's industrial base in the armaments field, which will require greater effectiveness in the field of procurement (by means of the establishment of an 'agency') and a 'consistent approach' to foreign trade.

3. COUNCIL

3.1 Report of 10 April 1995 on the operation of the TEU

(a) The Council (and its Secretariat) should be given direct access to information concerning the CFSP and have the practical means of forming overall appreciations.

(b) The Commission should provide a greater input in terms of substance when the provisions of Articles J.5(3), J.8(3), and J.9 are to be implemented.

(c) The purpose of the different policy tools, that is to say, declarations, common positions, and joint action, should be clarified, and the necessary distinctions observed.

(d) The old EPC bodies and procedures should be brought together within the single institutional framework provided for in the TEU with a view to decision-making.

(e) Working parties should be merged.

(f) More effective general coordination should be provided by the General Secretariat of the Council under the authority of the Presidency.

- (g) The 'COREU' procedure should be clarified.
- (h) Better use should be made of the qualified majority referred to in Article J.3(2) and (7) of the TEU.
- (i) The roles to be performed by the Presidency/Troika, on the one hand, and the Council's General Secretariat, on the other, in running the CFSP should be defined more clearly, without encroaching on the Commission's responsibilities.
- (j) The Council's General Secretariat should be put to more effective use for the purpose of monitoring implementation of the CFSP.
- (k) More satisfactory formulas should be found with respect to common legal obligations *vis-à-vis* external parties, bearing in mind that the Union has no legal personality.
- (l) Appropriate funding arrangements should be laid down for the CFSP.
- (m) Relations between the Council's General Secretariat and the WEU Secretariat-General should be made a subject of discussion.

3.2. General outline for a draft revision of the treaties.

DUBLIN II

A. The CFSP: objectives, means and structures

*** The role of the European Council in defining the principles of and general and strategic guidelines for all areas of the CFSP would be highlighted;**

Amendment of the the Articles:

*** First subparagraph of Art. J. 1(1) of the TEU:**

insert „The European Council shall define the principles of and general and strategic guidelines for the common foreign and security policy.“

*** First indent of Article J. 1(2) of the TEU:**

„The objectives of the common foreign and security policy shall be:

- to safeguard the common values, fundamental interests, independence and integrity of the Union in conformity with the principles of the United Nations Charter“ ;

*** Article J. 1(4) - reinforced political solidarity clause**

Add: „ The Member States shall work together to enhance and develop their mutual political solidarity.“

*** the Presidency would be assisted by the Secretary-General of the Council, who would be given new standing and visibility in foreign policy;**

Amendment of the Articles:

*** Article J.5 of the TEU:**

„ 3. The Presidency shall be assisted by the Secretary-General of the Council.

4. In order to ensure consistency in the external activities of the Union, the Commission shall be fully associated in the tasks referred to in paragraphs 1 and 2 .

5. The Council may, whenever it deems it necessary, appoint a special representative with a mandate in relation to particular issues."

* Add new article J. 8b in the TEU with the content: Secretary-General of the Council to assist the Council in CFSP matters and to represent CFSP externally.

* a new policy planning and early warning capability would be established under the Secretary-General of the Council;

Proposal to add new Declaration to the Final Act on a new policy planning and early warning capability .

* the Commission would, to ensure coherence, be associated in an enhanced way with CFSP policy implementation and representation

Amendments, additions and renumbering to Articles J.1(3) to J.3 of the present Treaty:

* Article J.1(3):

„- by adopting common positions in accordance with Article J. 2a;
- by adopting joint actions in accordance with Article J. 3."

* Add new Article on common positions J.2a into the TEU:

„Whenever it deems it necessary, the Council shall adopt a common position.

Common position shall define the approach of the European Union to particular matter of a geographical or thematic nature. Member States shall ensure that their national policies conform to the common position."

* Article on joint actions J.3

New paragraph J.3(2) :

„ Joint actions define the Union's objectives and the means to be put at the disposal of the Union to address specific situations where operational action is deemed to be required in areas in which the Member States have important interests in common. The following procedure shall apply for the adoption of joint actions."

Old paragraph J.3 (2) deleted. For decision-making see new Article J. 8a.

* diplomatic meetings with third countries would be conducted by the Presidency, supported by the Council Secretary-General, the Commission and if need be, by the incoming Presidency;

* decision-making procedures would be improved in two ways:

1. where unanimity would still apply, it would be possible to make declaration of positive abstention. A Member State which made such a declaration would not be obliged to apply the decision;

2. qualified majority voting would be introduced for all decisions under the CFSP with the exception of the adoption of Joint Actions and all decisions with a military/defence dimension subject, however, to provision that no vote would be taken where a member of the Council declared its intention to oppose the adoption of a

decision for stated reasons of national policy. In such cases a qualified majority could ask to have the issue referred to the European Council (Heads of State or Government) for decision by unanimity.

Proposal to add new article on decision-making J. 8a in the TEU

B. Security and defence

The texts suggested would:

* reformulate the objectives of the CFSP in the field of security and defence to take account of developments in this area since the Treaty on European Union was negotiated;

- Proposal to amend Article on the Union's objectives in security and defence J. 4(1) of the TEU:

„ 1. The common foreign and security policy shall include all questions relating to the security of the Union, including the progressive (present wording: eventual) framing of a common defence policy in the perspective of (present wording: which might in time lead to) a common defence.

Questions referred to in this article shall include humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking.

- Declaration to the Final Act:

„ The Conference notes that the reference to humanitarian tasks in Article J. 4(1) second subparagraph relates to the use of military means for humanitarian purposes and is without prejudice to the humanitarian tasks conducted by the Community under the Treaty establishing the European Community.“

* provide for developing the relationship between the EU and the WEU including by fostering closer institutional relations;

* incorporate the objectives of the Petersberg tasks in the Treaty so as to allow the Union to develop its action more effectively;

* confirm that decisions and actions of the Union having military or defence implications would continue to be taken by unanimity:

Amend Article J. 4(2)

1. „ The Union will avail itself of the WEU to elaborate and implement decisions and actions of the Union which have defence implications.“

2. „When the Union has recourse to the WEU to elaborate and implement decisions of the Union on the tasks related to in Article J. 4(1), all Member States of the Union shall be entitled to participate fully in the tasks in question. The Council, in agreement with the institutions of the WEU, shall adopt the necessary practical arrangements.

These arrangements shall allow all Member State contributing to the tasks in question to participate fully and equally in planning and decision-taking in the WEU insofar as these relate to the commitment and deployment of that Member State's national contribution.“

Decisions having defence implications dealt with under this paragraph shall be taken without prejudice to the policies and obligations referred to in Article J. 4(4).

IV. POSITIONS ADOPTED BY THE MEMBER STATES

1. BELGIUM

a. CFSP policy making

- 1. The Commission, which already has a right to initiative, should use it to the full;**
- 2. an analysis and planning unit should be set up, with the close involvement of Member States and the Commission and also possibly the WEU secretariat. The unit could be headed by a senior official, appointed by the Council with the Commission's agreement. The unit could issue opinions for the Council and the Commission;**
- 3. need to improve the Member States' ability to coordinate in Brussels between meetings of the Political Committee by setting up a standing group, to work within existing structures preparing for council meetings.**

b. CFSP decision-making process

- 1. Need for unanimity often paralyses the decision-making process.**

Alternative decision-making arrangements making allowance for important national interests should be considered:

- a less-than-full consensus or a super-qualified majority;**
- qualified-majority decision-making for some CFSP areas to be determined;**
- qualified-majority decision-making where proposals originate from the Commission.**

2. However, no state should be obliged to take an active part in a policy that requires military backup.

3. All Member States are, however, politically and financially involved in a common decision.

c. CFSP implementation

- 1. The Commission should implement joint action to be carried out on the ground or closely bound up with first-pillar activities;**
- 2. the Council and the Commission could designate special representatives to implement specific CFSP decisions, reporting to the Council on their assignments;**
- 3. the Presidency, in cooperation with an expanded CFSP secretariat, or even the**

Commission and such special representatives, should give effect to decisions basically requiring representations to be made, positions to be stated and diplomatic negotiations and political dialogue to be engaged in.

d. Improved implementation requires that financing from the Community budget become the rule.

e. The Union's external economic policy should serve as an example for other areas of external policy.

f. Rather than giving the EC and the EU separate legal responsibility, a way of giving the Union specific powers to conclude treaties could be found (for example, in the form of a Treaty provision giving the Union the power to conclude agreements with third parties within the framework of joint actions).

2. DENMARK

a. The IGC must above all lay the foundations for the enlargement of the EU to include the countries of Central and Eastern Europe, including the Baltic States, which have applied for membership.

The EU has a political, economic and security-policy interest in seeing that these countries become part of the EU. It is important for Europe that these countries should become members.

b. Cooperation on foreign policy should remain intergovernmental.

c. The Danish Government is prepared to agree to joint actions being adopted even if one or two countries do not wish to participate.

In such situations, the Danish Government will argue in favour of a separate decision being taken on the conditions for those countries which do not participate in a joint action.

d. Denmark is strongly in favour of setting up an analysis and planning unit under the aegis of the Council of Ministers.

e. EU Member States should have the opportunity of participating in the performance of humanitarian tasks, crisis management and peace-keeping efforts if they so desire.

3. GERMANY

a. European Council to decide principles and common guidelines for CFSP.

b. Obligation of Member States to common action and political solidarity when carrying out common European actions. Obligation of Member States to refrain in that case from counteractions.

c. Political solidarity clause into the TEU.

Mutual consultation mechanism between Member States in times of crisis.

d. Decision-making procedures must be adjusted to make it easier to reach a decision and to avoid the rigidity of unanimity, possibly by:

- making a distinction between decisions in principle and implementing decisions;
- enshrining the principle of constructive abstention over CFSP matters in the Treaty;
- introducing majority voting (by a qualified majority) for implementing decisions.

But also in the future, consensus based decisions of the European Council on basic principles, security and on defence.

e. In decisions that have a military impact, it should not be possible for a minority of states to prevent the majority from engaging in common action; however, no country should be obliged to take part against its will. States that do not take part must contribute to the common financing of the actions concerned

f. „Face and voice“ for CFSP (Mr./Mrs. CFSP, responsible to the Council.

Close cooperation between person in charge of CFSP (Mr./Mrs. CFSP), Presidency and the Commissar in charge of external relations.

g. Gradual integration of an operational strengthened WEU into the EU.

As first steps:

1. insertion of a common solidarity clause into the TEU, on a level below military assistance;

2. anchoring of the „Petersberg tasks“ into the TEU.

h. Establishment of a permanent analysis and planning unit to put forward proposals and monitor the implementation of the Council's CFSP decisions, headed by Mr./Mrs. CFSP, to comprise staff from Member States, the Commission and the EU secretariat.

i. Increased European Parliament influence on the CFSP.

4. GREECE

- a. The second pillar should be brought closer to the first. Gradual communitarization of the CFSP.
- b. Vital interests and points of fundamental agreement should be identified in order to allow the Member States to take joint action.
- c. Criteria and objectives should be laid down with a view to pursuing cooperation with other international organizations (NATO) in sectors and geographical areas in which responsibility is shared.
- d. The EU should establish a multidimensional security system.
- e. The Commission should play an increased planning role.
- f. The European Council and the Commission should be given a mandate to promote Community CFSP measures, subject to subsequent review by the Council meeting at ministerial level.
- g. The unanimity rule should continue to apply when adopting guidelines for and decisions on joint action falling under the CFSP.
- h. **Qualified majority vote for CFSP-questions that are not of vital interest to Member States.**
- i. Increased participation by the European Parliament in the CFSP.
- j. Increased cohesion and consistency between the CFSP and external economic relations.
- k. Stronger Commission role in planning, implementing and monitoring joint activities.
- l. Financing of the CFSP by the Community budget, with possible monitoring of all CFSP expenditure by the European Parliament.
- m. Introduction of a mutual assistance clause in the Treaty, to defend the Union and its Member States' external frontiers.
- n. A legal status for the Union's external frontiers.
- o. Stronger links between the EU and the WEU.

5. SPAIN

a. CFSP- decisionmaking

Not using the qualified majority vote is one of the reasons for the inefficiency of the CFSP.

Possible solutions:

- unanimity with „positive & constructive abstention“ (demands political & financial solidarity)

- superqualified majority

- only fundamental & vital national interests to prevent adoption of decisions with qualified majority.

b. Maintain central role of the Presidency in external representation & carrying-out of the CFSP.

c. Strengthen coordination between Presidency & Commission.

**d. Financing of common foreign policy through Community budget.
Necessarity to establish modalities which secure necessary funding for rapid action, when necessary.**

e. Financial solidarity in cases of „positive abstention“ and „opting out“.

f. Atlantic Alliance & transatlantic link fundamental for European security

g. The consensus norm mustn't exclude the possibility that supranational European organisms become in the future a determinig factor in security questions

h. Fundamental to improve the Union's capacities in the areas of conflict prevention, peacekeeping & humanitarian operations.

i. Possibility for militarily non-aligned EU members to participate in humanitarian operations, peacekeeping and other crisis-management tasks (Petersberg tasks).

**j. Increase operational capability of WEU.
Make NATO installations & capabilities through CJTF disponible for WEU led operations**

k. Gradual integration of WEU into EU.

**l. Development of European operational capacities:
Two possibilities:**

1. transfer WEU-functions & -capacities to 2nd pillar

2. CFSP to assume Petersberg tasks

m. Analysis, foreseeing, early warning & planification cell with Council's General Secretariat. No right to initiative.

6. FRANCE

**a. Enforced role and competence of the European Council in the CFSP;
The European Council must take direct charge of security and defence questions and decide principles and common guidelines for CFSP.**

**b. Introduction of political solidarity clause into the TEU;
Obligation of Member States to common action and political solidarity when carrying out common European actions. Obligation of Member States to refrain in that case from counteractions.**

c. Possibility of majority decisions in the field of CFSP, especially for executive decisions.

d. But also in the future consensus based decisions of the European Council on basic principles, on security and defence.

e. Possibility of „constructive abstention“ .

**f. The CFSP must remain on an intergovernmental footing, but must have an appointed representative. „Face and voice“ for CFSP, responsible to the Council.
Close cooperation between person in charge of CFSP (Mr./Mrs. CFSP), Presidency and the commissar in charge of external relations.**

g. Gradual integration of an operational strengthened WEU into the EU.

As first steps:

1. insertion of a common solidarity clause into the TEU, level below military assistance;

2. anchoring of so-called „Petersberg tasks“ into the TEU.

h. Intergovernmental cooperation in respect of the CFSP cannot be abandoned.

i. Following enlargement, countries wishing to proceed at a faster pace must be allowed to do so ('multi-speed Europe'), including in the CFSP field.

j. The Treaty's 'pillar' structure must be retained.

7. IRELAND

a. Possibility of a larger use of qualified majority voting on decisions which implement the foreign policies decided by consensus in the Council of Ministers.

b. Closer military cooperation between EU members in the humanitarian, peacekeeping and crisis management areas, but without entering into a mutual defence commitment.

c. Irish Government to discuss with the WEU the possibility of Ireland's participation, on a case-by-case basis, in Petersberg tasks (humanitarian, rescue and peace-keeping operations).

d. Establishment of a central planning and analysis unit at the service of the Presidency and the Council.

e. The main objective of the common defence policy must be preservation of peace in accordance with the principles of the UN and the OSCE.

f. The common defence policy must be compatible with Irish disarmament and arms control objectives.

g. The EU's defence policy must fit in with the general security framework in Europe, to prevent another division of the continent.

h. The result of the negotiations concerning Irish involvement in a common defence policy must be confirmed by referendum as Ireland's policy of neutrality cannot be changed unless the people themselves decide otherwise.

i. Ireland will play a constructive part in the negotiations on the common defence policy.

8. ITALY

a. External economic relations: better coordination of the Union's action in the frame of the World Trade Organization and development cooperation;

b. The need to create a permanent EU body with adequate powers for external representation and structures to carry out analyses, put forward proposals and to implement Council decisions (in the form of a secretariat appointed by the Council and perhaps confirmed by the European Parliament or in the form of an elected presidency with a two or three year mandate, appointed by the Council and approved by Parliament);

c. personality (Council's General Secretary) to assure visibility and coherence of the CFSP;

d. correction of the unanimity rule; unanimity must be limited strictly to national interests, such as defence.

e. find a consensus on the principles and contents of the Union's foreign policy, such a consensus would permit more supple decision-making procedures, such as:

- constructive abstention**
- qualified majority**

in a regulated respect for the political and financial solidarity;

f. political solidarity clause; obligation of Member States to abstain from action that is contrary to the interests of the Union;

g. work on the Treaty parts that foresee a CFSP, including a common defence, and this in full respect of transatlantic links;

**h. in the long term absorption of the WEU into the EU;
start with:**

- 1. introduction of the Petersberg tasks into the TEU**
- 2. progressive fusion of WEU-structures into the Union.**

i. European Parliament to examine established orientations after each meeting of the European Council.

j. The Italian government aspires a institutional structure in which:

- the European Council is the highest instance for political impulse and the definition of objectives,

- the Council of Ministers the instance for decision-making,

- the Secretary General the organ for planning and implementation of decisions in the field of foreign policy, under political control of the Council and in the frame of a structured coordination with the ruling presidency and the Commission.

9. LUXEMBOURG

a. CFSP policy making

1. The Commission, which already has a right to initiative, should use it to the full;

2. an analysis and planning unit should be set up, with the close involvement of Member States and the Commission and also possibly the WEU secretariat.

The unit could be headed by a senior official, appointed by the Council with the Commission's agreement. The unit could issue opinions for the Council and the Commission;

3. need to improve the Member States' ability to coordinate in Brussels between meetings of the Political Committee by setting up a standing group, to work within existing structures preparing for council meetings.

b. CFSP decision-making process

1. Need for unanimity often paralyses the decision-making process. Alternative decision-making arrangements making allowance for important national interests should be considered:

- a less-than-full consensus or a super-qualified majority;**
- qualified-majority decision-making for some CFSP areas to be determined;**
- qualified-majority decision-making where proposals originate from the Commission.**

c. CFSP implementation

1. The Commission should implement joint action to be carried out on the ground or closely bound up with first-pillar activities;

2. the Council and the Commission could designate special representatives to implement specific CFSP decisions, reporting to the Council on their assignments;

3. the Presidency, in cooperation with an expanded CFSP secretariat, or even the Commission and such special representatives, should give effect to decisions basically requiring representations to be made, positions to be stated and diplomatic negotiations and political dialogue to be engaged in.

d. Improved implementation requires that financing from the Community budget become the rule (though the problem of accounting to the political authority and the budgetary authority (Parliament) still has to be resolved).

e. Appropriate solutions must be found to remedy the fact that the Union does not have a legal personality.

g. Member States should not be required to take part in activities that have military implications (to be carried out by the WEU) if they do not want to, although one Member State should not be able to prevent the others from taking part.

h. All Member States must bear the financial costs of a military operation.

l. A future Treaty should contain the objective of gradual integration of the WEU in the EU. Until then, there is a need for measures that strengthen relations between the EU and the WEU (such as closer association of the WEU in the work of the CFSP).

10. AUSTRIA

a. No contradiction is perceived to exist between the CFSP as laid down in the TEU and the key elements of Austrian neutrality.

- b. **Austria wishes to participate at functional European security structures.**
- c. The CFSP's capacity for action must be improved.
- d. Eventual transition to a majority voting system based on the principle of 'consensus bar one', 'positive abstention' and 'opting out'. Unanimity should be retained for military matters.
- f. Creation of a planning unit in the Council secretariat, consisting of representatives of the Council secretariat, the Commission and the Member States (tasks: information and observation, analyses and assessment and the formulation of proposals). The unit could be headed by someone appointed by the Council.
- g. Preparations should be made for the next stages of framing a common defence policy in accordance with Article J.4 of the TEU.
- h. Gradual transition towards Community procedures on foreign policy issues.
- l. A better definition of the powers of the bodies and groups that come under the second pillar.
- j. The Union's powers of action in the CFSP are severely limited by its lack of a legal personality and the fact that it consequently cannot conclude treaties.
- k. Rejection of any structural changes concerning the office of President (a longer mandate or a change in the rota system).
- l. No separate secretariat for the CFSP.
- m. Development of machinery to link the second and first pillars, to ensure greater consistency between the Community's external relations and the CFSP.
- n. The CFSP should be financed by the Community budget, although the Council's special position should be protected.
- o. Parliamentary control of the CFSP in its present form, especially by the national parliaments.
- p. **The EU should have the right to issue guidelines and instructions to the WEU to carry out Petersberg tasks.**

11. NETHERLANDS

a. CFSP policy making

- 1. **The Commission, which already has a right to initiative, should use it to the full;**

2. an analysis and planning unit should be set up, with the close involvement of Member States and the Commission and also possibly the WEU secretariat. The unit could be headed by a senior official, appointed by the Council with the Commission's agreement. The unit could issue opinions for the Council and the Commission;

3. need to improve the Member States' ability to coordinate in Brussels between meetings of the Political Committee by setting up a standing group, to work within existing structures preparing for council meetings.

b. CFSP decision-making process

1. Need for unanimity often paralyses the decision-making process. Alternative decision-making arrangements making allowance for important national interests should be considered:

- a less-than-full consensus or a super-qualified majority;**
- qualified-majority decision-making for some CFSP areas to be determined;**
- qualified-majority decision-making where proposals originate from the Commission.**

c. CFSP implementation

1. The Commission should implement joint action to be carried out on the ground or closely bound up with first-pillar activities;

2. the Council and the Commission could designate special representatives to implement specific CFSP decisions, reporting to the Council on their assignments;

3. the Presidency, in cooperation with an expanded CFSP secretariat, or even the Commission and such special representatives, should give effect to decisions basically requiring representations to be made, positions to be stated and diplomatic negotiations and political dialogue to be engaged in.

d. Improved implementation requires that financing from the Community budget become the rule.

e In the long term the CFSP should be communitized.

f Financing of common actions by the Community budget.

g. The possibility of an ad hoc coalition for common actions and their implementation, based on consensus on the value of such action, if not all Members want to take part. However, all members should help to finance such action.

h. Gradual integration of the WEU and the EU institutionally and politically. The IGC should prepare the ground for full integration.

i. Direct control of the WEU planning unit by the EU. Forces attributed to the WEU should be made available to the EU.

- j. Reciprocal security guarantees as a factor in the common defence policy, although NATO should retain practical powers.
- k. Unanimous decisions on defence policy.
- l. Application of the European Parliament's rights and powers concerning the CFSP (consultation, information and financing). Increase in the role of the national parliaments and cooperation between them and the European Parliament.
- m. Retention of the intergovernmental framework of the CFSP for the time being (for reasons of political realism) while seeking solutions that link Community factors to an intergovernmental approach.

12. PORTUGAL

- a. Clear-cut aims and methods should be laid down where the CFSP is concerned.
- b. **The CFSP must be developed gradually and pragmatically. Communitization of the CFSP unrealistic, CFSP of intergovernmental nature.**
- c. More frequent use of the majority principle.
- d. Introduction of „positive abstention“ **(Pure and simple generalization of the rule of qualified majority voting for CFSP not enough; the European Council should define clearly certain areas, where the qualified majority vote would be applied.)**
- e. Machinery to ensure greater consistency between the CFSP and external economic relations.
- f. Consistent common guidelines.
- g. Gradual strengthening of European defence powers and gradual development of a common defence policy while keeping NATO as the principal element in European defence.
- h. Retention of the principle of unanimity for defence policy while allowing for 'positive abstention' in decision-making by the Union's institutions.
- i. Development of the WEU as an instrument of the common defence policy and as the European pillar of NATO.
- j. Policy planning staff for CFSP to Council's General Secretariat, but without right to initiative

13. FINLAND

- (a) Maintenance of the principle of intergovernmental cooperation, the structure of pillars, and consensus in decisions on important matters. Use of the qualified majority principle for questions of implementation.
- (b) Finland does not wish to take part in military alliances.
- (c) The membership of the Central European countries and the Baltic States is of vital importance for the security of the EU.
- (d) Retention and better application of Title 5 of the Maastricht Treaty (especially Articles J.7 and J.9).
- (e) Establishment of analysis and assessment capacities within the Council secretariat.
- (g) Monitoring of the implementation of the CFSP by the national parliaments, using current parliamentary procedures.
- (h) The principle of financing the CFSP by the Community budget while safeguarding the Council's independence to take operative decisions.
- (i) Continuation of the system of rotating the presidency; rejection of the idea of a Secretary-General for the CFSP.
- j. Possibility for all Member States to participate in joint peacekeeping & crisis management operations, conducted by the WEU, on the basis of equal opportunity for all and full contribution by the willing.**
- k. Decisions on issues having defence implications will be taken by unanimity in accordance with TEU / J. 4(3).**
- l. Inclusion of humanitarian and rescue operations, peacekeeping & crisis management (Petersberg tasks) into TEU / J. 4(1).**
- m. Cooperation in military crisis management is separable from collective defence commitments.**
- n. Development of arms cooperation and possible amendment of Article 223.
- o. Closer European cooperation in the defence field must not be detrimental to the security provided by NATO.

14. SWEDEN

(a) Sweden will continue to pursue its policy of neutrality and will not take part in military alliances.

(b) The EU's planning and analysis capability must be improved by means of a strengthened common structure for the preparation and monitoring of decisions, to include a conflict-prevention dimension.

This structure's main task would be to establish a basis for preventive action by the EU ('early warning'). Given the intergovernmental nature of such cooperation, this task could be carried out mainly by the Council secretariat, with the Commission being given some scope for action.

(c) Consideration must be given to modification of the consensus principle (for any question that is not of vital interest for national security) to increase the Union's powers of action when faced with external problems.

(d) The IGC must lay down foundations for enlargement to include the countries of Central and Eastern Europe, the Baltic States, Cyprus and Malta (Sweden would like the Baltic States to be placed on the same footing as the Central and Eastern European countries).

(e) The CFSP must be strengthened and made more effective.
The CFSP instruments must cover a wide area, ranging from preventive diplomacy to peace-keeping operations.

(f) The idea of appointing a CFSP representative should not be rejected out of hand. However, such a representative should have a limited role and there should be no confusion between his or her responsibilities and those of other representatives in the various fields covered by the CFSP. The representative should only act in support of the Council or the Presidency, and at their behest.

(g) Procedures for monitoring application of CFSP decisions (implemented by the Presidency, the Troika, the Member States, the Commission and the WEU) must be improved.

(h) Possibility for all Member States to participate in joint peacekeeping & crisis management operations, conducted by the WEU, on the basis of equal opportunity for all and full contribution by the willing.

(i) Decisions on issues having defence implications will be taken by unanimity in accordance with TEU / J 4(3)

(j) Inclusion of humanitarian and rescue operations, peacekeeping & crisis management (Petersberg tasks) into TEU / J. 4(1)

(k) Cooperation in military crisis management is separable from collective defence commitments

(l) The IGC must bring about closer cooperation and improved coordination between the EU and the WEU with regard to peace-keeping operations and humanitarian action. None the less, mutual security guarantees between WEU member states must be kept separate from cooperation in operations to promote peace in which a country which does not belong to any military alliance, such as Sweden, may take part.

15. UNITED KINGDOM

a. **The CFSP must remain on an intergovernmental footing, based on the unanimity principle.**

b. The operational capability of the WEU should be expanded and made consistent with NATO's tasks, and combined joint task forces (CJTF) should be set up.

c. **Given the 'neutrality' of some of its Member States, the EU must not take decisions on defence matters or on the use of military forces.**

d. The WEU should not be absorbed by the EU.

e. The WEU should be developed on the basis of the existing Treaty in order to become the agency responsible for European defence cooperation, working in close collaboration with NATO (the tasks which could fall within the ambit of European defence cooperation would relate primarily to crisis management, the enforcement of sanctions or embargoes, or humanitarian missions, generally with the support of the UN or the OSCE).

f. A new body, the 'WEU Summit', should be set up within the WEU to bring together the WEU member States, associated countries, and countries with observer status. (The body would be called upon to take decisions on any measure falling under the heading of military operations or European defence policy. Where appropriate, it would meet at the same time as the European Council in order to enable the EU and the WEU to coordinate their activities in the proper manner).

g. The proposal to incorporate the second pillar into the Community pillar (Bourlanges/Martin report) must be rejected.

h. National parliaments must be consulted more frequently, and must be provided with comprehensive documentation.

i. The IGC must review the allocation of administrative expenditure relating to the CFSP.

j. **CFSP-Planning Cell through modest enhancing of the Council Secretariat. Main function to prepare analyses and options papers to inform discussions of CFSP business at the Political Committee and the GAC.**

k. **CFSP Representative of Secretary -General rank, appointed by and answerable to the Council. Main function to contribute to the formulation/preparation of GAC CFSP**

business.

V. REFLECTION GROUP

1. Progress report of 1 September 1995

(a) Clarification of objectives and strengthening instruments for the EU's external in respect of the CFSP.

(b) The need for greater consistency in all aspects of external action (some members).

(c) General approach that will make it possible to overcome some inconsistencies between the external dimension of Community policies and external policy as such (new members).

(d) Dispensing with the pillar structure while retaining specific proposal, decision-making and implementation procedures within the Community pillar following the EMU example (some members). Greater cooperation between pillars while maintaining the pillar structure (other members).

(e) More specific statement of the EU's fundamental interests (some members).

(f) The Union should have an international legal personality (several members).

(g) Creation of an analysis, forecasting, planning and proposal unit or body for the common foreign policy (the whole Group).

(h) Embodiment of the CFSP

- either by locating the analysis unit within the Council secretariat, with its facilities strengthened and the Secretary-General raised in rank to ministerial level (some members)

- or by creating a new figure, a High Permanent Representative for CFSP, appointed by the European Council (this person would chair the Political Committee and would be in charge of the planning and analysis unit).

(i) Associating the Commission with planning and analysis work. The unit would be a three-part body consisting of the Member States, the Council and Commission (majority of members).

(j) Rejection of the creation of a new institution to handle the CFSP; preference for looking into options within the present institutional framework (majority of members).

(k) Greater use of qualified majority voting (some members). Consensus and the right of veto for the CFSP essential (other members).

- (l) Value of exploring several ad hoc arrangements such as 'consensus bar one', 'a super-qualified majority' or 'positive abstention' to overcome the risk of deadlock.
- (m) Exploration of arrangements that maintain the central role of the Presidency in external representation and implementation of the CFSP (ways of giving the Presidency a higher profile and greater permanency - perhaps a team Presidency or an elected Presidency?). The alternative would be to assign implementing tasks to an ad hoc body (Mr or Ms CFSP), possibly the High Representative for the CFSP.
- (n) Financing of the CFSP by the Community budget (vast majority of members). Need to establish procedures to ensure that funds are available for rapid action. Financial solidarity should underlie financing arrangements (in the event of 'positive abstention' or 'opting out').
- (o) Recognition of the principle that the role of the European Parliament cannot be the same in the CFSP as in Community legislation (majority of members); opposition to any increase in the role of the European Parliament (one member); the European Parliament should not be given powers not enjoyed by national parliaments (several members).
- (p) Need for a collective response to the security and defence challenges facing Europe.
- (q) Establishment of relationships of mutual stability at the new borders of the enlarged Union.
- (r) Recognition that the role of NATO is of vital importance in territorial defence (whole Group).
- (s) Recognition that it is for the WEU as the European pillar of NATO progressively to develop a European security and defence identity (recognition of the tasks defined in the Petersberg declarations).
- (t) Acceptance of the consensus rule for defence. Some flexibility should be brought to bear in this principle by applying the rule that no-one can be obliged to take part in military action by the Union, nor can anyone prevent such action by a majority group of Member States. States that do not take part should show solidarity with the action, both financially and politically.
- (u) There should be greater complementarity between the EU and the WEU: politically (parallel EU-WEU summits), administratively (harmonization of Presidencies and Secretariats) and operationally (by strengthening the WEU's capabilities).
- (v) Recognition that a merger between the WEU and the EU is not feasible in the near future (some members).
- (w) Creation of a genuine European security and defence identity by progressive integration of the WEU into the EU with two potential aspects: territorial defence under the Article 5 guarantee and the new aspect of defence (Petersberg tasks) (majority of members).

(x) Creation of legal and political links between the EU and the WEU and a minimum set of operational resources enabling the WEU to act as the EU's military arm in the field of crisis management and prevention and peace-keeping (majority of members).

(y) Proposed intermediate arrangements between autonomy and integration of the WEU, at least until integration is achieved through the creation of a bond subordinating the WEU to the EU or by amending Article J.4(2) of the Treaty or by a binding agreement whereby the WEU would implement EU decisions with defence implications (some members).

(z) Inclusion in the Treaty of Petersberg task matters, leaving the question of territorial defence to an annexed protocol. It would thus be possible to make allowance for the special situation of certain Member States (some members).

2. Report of 5 December 1995

Conclusions adopted by a majority of countries:

(a) The EU's external action must form a harmonious whole (merging or improved coordination of pillars?).

(b) The Union must be given legal personality.

(c) An analysis, forecasting, early warning and planning unit must be set up to prepare common foreign and security policy. It would be located in the Council secretariat and would have links with the Commission (which would have representatives in the unit) and the WEU. Its opinions would not be binding.

(d) Greater use must be made of majority voting. More flexible procedures should be adopted to enable those who feel that joint action should be carried out on behalf of the Union to do so.

(e) Consideration should be given to the appointment of a CFSP representative.

(f) Specific funding arrangements for the CFSP should be established with a view to ensuring the availability of the funds necessary for rapid action when required. The CFSP should be financed from the Community budget.

(g) Priority should be given to enhancing the Union's capability in the areas defined at Petersberg.

(h) European decision-making in the defence field should continue to be based on intergovernmental procedures and consensus.

VI. MADRID EUROPEAN COUNCIL (15-16 December 1995)

- (a) The IGC must ensure that the CFSP is visible to EU citizens, representative of EU Member States and consistent in its continuity and globality.
- (b) An analysis and planning unit must be set up. Most Member States feel that such a unit should be set up within the institutional framework of the Union, that it should be answerable to the Council and that its staff should be recruited from the Member States, the Council secretariat and the Commission.
- (c) The IGC must examine how to review decision-making and financing procedures in order to adapt them to the nature of foreign policy.
- (d) Consideration should be given to flexible formulae which will not prevent those who feel it necessary to take action from doing so.
- (e) The Union must ensure that it is able to speak with one voice (High Representative for the CFSP; structured cooperation between the Council and the Commission?).

VII. GROUPS OF EXPERTS

1. Findings of the Group of Experts (Durieux Group) on the CFSP (19 December 1995)

- (a) It is necessary to determine what common military resources should be provided for the Union in order to underpin the CFSP (time-frame; criteria for participation).
- (b) An irreversible process should be charted, leading ultimately to collective defence (as defined in Article 5 of the Brussels Treaty).
- (c) A politically independent, but not exclusive, central source of proposals should be put in place, itself backed by central analysis and assessment machinery.
- (d) Decision-making should be reformed (use of weighted qualified majorities) on the understanding that the changes should not extend to the practical organization of military intervention.
- (e) The EU should maintain a strong, continuous, and prominent presence on the international political stage.

2. Second report of the High-Level Group of Experts on the CFSP led by Mr Durieux, submitted on 28 February 1996 ('European foreign and security policy in the run-up to the year 2000: ways and means of establishing genuine credibility')

- (a) The group sets out what it believes to be the minimum reforms required 'for any credible common foreign and security policy', as follows:

- introduction of 'the tried-and-tested elements of the Community approach into the second pillar, i.e. a central and politically independent right of initiative based on an on-going analysis of the common interest and wider use of qualified majority voting';

- establishment of 'a new structure, in the form of a tripartite central analysis and proposal capacity and a CFSP High Representative'.

(b) A tripartite central analysis and proposal capacity led by a CFSP High Representative should be set up.

(c) The person appointed to this new post would be selected in the same manner as the President of the Commission and would have a 'non-exclusive' right of initiative. The central analysis capacity would have close links to the Commission and the WEU General Secretariat and most of its staff would be on secondment from the Member States, the Commission, the WEU and the Council secretariat. This would involve:

- uniting the functions of CFSP High Representative and WEU Secretary General in one person;

- establishing a 'functional link' with the Commission; in addition to steering the central analysis and proposal capacity, the High Representative would have a representative role in the area of the CFSP, in coordination with the Council Presidency and the Commission;

- not extending the Commission's powers since, if this were to be combined with qualified majority voting, 'a majority of Member States would see this as a revision' of the Treaty's pillar structure;

- not strengthening the Council secretariat since, 'as the servant of the Member States meeting within the Council', the secretariat would never be 'a sufficiently autonomous forum for assessing the common interest'.

(d) Decision-making procedures must be improved. Qualified majority voting must become the rule, although the following special constraints must be acknowledged:

- a Member State's vital interests must be respected;

- no Member State can be obliged to deploy armed forces outside its territory against its will;

- the Member States with the greatest military capabilities and special political responsibility must see this reflected in the weighting of votes.

(e) The Union's external action must be made more consistent by:

- attempting to harmonize the objectives resulting from the Treaty, which are currently excessively compartmentalized, as is the case with the CFSP or commercial, environment and development aid policies;

- ranking, reviewing and organizing geographical and thematic priorities in the light of regular assessments from the central analysis and proposal capacity and the Commission's expertise in its spheres of competence;

- comprehensive proposals being made by the CFSP High Representative and the Commission to the Council, which should then decide on the whole package by qualified majority voting (in cases where there is a need to initiate action involving instruments from different pillars);

- giving the EU legal personality so that it may exercise its rights and powers on the international stage, and enabling it to manage packages of measures drawn from different pillars, particularly in crisis situations.

3. Interim report of the Working Party on the CFSP and the future of the European Union (Bertelsmann Foundation in collaboration with the University of Munich and DG 1A at the Commission), July 1995

(a) Creation of a European planning unit in the form of a joint Commission and Council body.

(b) Decision-making by qualified majority in areas that have no military implications.

(c) Reform of the voting system in the Council to create a greater correlation between votes and population.

(d) Increased cooperation between the Presidency and the Commission to ensure more effective implementation of EU decisions on the CFSP.

(e) Replacement of the system of rotating the presidencies

- either by an elected presidency for a longer period

- or an enhanced role for the Commissioner responsible for the CFSP. The idea of a separate CFSP body is rejected because of the risk of confusion and lack of consistency.

(f) Financing of the CFSP by the Community budget.

(g) Development of an independent military capacity or an EU common defence system.

(h) Gradual integration of the WEU in the EU (perhaps as a separate pillar at the beginning).

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