

# PRESIDENCY CONCLUSIONS

## NICE EUROPEAN COUNCIL MEETING

### 7, 8 AND 9 DECEMBER 2000

1. The European Council met in Nice on 7, 8 and 9 December 2000. Proceedings began with an exchange of views with the President of the European Parliament, Ms Nicole Fontaine, on the main topics for discussion.

#### **I. CHARTER OF FUNDAMENTAL RIGHTS**

2. The European Council welcomes the joint proclamation, by the Council, the European Parliament and the Commission, of the Charter of Fundamental Rights, combining in a single text the civil, political, economic, social and societal rights hitherto laid down in a variety of international, European or national sources. The European Council would like to see the Charter disseminated as widely as possible amongst the Union's citizens. In accordance with the Cologne conclusions, the question of the Charter's force will be considered later.

#### **II. INTERGOVERNMENTAL CONFERENCE**

3. The Intergovernmental Conference, meeting at the level of the Heads of State or Government, reached an agreement on the draft Treaty of Nice on the basis of the texts in SN 533/1/00 REV 1. The essential final legal editing and harmonisation of the texts will be carried out with a view to the signing of the Treaty in Nice early in 2001.

4. This new treaty strengthens the legitimacy, effectiveness and public acceptability of the institutions and enables the Union's firm commitment to the enlargement process to be reaffirmed. The European Council considers that, as from the date of entry into force of the Treaty of Nice, the Union will be in a position to welcome new Member States once they have demonstrated their ability to assume the obligations of accession and the negotiations have been brought to a successful conclusion.

#### Operation of the institutions

5. The European Council points to the importance of implementing the operational recommendations approved by it in Helsinki for the working of the Council and takes note of the report on the new co-decision procedure. It reiterates its commitment to supporting the Commission's administrative reform. It notes with satisfaction the measures adopted by the Council and the Commission in order to improve the effectiveness of the Union's external action.

#### **III. ENLARGEMENT**

6. The European Council reaffirms the historic significance of the European Union enlargement process and the political priority which it attaches to the success of that process. It welcomes the stepping up of accession negotiations with the candidate countries, which has brought very

considerable progress, particularly in recent months.

7. The European Council believes that the time has now come to lend fresh impetus to the process. It endorses the General Affairs Council conclusions of 4 December 2000 concerning the strategy proposed by the Commission. It is pleased to see that the principle of differentiation, based on each candidate country's own merits, and allowance of scope for catching up are reaffirmed in those Council conclusions. The road map for the next 18 months will ease the way for further negotiations, bearing in mind that those countries which are the best prepared will continue to be able to progress more quickly.

8. In the European Council's view, that strategy, together with the completion of the Intergovernmental Conference on institutional reform, will place the Union, in accordance with the objective set by the European Council in Helsinki, in a position to welcome those new Member States which are ready as from the end of 2002, in the hope that they will be able to take part in the next European Parliament elections. In Göteborg, in June 2001, the European Council will assess progress in implementing that new strategy, in order to give the necessary guidance for the successful completion of the process.

9. The European Council appreciates the efforts made by the candidate countries to establish the conditions for adoption, implementation and practical application of the *acquis*. The candidate countries are requested to continue and speed up the necessary reforms to prepare themselves for accession, particularly as regards strengthening their administrative capacity, so as to be able to join the Union as soon as possible. The European Council calls upon the Commission to propose a programme for the frontier regions in order to strengthen their economic competitiveness.

10. The European Council takes note of the Council report on candidate countries' exchange-rate strategies, which identifies an exchange-rate strategy compatible with accession to the Union, followed by participation in the exchange-rate mechanism and finally adoption of the euro. It welcomes the establishment of economic and financial dialogue with the candidate countries.

11. The European Council welcomes the progress made in implementing the pre-accession strategy for Turkey and is very pleased at the agreement reached on the framework Regulation and on the Accession Partnership at the Council meeting on 4 December 2000. It highlights the importance of that document for establishing closer relations between the Union and Turkey along the lines mapped out by the Helsinki European Council conclusions. Turkey is requested swiftly to submit its national programme for adoption of the *acquis*, basing it on the Accession Partnership.

12. The meeting of the European Conference at the level of Heads of State or Government on 7 December 2000 provided an opportunity for discussion in depth of institutional reform and the operation of the European Union in the longer term. The European Council regards the European Conference as a useful framework for dialogue between the Union's Member States and the countries in line for membership. It proposes that the countries covered by the stabilisation and association process and the EFTA countries be invited to attend as prospective members.

#### **IV. COMMON EUROPEAN SECURITY AND DEFENCE POLICY**

13. The European Council approves the Presidency report, plus annexes, on the European security and defence policy (see Annex).

14. The European Council calls on the next Presidency, together with the Secretary-General/High Representative, to take forward work within the General Affairs Council, in

accordance with the tasks assigned in the Presidency report. The objective is that the European Union should quickly be made operational in this area. A decision to that end will be taken by the European Council as soon as possible in 2001 and no later than at its meeting in Laeken. The incoming Swedish Presidency is requested to report to the European Council in Göteborg on all of these matters.

## **V. A NEW IMPETUS FOR AN ECONOMIC AND SOCIAL EUROPE**

### **A. Social Europe**

#### European Social Agenda

15. The European Council approves the European Social Agenda (see Annex), which defines, in accordance with the Lisbon European Council conclusions and on the basis of the Commission communication, specific priorities for action for the next five years around six strategic orientations in all social policy areas. This Agenda constitutes a major step towards the reinforcement and modernisation of the European social model, which is characterised by the indissoluble link between economic performance and social progress.

16. On the basis of reports from the Commission and the Council and a regularly updated scoreboard, the European Council will at each spring meeting look at how the Agenda is being implemented, beginning at its Stockholm meeting in March 2001. The European Council invites the social partners, especially, to play their full part in implementing and monitoring it, particularly at an annual meeting to be held before the spring European Council meeting.

#### European strategy for employment

17. The rate of economic growth in the European Union is now the most favourable for ten years; it should reach 3,5% this year. Unemployment has decreased for the third consecutive year since 1997 and in mid-2000 the unemployment rate was 8,7%, with a rate of less than 8% being forecast for 2001. During the same period the employment rate increased from 60,7% to 62,1%.

18. The European Council takes note of the Commission proposal on the employment guidelines for 2001, which confirms the medium-term approach begun at the Luxembourg European Council meeting. The guidelines make improvements particularly as regards increasing the quantified objectives, taking into account qualitative aspects particular to different countries. They must enable account to be taken of the quality of employment, increased development of entrepreneurship and the cross-cutting objective of lifelong learning.

19. It endorses the agreement obtained in the Council on these guidelines, on the individual recommendations addressed to the Member States and on the joint report. It welcomes the constructive participation of the European Parliament and of the social partners and the integrated approach, including economic and educational aspects, under which work on this subject was carried out.

#### European strategy against social exclusion and all forms of discrimination

20. The European Council approves the objectives of combating poverty and social exclusion adopted by the Council. It invites the Member States to develop their priorities in relation to these objectives, to submit by June 2001 a national action plan covering a two-year period and to define indicators and monitoring mechanisms capable of measuring progress.

21. The European Council underlines the importance of the recently adopted texts designed to combat all forms of discrimination in accordance with Article 13 of the Treaty.

### Modernisation of social protection

22. The European Council takes note of the progress reports of the High-Level Working Party on Social Protection on the future evolution of social protection as regards pensions and of the Economic Policy Committee on the financial implications of an ageing population.

23. The European Council approves the Council's approach, which involves a comprehensive examination of the sustainability and quality of retirement pension systems. The European Council invites the Member States, in cooperation with the Commission, to exchange their experience and present their national strategies in this area. The results of this preliminary overall study on the long-term viability of pensions should be available in time for the European Council meeting in Stockholm.

### Worker involvement

24. The European Council welcomes the agreement reached on the social policy aspects of the European company. That agreement, which takes into account the different types of employment relations existing in the Member States, will leave Member States the option of whether to transpose into their national law the reference provisions relating to participation applicable to European companies constituted by merger. In order for a European company to be registered in a Member State which has not transposed these reference provisions, an agreement must have been concluded on the arrangements for worker involvement, including participation, or none of the companies involved must have been governed by participation rules prior to the registration of the European company. On this basis, the European Council calls on the Council to complete before the end of this year the texts enabling the Statute for the European company to be established.

25. The European Council notes the substantial progress made in the negotiations on the draft Directive on informing and consulting employees and calls on the Council to continue examining that Directive.

## **B. Europe based on innovation and knowledge**

### Mobility of students and teachers

26. The European Council approves the Resolution adopted by the Council concerning an action plan for mobility (see Annex). It calls on the Member States to step up their internal coordination in order to implement the 42 practical measures, relating to administrative, legislative, financial and social aspects, which are designed to define, increase and democratise mobility in Europe and to promote suitable types of funding. Progress will be assessed every two years.

### eEurope Plan

27. The European Council takes note of the interim reports from the Commission and the Council on implementation of the eEurope Action Plan, which describe the progress achieved. At its Stockholm meeting it will examine an initial report on the contribution which this plan has made to the development of a knowledge-based economy as well as the priorities for its further implementation. In the same context, the contribution which the plan has made to modernising

the civil service in the Member States will also be examined in the light of the meeting of Ministers for the Civil Service held in Strasbourg.

### Research and innovation

28. The European Council notes the progress achieved in the construction of a "European Area of Research and Innovation". It would like the initiatives taken to improve the transparency of research results and the attractiveness of scientific careers to be continued. It takes note of the Council conclusions on the Community financial instruments for SMEs and the first results of the EIB's "Innovation 2000" initiative.

29. The European Council calls on the Commission to submit an initial report to the European Council in Stockholm on progress made in achieving a European Area of Research and Innovation.

30. The European Council takes note of the report submitted by the Commission on the GALILEO project. For the validation phase, funding will be based on appropriations from the Community and the European Space Agency. For the implementation of the project and its subsequent management, public-private partnership will be necessary. The European Council confirms the conclusions of its Cologne meeting on the role which will have to be played by private financing. The European Council urges the Council to define the arrangements for the GALILEO project at its meeting on 20 December 2000, with a view, inter alia, to guaranteeing sound financial management and balanced participation by all the Member States.

## **C. Coordination of economic policies**

### Structural indicators

31. The European Council welcomes with satisfaction the list of structural indicators, compatible among the various Member States, drawn up on the basis of the Commission and Council proceedings. These indicators, which also show progress achieved, will be used to draw up the synthesis report. A small number of indicators will be selected by the Council before the European Council meeting in Stockholm.

### Regulation of financial markets

32. The European Council broadly agrees with the initial findings in the interim report by the Committee chaired by Mr Lamfalussy on the regulation of European securities markets and the third Commission report on the action plan for financial services. It invites the Council and the Commission to report back to it on this subject at Stockholm in March 2001 on the basis of the Committee's final report.

### Euro

33. The European Council welcomes the improvements made to the workings of the Eurogroup and its visibility. It also welcomes the intention to extend the range of mainly structural matters dealt with in this forum, while not departing from the conclusions of the Luxembourg European Council meeting. These improvements intended to enhance the coordination of economic policies will help to boost the growth potential of the euro area.

34. The European Council notes the progress made in preparing for the introduction of euro coins

and notes. The Commission's scoreboard, presented regularly within the Eurogroup, makes it possible to chart progress in the different countries. It would like preparatory work to be speeded up and proposes some common dates to structure information on the subject in the euro area during 2001: the week of 9 May as part of the Europe days; presentation of euro coins and notes in September; making euro coins available in mid-December to individuals in those Member States choosing to do so; and introduction of euro coins and notes at midnight on 31 December. An effective system to protect the euro against counterfeiting must be adopted as soon as possible in 2001.

### Tax package

35. The European Council is pleased with the agreement reached on the "tax package" in accordance with the timetable and conditions established by the European Council in Feira, particularly regarding the essential content of the Directive on the taxation of savings. It asks the Commission and the Presidency to undertake discussions with the United States and other third countries as quickly as possible in order to encourage the adoption of the equivalent measures for the taxation of savings. The Member States concerned have undertaken to make the necessary arrangements for the adoption of the same measures as those applicable in the European Union in all dependent or associated territories referred to in the Feira conclusions. Discussions on the Code of Conduct (business taxation) must be continued in parallel in order that both the Code and the Directive on the taxation of savings may be adopted together. The Presidency and the Commission will report on all the aspects of the tax package to the European Council when it meets in Göteborg.

### **D. Preparation for the spring European Council**

36. In Stockholm on 23 and 24 March 2001, the European Council will hold its first regular spring meeting specially devoted to the examination of economic and social matters on the basis of the synthesis report prepared by the Commission and relevant reports from the Council, in the light of, inter alia, the demographic challenges which the Union will have to face. The meeting will provide an opportunity to take stock of the implementation of the overall strategy agreed in Lisbon. This first meeting is of particular importance for the future development of the process and the European Council urges all parties to continue actively with preparations, taking into account the preliminary work initiated by the current Presidency.

## **VI. CITIZENS' EUROPE**

### **A. Consumer health and safety**

37. The European Council affirms the need to implement rapidly and fully the principles introduced by the Treaty of Amsterdam, which provides for a high level of human health protection in the definition and implementation of all Community policies and activities. In this context, the European Council notes the Council Resolution on the precautionary principle (see Annex).

38. The European Council notes the Commission's presentation of a proposal for a Regulation intended, on the one hand, to lay down the general principles and basic requirements of food law and, on the other, to establish a European Food Authority. Food safety policy must apply to the whole food chain, for humans and animals alike. The new European Food Authority must operate with the highest possible level of scientific excellence, independence and transparency, thus helping to prevent crises. The European Council invites the Council and Parliament to speed up work so that the future European Food Authority may become operational as from the beginning

of 2002.

## **B. BSE**

39. The European Council has noted the measures agreed by the Council to combat BSE: implementation of test programmes, suspending the use of meat and bone meal in productive livestock feed and the withdrawal of specified risk material, the list of which could, if required, be extended. All of these provisions must be implemented swiftly and rigorously in order to give consumers a lasting guarantee that beef is safe. More intense efforts in the field of human medicine and veterinary research are essential if the prevention, diagnosis and treatment of this disease are to be guaranteed.

40. The European Council has taken note of the Commission's intention to propose measures to improve the situation in the beef market, to study the situation of livestock producers and to analyse in greater detail the supply of and demand for oil and protein-bearing plants, in strict compliance with the financial perspective.

## **C. Maritime safety**

41. The European Council calls on the European Parliament and the Council to conclude as soon as possible the adoption of the provisions on port State control and on classification societies, in particular by stepping up inspections of vessels with the highest risk, and of the provisions on the accelerated phasing-out of single-hull oil tankers, by seeking agreement, as far as possible, in the International Maritime Organisation.

42. The European Council notes the new Commission proposals intended to improve maritime safety; these proposals aim to improve the European system for reporting and supplying information on maritime traffic, to establish a European Maritime Safety Agency and to remedy the inadequacies of the current international system for liability and compensation.

43. All of these proposals provide an essential contribution to the EU maritime safety strategy requested by the European Council. The European Council invites the Member States to implement in advance the measures approved by the fifteen Member States where they do not require an international framework.

## **D. Environment**

### Climate change

44. The European Council regrets the fact that it was not possible to reach an agreement at the conference in The Hague. It stresses the need for all parties under Annex B of the Protocol to initiate without delay the measures necessary to fulfil their commitments and reaffirms the Union's pledge to work resolutely towards the ratification of the Kyoto Protocol so that it can enter into force in 2002 at the latest. Progress was made during the negotiations on all the subjects under discussion, particularly with regard to developing countries, and this progress must be capitalised upon in future negotiations involving all parties, including developing countries. The European Council supports the proposal to hold informal discussions in Oslo before the end of the year. The sixth Conference of the Parties must resume work without delay. The European Council appeals to all the Parties to make every possible effort to reach an agreement as quickly as possible.

### Environment and sustainable development

45. The European Council has noted with interest the Council report on incorporating environmental concerns into economic policies. It notes the recommendation favouring incentive-based instruments, particularly with regard to taxation. These reports on incorporating environmental concerns provide an important contribution to the preparation of the European sustainable development strategy to be examined by the European Council in Göteborg.

46. The European Council notes with interest the work carried out on the question of international environmental governance and on possible solutions to remedy its current weaknesses in both the short and the long term, including the possible establishment of a world environment organisation. The European Council invites the Council to continue discussions on the matter and to submit detailed proposals for its meeting in Göteborg in June 2001, including those in preparation for Rio+10.

#### **E. Services of general interest**

47. The European Council has taken note of the Commission communication on services of general interest and approves the declaration adopted by the Council (see Annex). It invites the Council and the Commission to continue their discussions in the framework of these guidelines and the provisions of Article 16 of the Treaty. The European Council notes the Commission's intention to consider, in close cooperation with the Member States, ways of ensuring greater predictability and increased legal certainty in the application of competition rules relating to services of general interest. The Council and the Commission will report on the implementation of these guidelines for the European Council in December 2001.

#### **F. Security of Union supplies in certain products**

48. The European Council requests the Commission to carry out a detailed study, in cooperation with the General Secretariat of the Council, on the security of supplies in the Union and to identify the opportunities for developing cooperation in this area.

#### **G. Area of freedom, security and justice**

##### Fight against money laundering

49. The European Union should play a full part in the international fight against money laundering. Agreement has been reached on major texts such as the Directive and the Framework Decision on money laundering. It calls on the Commission and the Council to implement as soon as possible the guidelines drawn up by the Finance and Justice and Home Affairs Ministers on 17 October 2000, in particular those intended to adopt as from June 2000 counter-measures against the non-cooperating territories defined by FATF.

##### Judicial and police cooperation

50. The Council is requested to take promptly the measures advocated in the programmes concerning the mutual recognition of court decisions, in order to facilitate the notification of court decisions in the Union.

51. The European Council recalls the need to promote operational cooperation between the competent authorities of the Member States in controlling the Union's external borders, and in particular its sea borders, with a view in particular to curbing illegal immigration. It has noted with interest the letter from the Spanish and Italian Prime Ministers on this matter. It asks the Council to adopt initiatives in this direction, involving the candidate countries where appropriate.

## Asylum and immigration

52. The European Council takes note of progress on all aspects of the policy established at Tampere: partnership with countries of origin, integration of third-country nationals and control of migration flows. It asks that the last remaining problems concerning the texts aimed at combating the traffic in human beings and illegal immigration be settled as soon as possible in accordance with the explicit request made at Feira. The European Council also notes that the Commission has submitted two communications on immigration policy and a common asylum procedure and calls on the Council to begin discussing these matters at an early date.

## **H. Europe of culture**

### Culture and Audiovisual Matters

53. The European Council welcomes the agreement reached by the Council on the MEDIA Plus programme of aid to the audiovisual industry and the adoption of a Resolution on the systems of national aid for this sector.

### Sport

54. The European Council notes the declaration adopted by the Council (see Annex) on the specific characteristics of sport. The European Council also welcomes the Council conclusions concerning the World Anti-Doping Agency and agrees to intensify European cooperation in this area. It also noted the UN Millenium Declaration on the promotion of peace and mutual comprehension by means of sport and the Olympic Truce.

## **I. Outermost regions**

55. The European Council noted the Commission's updated work programme aimed at the full implementation of the Treaty provisions concerning the outermost regions and also the proposals submitted to help those regions. It calls on the Council to examine these proposals as soon as possible. The European Council will take stock of progress on the whole dossier at its meeting in Göteborg in June 2001.

56. The European Council notes the Commission's report on POSEIMA and the measures announced concerning the development of the economy of the Azores and Madeira archipelagos. Taking account of the economic and social importance of the milk sector for these outermost regions, the Commission has proposed removing, under certain conditions, the milk-product consumption of the Azores from the national calculation of the additional levy for a period of four years from 1999/2000.

## **J. Island regions**

57. On the basis of Declaration No 30 annexed to the Treaty of Amsterdam, the European Council confirms the need for specific measures for the benefit of island regions, in accordance with Article 158 of the TEC, in view of their structural handicaps which impair their economic and social development, within the limits of the budget resources available.

## **VII. EXTERNAL RELATIONS**

### **A. Cyprus**

58. The European Council welcomed and strongly supports the efforts of the United Nations

Secretary-General to achieve an overall agreement on the Cyprus problem consistent with the UN Security Council Resolutions and to arrive at a positive conclusion of the process initiated in December 1999. It appeals to all the parties concerned to contribute to the efforts made to this effect.

## **B. Mediterranean**

59. The Fourth Euro-Mediterranean Ministerial Conference in Marseille has confirmed the relevance of the process launched in Barcelona five years ago and has adopted important guidelines for revitalising the partnership.

60. The European Council confirms the Union's commitment to deepening this partnership in all areas. The MEDA programme, which has been reformed so as to draw the lessons from the initial years, will be allocated EUR 5,35 billion for the period 2000-2006, which reflects the importance that the Union attaches to the partnership. The European Council welcomes the EIB's announcement of additional support of EUR 1 billion for countries in the area.

61. It notes the progress on negotiations on a future fisheries agreement with the Kingdom of Morocco and hopes that a solution can be reached before the end of the year. If this is not possible the European Council asks the Commission to propose, keeping within the financial perspective, a specific action programme for restructuring the Community fleet which has fished in the framework of the old agreement, and to extend the current system of aid for the inactivity of the fleet.

## **C. Western Balkans**

62. The Zagreb Summit of 24 November, which brought together for the first time countries in the region which had returned to democracy, welcomed the historic changes which have occurred in the Western Balkans, initially in Croatia and then in the FRY. The European Union attaches the greatest importance to the development of the situation in

South-Eastern Europe; it will actively continue to support the Western Balkans' efforts in their progress towards democracy, the rule of law, reconciliation and cooperation based on respect for existing borders and other international obligations which will contribute to the rapprochement of each of these countries with the Union and form a whole. The European Union stresses the importance of the contribution made by the Stability Pact and would point to the importance of other initiatives aimed at promoting cooperation with countries in this region. It confirms that the process of stabilisation and association is at the heart of the Union's policy vis-à-vis the five countries concerned, which each receive individual treatment. A clear prospect of accession, indissolubly linked to progress in regional cooperation, is offered to them in accordance with the conclusions of Cologne and Feira. The allocation for the CARDS programme for these countries amounts to EUR 4,65 billion over the period from 2000 to 2006. The European Council continues to support the efforts of the European Commission and of the Danube Commission to re-establish navigation on the Danube. This is an essential element for revitalising the economy of the region and for developing regional cooperation.

## **D. Development**

63. The European Council welcomes the adoption of a declaration by the Council and the Commission on the Community's development policy. It also welcomes the adoption of a Resolution on communicable diseases and poverty. That Resolution sets out an overall approach to the scourge that HIV/AIDS, tuberculosis and malaria constitute for the developing countries,

incorporating in particular the essential dimension of access to treatment.

**ANNEXES TO THE  
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## **ANNEX I**

### **EUROPEAN SOCIAL AGENDA**

#### **1. Policy guidelines laid down by the European Council**

1. The Lisbon European Council set a strategic goal for the European Union, namely "*to become the most competitive and dynamic knowledge-based economy in the world, capable of sustained economic growth with more and better jobs and greater social cohesion*".

2. It also set a goal of full employment in Europe in a society more adapted to the personal choices of women and men. The ultimate goal is, on the basis of the statistics available, to bring the employment rate (which currently stands at an average of 61%) up to a level which is as near as possible to 70% by 2010 and to increase the proportion of working women (currently an average of 51%) to over 60% by 2010. The Heads of State or Government said that an average economic growth rate of around 3% should be a realistic prospect for the coming years, if the measures they had adopted in Lisbon were implemented against a sound macro-economic background.

3. In this context, the European Council instructed the French Presidency to initiate proceedings "*on the basis of a Commission communication, with a view to reaching agreement on a European Social Agenda at the*

*Nice European Council in December, including the initiatives of the different partners involved".*

4. In accordance with these guidelines, the Commission submitted on 28 June 2000 its communication on the European Social Agenda. The Commission announced this communication, in the framework of its five-year programme, as one of the key elements of its economic and social agenda. The Member States unanimously stressed the high quality of that contribution. They saw it as a relevant basis in view of the guidelines laid down by the European Council in Lisbon and Feira. It may also be noted that the communication clarifies the way in which the Commission intends to use its right of initiative in the field of social policy.

5. On this basis the European Parliament Resolution adopted on 26 October 2000 provided substantial elements of deepening and enhancement. It particularly emphasised the following points: the importance of interaction between economic, social and employment policies, the role of the various instruments and especially the open method of coordination and legislation, the mobilisation of all the players involved. It sought to reinforce the Agenda on a series of points and stressed the need for an annual follow-up to the Social Agenda on the basis of a scoreboard drawn up by the Commission.

6. The discussion has also been enriched by the Opinions issued by the Economic and Social Committee and the Committee of the Regions. The contributions from the social partners and the non-governmental organisations have made it possible to incorporate the views of these key players in the sphere of social policy. The relevant Committees and Working Parties of the Council or the Commission, and in particular the Employment Committee, the High-level Working Party on Social Protection and the Advisory Committee on Equal Opportunities for Women and Men, have also played their part in this work.

## **2. Modernising and improving the European social model**

7. At Lisbon the Member States recalled that: *"The European Social model, with its developed systems of social protection, must underpin the transformation to the knowledge economy."* They emphasised that: *"People are Europe's main asset and should be the focal point of the Union's policies. Investing in people and developing an active and dynamic welfare state will be crucial both to Europe's place in the knowledge economy and for ensuring that the emergence of this new economy does not compound the existing social problems of unemployment, social exclusion and poverty."*

8. At the heart of its communication the Commission placed the need to ensure a positive and dynamic interaction of economic, employment and social policies and to mobilise all players to attain that strategic objective.

9. In this perspective, the dual objective of social policy needs to be emphasised: the Agenda must strengthen the role of social policy as a productive factor; it must enable it to be at the same time more effective in the pursuit of its specific aims concerning the protection of individuals, the reduction of inequalities, and social cohesion. The European Parliament and the social partners have laid particular stress on this dual objective. Economic growth and social cohesion are mutually reinforcing. A society with more social cohesion and less exclusion betokens a more successful economy.

10. An approach of this kind presupposes in the first instance an increase in the level of participation in the employment market, especially by groups that are under-represented or disadvantaged in it. More and better jobs are the key to social inclusion. More accessible labour markets should be promoted, and diversity in employment as a productive factor and a factor for social integration should be encouraged. The strategy of mutual reinforcement of economic and social policies, as defined at Lisbon and consisting in mobilising the

full potential of the jobs available, is thus decisive in ensuring the sustainability of retirement pension systems.

11. To prepare for the future, the Union must rely on its achievements. It must continue to promote its inherent values of solidarity and justice as enshrined in the Charter of Fundamental Rights. The European social model, characterised in particular by systems that offer a high level of social protection, by the importance of the social dialogue and by services of general interest covering activities vital for social cohesion, is today based, beyond the diversity of the Member States' social systems, on a common core of values.

12. The European social model has developed over the last forty years through a substantial Community acquis which the Treaties of Maastricht and Amsterdam made it possible to strengthen to a considerable extent. It now includes essential texts in numerous areas: free movement of workers, gender equality at work, health and safety of workers, working and employment conditions and, more recently, the fight against all forms of discrimination. The Social Chapter of the Treaty established the fundamental role of agreements between the social partners in the law-making process. The Extraordinary European Council in Luxembourg constituted a major step in mobilising the European Union to act on employment. The Amsterdam Treaty, with the European employment strategy, and the European Council meeting in Lisbon and Feira, with the open method of coordination on the subject of social exclusion and greater cooperation in the field of social protection, have contributed new and relevant methods for expanding the new areas of Community action.

13. The objective set at Lisbon presupposes that the European Union identifies the new challenges that call for a response over the next five years.

### **3. The common challenges**

#### *Achieve full employment and mobilise the full potential of jobs available*

14. The pace of Europe's growth, supported by continued structural reforms, should make it possible to attain the objective of a return to full employment. That prospect involves ambitious policies in terms of increasing employment rates, reducing regional gaps, reducing inequality and improving job quality.

15. It is crucial to improve qualifications and increase the opportunities for lifelong education and training, giving an essential role to the social partners. It is essential for skills to develop and evolve in order to improve adaptability and competitiveness and combat social exclusion. Changes in the organisation of work will be necessary in order to take full advantage of the potential of the information and communication technologies. Flexibility and security must be combined in the context of a changing economy.

#### *Benefit from technical progress*

16. The rapid changes in information technology, communication and life sciences make it necessary for each Member State, in line with the objective set by the Lisbon European Council, to be at the cutting edge of the knowledge-based and innovatory economy and society, the wellspring today of growth and development.

17. Technological changes also have to bring about an improvement in the standard of living to the benefit of society at large. The emergence of new information and communications technologies is therefore an exceptional opportunity which must be put to the best use, taking care not to widen the gap between those with access to new knowledge and those excluded from it.

#### *Develop mobility*

18. Economic integration and the setting up of bi-national or multinational companies mean increased mobility for men and women throughout the European Union. This trend, which is already quite clear among young graduates and senior management, must be encouraged and facilitated, particularly for teachers, researchers and trainees. This demand must be duly taken into account in the context of national education and training systems. Moreover, it is necessary to modernise and improve the Community rules for the protection of the social rights of workers who exercise their right to mobility.

*Take advantage of economic and monetary integration*

19. The realisation of Economic and Monetary Union and the existence of a large single market are bringing about greater transparency in the comparison of costs and prices. This process of integration, a token of increased competitiveness, will result in the restructuring of the apparatus of production, and sectoral changes that must be managed and backed up by a greater effort to train workers and help them acquire skills. A positive approach to these changes must be developed by involving undertakings and workers.

20. If, within Economic and Monetary Union, growth is to be sustained and non-inflationary, pay rises in each Member State must in particular reflect increased productivity and must comply with the provisions in the Treaties on maintaining price stability.

*Deal with population ageing*

21. Every Member State is faced with the challenge of an ageing population. Pursuing appropriate policies on the family and children is one matter, but new responses have to be found, whether in terms of increasing the level of female employment, facilitating and supporting older workers to remain in employment or in terms of the sustainability of retirement systems and measures to take care of those who are dependent.

22. Achieving a high level of employment and increasing female employment will, by reducing the burden of pensions per employed person, reinforce the capacity to deal with the issue of ageing. It is therefore necessary to facilitate access to the labour market by measures to combat discrimination and by the adjustment of social protection systems to promote employment and reinforce the relationship between working life and family life.

*Strengthen social cohesion*

23. Social cohesion, the rejection of any form of exclusion or discrimination and gender equality are all essential values of the European social model and were reaffirmed at the Lisbon European Council. Employment is the best protection against social exclusion. Growth should benefit all, but for this to be so, proactive measures, especially in problem districts, should be continued and stepped up to deal with the complex nature and multiple facets of exclusion and inequality. Alongside employment policy, social protection has a fundamental role to play, but it is also necessary to recognise the importance of other factors such as housing, education, health, information and communication, mobility, security and justice, leisure and culture. Third-country nationals legally resident in the territory of the Union should also be integrated satisfactorily.

*Make a success of enlargement in the social field*

24. Enlargement is a challenge facing the European Union, especially in the social field. The Union should resolutely support the efforts already made by the applicant countries to adjust and transform their social security systems and to encourage the establishment of a process of convergence in making progress. Not

only do they face the major challenge of adjusting and changing their systems but they are also confronted with most of the problems that beset the existing Member States of the European Union. The prospect of enlargement therefore needs to be taken into account in all areas of social policy.

#### *Affirm the social dimension of globalisation*

25. By expanding competition, the globalisation of trade and finance increases the demand for competitiveness, which has implications for social policies (e.g. the impact of social security contributions on wage costs). Multilateral negotiations on economic issues increasingly have a social dimension (for example, discussions on fundamental social rights, health care problems). It is important that the European Union should organise itself in such a way as to ensure that social issues are taken into account in international negotiations.

#### **4. Implementation arrangements**

26. To meet these new challenges, the Agenda must ensure the modernisation and deepening of the European social model and place the emphasis on the promotion of quality in all areas of social policy. Quality of training, quality in work, quality of industrial relations and quality of social policy as a whole are essential factors if the European Union is to achieve the goals it has set itself regarding competitiveness and full employment. The implementation of this approach and action taken at Community level must be aimed more particularly, subject to the principle of subsidiarity and giving all due importance to the social dialogue, at ensuring the achievement of common objectives.

27. All those involved, the institutions of the European Union (European Parliament, Council, Commission), the Member States, local and regional authorities, the social partners, civil society and businesses have a role to play.

28. In the implementation of the Social Agenda all existing Community instruments bar none must be used: the open method of coordination, legislation, the social dialogue, the Structural Funds, the support programmes, the integrated policy approach, analysis and research.

29. The Agenda recognises the need to take full account of the principle of subsidiarity and the differences between Member States in social and labour traditions and situations.

30. The Agenda will have to remain progressive in character so as to take account of economic and social changes.

31. Strengthening and modernising the European social model so that it can face up to new challenges means realising the implications of the interaction between economic growth, employment and social cohesion when defining the policies of the Union. It is on this basis that the strategic options for these policies must be defined.

32. Taking account of the future direction laid down by the European Council in Lisbon and Feira, and on the basis of the Commission communication, the Employment and Social Policy Council proposes to the Nice European Council that it agree on:

· The following future orientations for social policy:

I. More and better jobs

II. Anticipating and capitalising on change in the working environment by creating a new balance between flexibility and security.

III. Fighting poverty and all forms of exclusion and discrimination in order to promote social integration

IV. Modernising social protection

V. Promoting gender equality

VI. Strengthening the social policy aspects of enlargement and the European Union's external relations.

· The following arrangements for implementing these orientations:

The Commission is requested:

To make appropriate proposals and to exercise its powers with regard to implementing and monitoring the application of Community law in accordance with the role conferred upon it by the Treaty;

In accordance with the conclusions of the Lisbon European Council concerning the open method of coordination, to support the latter by means of appropriate initiatives, with particular reference to the development of indicators, in conjunction with the Employment Committee and the Social Protection Committee.

The Council:

Is instructed, in its Employment and Social Policy formation, with the involvement of the other formations of the Council, to implement the Social Agenda;

Examines, with a view to their adoption, for the duration of the Social Agenda, the appropriate proposals submitted by the Commission, with the participation of the European Parliament in accordance with the arrangements laid down by the Treaty;

In accordance with the conclusions of the Lisbon European Council concerning the open method of coordination, formulates and updates the orientations and the appropriate or common objectives; establishes, where necessary, quantitative and qualitative indicators and benchmarks. Instructs the Employment Committee and the Social Protection Committee to support the Council's work, favouring contributions from the social partners and, as regards social exclusion, from non-governmental organisations. Welcomes the desire expressed by the European Parliament to be fully involved in this implementation and to establish appropriate contacts.

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The social partners are requested:

To make full use of the scope offered by the Treaty for relations based on agreements and joint actions and to make known, before each Spring European Council, the joint actions undertaken or planned;

In this connection, to submit an initial joint contribution for the Stockholm European Council in March 2001.

The Member States:

Ensure the implementation at national level of the acts adopted by the Council;

In accordance with the conclusions of the Lisbon European Council on the open

method of coordination, translate these orientations and these appropriate or common objectives into national, regional or local policies by setting specific targets and adopting measures which take into account national, regional and local differences;

· the following monitoring and updating procedures:

The Commission is requested:

In its annual summary report to the European Council, to present the initiatives it has taken and to emphasise the contributions of all the other actors in modernising and improving the European social model in order to attain the strategic objective adopted in Lisbon;

In this framework to monitor and check the implementation of the social agenda, as requested by the Lisbon European Council, in the context both of the Commission communication of 28 June 2000, and of the orientations set out below and their mid-term review in 2003. To submit, for this purpose, in preparation for the Spring European Council, an annual scoreboard of progress made in implementing measures;

The Council:

In its Employment and Social Policy formation:

– examines the Commission reports and scoreboard and;

– contributes, in coordination with the other Council formations concerned, to the Spring European Council, to achieve the strategic goal set in Lisbon. An initial contribution is expected for the Stockholm European Council.

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**I. MORE AND BETTER JOBS**

*The prospect of achieving full employment must be underpinned by resolute efforts to open up access to the labour market to as many people as possible; this in particular means firming up policies on the promotion of gender equality at work, on reconciling professional and family life, on helping older workers to keep their jobs, on combating long-term unemployment and (by mobilising all of the actors concerned, especially those working in the social economy) on providing the most vulnerable categories of people with the prospect of integration. Opting for a knowledge-based society requires investment in human resources to encourage workers to acquire skills and accept mobility. At the same time it is important to promote quality in employment and to develop effective life-long learning and training strategies to benefit as many people as possible.*

(a) Increase active employment by improving policies for reconciling family and professional life for both men and women, and by encouraging specific categories to have access to jobs or to stay in existing jobs (particularly the long-term unemployed, disabled workers, older workers and minorities): a comparative analysis by the Commission before 2002 on the structural factors likely to encourage participation in the labour market and adjustments to the employment guidelines, in particular when it comes to setting a benchmark on child care provisions.

(b) Strengthen and continue the coordinated strategy for employment under the auspices of the Employment Committee. Complete the review and impact assessment of the strategy in 2002 with a view to contributing to the further development of the strategy.

(c) Focus more, in this context, on attaining quality in work and its importance for growth as a significant attractive factor and as an incentive to work. A Commission communication will refer in 2001 to the contribution of employment policy to quality in work (in particular as regards working conditions, health and safety, remuneration, gender equality, balance between flexibility and job security, social relations). On that basis, the Employment Committee will submit a report at the end of 2001 on how to define the indicators to enable these to be monitored.

(d) Combat long-term unemployment by developing active preventive and reintegration strategies based on early identification of individual needs and improving employability.

(e) Support, in this context, the local and regional dimensions of the employment strategy. The regional dimension will require a strategic approach at all levels, including at European level, and may require varied and targeted policies for different regions, in order to meet the objectives agreed at Lisbon, including greater regional cohesion.

(f) Improve effective access to life-long education and training, in particular in new technologies in order to avoid skills shortages. Strategies in this area should coordinate the shared responsibility of public authorities, social partners and individuals, with a suitable contribution being made by civil society. The social partners are requested to negotiate measures to improve further education and training to increase adaptability. They are also requested, as are governments, to inform the Employment and Social Policy Council by the end of 2001 of any provisions adopted at European or national level in the context of national employment action plans. A conference will be held on this question for all parties concerned in 2002. A European award will be created for pioneering companies.

(g) Promote both the identification and dissemination of good practice in employment and the social dimension of the information society, in close conjunction with the High Level Working Party on this question and develop further the "human resources" aspect of the "e-Europe" plan.

(h) Facilitate mobility for European citizens:

– by developing a knowledge-based Europe through eliminating the barriers to mobility for teachers, research workers, students, training professionals and people undergoing training, specifically within the context of the mobility action plan and the recommendation adopted by the Council;

– by promoting at European level the recognition of qualifications and skills gained in the Member States in keeping with the Treaty;

- by encouraging the free movement of persons: amend, by 2003, the directives on the right of residence and encourage improvement of the rules on the free movement of workers;
- by modernising the rules, while the social policy agenda is being implemented, ensuring that migrant workers retain their rights to social security; by improving the application of legislation on this matter, in particular by promoting the use of new information and communication technologies;
- by strengthening the arrangements for safeguarding additional pension rights before the end of 2002 for workers moving with the European Union.

(i) While the social policy agenda is being implemented, commence a study of the links between migratory flows and employment policies.

(j) Ask the Commission to continue its examination, with due regard for the responsibilities in the matter conferred upon it by the Treaty, of the relationship between social policy and competition policy, while maintaining appropriate contacts with the Member States and the social partners.

## **II. ANTICIPATING AND CAPITALISING ON CHANGE IN THE WORKING ENVIRONMENT BY CREATING A NEW BALANCE BETWEEN FLEXIBILITY AND SECURITY**

*The far-reaching changes in the economy and the labour market, resulting specifically from the emergence of a knowledge-based economy and from globalisation, are gaining momentum in all Member States. These changes call for fresh collective responses that take account of workers' expectations. Social dialogue and consultation must create the right conditions for workers to participate in change, by anticipating new developments in enterprises, sectors of industry and countries. The search is on for new kinds of collective framework more suited to the new forms of employment and these must allow for mobility and individual investment in increasingly diversified forms of work by making it easy to go from one situation or one job to another. The measures adopted to accompany these changes must strike a balance between the various existing Community instruments, in particular the open method of coordination and leave the social partners considerable scope for initiative.*

(a) Involve workers more in managing change by improving the Community framework, by the year 2002, of rules on workers' rights to be informed, consulted and involved (review the Directive on the European Works Council, continue to examine the Directives on information and consultation and on the social aspects of the European company).

(b) Develop, in particular on the basis of a Commission communication in 2002, the Community strategy on health and safety at work:

- to consolidate, adapt and, where appropriate, simplify existing standards;
  - to respond to new risks such as work-related stress, by initiatives on standards and exchanges of good practice;
  - to promote the application of legislation in SMEs, taking into account the special constraints to which they are exposed, to apply them by means of a specific programme;
  - to develop, from 2001 onwards, exchanges of good practice and collaboration between

labour inspection institutions in order to satisfy the common essential requirements more effectively.

(c) Take account, in the context of the growing interdependence of European economies, of changes in the working environment and in work relations:

– while the European social policy agenda is being applied, organise the exchange of innovatory experiences at Community level on labour relations combining worker security with flexibility for undertakings, while involving the social partners in all relevant aspects of modernising and improving work relations;

– as of 2001, in line with the proposals from the social partners, set up a "European Monitoring Centre on Change" within the Dublin Foundation;

– before 2003, examine, with a view to its adjustment, the Directive on the protection of workers if the employer is declared bankrupt; review, as the Commission has announced, existing Directives on the guarantees afforded to workers in the event of mass redundancy, on the protection of labour relations if the employer changes and, where appropriate, adapt them;

– invite the social partners to:

– continue the social dialogue, on problems related to the organisation of work and new forms of employment;

– launch debates which might lead to negotiations on shared responsibility between undertakings and workers as regards the employability and adaptability of the workforce, in particular from the perspective of mobility;

– examine data protection questions.

(d) Support initiatives linked to the social responsibility of undertakings and to managing change, by means of a Commission communication.

(e) Improve the functioning of the macro-economic dialogue provided for at the European Council in Cologne so that it fully contributes to the positive and dynamic interaction of economic, social and employment policies. Encourage exchanges of information between the Community institutions and the social partners, on ongoing changes in the make-up and content of wages and salaries.

(f) By the year 2004, organise an exchange of views on individual dismissals, taking account of social security benefits and national labour market characteristics.

(g) In 2001, supplement Community legislation on working time by finalising the provisions for the road transport sector. Make progress on the texts on harmonising the social aspects of maritime and air transport.

### ***III. FIGHTING POVERTY AND ALL FORMS OF exclusion AND DISCRIMINATION IN ORDER TO PROMOTE SOCIAL INTEGRATION***

*The return to sustained economic growth and the prospect of full employment in the near future do not mean that poverty and exclusion in the European Union will automatically decrease. These factors do, however, make the continued existence of poverty and exclusion even less acceptable. The Lisbon European Council underlined the need to take steps to make a decisive impact on the eradication of poverty. That political will has been affirmed at the highest level in each of the Member States and must be transmitted to the grass roots by mobilising all the local actors, in particular NGOs and the social services. It must be accompanied too by action to ensure equal treatment for all third country nationals residing lawfully on Union territory.*

- (a) Implement by June 2001, pursuant to the open method of coordination defined by the Lisbon European Council, a national two-year action plan for combating poverty and social exclusion on the basis of the jointly adopted objectives. This plan states the progress aimed for by national policies and lists the indicators used to assess the results of the action undertaken; progress, as from 2001, on the basis of the indicators adopted by the States in their national action plans, towards achieving compatibility as regards those indicators and the defining of commonly agreed indicators;
- (b) Exploit the possibilities offered by new information and communication technologies to reduce social exclusion by encouraging access for all to the knowledge society; and to that end, implement the Commission Action Plan "e-Europe 2002 – An information society for all", approved by the Feira European Council;
- (c) Ensure a follow-up, when the first national action plans are completed, to the 1992 recommendation on minimum guaranteed resources to be provided by social protection systems and examine possible initiatives to monitor progress in the area.
- (d) Use exchanges of experience to support the efforts of Member States in urban policy so as to combat social and spatial segregation.
- (e) Evaluate the impact of the ESF, including the Community initiative Equal, on the promotion of social inclusion.
- (f) Ensure effective implementation of Community legislation on combating all types of discrimination on grounds of gender, race or ethnic origin, religion or beliefs, disability, age or sexual orientation. Develop exchanges of experience and of good practice to strengthen these policies.
- (g) Conduct, in accordance with the conclusions of the Tampere European Council, a more vigorous integration policy for third country nationals legally resident on Union territory which should aim at granting them rights and obligations comparable to those of European Union citizens. Develop exchanges of experience on national integration policies.
- (h) Develop, in particular during the European Year of Disabled Citizens (2003), all action intended to bring about the fuller integration of disabled people in all areas of life.
- (i) Establish conditions for an efficient partnership with the social partners, non-governmental organisations, local authorities and bodies that manage social services. Involve undertakings in this partnership to strengthen their social responsibility.

#### **IV. MODERNISING SOCIAL PROTECTION**

*Social protection systems are an essential component of the European social model, and although they remain the responsibility of each Member State, they face common challenges. To confront them more effectively, cooperation between Member States must be strengthened, particularly through the Social Protection Committee. The modernisation of social protection systems must meet the requirements of solidarity: that is what is at stake in the action we have to take on retirement and health and to achieve an active welfare state that strongly encourages participation in the employment market.*

- (a) Continue cooperation and exchanges between States on strategies designed to guarantee secure and viable pensions in future; national contributions forwarded with a view to the Stockholm European Council meeting (March 2001), study on this subject to be sent by the Employment and Social Policy Council to the European Council in Gothenburg (June 2001), which will determine the subsequent stages.
- (b) Analyse, on the basis of each of the Member States' policies, the adjustments made to social protection systems and the progress still to be made in order to make work pay and promote secure incomes (2002) and to encourage reconciliation between work and family life.
- (c) Before 2003, conduct a study on how, with due regard for the requirements of solidarity, a high and sustainable level of health protection can be guaranteed, taking into account the impact of ageing (long-term care); report to the Employment and Social Policy Council in conjunction with the Health Council.
- (d) Examine, on the basis of studies undertaken by the Commission, the evolution of the situation with regard to cross-border access to quality health care and health products.
- (e) Ensure monitoring and evaluation, throughout the period of the agenda, of close cooperation in social policy; envisage and develop appropriate indicators in this field.

#### **V. PROMOTING GENDER EQUALITY**

*Equality between the sexes must be established across the board throughout the whole Social Policy Agenda and be supplemented by a number of specific measures concerning women's access to decision-making and the reinforcement of equality-related rights and those reconciling family life and working life.*

- (a) Integrate the concept of gender equality into all relevant areas, particularly those covered by the Social Policy Agenda, in the design, monitoring and assessment of policies by establishing appropriate mechanisms and tools, such as, where appropriate, gender impact assessments, monitoring tools and performance assessment criteria.
- (b) Increase women's access to decision-making by setting appropriate goals or time-bound targets for the public sphere and the economic and social sectors in every Member State.
- (c) Implement the Commission communication entitled "Towards a Community framework strategy on gender equality (2001-2005)", examine, with a view to their adoption, the proposed amendments to the 1976 Directive on equal treatment and reinforce equality-related rights by adopting before 2003 a Directive, based on Article 13 of the EC Treaty, on promoting gender equality in areas other than employment and professional life.
- (d) Increase awareness, the pooling of resources and the exchange of experience, in particular

through the establishment of a European Institute for gender issues and the setting up of an experts' network. The feasibility study should be completed in 2001.

(e) Extend and reinforce initiatives and action designed to promote equality between men and women at work, particularly as regards pay. Develop the existing initiative for female entrepreneurs.

(f) Better reconcile work and family life, particularly by encouraging quality care for children and dependent persons.

## ***VI. STRENGTHENING THE SOCIAL POLICY ASPECTS OF ENLARGEMENT AND THE EUROPEAN UNION'S EXTERNAL RELATIONS***

*Enlargement and external relations are, in several respects, a challenge and an opportunity for Community action in the social field. It is necessary to develop the sharing of experience and strategy with applicant States, particularly so as better to face together the challenges of full employment and the fight against exclusion; and to promote an integrated economic and social agenda consistent with the European approach in international bodies.*

(a) Prepare for enlargement with the aim of promoting economic and social progress in the enlarged Union:

– Organise regular exchanges of views on all aspects of social policy linked to enlargement, in conjunction with the social partners;

– Help the applicant countries to take on board the European Employment Strategy, implementation of the objectives of combating poverty and social exclusion, and strengthened cooperation on social protection;

– Support the role of the social dialogue in that context.

– Contribute to the development of the NGOs concerned in the applicant countries.

(b) Develop a concerted approach to international social policy issues within the multilateral institutions (United Nations, World Health Organisation, Council of Europe, International Labour Organisation and, where appropriate, WTO and OECD);

(c) Strengthen the social dimension of cooperation policy, particularly the fight against poverty, the development of health and education as well as the taking into account of gender equality (especially in the context of the Euro-Mediterranean process).

## **ANNEX II**

### **STATEMENT**

### **ON SERVICES OF GENERAL ECONOMIC INTEREST**

The following points emerge from the Internal Market, Consumer Affairs and Tourism Council's open debate on 28 September 2000 and from Member States' written contributions.

Article 16 of the Treaty, which establishes the place of services of general economic interest among the shared values of the Union, provides that:

"Without prejudice to Articles 73, 86 and 87, and given the place occupied by services of general economic interest in the shared values of the Union as well as their role in promoting social and territorial cohesion, the Community and the Member States, each within their respective powers and within the scope of application of this Treaty, shall take care that such services operate on the basis of principles and conditions which enable them to fulfil their missions."

In Lisbon, in March 2000, the European Council adopted an overall economic and social strategy for the European Union, so as to ensure its smooth integration into the new economic age dawning with the rapid development of information technology, while keeping faith with the European social model. In our economies open to competition, services of general economic interest play a fundamental part in ensuring the overall competitiveness of the European economy, made attractive by the quality of its infrastructure, the high level of training of its workforce and the strengthening and development of networks throughout the territory, and in accompanying the changes under way by maintained social and territorial cohesion.

In that connection the new, revised Commission communication on services of general interest has been very well received, particularly as a result of the following points:

- the scope of services of general economic interest should not remain fixed, but should reflect our rapidly changing economic, scientific and technological environment;
- the opening up to the market of certain services of general economic interest, undertaken within the context of the Single Market Programme, has had a positive impact on the availability, quality and pricing of such services;
- the contribution made by services of general economic interest to European competitiveness serves specific purposes: protection of consumer interests, user safety, social cohesion and regional planning, sustainable development;
- the importance of the principles of neutrality, freedom and proportionality has been reaffirmed. These guarantee that Member States are free to determine the tasks and manner of operation and financing of services of general economic interest, with the Commission bearing responsibility for ensuring compliance with the internal market and competition rules;
- the tasks performed by services of general economic interest should be carried out in such a way as to meet the legitimate expectations of consumers and citizens looking for affordable prices in a transparent pricing system, and anxious for access on equal terms to quality services essential to their economic, territorial and social integration.

In addition, a number of concerns have been expressed:

- Application of internal market and competition rules should allow services of general economic

interest to perform their tasks under conditions of legal certainty and economic viability which ensure *inter alia* the principles of equal treatment, quality and continuity of such services. There is a need here especially for clarification of the relationship between methods of funding services of general economic interest and application of the rules on State aid. In particular, the compatibility of aid designed to offset the extra costs incurred in performing tasks of general economic interest should be recognised, in full compliance with Article 86(2).

- The contribution made by services of general economic interest to economic growth and social well-being fully warrants regular assessment, in compliance with the principle of subsidiarity, of the way in which their tasks are being performed, particularly in terms of quality of service, accessibility, safety and fair and transparent pricing. Such assessment could be conducted on the basis of exchanges of good practice or peer review, contributions from Member States and reports by the Commission, at the appropriate level, for example under the Cardiff process. Citizens and consumers could also be consulted, *inter alia*, via a forum such as that on "The internal market in the service of citizens and SMEs".

These discussions, which were held in the context of Article 16 of the Treaty, have demonstrated the interest of further consideration of these topics.

### ANNEX III

#### **COUNCIL RESOLUTION**

#### **ON THE PRECAUTIONARY PRINCIPLE**

The Council,

- A. Whereas the principles laid down in the EC Treaty provide that Community action must aim at a high level of protection of human health, consumers and the environment and that these objectives must be integrated into the European Union's policies and action;
- B. Whereas the Treaty recognises, in Article 174(2), that the precautionary principle is one of the principles to be taken into account in Community policy on the environment; whereas this principle is also applicable to human health, as well as to the animal health and plant health sectors;
- C. Whereas it might be useful to examine, in due course and in the appropriate fora, whether it is necessary and possible formally to consolidate the precautionary principle, in accordance with the case law of the Court of Justice of the European Communities, also in other Treaty provisions specifically concerning health and consumer protection;
- D. Recalling that the recognition of this principle is to be seen from a perspective of sustainable development;
- E. Recalling that this principle is included in various international texts, *inter alia* the

1992 Rio Declaration, the 1992 Convention on Climate Change, the 1992 Convention on Biological Diversity, the 2000 Protocol on Biosafety and a number of Conventions on protection of the marine environment;

F. Pointing to the importance of work in progress on the subject in the Codex Alimentarius context;

G. Whereas the precautionary principle must not be used in order to introduce disguised trade restrictions;

H. Whereas the preamble to the World Trade Organisation (WTO) Agreement sets out general objectives which include sustainable development and environmental protection and conservation; whereas Article XX of the GATT and Article XIV of the GATS contain general exceptions, while Article 5(7) of the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS) lays down rules on the procedure to be followed in the event of risk and insufficient scientific evidence; whereas the Agreement on Technical Barriers to Trade (TBT) allows account to be taken of the risks that failure to apply measures might pose for human health or safety, animal or plant life or the environment;

I. Whereas the European Union attaches great importance to helping developing countries to participate in the SPS and TBT Agreements in view of their particular difficulties in that respect;

J. Recalling the recommendations made by WTO panels, in particular by the Appellate Body in the hormones case, concerning the right of WTO members to "establish their own appropriate level of sanitary protection, which level may be higher than that implied in existing international standards, guidelines and recommendations", and to take into consideration minority expert opinion;

K. Realising that public authorities have a responsibility to ensure a high level of protection of human health and the environment and have to address increased public concern regarding the risks to which the public are potentially exposed;

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1. Welcomes the Commission's initiative in presenting a communication on the precautionary principle, the broad lines of which the Council endorses;
2. Considers that the precautionary principle applies to the policies and action of the Community and its Member States and concerns action by public authorities both at the level of the Community institutions and at that of Member States; that such authorities should endeavour to have that principle fully recognised by the relevant international fora;
3. Notes that the precautionary principle is gradually asserting itself as a principle of international law in the fields of environmental and health protection;
4. Considers that WTO rules do basically allow account to be taken of the precautionary principle;

5. Believes that under international law the Community and the Member States are entitled to establish the level of protection they consider appropriate in risk management, that they may to that end take appropriate measures under the precautionary principle and that it is not always possible to determine in advance the level of protection appropriate to all situations;

6. Sees a need to establish guidelines for use of the precautionary principle, in order to clarify arrangements for its application;

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7. Considers that use should be made of the precautionary principle where the possibility of harmful effects on health or the environment has been identified and preliminary scientific evaluation, based on the available data, proves inconclusive for assessing the level of risk;

8. Considers that the scientific assessment of the risk must proceed logically in an effort to achieve hazard identification, hazard characterisation, appraisal of exposure and risk characterisation, with reference to procedures recognised at Community level and internationally, and that, owing to insufficient data and the nature or urgency of the risk, it may not always be possible to complete every stage systematically.

9. Considers that, in order to carry out the risk assessment, public authorities must have suitable research facilities and rely in particular on scientific committees and on relevant national and international scientific work; that the public authorities are responsible for organising the risk assessment, which must be carried out in a multidisciplinary, independent and transparent manner and ensure that all views are heard;

10. Considers that an assessment of risk must also report any minority opinions. It must be possible to express such opinions and bring them to the knowledge of the parties involved, in particular if they draw attention to scientific uncertainty;

11. Affirms that those responsible for scientific assessment of risk must be functionally separate from those responsible for risk management, albeit with ongoing exchange between them;

12. Considers that risk management measures must be taken by the public authorities responsible on the basis of a political appraisal of the desired level of protection;

13. Believes that, in selecting the risk management measures to be taken, consideration should be given to the whole range of measures enabling the desired level of protection to be achieved;

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14. Considers that all stages must be conducted in a transparent manner, in particular the risk assessment and management stages, including the monitoring of measures decided upon;

15. Considers that civil society must be involved and special attention must be paid to consulting all interested parties as early as possible;

16. Considers that appropriate means must be used for communicating information on scientific opinion and risk management measures;

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17. Considers that measures must observe the principle of proportionality, taking account of short-term and long-term risks and aiming to achieve the desired high level of protection;

18. Considers that measures must not be applied in a way resulting in arbitrary or unwarranted discrimination; where there are a number of possible means of attaining the same level of health or environmental protection, the least trade-restrictive measures should be opted for;

19. Considers that measures should be consistent with measures already adopted in similar circumstances or following similar approaches, having due regard to the latest scientific developments and developments in the level of protection sought;

20. Stresses that the measures adopted presuppose examination of the benefits and costs of action

and inaction. This examination must take account of social and environmental costs and of the public acceptability of the different options possible, and include, where feasible, an economic analysis, it being understood that requirements linked to the protection of public health, including the effects of the environment on public health, must be given priority;

21. Considers that decisions taken in accordance with the precautionary principle should be reviewed in the light of developments in scientific knowledge. To that end the impact of such decisions should be monitored and additional research conducted in order to reduce the level of uncertainty;

22. Considers that, when determining measures taken in accordance with the precautionary principle and in monitoring them, the competent authorities should be able to decide case by case, on the basis of clear rules established at the appropriate level, who is responsible for providing the scientific data required for a fuller risk assessment;

Such an obligation may vary according to the circumstances and the aim must be to strike a satisfactory balance between the public authorities, scientific bodies and economic operators, taking into account in particular the responsibility held by economic operators by virtue of their activities.

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23. Undertakes to put into practice the principles contained in this Resolution;

24. Calls on the Commission to:

- systematically apply its guidelines on the conditions for use of the precautionary principle, making allowance for the specific features of the various areas in which they may be implemented;
- incorporate the precautionary principle, wherever necessary, in drawing up its legislative proposals and in all its actions;

25. Calls on the Member States and the Commission to:

- **attach particular importance to the development of scientific expertise and to the necessary institutional coordination;**
- ensure that the precautionary principle is fully recognised in the relevant international health, environment and world trade fora, in particular on the basis of the principles put forward in this Resolution; to pursue that aim and ensure that it is taken into account as fully as possible, particularly at the WTO, and at the same time help to explain it;
- ensure that the public and the various parties involved are informed as fully as possible about the state of scientific knowledge, the issues at stake and the risks to which they and their environment are exposed;
- work actively for international partners' commitment to reaching an understanding on the application of the principle;
- have this Resolution as widely disseminated as possible.

#### ANNEX IV

### **DECLARATION ON THE SPECIFIC CHARACTERISTICS OF SPORT**

#### **AND ITS SOCIAL FUNCTION IN EUROPE, OF WHICH ACCOUNT SHOULD BE TAKEN IN IMPLEMENTING COMMON POLICIES**

1. The European Council has noted the report on sport submitted to it by the European Commission in Helsinki in December 1999 with a view to safeguarding current sports structures and maintaining the social function of sport within the European Union. Sporting organisations and the Member States have a primary responsibility in the conduct of sporting affairs. Even though not having any direct powers in this area, the Community must, in its action under the various Treaty provisions, take account of the social, educational and cultural functions inherent in sport and making it special, in order that the code of ethics and the solidarity essential to the preservation of its social role may be respected and nurtured.

2. The European Council hopes in particular that the cohesion and ties of solidarity binding the practice of sports at every level, fair competition and both the moral and material interests and the physical integrity of those involved in the practice of sport, especially minors, may be preserved.

#### Amateur sport and sport for all

3. Sport is a human activity resting on fundamental social, educational and cultural values. It is a factor making for integration, involvement in social life, tolerance, acceptance of differences and playing by the rules.

4. Sporting activity should be accessible to every man and woman, with due regard for individual aspirations and abilities, throughout the whole gamut of organised or individual competitive or recreational sports.

5. For the physically or mentally disabled, the practice of physical and sporting activities provides a particularly favourable opening for the development of individual talent, rehabilitation, social integration and solidarity and, as such, should be encouraged. In this connection, the European Council welcomes the valuable and exemplary contribution made by the Paralympic Games in Sydney.

6. The Member States encourage voluntary services in sport, by means of measures providing appropriate protection for and acknowledging the economic and social role of volunteers, with the support, where necessary, of the Community in the framework of its powers in this area.

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#### Role of sports federations

7. The European Council stresses its support for the independence of sports organisations and their right to organise themselves through appropriate associative structures. It recognises that, with due regard for national and Community legislation and on the basis of a democratic and transparent method of operation, it is the task of sporting organisations to organise and promote their particular sports, particularly as regards the specifically sporting rules applicable and the make-up of national teams, in the way which they think best reflects their objectives.

8. It notes that sports federations have a central role in ensuring the essential solidarity between the various levels of sporting practice, from recreational to top-level sport, which co-exist there; they provide the possibility of access to sports for the public at large, human and financial support for amateur sports, promotion of equal access to every level of sporting activity for men and women alike, youth training, health protection and measures to combat doping, acts of violence and racist or xenophobic occurrences.

9. These social functions entail special responsibilities for federations and provide the basis for the recognition of their competence in organising competitions.

10. While taking account of developments in the world of sport, federations must continue to be the key feature of a form of organisation providing a guarantee of sporting cohesion and participatory democracy.

#### Preservation of sports training policies

11. Training policies for young sportsmen and -women are the life blood of sport, national teams

and top-level involvement in sport and must be encouraged. Sports federations, where appropriate in tandem with the public authorities, are justified in taking the action needed to preserve the training capacity of clubs affiliated to them and to ensure the quality of such training, with due regard for national and Community legislation and practices.

#### Protection of young sportsmen and -women

12. The European Council underlines the benefits of sport for young people and urges the need for special heed to be paid, in particular by sporting organisations, to the education and vocational training of top young sportsmen and -women, in order that their vocational integration is not jeopardised because of their sporting careers, to their psychological balance and family ties and to their health, in particular the prevention of doping. It appreciates the contribution of associations and organisations which minister to these requirements in their training work and thus make a valuable contribution socially.

13. The European Council expresses concern about commercial transactions targeting minors in sport, including those from third countries, inasmuch as they do not comply with existing labour legislation or endanger the health and welfare of young sportsmen and -women. It calls on sporting organisations and the Member States to investigate and monitor such practices and, where necessary, to consider appropriate measures.

#### Economic context of sport and solidarity

14. In the view of the European Council, single ownership or financial control of more than one sports club entering the same competition in the same sport may jeopardise fair competition. Where necessary, sports federations are encouraged to introduce arrangements for overseeing the management of clubs.

15. The sale of television broadcasting rights is one of the greatest sources of income today for certain sports. The European Council thinks that moves to encourage the mutualisation of part of the revenue from such sales, at the appropriate levels, are beneficial to the principle of solidarity between all levels and areas of sport.

#### Transfers

16. The European Council is keenly supportive of dialogue on the transfer system between the sports movement, in particular the football authorities, organisations representing professional sportsmen and -women, the Community and the Member States, with due regard for the specific requirements of sport, subject to compliance with Community law.

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17. The Community institutions and the Member States are requested to continue examining their policies, in compliance with the Treaty and in accordance with their respective powers, in the light of these general principles.

ANNEX V

**RESOLUTION OF THE COUNCIL**  
**and of the Representatives of the Governments of**  
**The Member States meeting within the Council**  
**of 14 December 2000**  
concerning an action plan for mobility

The Council of the European Union and the Representatives of the Governments of the Member States, meeting within the Council

Convinced that the construction of a genuine European area of knowledge is a priority for the European Community and that it is through education that Europeans will acquire the shared cultural references that are the basis of European citizenship and of a political Europe.

Sure that this belief is based on mutual discovery of our diversity and complementarity and involves increased personal contacts and exchange of knowledge and experience.

Convinced that it is therefore essential to target intelligible action, shared by all of the Member States, at young people, school children, students, researchers, all those being educated and their teachers; that it is by building the Europe of intelligence that we will bring about a true feeling of being part of Europe.

Aware that the Europe of knowledge is also an economic necessity; that in an internationalised economy increasingly founded on knowledge, openness to foreign cultures and the ability to educate oneself and work in a multilingual environment are essential to the competitiveness of the European economy.

Convinced that increasing the mobility of young people, school children, students, researchers, all those being educated and their teachers in Europe is thus a major political goal and that it requires simultaneous commitment and effort by the European Community and the Member States.

Note that to attain this goal Europe already has a wealth of resources: the Community's SOCRATES, LEONARDO da VINCI and YOUTH programmes represent appreciable progress and play an essential role which will increase with the second generation of programmes.

Convinced that this progress must be taken further; that even if the number of people choosing mobility is on the increase, it is still small; that, for example, among students it concerns only a small percentage; that substantial obstacles remain: unequal access to information, obstacles of a financial nature, administrative difficulties as regards tax and social benefits, complex residence procedures, disadvantages in terms of status and career.

Note that the Extraordinary European Council in Lisbon of 23 and 24 March 2000 recognised the urgency of removing obstacles and promoting mobility and that, in its conclusions, it invited the Council and Commission to define "by the end of 2000, the means for fostering the mobility of students, teachers and training and research staff both through making the best use of existing Community programmes, by removing obstacles and through greater transparency in the recognition of qualifications and periods of study and training" (paragraph 26).

Undertake, to meet the great expectations of their fellow citizens, that with the support of the Commission, each in its field, and in full compliance with the principle of subsidiarity it will take the steps necessary to remove obstacles to mobility and to promote it.

Consider that this Resolution, far from prejudging the substantial amount of work already done by the Commission and the Council towards providing a suitable legal framework for promoting mobility and in particular the proposal for a Recommendation on mobility which it is hoped will be adopted soon aims, on the contrary, to facilitate the implementation of Community initiatives in this area by suggesting possible specific initiatives. These initiatives will be implemented in close cooperation with all the participants and institutions concerned, in particular universities, whose participation is a key to success.

Welcome the mobility action plan set out in the Annex which was submitted to the Ministers for Education at the Sorbonne on 30 September 2000. That plan has three major objectives:

- to define and democratise mobility in Europe;
- to promote appropriate forms of funding;
- to increase mobility and improve the conditions for it.

The measures mentioned in the Action Plan are conceived as a "toolbox" of 42 measures divided into 4 main chapters which, in their individual scope and combination, are designed to identify and deal with the obstacles encountered by those who, no matter where, seek to implement a mobility measure.

The first chapter concerns actions to promote mobility through measures to train people who help to implement mobility, to develop multilingual skills and to access useful information.

The second chapter covers the funding of mobility and seeks to identify a series of measures that will mobilise all possible financial resources.

The third chapter aims to increase and improve mobility by multiplying the forms that it may take and by improving reception facilities and the organisation of timetables.

Lastly, the fourth chapter describes measures to make the most of periods of mobility and gain recognition of the experience acquired.

Convinced that if all Member States, with the assistance of the Commission, make use on a voluntary basis of those actions which they consider will best enable the obstacles encountered by those requesting mobility in their countries to be overcome, all agree from the outset that the following measures in the action plan are of particular importance:

- developing multilingualism;

- establishment of a portal giving access to the different European sources of information on mobility;
- recognition of periods of mobility in diploma courses;
- training of the teachers and administrative staff involved to become true mobility organisers able to provide advice and guidance and draft mobility projects;
- definition and adoption of a quality charter on reception facilities for foreign nationals on training courses;
- drawing up of an inventory of existing mobility circuits and good practices, exchanges of students, trainees and trainers;
- creating linkage between mobility funding from the Union, the Member States and local authorities, the public sector and the private sector.

Propose that, as part of rolling programming instituted by the Council in its Resolution of 17 December 1999 ( 1) and for the sake of regular assessment of progress in achieving the targets set, the Council, in collaboration with the other European institutions concerned, regularly take stock of the situation, in principle every two years.

Recall that the plan also identifies measures of broader scope coming under larger-scale coordination within each Member State and between the Commission and the Member States' administrations.

In accordance with the conclusions of the Extraordinary European Council in Lisbon, this Resolution is submitted to the European Council in Nice.

## ANNEX VI

### **PRESIDENCY REPORT ON THE EUROPEAN SECURITY AND DEFENCE POLICY**

#### **Introduction**

The aim of the efforts made since the Cologne, Helsinki and Feira European Councils is to give the European Union the means of playing its role fully on the international stage and of assuming its responsibilities in the face of crises by adding to the range of instruments already at its disposal an autonomous capacity to take decisions and action in the security and defence field. In response to crises, the Union's particular characteristic is its capacity to mobilise a vast range of both civilian and military means and instruments, thus giving it an overall crisis-management and conflict-prevention capability in support of the objectives of the Common and Foreign Security Policy.

In developing this autonomous capacity to take decisions and, where NATO as a whole is not engaged, to launch and conduct EU-led military operations in response to international crises, the European Union will be able to carry out the full range of Petersberg tasks as defined in the Treaty on European Union: humanitarian and rescue tasks, peace-keeping tasks and tasks of combat forces in crisis management, including peacemaking. This does not involve the establishment of a European army. The commitment of national resources by Member States to such operations will be based on their sovereign decisions. As regards the Member States concerned, NATO remains the basis of the collective defence of its members and will continue to play an important role in crisis management. The development of the ESDP will contribute to the vitality of a renewed Transatlantic link. This development will also lead to a genuine strategic partnership between the EU and NATO in the management of crises with due regard for the two organisations' decision-making autonomy.

The development of the European Security and Defence Policy strengthens the Union's contribution to international peace and security in accordance with the principles of the UN Charter. The European Union recognises the primary responsibility of the United Nations Security Council for maintaining peace and international security.

The value of cooperation between the Union and the United Nations, as well as with the OSCE and the Council of Europe, as the Union develops its crisis-management and conflict-prevention capabilities has been emphasised in the context of the work carried out during the Presidency. In this context, the Secretary-General of the United Nations has also submitted a proposal for closer cooperation between the EU and the UN. In this respect the European Union welcomes the recent contacts between the Secretary-General of the United Nations, the Secretary-General/High Representative, the Presidency and the EU Troika.

The development of European crisis-management capabilities increases the range of instruments for responding to crises available to the international community. The efforts made will enable Europeans in particular to respond more effectively and more coherently to requests from leading organisations such as the UN or the OSCE. This development is an integral part of strengthening the Common Foreign and Security Policy.

In connection with the submission of this report, the Presidency noted that Denmark drew attention to Protocol No 5 annexed to the Treaty of Amsterdam on the position of Denmark.

## **I. THE DEVELOPMENT OF MILITARY CAPABILITIES AND THE STRENGTHENING OF CIVIL CRISIS MANAGEMENT CAPABILITIES**

### **(1) Elaboration of the headline goal and of the military capability goals established in Helsinki**

The main challenge for Member States is to develop military capabilities which can be put at the disposal of the EU for crisis management purposes. The aim is to mobilise Member States' efforts in this sphere.

The Commitment Conference, which was held in Brussels on 20 November, demonstrated the Europeans' capability to satisfy fully, by their contributions in numerical terms, the needs identified to carry out the different types of crisis-management missions within the headline goal agreed in Helsinki.

At this Conference the Member States also signalled their determination to make the necessary

efforts to improve their operational capabilities further in order to carry out in full the most demanding of the Petersberg tasks, in particular as regards availability, deployability, sustainability and interoperability. As for their collective goals, the Member States agreed to pursue their efforts in the area of command and control, intelligence and strategic air and naval transport capabilities.

The Council approved the military capabilities commitment declaration published at the close of its meeting on 20 November and the definition of a "mechanism for evaluating military capabilities".

Its aim is to enable the EU to ensure follow up and to facilitate progress towards the realisation of the commitments made with a view to achieving the headline goal, to review its aims in the light of changed circumstances and to contribute as well to ensuring compatibility of the commitments undertaken in the EU framework and, for the countries concerned, the goals accepted in the framework of NATO planning or the Planning and Review Process of the Partnership for Peace. These documents are annexed hereto.

The ministerial meetings with the non-EU European NATO members and other countries which are candidates for accession in the follow-up to the Capabilities Commitment Conference made it possible to draw together pledges of additional contributions from these States with a view to their participation in EU-led operations. The Member States welcome these contributions, which increase and bolster the capabilities available for EU-led crisis-management operations.

## **(2) Definition and implementation of EU capabilities in the civilian aspects of crisis management**

The European Union has continued developing civilian capabilities in the four priority areas established by the Feira European Council: police, strengthening of the rule of law, strengthening civilian administration and civil protection. Discussions have focused on the implementation of the specific goal regarding police capabilities, whereby Member States should be able to provide 5 000 officers by 2003 for international missions, 1 000 of whom could be deployed within less than 30 days, and on the definition of specific goals in connection with strengthening the rule of law. The proceedings of the Committee for Civilian Aspects of Crisis Management enabled considerable progress to be made in elaborating the police objective. Methods were devised and ideas for deployment were developed. It is now necessary to flesh out Member States' commitments by calling for voluntary contributions. Moreover, the need to equip the General Secretariat of the Council with expertise in police matters on a permanent basis has been identified.

Discussions on strengthening the rule of law, the second priority identified in Feira, will make it possible to establish specific objectives in this area compatible with the development of European Union police capabilities. At the seminar organised in Brussels on 25 October it was possible to determine initial views and guidelines for further work within the Committee for Civilian Aspects of Crisis Management. In connection with these discussions, a database to record Member States' capabilities regarding the re-establishment of a judicial and penal system was set up within the General Secretariat of the Council.

Discussions have been initiated on cooperation with the UN, the OSCE and the Council of Europe. They will need to be followed up.

The contribution of non-EU Member States to the EU's civilian crisis management operations, in particular in EU police missions, will be studied in a positive spirit, in accordance with procedures to be determined.

A document setting out the main aspects of the work on the civilian aspects of crisis management is annexed hereto.

## **II. ESTABLISHMENT OF PERMANENT POLITICAL AND MILITARY STRUCTURES**

The process initiated since the Cologne European Council is intended to enable the European Union to assume its responsibilities for crisis management as a whole. If it is to play fully its role on the international stage, the EU must be in a position to have at its disposal the whole range of instruments required for a global approach to crisis management, and in particular:

- develop a coherent European approach to crisis management and conflict prevention;
- ensure synergy between the civilian and military aspects of crisis management;
- cover the full range of Petersberg tasks.

To enable the European Union fully to assume its responsibilities, the European Council has decided to establish the following permanent political and military bodies, which should be made ready to start their work:

- the Political and Security Committee;
- the Military Committee of the European Union;
- the Military Staff of the European Union.

The documents detailing the composition, competences and operation of these bodies are annexed hereto.

The build-up of the resources needed for the operation of such bodies, in particular the Military Staff, will have to take place without delay.

The development of a mechanism to ensure synergy between civilian and military instruments is essential if the civilian and military aspects of crisis management are to be efficient and consistent.

To this end, a document (13957/1/00 REV 1 + COR 1) constituting a reference framework has been submitted by the Secretary-General/High Representative and has been noted with interest. Another document, concerning crisis management procedures, including an Annex on the European Union Situation Centre, has also been circulated by the General Secretariat of the Council. This document will be the subject of a detailed study, followed by tests and exercises so that it can be adapted in the light of experience, and subsequently approved.

In this crisis management mechanism the PSC has a central role to play in the definition of and follow-up to the EU response to a crisis. The Secretary General/High Representative, who may

chair the PSC, plays an important role in providing impetus. He also contributes to the effectiveness and visibility of the Union's action and policy.

### **III. ARRANGEMENTS WHICH WILL PERMIT IN THE EU'S MILITARY CRISIS MANAGEMENT THE CONSULTATION AND PARTICIPATION OF NON-EU EUROPEAN NATO MEMBERS AND OTHER COUNTRIES WHICH ARE CANDIDATES FOR ACCESSION TO THE EU**

The EU project is open. If there is to be efficient crisis management, the European Union wishes to receive contributions from the non-EU European NATO members and other countries which are candidates for accession to the EU, in particular those which have the determination and capability to commit considerable resources to participate in the Petersberg tasks. This openness must, of course, respect the principle of the European Union's decision-making autonomy.

In implementing the arrangements agreed in Feira, the Presidency has initiated and developed a regular and substantive dialogue on the ESDP with the countries concerned. Ministerial meetings were thus held on 21 November as a follow-up to the Capacities Commitment Conference. This dialogue has also been developed at the level of the IPSC, which held meetings in the inclusive structure on 27 July, 2 October and 17 November, and through meetings comprising military experts to prepare non-member states' contributions to the capability goals. These consultations were in addition to the meetings held in connection with the Union's political dialogue with its partners.

The document on "arrangements for non-EU European NATO members and other countries which are candidates for accession to the EU" is annexed hereto. In accordance with the undertakings given, these arrangements will make it possible to consult such countries on a regular basis when there is no crisis and to associate them to the greatest possible extent in EU-led military operations in times of crisis.

### **IV. PERMANENT ARRANGEMENTS FOR EU-NATO CONSULTATION AND COOPERATION**

On the basis of the decisions taken by the Feira European Council and in close consultation with NATO, the European Union has, during the French Presidency, continued preparations for establishing a permanent and effective relationship between the two organisations. The attached documents on the principles for consultation, cooperation and transparency with NATO and the modalities for EU access to NATO assets and capabilities (Berlin plus) constitute the EU's contribution to work on future arrangements between the two organisations. The EU hopes for a favourable reaction from NATO so that these arrangements can be implemented on a mutually satisfactory basis.

Consultations and cooperation between the two organisations will be developed in matters of security, defence and crisis management of common interest in order to make possible the most appropriate military response to a given crisis and ensure effective crisis management, while fully respecting the decision-making autonomy of NATO and the EU.

The EU reiterates the importance which it attaches to being able, when necessary, to make use of the assured access to NATO's planning capabilities and to the presumption of availability of NATO's assets and capabilities as envisaged in the Communique of the Washington Summit. The

European Union will call on NATO for operational planning of any operation using NATO assets and capabilities. When the Union examines options with a view to an operation, the establishing of its strategic military options can involve a contribution by NATO's planning capabilities.

The EU would stress the importance of appropriate provisions giving those who so wish access to Alliance structures in order, when necessary, to facilitate effective participation by all Member States in EU-led operations which make use of NATO assets and capabilities.

The meetings between the Interim Political and Security Committee and the North Atlantic Council on 19 September and 9 November marked a decisive stage in the development of a relationship of confidence between the EU and NATO. The discussions by the ad hoc working parties set up at Feira and the working party of experts on military capabilities (HTF plus) have led to progress in transparency and cooperation between the two organisations. The Interim Security Agreement concluded by the two Secretaries-General has encouraged the development of these relations by authorising initial exchanges of documents and opened the way to a definitive arrangement between the European Union and NATO.

## **V. INCLUSION IN THE EU OF THE APPROPRIATE FUNCTIONS OF THE WEU**

The European Union has confirmed its intention of itself assuming the crisis-management function of the WEU. It took note in this context of the measures adopted by the WEU Council of Ministers in Marseilles to enable the latter to take account of developments which have occurred in the EU.

The Council adopted the following decisions of principle on the inclusion of the appropriate functions of the WEU in the field of the Petersberg tasks:

- the setting up in the form of agencies of a Satellite Centre and an Institute for Security Studies which would incorporate the relevant features of the existing parallel WEU structures;
- the direct management by the EU of a police technical cooperation mission in Albania to take over from the Multinational Advisory Police Element in Albania, implementation of which had been entrusted to the WEU by the Council on the basis of Article 17 of the TEU. The Council took note of the assessment that the mine-clearance operation in Croatia will have achieved its objectives, in its current form in the WEU, upon expiry of its mandate.

The Council also agreed to enrich the Transatlantic dialogue by asking the ISS to undertake activities similar to those currently being conducted by the Transatlantic Forum, in accordance with modalities to be agreed which would enable all the States concerned to participate in these activities.

## **VI. ARRANGEMENTS FOR THE CONSULTATION AND PARTICIPATION OF OTHER POTENTIAL PARTNERS**

In Feira, it was recalled that Russia, Ukraine, other European States with which the Union maintains political dialogue and other interested States such as Canada could be invited to participate in EU-led operations.

To that end, the Union proposes stepping up dialogue, cooperation and consultation on security and defence issues with the countries concerned within the framework of existing agreements on the basis of the following principles:

In the routine phase, the Union will conduct exchanges of information on questions relating to the ESDP and military crisis-management through meetings on this topic, which will normally be held once every six months by the PSC Troika. Additional meetings will be organised if the Council deems it necessary. In a crisis situation, when the possibility of a military crisis-management operation is being considered, such consultations conducted in Troika format or by the Secretary-General/High Representative will constitute the framework making it possible for exchanges of views and discussions on possible participation by potential partners to be held.

The European Union has already welcomed the interest shown by Canada. Consultations with Canada will be stepped up in times of crisis. Participation by Canada will be of particular importance in the case of EU operations drawing on NATO assets and capabilities. In this context, when the Union embarks on detailed examination of an option making use of NATO assets and capabilities, particular attention will be paid to consultation with Canada.

The countries participating in an operation may appoint liaison officers to Planning Staff and, together with all the EU members, attend the Committee of Contributors with the same rights and obligations as the other participating States as far as day-to-day management of the operation is concerned.

These initial principles are without prejudice to any specific consultation and/or participation mechanisms which may be concluded with some of the countries concerned. The EU has, for example, adopted with Russia a joint declaration on strengthening dialogue on political and security questions in Europe, providing in particular for specific consultations on security and defence issues.

## **VII. CONFLICT PREVENTION**

The European Councils in Cologne, Helsinki and Feira decided that the Union should fully assume its responsibilities in the sphere of conflict prevention. To that end, the Feira European Council invited the Secretary-General/High Representative and the Commission to submit to the Nice European Council concrete recommendations for improving the cohesion and effectiveness of action by the European Union in the field of conflict prevention.

The report was submitted to the European Council, which welcomed the concrete recommendations made by the Secretary-General/High Representative and the Commission and highlighted the need to continue these discussions.

## **VIII. MANDATE FOR THE NEXT PRESIDENCY**

**1.** On the basis of the present report, the Swedish Presidency is invited, in association with the Secretary-General/High Representative, to continue work within the General Affairs Council on developing the Common Security and Defence Policy and to implement the measures necessary for the following:

- (a) to achieve the objective of making the EU quickly operational. A decision to that end

will be taken by the European Council as soon as possible in 2001 and no later than the European Council in Laeken.

To that end, the Swedish Presidency is invited to:

- take the measures necessary for implementation and validation of the crisis-management mechanisms, including structures and procedures;
  - continue discussions with NATO with a view to establishing arrangements between the EU and NATO;
  - report back to the European Council in Gothenburg.
- (b) the follow-up of the military capabilities objectives and the commitments in the Declaration of Military Capabilities Commitment, in particular by defining the details of the follow-up and evaluation mechanism, which have been outlined in the document annexed to Annex I hereto;
- (c) the continuation of the work begun on civilian aspects of crisis management, including the development of a capability for planning and conducting police operations and the request for voluntary contributions with respect to police, as well as the definition of specific objectives;
- (d) the implementation of the decisions taken at the present European Council on permanent arrangements with non-EU European NATO members and other countries which are candidates for accession to the EU and the submission of proposals for the modalities of participation by third countries in the civilian aspects of crisis management;
- (e) the implementation of the arrangements for the consultation and participation of other potential partners, the principles of which are laid down by this European Council;
- (f) the setting up in the form of agencies within the EU of a "Satellite Centre" (responsible for producing satellite and aerial images) and an "Institute for Security Studies" which would incorporate the relevant features of the similar existing WEU structures;
- (g) the identification of possible areas as well as modalities of cooperation between the European Union and the United Nations in crisis management;
- (h) the definition of proposals for improving the cohesion and effectiveness of Union action in the sphere of conflict prevention.

2. The Swedish Presidency is invited to submit a report on these matters to the European Council in Gothenburg.

## **ANNEX I to ANNEX VI**

### **MILITARY CAPABILITIES COMMITMENT DECLARATION**

**1.** Since the Cologne European Council in June 1999, and in particular thanks to the work carried out by the Finnish and Portuguese Presidencies, it has been a priority of the Union to develop and introduce the civil and military resources and capabilities required to enable the Union to take and implement decisions on the full range of conflict-prevention and crisis-management missions defined in the Treaty on European Union ("Petersberg tasks" ( 2)). The Union has in this respect highlighted its determination to develop an autonomous capacity to take decisions and, where NATO as a whole is not engaged, to launch and conduct EU-led military operations in response to international crises. For that purpose, Member States have decided to develop more effective military capabilities. This process, without unnecessary duplication, does not involve the establishment of a European army. These developments are an integral part of strengthening the Common Foreign and Security Policy. The Union will thus be able to make a greater contribution to international security in keeping with the principles of the United Nations Charter, the OSCE Charter and the Helsinki Final Act. The Union recognises the primary responsibility of the United Nations Security Council for the maintenance of international peace and security.

**2.** In the field of military capabilities, which will complement the other instruments available to the Union, at the Helsinki European Council in December 1999 the Member States set themselves the headline goal of being able, by 2003, to deploy within 60 days and sustain for at least one year forces up to corps level (60,000 persons). These forces should be militarily self-sustaining with the necessary command, control and intelligence capabilities, logistics, other combat support services and additionally, as appropriate, air and naval elements.

In Helsinki the Member States also decided rapidly to develop collective capability goals, particularly in the field of command and control, intelligence and strategic transport. At the Feira European Council in June 2000 the Union also encouraged the countries which have applied for membership of the EU and the non-EU European members of NATO to contribute to improving Europe's capabilities. The work conducted since the Feira European Council has enabled the Union to define the variety of measures needed successfully to carry out the full range of Petersberg tasks, including the most demanding among these. It has made it possible to specify the Union's needs in terms of the military capability and forces required to attain the headline goal. The needs identified are outlined in a capability catalogue. As agreed at the Feira European Council, NATO's military expertise has helped in drawing up this catalogue.

**3.** On 20 November 2000 in Brussels the Member States took part in a Capabilities Commitment Conference, making it possible to draw together the specific national commitments corresponding to the military capability goals set by the Helsinki European Council ( 3). The conference also made it possible to identify a number of areas in which efforts will be made in upgrading existing assets, investment, development and coordination so as gradually to acquire or enhance the capabilities required for autonomous EU action. The Member States announced their initial commitments in this respect.

This conference constitutes the first stage of a demanding process of reinforcing military capabilities for crisis management by the Union with the purpose being to achieve the headline goal set by 2003 but continuing beyond that date in order to achieve the collective capability goals. At the Helsinki European Council the Member States had also decided rapidly to identify the collective capability goals in the field of command and control, intelligence and strategic transport, and had welcomed decisions of that nature already announced by certain Member States: – to develop and coordinate monitoring and

early warning military means; – to open existing joint national headquarters to officers coming

from other Member States; – to reinforce the rapid reaction capabilities of existing European multinational forces; – to prepare the establishment of a European air transport command; – to increase the number of readily deployable troops; – and to enhance strategic sea lift capacity. This effort will continue. It remains essential to the credibility and effectiveness of the European security and defence policy that the Union's military capabilities for crisis management be reinforced so that the Union is in a position to intervene with or without recourse to NATO assets.

4. At the Capabilities Commitment Conference, in accordance with the decisions taken at the Helsinki and Feira European Councils, the Member States committed themselves, on a voluntary basis, to making national contributions corresponding to the rapid reaction capabilities identified to attain the headline goal. These commitments have been set out in a catalogue known as the "Force Catalogue". Analysis of this catalogue confirms that by 2003, in keeping with the headline goal established in Helsinki, the Union will be able to carry out the full range of Petersberg tasks, but that certain capabilities need to be improved both in quantitative and qualitative terms in order to maximise the capabilities available to the Union. In this respect, Ministers reaffirmed their commitment fully to achieve the goals identified at the Helsinki European Council. To that end, they will aim to identify as soon as possible the complementary initiatives which they may implement, either on a national basis or in cooperation with partners, to respond to the needs identified. These efforts will be in addition to the contributions already identified. For the countries concerned, their efforts here and those they devote to the NATO Defence Capabilities Initiative will be mutually reinforcing.

#### A) Concerning forces

In quantitative terms, the voluntary contributions announced by Member States make it possible to achieve in full the headline goal established in Helsinki (60 000 persons available for deployment within 60 days for a mission of at least a year). These contributions, set out in the "Force Catalogue", constitute a pool of more than 100 000 persons and approximately 400 combat aircraft and 100 vessels, making it possible fully to satisfy the needs identified to carry out the different types of crisis management missions within the headline goal.

By 2003, once the appropriate European Union political and military bodies are in a position to exercise political control and strategic management of EU-led operations, under the authority of the Council, the Union will gradually be able to undertake Petersberg tasks in line with its increasing military capabilities. The need to further improve the availability, deployability, sustainability and interoperability of forces has, however, been identified if the requirements of the most demanding Petersberg tasks are to be fully satisfied. Efforts also need to be made in specific areas such as military equipment, including weapons and munitions, support services, including medical services, prevention of operational risks and protection of forces.

#### B) Concerning strategic capabilities

As regards command, control and communications, the Member States offered a satisfactory number of national or multinational headquarters at strategic, operational, force and component levels. These offers will have to be evaluated further in qualitative terms so that the Union can, in addition to possible recourse to NATO capabilities, have the best possible command and control resources at its disposal. The Union pointed out the importance it attaches to the speedy conclusion of ongoing talks on access to NATO capabilities and assets. The European Union Military Staff, which will acquire an initial

operating capability in the course of 2001, will bolster the European Union's collective early warning capability and will provide it with a predecisional situation assessment and strategic planning capability.

In regard to intelligence, apart from the image interpretation capabilities of the Torrejon Satellite Centre, Member States offered a number of resources which can contribute to the analysis and situation monitoring capability of the Union. Nevertheless, they noted that serious efforts would be necessary in this area in order for the Union to have more strategic intelligence at its disposal in the future.

As regards the strategic air and naval transport capabilities at the Union's disposal, improvements are necessary to guarantee that the Union is able to respond, in any scenario, to the requirements of a demanding operation at the top of the Petersberg range, as defined in Helsinki.

**5.** In accordance with the decisions of the Helsinki and Feira European Councils on collective capability goals, the Member States also committed themselves to medium and long-term efforts in order to improve both their operational and their strategic capabilities still further. The Member States committed themselves, particularly in the framework of the reforms being implemented in their armed forces, to continue taking steps to strengthen their own capabilities and carrying out existing or planned projects implementing multinational solutions, including in the field of pooling resources.

These projects as a whole relate to:

- improving the performance of European forces in respect of the availability, deployability, sustainability and interoperability of those forces;
- developing "strategic" capabilities: strategic mobility to deliver the forces rapidly to the field of operations; headquarters to command and control the forces and the associated information and communication system; means of providing the forces with intelligence information;
- strengthening essential operational capabilities in the framework of a crisis-management operation; areas which were identified in this context were: resources for search and rescue in operational conditions, means of defence against ground-to-ground missiles, precision weapons, logistic support, simulation tools.

The restructuring of the European defence industries taking place in certain Member States was a positive factor in this. It encouraged the development of European capabilities. By way of example, the Member States concerned cited the work they are engaged in on a number of vital projects which would contribute to bolstering the capabilities at the Union's disposal: Future Large Aircraft (Airbus A 400M), maritime transport vessels, Troop Transport Helicopters (NH 90). Some Member States also announced their intention to continue their efforts to acquire equipment to improve the safety and efficiency of military action. Some undertook to improve the Union's guaranteed access to satellite imaging, thanks in particular to the development of new optical and radar satellite equipment (Helios II, SAR Lupe and Cosmos Skymed).

**6.** In order to ensure continuing European action to strengthen capabilities, the Member States agreed on the importance of defining an evaluation mechanism enabling follow-up and progress towards the realisation of the commitments made with a view to achieving the headline goal, in both quantitative and qualitative terms.

The mechanism, the broad outline of which will be approved at the Nice European Council, will provide the Union with an assessment and follow-up mechanism for its goals (based on the HTF - Headline Goal Task Force) on the basis of a consultation method between the Member States. In order to avoid unnecessary duplication, it will, for the Member States concerned, rely on technical data emanating from existing NATO mechanisms such as the Defence Planning Process and the Planning and Review Process (PARP). Recourse to these sources would be had, with the support of the EU Military Staff (EUMS), via consultations between experts in a working group set up on the same model as that which operated for the drawing up of the capabilities catalogue (HTF Plus). In addition, exchange of information and transparency would be appropriately ensured between the Union and NATO by the Working Group on Capabilities set up between the two organisations, which would take steps to ensure the coherent development of EU and NATO capabilities where they overlap (in particular those arising from the goals set out at the Helsinki European Council and from the NATO Defence Capabilities Initiative).

This mechanism would be based on the following principles:

- (a) preservation of the Union's autonomy in decision making, in particular in the definition, evaluation, monitoring and follow-up of capability goals;
- (b) recognition of the political and voluntary nature of the commitments made, which implies that the Member States are responsible for any adjustment of the commitments in the light of the evaluation made;
- (c) transparency, simplicity and clarity, in order among other things to enable comparisons to be made between the commitments of the various Member States;
- (d) a continuous and regular evaluation of progress made, on the basis of reports enabling ministers to take the appropriate decisions;
- (e) the flexibility necessary to adapt the commitments to newly identified needs.

Regarding relations with NATO:

The arrangements concerning transparency, cooperation and dialogue between the Union and NATO should be set out in the document on permanent arrangements between the Union and NATO. The evaluation mechanism will take account of the following additional principles:

- (f) the need, for the countries concerned, to ensure the compatibility of the commitments taken on in the EU framework with the force goals accepted in the framework of the NATO Defence Planning Process or the PARP;
- (g) the need for mutual reinforcement of the Union's capability goals and those arising, for the countries concerned, from the Defence Capabilities Initiative;
- (h) the need to avoid unnecessary duplication of procedures and of information requested.

Concerning relations with third countries:

- (i) the mechanism will ensure that the contributions of European States which are members of NATO but not part of the EU, and of the applicant countries, are taken into account, in order to enable an evaluation to be made of their complementary commitments which contribute to the improvement of European capabilities, and to facilitate their possible

participation in EU-led operations in accordance with the Helsinki and Feira decisions.

The examination of the work carried out within the Union will benefit from the support of EUMS, in the framework of its mandate, and will be the subject of reports to the Council.

\* \* \*

The Member States welcomed the intentions expressed with a view to the ministerial meetings on 21 November 2000 by the countries applying for membership of the EU and the non-EU European NATO Members in reply to the invitation made to them at the Feira European Council to make their contribution, in the form of complementary commitments, to improving European capabilities.

Contributions received at the ministerial meetings on 21 November 2000 will extend the range of capabilities available for EU-led operations, thus enabling the Union's intervention capability to be strengthened in the manner most appropriate to the circumstances. They would be welcomed as significant additional contributions to those capabilities offered by the Member States. In this context, the Member States signalled their agreement for those contributions to be evaluated, in liaison with the States concerned, according to the same criteria as those applied to the Member States.

## Appendix to ANNEX I to ANNEX VI

### **ACHIEVEMENT OF THE HEADLINE GOAL**

#### **REVIEW MECHANISM FOR MILITARY CAPABILITIES**

#### **INTRODUCTION**

1. The Helsinki European Council on 10 and 11 December 1999 decided to press ahead with the achievement of capability goals (a headline goal and collective capability goals in the fields of command and control, intelligence and strategic transport) in order to be able to carry out the full range of Petersberg tasks defined in the Amsterdam Treaty, including the most demanding among them.
2. The European Council also instructed the General Affairs Council (GAC) to elaborate the headline and capability goals, together with "a method of consultation through which these goals can be met and maintained and through which national contributions reflecting Member States' political will and commitment towards these goals can be defined by each Member State, with a regular review of progress made."
3. The Feira European Council noted the progress made and reaffirmed how important it would be to "create a review mechanism for measuring progress towards the achievement of those goals".

#### **PROGRESS MADE SINCE HELSINKI**

#### 4. Since Helsinki

- (a) the headline goal has been elaborated by Member States' military experts who, assisted where necessary by NATO experts, have detailed in quantitative and qualitative terms a reservoir or "catalogue of forces" essential to the achievement of the full range of proposed Petersberg tasks. The Member States have announced their national contributions and have identified areas in which progress still needs to be made if the requirements of the most demanding of the Petersberg tasks are to be met in full;
- (b) at the capability-pledging Conference on 20 November 2000, the Member States pledged both existing means and measures aimed at making up the remaining requirements;
- (c) contributions in terms of capability and forces by European NATO Member States not part of the EU and by countries which are candidates for accession to the EU have been taken into account and welcomed as a further valuable contribution towards improving the European military capability.

### EU REVIEW MECHANISM GOALS

5. Following the elaboration of the headline goal set forth in a detailed catalogue of the necessary capability and the announcement of national pledges to make the latter available, the review mechanism proposed at Helsinki should now be defined in detail. The mechanism has three specific aims:

- (a) to enable the EU to monitor and facilitate progress towards the honouring of undertakings to achieve the overall goal, in both quantitative and qualitative terms;
- (b) to enable the EU to evaluate and, if necessary, to review its defined capability goals in order to meet the requirements of the full range of Petersberg tasks in the light of changing circumstances;
- (c) to help to achieve consistency between the pledges undertaken in the EU framework and, for the countries concerned, the headline goal force agreed to in the context of NATO planning or the Partnership for Peace (PARP).

As agreed at Helsinki, the Member States concerned will also deploy existing defence planning procedures, including, if appropriate, those of NATO and of the planning and review process (PARP) of the Partnership for Peace.

### PRINCIPLES

6. The method of consultation and the process of evaluation pursued at Helsinki must observe the following principles:

- (a) preservation of the EU's autonomy in decision making, in particular in the definition, evaluation, monitoring and follow-up of capability goals;

- (b) recognition of the political and voluntary nature of the commitments made, which implies that the Member States are responsible for any adjustment of the commitments in the light of the evaluation made;
- (c) transparency, simplicity and clarity, in order among other things to enable comparisons to be made between the commitments of the various Member States;
- (d) a continuous and regular of evaluation of progress made, on the basis of reports enabling ministers to take the appropriate decisions;
- (e) the flexibility necessary to adapt the commitments to newly identified needs.

#### Regarding relations with NATO:

The arrangements concerning transparency, cooperation and dialogue between the EU and NATO should be set out in the document on permanent arrangements between the EU and NATO. The evaluation mechanism will take account of the following additional principles:

- (f) the need, for the countries concerned, to ensure the compatibility of the commitments taken on in the EU framework with the force goals accepted in the framework of NATO planning or the PARP;
- (g) the need for mutual reinforcement of the EU's capability goals and those arising, for the countries concerned, from the Defence Capabilities Initiative;
- (h) the need to avoid unnecessary duplication of procedures and of information requested

#### Concerning relations with third countries:

- (i) the mechanism will ensure that the contributions of European States which are members of NATO but not part of the EU, and of the applicant countries, are taken into account, in order to enable an evaluation to be made of their complementary commitments which contribute to the improvement of European capabilities, and to facilitate their possible participation in EU-led operations in accordance with the Helsinki and Feira decisions.

### **EU EVALUATION PROCESS: TASKS**

7. Progress since Helsinki constitutes the initial stages of a planning and evaluation exercise which will be maintained on a regular basis.

The process will continue to be based on the method used with success initially in the elaboration of the headline goal, in particular the involvement of Member State and NATO experts through expert groups based on the Headline Task Force/Headline Task Force Plus (HTF/HTF Plus) formats, with the EUMS assisting in the process of elaborating, evaluating and reviewing capability goals in accordance with its remit.

All work carried out will be the subject of reports to the EU's Military Committee, which will draft any necessary recommendations for the PSC.

The EU mechanism encompasses the following main tasks:

(a) identification of EU capability goals for military crisis management. The original goals set by the Helsinki European Council will be evaluated and, if necessary, revised. New capability goals and an appropriate timetable will be determined by the European Council when the latter considers it necessary for EU political decisions to be reflected in the development of the CEDSP.

(b) monitoring, under the direction of the EU Military Committee, of a "catalogue" of the necessary forces and capabilities resulting from these goals. Monitoring will involve the preparation and analysis of possible planning scenarios by a group of national experts, assisted by the EU military staff (HTF) which will call on NATO expertise in the form of an experts group based on the HTF Plus format.

(c) identification and harmonisation of national contributions in the light of the required capability. This task was originally performed at the ministerial capacity-pledging Conference in November 2000, which was preceded by a feedback process under the direction of the EUMC which recorded Member States' original offers, their quantitative and qualitative scrutiny, the identification of requirements not entirely met and additional offers. National contributions will need to be re-evaluated and re-harmonised in the light of the revision of approved needs. For the countries concerned, this will need to be done in such a way as to ensure consistency with Defence Planning Process (DPP) and the Planning and Review Process (PARP).

(d) the quantitative and qualitative review of progress towards honouring previously approved national pledges, including requirements in terms of the interoperability of forces (C3, exercises, training, equipment) ( 4) and forces availability standards. This evaluation will be made by the EU Military Committee on the basis of the detailed work of the experts group (HTF), assisted where necessary by NATO in the form of the experts group based on the HTF Plus format. The EU Military Committee will be required to spot any shortcomings and to make recommendations to the PSC regarding measures guaranteeing that Member States' undertakings are consistent with requirements.

(e) the modification of national pledges, if necessary.

## **EU EVALUATION PROCESS: MECHANISMS**

8. In the light of the positive experience gained in the context of post-Helsinki discussions on the elaboration of capability goals, teams of military experts, particularly those from the various capitals, assisted by EU, NATO/SHAPE and international military staff (based on the HTF and HTF Plus formats) must be able to continue their activities on a regular basis in order, among other things, to:

– permit the exchange of necessary information (in particular, from the DPP and the PARP for the Member States concerned and to prevent futile duplication);

– provide a technical assessment of progress with pledges, including pledges in respect of

such qualitative issues as availability, standards and interoperability.

The EU Military Committee will draw conclusions from experts' exchanges with a view to referring the appropriate recommendations to the PSC.

9. A group on EU/NATO capability, based on the ad hoc group set up by the Feira European Council, will act to ensure the consistent development of EU and NATO capabilities where they overlap (in particular, those arising under the overall EU goal and NATO's DCI ( 5)). This group will participate in the transparent exchange of information and in the dialogue between the two organisations:

It will act to promote:

- the exchange of information on capability issues;
- a mutual understanding of the state of their respective capabilities;
  - a consistent overview of EU goals and, for the countries concerned, the goals arising from the NATO planning process, including defence planning and the PARP;
  - discussion among experts on such qualitative issues as availability, standards and interoperability.

It will be for the Member States concerned and for both the EU and NATO to draw the appropriate conclusions from the work of the group.

## **RELATIONS WITH THIRD COUNTRIES**

10. Additional contributions from European non-EU members of NATO and other countries which are candidates for accession to the EU will be taken into consideration and welcomed as further valuable contributions towards the improvement of European military capabilities. These contributions will be examined, in conjunction with the nations concerned, on the basis of the same criteria as those applying to Member States' contributions.

Reports may also be made within the single consultations structure, including non-EU countries.

11. The setting of a detailed timetable will be examined further in the light of the need for the nations concerned to ensure consistency with NATO planning disciplines. In principle, the mechanism described above will trigger reports to the Council at least every six months on progress achieved towards accomplishing capability goals. At the initial stage at least, the EU mechanism is likely to require relatively frequent monitoring by Defence Ministers of the progress of collective national undertakings in guaranteeing that the headline goal is achieved by 2003. However, this should not require a complete evaluation of every feature of the headline goal process. The details of this military capability assessment mechanism should be made clear under the incoming Presidency and may also be subject to review in the light of experience

gained.

## ANNEX II to ANNEX VI

### **STRENGTHENING OF EUROPEAN UNION CAPABILITIES FOR CIVILIAN ASPECTS OF CRISIS MANAGEMENT**

#### **I. INTRODUCTION**

In order to be able to give an effective response to the challenges of crisis management under the European security and defence policy the European Union has committed itself to increasing and improving its capabilities, including those for civilian aspects of crisis management. In Santa Maria da Feira, the European Council accordingly identified policing, strengthening the rule of law, strengthening civilian administration and civil protection as the four priority areas of work in which the Union intends to establish specific capabilities for use in operations conducted by lead agencies, such as the United Nations or the OSCE, or in EU-led autonomous missions.

Action by the Union in these areas will enable it to make a greater contribution to conflict prevention and crisis management in accordance with the principles of the United Nations Charter.

On the basis of the recommendations made by the European Council in Santa Maria da Feira, the Committee for Civilian Aspects of Crisis Management set up by Council Decision of 22 May 2000 has given priority in its work to implementing the specific target for policing. It has dealt with strengthening the rule of law, with a view to setting specific targets in that area. A meeting has been organised with representatives of the United Nations, the OSCE and the Council of Europe with a view to identifying areas and principles for cooperation with those organisations.

This paper presents the essential elements of the work carried out by the Committee for Civilian Aspects of Crisis Management.

#### **II. POLICING CAPABILITIES**

In Feira, Member States committed themselves to providing by 2003, by way of voluntary cooperation, up to 5 000 police officers, 1 000 of them to be deployable within 30 days, for international missions across the full range of conflict-prevention and crisis-management operations.

In order to achieve that specific target, the Committee for Civilian Aspects of Crisis Management has established a "method through which phased targets can be met and maintained through voluntary contributions". It has been agreed that this will be a basis for work under successive Presidencies.

The method singles out four steps:

- preparation of generic planning scenarios and identification of the resultant missions;
- definition of the capabilities needed for the performance of the missions identified;
- call for contributions from Member States and identification of the capabilities on offer;
- possible measures to ensure follow-up for concrete targets.

Based on a pragmatic approach, the Committee's work has thus made it possible to establish more clearly the underlying principles of the Union's approach to the policing aspects of crisis management, consider ways of using European police forces and make substantial progress towards identifying the kinds of capabilities required.

## 1. Guiding principles

The following guiding principles have been identified.

**1) A full range of assignments:** the European Union must be capable of carrying out police missions ranging from advice, assistance or training assignments to substituting for local police. Member States have available all of the various policing capabilities required for the purpose, which should be deployable so as to complement one another, while not losing sight of their specific features.

Particular arrangements of Member States for national policing and the type of police expertise they can provide will be taken into account. This variety of police forces in the Member States is a valuable asset since it enables the Union to carry out a wide range of police missions.

**2) A clear remit and appropriate mandate:** The deployment of EU police forces requires clearly defined guidelines regarding their tasks and powers as well as an appropriate mandate.

**3) An integrated approach:** European Union action on Petersberg-type assignments requires a strong synergy between the military component and the civilian component (police, rule of law, civilian administration, civil protection). The military and police components must therefore, where necessary, be part of an integrated planning process and should be used on the ground in a closely coordinated manner, making allowance for the constraints on deployment of Member States' police forces.

**4) Close coordination with international organisations:** The European Union should ensure that its own efforts and those of the United Nations, the OSCE and the Council of Europe are consistent and mutually reinforcing, without any unnecessary duplication. The European Union should notably

take into account the recommendations set forth in the Report of the Panel on United Nations Peace Operations ("Brahimi report").

## 2. Concepts of police forces

In order to identify the capabilities required, two generic concepts, based on recent experience in Guatemala, Croatia, Albania, Mostar and El Salvador, as well as in Bosnia and Herzegovina, East Timor and Kosovo, have been identified: strengthening of local police forces and substituting for local police forces.

Strengthening of local policing capabilities is a key function in conflict prevention, crisis management, and post-conflict rehabilitation. In this case European Union police forces are deployed essentially to educate, train, assist, monitor and advise local police, with the aim of bringing their capabilities and conduct up to international standards, in particular in the field of human rights, and making them more effective. Use of highly skilled police officers will enable the results of such missions to be sustained; the training given should be able to cover the full range of police work and be directed at all levels.

In the second function, the European Union police force is to substitute for local police notably where local structures are failing. A Kosovo-style complex crisis situation may thus involve three stages:

- an initial stage of an essentially military operation to establish overall control on the ground;
- a transition stage, focusing on restoring public security as a prime condition for a return to normality;
- a post-crisis stage of civil reconstruction and a gradual return to proper operation of local institutions.

In this context, the military and police components of a crisis management operation must be part of an integrated planning process for carrying out such operations to contribute to ensure a coherent and effective overall EU response. The main task of the police forces, which should be deployed as early as possible, is to contribute to restoring public security (keep order, protect people and property). This means tackling violence, reducing tension and defusing disputes of all kinds, particularly by facilitating the reactivation of judicial and penal facilities.

In substitution missions international police forces perform executive functions. Such functions can be carried out by all types of EU police forces. In some instances it may be necessary to rapidly deploy integrated, flexible and interoperable police units on the basis of cooperation among a number of Member States. Subject to their national rules and legislation, such police forces may be placed temporarily under the responsibility of the military authority entrusted with the protection of the population.

With a view to reestablishing a functioning local police force as quickly as possible, the European Union will in parallel, wherever necessary, also provide support for police

instruction, advice, assistance and training.

### 3. Capabilities required

The two functions (strengthening of and substituting for local police forces) draw on all specialist policing techniques available in the Member States (NB: "police forces" here covers both police forces with civilian status and police forces with military status of the gendarmerie type). It has been found that European police forces have developed within their ranks a variety of skills, based on similar professional criteria, available for use at various stages of crisis management.

More specifically, in assignments to strengthen local police, the spectrum of required capabilities covers, inter alia:

- monitoring of and advice for local police in their day-to-day work, including criminal investigation work. This may include recommendations for police reorganisation;
- training of police officers as regard international standards, both for senior officers and for ordinary law enforcement officers. Special emphasis should, where necessary, be placed on training in police professional ethics and human rights;
- training of instructors, particularly through cooperation programmes.

In substitution assignments, the spectrum of required capabilities covers, inter alia:

- public surveillance, traffic regulations, border policing and general intelligence;
- criminal investigation work, covering detection of offences, tracing of offenders and transfer to the appropriate judicial authorities;
- protection of people and property and keeping order in the event of public disturbances. The risk of situations getting out of control with a resulting need for supporting military forces should be borne in mind here.

In order to develop capabilities required to carry out both kinds of missions, the following needs have been identified as priorities:

- maintaining and developing the policing capabilities database produced by the coordinating mechanism established by the European Council in Helsinki;
- information-sharing between Member States by way of a network of contact points;
- quantitative and qualitative identification of policing capabilities to be used in accordance with the scenarios envisaged;

- preparation of generic documents, drawing on United Nations work, as a frame of reference for police missions (rules of engagement, standard operating procedures, legal framework, etc.);
- planning of logistical requirements for rapid implementation of international policing operations, their incorporation into the general planning process and logistical support throughout a mission (equipment, staffing, etc.);
- furthering cooperation between Member States in the field of training for police missions;
- identification of precursor elements (advance teams, stand-by leadership and logistic capabilities) for EU police operations;
- interaction with military structures.

The Union's policing activities should be integrated, as from the planning stage, into a coherent overall crisis management operation. This requirement means that the General Secretariat of the Council should be provided with a permanent police expertise as soon as possible. Preliminary work has been carried out on the development of a policing operations planning and conduct capability as part of a "detailed study on the feasibility and implications of EU autonomous police missions".

### **III. STRENGTHENING OF THE RULE OF LAW**

In accordance with the Feira recommendations, particular attention has been paid to enhancing the effectiveness of police missions by parallel efforts to strengthen and restore local judicial and penal systems.

In this framework, a database designed to record Member States' ability to make available specialist judicial and penal staff has been compiled. Regularly updated by the coordinating mechanism, it constitutes a first step in setting specific targets in this area.

A seminar entitled "Strengthening the rule of law in the context of crisis management – What are the specific targets of the European Union?" was held on 25 October 2000. Initial exchanges between the EU and representatives of the United Nations, the OSCE and the Council of Europe covered four themes – concrete experiences, lessons and perspectives, legal framework considerations, methodology and issues of added value. The attendance of representatives from the United Nations, the OSCE and the Council of Europe served to broaden the horizons of the European Union's discussions, on the basis of those international organisations' practical experience.

The following lines of approach emerged from proceedings:

- The need to rely, in certain crisis situations, when facing an institutional and normative vacuum, on a legal framework, which could be applicable straight away on a provisional basis to all components of an international police mission and to local actors. On this point, the European Union should notably take into account the recommendations of the Report of the Panel on United Nations Peace Operations ("Brahimi report").

- With that in mind, on the basis of specific objectives identified by the European Union, a strong synergy needs to be developed between the actions undertaken in support of the rule of law and those of the police mission. This means that a suitable criminal justice infrastructure must be available as soon as possible in dealing with a crisis so as to avoid any legal vacuum liable to leave further difficulties to be resolved.
- While some unstable situations require immediate substitution measures, focusing primarily on law and order and on criminal justice, it is necessary to ensure a lasting settlement by restoring as early as possible the local judicial and penal system. Experience in a number of recent crisis situations has shown the need for continuity between short-term emergency interventions and more long-term initiatives.
- The reconstruction, restoring and improvement of judiciary and penitentiary systems could take the form, among others, of training local magistrates and personnel, of advising and providing expertise to local authorities and governmental institutions to drafting of laws and regulation in compliance with international standards. Account should be taken of social, ethnic, cultural, economic and political complexities which may require coordinated action on several fronts (police, judiciary, local administration).
- International personnel should be selected according to common standards. The European Union's work should here take full account of the body of experience built up by the United Nations, the OSCE and the Council of Europe.

#### **IV. FOLLOW-UP**

Work undertaken on strengthening civilian aspects of crisis management should be resolutely continued, so that the European Union can make more effective use of its civilian instruments for the objectives of conflict prevention and crisis management.

The progress of work on policing capabilities now makes it possible to consider the third stage of the method decided on for achieving the specific target. This involves going on to put Member States' commitment into practice with a call for voluntary contributions, to be issued in the near future in accordance with procedures to be determined. Work should therefore continue identifying the capabilities required, particularly in qualitative terms, and specify requirements for the planning and conduct of European policing operations. The next Presidency, in liaison with the Secretary-General/High Representative, is called upon to put forward proposals for the purpose.

For the rule of law, it has been agreed that it is now possible for the European Union to set specific targets in conjunction with the development of policing capabilities. Scenarios based on recent experience could therefore be considered in order to spell out the capabilities required, both in terms of Member States' resources and expertise within the European Union. Future work of the Committee for civilian aspects of crisis management should be informed by, inter alia, themes raised at the Seminar held on 25 October 2000.

In both areas, the Commission and the coordinating mechanism established within the General Secretariat of the Council will continue to provide their input to work in hand.

In the upcoming work of the Committee for Civilian Aspects of Crisis Management, coherence and coordination with ongoing work in other bodies on related areas have to be ensured.

For strengthening civilian administration and civil protection, the European Union will have to continue its discussions, on the basis of the recommendations made by the European Council in Feira, with the aim of defining concrete targets and equipping the EU with suitable resources for it to cope effectively with complex political crises.

Contributions of non-EU States to EU civilian crisis management operations, especially EU police missions, will be given favourable consideration, in accordance with modalities to be determined.

Lastly, the European Union will further develop its cooperation with the United Nations, the OSCE and the Council of Europe, particularly in the light of the meeting arranged with those organisations within the Committee for Civilian Aspects of Crisis Management and the seminar on strengthening the rule of law.

### ANNEX III to ANNEX VI

## **POLITICAL AND SECURITY COMMITTEE**

The approach adopted at Helsinki makes the PSC the linchpin of the European security and defence policy (ESDP) and of the common foreign and security policy (CFSP): "The PSC will deal with all aspects of the CFSP, including the CESDP ...". Without prejudice to Article 207 of the Treaty establishing the European Community, the PSC has a central role to play in the definition of and follow-up to the EU's response to a crisis.

The PSC will deal with all the tasks defined in Article 25 of the TEU. It may convene in Political Director formation.

After consulting the Presidency and without prejudice to Article 18 of the TEU, the Secretary-General/High Representative for the CFSP may chair the PSC, especially in the event of a crisis.

1. In particular the PSC will:

- keep track of the international situation in the areas falling within the common foreign and security policy, help define policies by drawing up "opinions" for the Council, either at the request of the Council or on its own initiative, and monitor implementation of agreed policies, all of this without prejudice to Article 207 of the Treaty establishing the European Community and to the powers of the Presidency and of the Commission;
- examine the areas of GAC draft conclusions in which it is involved;
- provide guidelines for other Committees on matters falling within the CFSP;
  - maintain a privileged link with the Secretary-General/High Representative (SG/HR) and the special representatives;
  - send guidelines to the Military Committee; receive the opinions and recommendations of the Military Committee. The Chairman of the Military Committee (EUMC), who liaises with the European Union Military Staff (EUMS), takes part, where necessary, in PSC

meetings;

- receive information, recommendations and opinions from the Committee for Civilian Aspects of Crisis Management and send it guidelines on matters falling within the CFSP;
  - coordinate, supervise and monitor discussions on CFSP issues in various Working Parties, to which it may send guidelines and whose reports it must examine;
- lead the political dialogue in its own capacity and in the forms laid down in the Treaty;
- provide a privileged forum for dialogue on the ESDP with the fifteen and the six as well as with NATO in accordance with arrangements set out in the relevant documents;
  - under the auspices of the Council, take responsibility for the political direction of the development of military capabilities, taking into account the type of crisis to which the Union wishes to respond. As part of the development of military capabilities, the PSC will receive the opinion of the Military Committee assisted by the European Military Staff.

2. Furthermore, in the event of a crisis the PSC is the Council body which deals with crisis situations and examines all the options that might be considered as the Union's response within the single institutional framework and without prejudice to the decision-making and implementation procedures of each pillar. Thus the Council, whose preparatory work is carried out by Coreper, and the Commission alone have powers, each within their own areas of competence and in accordance with procedures laid down by the Treaties, to take legally-binding decisions. The Commission exercises its responsibility, including its power of initiative under the Treaties. Coreper exercises the role conferred on it by Article 207 of the Treaty establishing the European Community and by Article 19 of the Council's Rules of Procedure. To that end, it will be informed in good time by the PSC.

In a crisis situation, close coordination between these bodies is especially necessary and will be ensured in particular by:

- the participation, where necessary, of the Chairman of the PSC in Coreper meetings;
  - the role of the Foreign Relations Counsellors whose task it is to maintain effective permanent coordination between CFSP discussions and those conducted in other pillars (Annex to the Council conclusions of 11 May 1992).

To prepare the EU's response to a crisis, it is for the PSC to propose to the Council the political objectives to be pursued by the Union and to recommend a cohesive set of options aimed at contributing to the settlement of the crisis. In particular it may draw up an opinion recommending to the Council that it adopt a joint action. Without prejudice to the role of the Commission, it supervises the implementation of the measures adopted and assesses their effects. The Commission informs the PSC of the measures it has adopted or is envisaging. The Member States inform the PSC of the measures they have adopted or are envisaging at the national level.

The PSC exercises "political control and strategic direction" of the EU's military response to the crisis. To that end, on the basis of the opinions and recommendations of the Military Committee, it evaluates in particular the essential elements (strategic military options including the chain of command, operation concept, operation plan) to be submitted to the Council.

The PSC plays a major role in enhancing consultations, in particular with NATO and the third States involved.

On the basis of the proceedings of the PSC, the Secretary-General/High Representative directs the activities of the Situation Centre. The latter supports the PSC and provides it with intelligence in conditions appropriate to crisis management.

The following arrangements will be put in place to enable the PSC to ensure full "political control and strategic direction" of a military crisis-management operation:

- With a view to launching an operation the PSC sends the Council a recommendation based on the opinions of the Military Committee in accordance with the usual Council preparation procedures. On that basis the Council decides to launch the operation within the framework of a joint action.
- In accordance with Articles 18 and 26 of the TEU, the joint action will determine, in particular, the role of the Secretary-General/High Representative in the implementation of the measures falling within the "political control and strategic direction" exercised by the PSC. For such measures the Secretary-General/High Representative acts with the PSC's assent. Should a new Council decision be deemed appropriate, the simplified written procedure could be used (Article 12(4) of the Council's Rules of Procedure).
- During the operation, the Council will be kept informed through PSC reports presented by the Secretary-General/High Representative in his capacity as Chairman of the PSC.

## ANNEX IV to ANNEX VI

### **EUROPEAN UNION MILITARY COMMITTEE (EUMC)**

#### **1. Introduction**

At Helsinki, the European Council decided to establish within the Council, new permanent political and military bodies enabling the EU to assume its responsibilities for the full range of conflict prevention and crisis management tasks defined in the EU Treaty, the Petersberg tasks.

As provided in the Helsinki report, the European Union Military Committee (EUMC), established within the Council, is composed of the Chiefs of Defence (CHODs) represented by their military

representatives (MILREPs). The EUMC meets at the level of CHODs as and when necessary. This Committee gives military advice and makes recommendations to the Political and Security Committee (PSC), as well as provides military direction to the European Union Military Staff (EUMS). The Chairman of the EUMC (CEUMC) attends meetings of the Council when decisions with defence implications are to be taken.

The EUMC is the highest military body established within the Council.

For this purpose, the Terms of Reference of the EUMC are outlined as follows:

## **2. Mission**

The EUMC is responsible for providing the PSC with military advice and recommendations on all military matters within the EU. It exercises military direction of all military activities within the EU framework.

## **3. Functions**

It is the source of military advice based on consensus.

It is the forum for military consultation and co-operation between the EU Member States in the field of conflict prevention and crisis management.

It provides military advice and makes recommendations to the PSC, at the latter's request or on its own initiative, acting within guidelines forwarded by the PSC, particularly with regard to:

- the development of the overall concept of crisis management in its military aspects;
  - the military aspects relating to the political control and strategic direction of crisis management operations and situations;
- the risk assessment of potential crises;
  - the military dimension of a crisis situation and its implications, in particular during its subsequent management; for this purpose, it receives the output from the Situation Centre;
  - the elaboration, the assessment and the review of capability objectives according to agreed procedures;
  - the EU's military relationship with non-EU European NATO Members, the other candidates for accession to the EU, other states and other organisations, including NATO;
- the financial estimation for operations and exercises.

### **(a) In crisis management situations**

Upon the PSC's request, it issues an Initiating Directive to the Director General of the EUMS (DGEUMS) to draw up and present strategic military options.

It evaluates the strategic military options developed by the EUMS and forwards them to the PSC together with its evaluation and military advice.

On the basis of the military option selected by the Council, it authorises an Initial Planning Directive for the Operation Commander.

Based upon the EUMS evaluation, it provides advice and recommendation to the PSC:

- on the Concept of Operations (CONOPS) developed by the Operation Commander
- on the draft Operation Plan (OPLAN) drawn up by the Operation Commander.

It gives advice to the PSC on the termination option for an operation.

(b) During an operation

The EUMC monitors the proper execution of military operations conducted under the responsibility of the Operation Commander.

The EUMC members sit or are represented in the Committee of Contributors.

#### **4. Chairman of the EUMC (CEUMC)**

The EUMC has a permanent Chairman whose responsibilities are described hereafter.

The CEUMC is a 4-star flag officer on appointment, preferably a former Chief of Defence of an EU Member State.

He is selected by the CHODs of the Member States according to approved procedures and is appointed by the Council on the recommendation of the EUMC meeting at CHODs level.

His term of office is in principle three years, except in exceptional circumstances.

His authority is derived from the EUMC to which he is responsible. Acting in an international capacity, the CEUMC represents the EUMC at the PSC and the Council, as appropriate.

As the Chairman of the EUMC, he:

- chairs the EUMC meetings at MILREPs and CHODs levels,
- is the spokesman of the EUMC and, as such:
  - participates as appropriate in the PSC with the right to contribute to discussions and attends the Council meetings when decisions with defence implications are to be taken and
  - performs the function of military adviser to the SG/HR on all military matters, in particular, to ensure consistency within the EU Crisis Management Structure;
- conducts the works of the EUMC impartially and in order to reflect consensus;
- acts on behalf of the EUMC in issuing directives and guidance to the DGEUMS;

- acts as the primary Point of Contact (POC) with the Operation Commander during the EU's military operations;
- liaises with the Presidency in the development and implementation of its work programme.

The CEUMC is supported by his personal staff and assisted by the EUMS, especially regarding the administrative support within the General Secretariat of the Council.

When absent the CEUMC is replaced by one of the following:

- the permanent DCEUMC, if it is so decided to create and fill the post,
- the Presidency representative or
- the Dean.

## **5. Miscellaneous**

The relations to be established between the EUMC and NATO military authorities are defined in the document on the EU/NATO permanent arrangements. The relations between the EUMC and the non-EU European NATO members and other countries, which are candidates for accession to the EU are defined in the document on the relations of the EU with third countries.

The EUMC is supported by a military working group (EUMCWG), by the EUMS and by other departments and services, as appropriate.

## **ANNEX V to ANNEX VI**

### **EUROPEAN UNION MILITARY STAFF ORGANISATION**

#### **(EUMS)**

#### **1. Introduction**

At Helsinki, the EU Member States decided to establish within the Council, new permanent political and military bodies enabling the EU to assume its responsibilities for the full range of conflict prevention and crisis management tasks defined in the EU Treaty, the Petersberg tasks. As provided in the Helsinki report, the EUMS, "within the Council structures provides military expertise and support to the CESDP, including the conduct of EU-led military crisis management operations".

For this purpose, the Terms of Reference of the European Union Military Staff (EUMS) are defined as follows:

#### **2. Mission**

The Military Staff is to perform "early warning, situation assessment and strategic planning for Petersberg tasks including identification of European national and multinational forces" and to implement policies and decisions as directed by the European Union Military Committee (EUMC).

### 3. Role and Tasks

- It is the source of the EU's military expertise;
  - It assures the link between the EUMC on the one hand and the military resources available to the EU on the other, and it provides military expertise to EU bodies as directed by the EUMC;
  - It provides an early warning capability. It plans, assesses and makes recommendations regarding the concept of crisis management and the general military strategy and implements the decisions and guidance of the EUMC;
  - It supports the EUMC regarding situation assessment and military aspects of strategic planning ( 6), over the full range of Petersberg tasks, for all cases of EU-led operations, whether or not the EU draws on NATO assets and capabilities;
  - It contributes to the process of elaboration, assessment and review of the capability goals taking into account the need, for those Member States concerned, to ensure coherence with NATO's Defence Planning Process (DPP) and the Planning and Review Process (PARP) of the Partnership for Peace (PfP) in accordance with agreed procedures;
  - It has the responsibility to monitor, assess and make recommendations regarding the forces and capabilities made available to the EU by the Member States, on training, exercises and interoperability;

### 4. Functions

- It performs three main operational functions : early warning, situation assessment and strategic planning;
- Under the direction of the EUMC it provides military expertise to EU bodies and, in particular, to the Secretary-General/High Representative;
- It monitors potential crises by relying on appropriate national and multinational intelligence capabilities;
- It supplies the Situation Centre with military information and receives its output;
- It carries out the military aspects of strategic advance planning for Petersberg missions;
- It identifies and lists European national and multinational forces for EU-led operations co-ordinating with NATO;

- It contributes to the development and preparation (including training and exercises) of national and multinational forces made available by the Member States to the EU. The modalities of the relation with NATO are defined in the relevant documents;
- It organises and co-ordinates the procedures with national and multinational HQs including those NATO HQs available to the EU, ensuring, as far as possible, compatibility with NATO procedures;
- It programmes, plans, conducts and evaluates the military aspect of the EU's crisis management procedures, including the exercising of EU/NATO procedures;
- It participates in the financial estimation of operations and exercises;
- It liaises with the national HQs and the multinational HQs of the multinational forces;
- It establishes permanent relations with NATO according to "EU/NATO Permanent arrangements" and appropriate relations with identified correspondents within the UN and OSCE, subject to an agreement from these organisations.

(a) Additional functions in crisis management situations

- It requests and processes specific information from the intelligence organisations and other relevant information from all available sources;
- It supports the EUMC in its contributions to Initial Planning Guidance and Planning Directives of the Political and Security Committee (PSC);
- It develops and prioritises military strategic options as the basis for the military advice of the EUMC to the PSC by:
  - defining initial broad options;
    - drawing as appropriate on planning support from external sources which will analyse and further develop these options in more detail;
    - evaluating the results of this more detailed work and commissioning any further work that might be necessary;
    - presenting an overall assessment, with an indication of priorities and recommendations as appropriate, to the EUMC;
- It can also contribute to the non-military aspects of the military options;
  - It identifies in co-ordination with national planning staffs and, as appropriate, NATO, the forces that might participate in possible EU-led operations;
  - It assists the operation commander in technical exchanges with third countries offering military contributions to an EU-led operation, and in the preparation of the force generation conference;

- It continues to monitor crisis situations.

#### (b) Additional functions during operations

- The EUMS, acting under the direction of the EUMC, continuously monitors all the military aspects of operations. It conducts strategic analysis in liaison with the designated operation commander to support the EUMC in its advisory role to the PSC in charge of the strategic direction;
- In the light of political and operational developments, it provides new options to the EUMC as a basis for EUMC's military advice to the PSC.

### 5. Organisation

- It works under the military direction of the EUMC to which it reports;
- The EUMS is a Council Secretariat department directly attached to the SG/HR; it is composed of personnel seconded from the Member States acting in an international capacity under the statute to be established by the Council;
- EUMS is headed by the DGEUMS, a 3-star flag officer, and works under the direction of the EUMC;
- In order to cope with the full spectrum of Petersberg tasks, whether or not the EU has recourse to NATO resources, the EUMS is organised as in Annex "A";
- In crisis management situations or exercises, the EUMS could set up Crisis Action Teams (CAT), drawing upon its own expertise, manpower and infrastructure. In addition, it could, if necessary, draw upon outside manpower for temporary augmentation to be requested from the EU Member States by the EUMC.

### 6. Relations with third countries

- The relations between the EUMS and the non-EU European NATO members and other countries, which are candidates for accession to the EU will be defined in the document on the relations of the EU with third countries.

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## ABBREVIATIONS

### A

ADMIN Administration Branch

### C

CEUMC Chairman of the European Union Military Committee

CIO CIMIC and Information Operations Branch

CIS Communications and Information Systems Division

CMC SPT Support to Chairman of the European Union Military Committee

CON Concepts Branch

CRM/COP Crisis Management/Current Operations Branch

## **D**

DDG/COS Deputy Director General and Chief of Staff of the European Union Military Staff

DGEUMS Director General of the European Union Military Staff

## **E**

EUMC European Union Military Committee

EUMS European Union Military Staff

EXE Exercises Branch

EX OFFICE Executive Office

## **F**

FOR Force Preparedness Branch

## **I**

INT Intelligence Division

INT POL Intelligence Policy Branch

ITS Information Technology and Security Branch

## **L**

LEGAL Legal Adviser

LOG Logistics Branch

LOG/RES Logistics and Resources Division

## **O**

OPS/EXE Operations and Exercises Division

## **P**

PERS Personal Staff

POL Policy Branch

POL/PLS Policy and Plans Division

POL/REQ Policy and Requirements Branch

PRD Production Branch

## **R**

REQ Requirements Branch

RES/SPT Resources Support Branch

## **ANNEX VI to ANNEX VI**

### **ARRANGEMENTS CONCERNING NON-EU EUROPEAN NATO MEMBERS AND OTHER COUNTRIES WHICH ARE CANDIDATES FOR ACCESSION TO THE EU**

#### **I. Guiding principles:**

At Helsinki it was agreed that:

*The Union will ensure the necessary dialogue, consultation and cooperation with NATO and its non-EU members, other countries who are candidates for accession to the EU as well as other prospective partners in EU-led crisis management, with full respect for the decision-making autonomy of the EU and the single institutional framework of the Union.*

*With European NATO members who are not members of the EU and other countries who are candidates for accession to the EU, appropriate structures will be established for dialogue and information on issues related to security and defence policy and crisis management. In the event of a crisis, these structures will serve for consultation in the period leading up to a decision of the Council.*

*Upon a decision by the Council to launch an operation, the non-EU European NATO members will participate if they so wish, in the event of an operation requiring recourse to NATO assets and capabilities. They will, on a decision by the Council, be invited to take part in operations where the EU does not use NATO assets.*

*Other countries who are candidates for accession to the EU may also be invited by the Council to take part in EU-led operations once the Council has decided to launch such an operation.*

*All the States that have confirmed their participation in an EU-led operation by deploying*

*significant military forces will have the same rights and obligations as the EU participating Member States in the day-to-day conduct of such an operation.*

*The decision to end an operation will be taken by the Council after consultation between the participating states within the committee of contributors.*

At Feira the following guiding principles were agreed:

*The Union will ensure the necessary dialogue, consultation and cooperation with non-EU European NATO members and other countries who are candidates for accession to the EU on EU-led crisis management.*

*Appropriate arrangements will be established for dialogue and information on issues related to security and defence policy and crisis management.*

*There will be full respect for the decision-making autonomy of the EU and its single institutional framework.*

*There will be a single, inclusive structure in which all the 15 countries concerned (the non-EU European NATO members and the candidates for accession to the EU) can enjoy the necessary dialogue, consultation and cooperation with the EU.*

*There will, within this structure, be exchanges with the non-EU European NATO members where the subject matter requires it, such as on questions concerning the nature and functioning of EU-led operations using NATO assets and capabilities.*

## **II. Permanent consultation arrangements during non-crisis periods**

On the basis of what was agreed at Helsinki and Feira, consultation procedures will, during normal periods, be based on the following elements:

The frequency of and procedures for consultation will depend on requirements and should be guided by considerations of pragmatism and efficiency, with a minimum of two meetings in EU+15 format being held during each Presidency on ESDP matters and their possible implications for the countries concerned. Within this context, a minimum of two meetings will be held during each Presidency with the six non-EU European NATO members (EU+6 format).

One ministerial meeting bringing together the 15 and the 6 countries will be held during each Presidency.

The PSC will play a leading role in the implementation of these arrangements, which will also include a minimum of two meetings at Military Committee representative level, as well as exchanges at military experts level (in particular those concerning the establishment of capability objectives) which will continue in order to enable the non-EU European NATO members and other candidate countries to contribute to the process of enhancing European military capabilities; meetings of experts may be called on matters other than capabilities, such as, for example, in times of crisis, for information on the strategic options envisaged.

These meetings will supplement those held as part of the CFSP enhanced political dialogue.

This meeting schedule is indicative. Extra meetings may be organised if circumstances require.

Each Presidency will submit the planned timetable of meetings for its term and the agendas. The States concerned may also submit proposals.

Each third country may, if it so wishes, appoint a representative from its mission to the EU to follow the ESDP and act as an interlocutor with regard to the PSC.

To facilitate the association of third countries wishing to be involved in EU military activities, they may appoint an officer accredited to the EU Military Staff who will serve as a contact. A minimum of two information meetings will be held during each Presidency for these officers from the 15 and the 6 countries, which could for example address the question of how the follow-up of crisis situations should be handled. In addition, specific liaison arrangements may be organised, particularly for the duration of NATO/EU exercises. These arrangements will be particularly important for the involvement of the 15 and the 6 in the development of the military capabilities available to the EU for EU-led operations.

### **III. Arrangements during crisis periods:**

#### **(A) Pre-operational phase**

As agreed at Helsinki and Feira, in the event of a crisis, dialogue and consultation will be intensified at all levels, including ministerial level, in the period leading up to the Council decision. When a crisis develops, these intensified consultations will provide an opportunity for exchanges of views on situation assessment and discussion of the concerns raised by the countries affected, particularly when they consider their security interests to be involved.

When the possibility of an EU-led military crisis management operation is under consideration, the aim of these consultations, which could be held at politico-military experts level, will be to ensure that the countries potentially contributing to such an operation are informed of the EU's intentions, particularly with regard to the military options being envisaged. In this respect, once the EU begins to examine in depth an option requiring the use of NATO assets and capabilities, particular attention will be paid to consultation of the six non-EU European NATO members.

#### **(B) Operational phase**

Once the Council has chosen the strategic military option(s), the operational planning work will be presented to the non-EU European NATO members and the other candidate countries which have expressed their intention in principle of taking part in the operation, to enable them to determine the nature and volume of the contribution they could make to an EU-led operation.

Once the Council has approved the operation concept, having taken into consideration the outcome of the consultation with third countries likely to take part in the operation, these countries will be formally invited to take part in the operation according to the

arrangements agreed in Helsinki, i.e.:

- the non-EU European NATO members will participate if they so wish, in the event of an operation requiring recourse to NATO assets and capabilities. They will, on a decision by the Council, be invited to take part in operations where the EU does not use NATO assets.
- other countries which are candidates for accession to the EU may also be invited by the Council to take part in EU-led operations once the Council has decided to launch such an operation.

For operations requiring recourse to NATO assets and capabilities, operational planning will be carried out by the Alliance's planning bodies, and for an autonomous EU operation it will be carried out within one of the European strategic level headquarters. For operations requiring recourse to NATO assets, the non-EU European allies will be involved in planning according to the procedures laid down within NATO. For autonomous operations in which they are invited to take part, the candidate countries and non-EU European allies may send liaison officers to the European Military Staff bodies at strategic level for exchanges of information on operational planning and the contributions envisaged. The States concerned will provide the EU with an initial indication of their contribution, which will then be further specified during exchanges with the Operation Commander assisted by the EUMS.

These exchanges will make it possible to establish the significant nature of the national contributions proposed and their suitability as regards the requirements of the EU-led operation. The countries concerned will confirm the level and quality of their national contribution at the Force Generation Conference, following which the operation will be formally launched and the Committee of Contributors established.

### **(C) Committee of Contributors**

The Committee of Contributors will play a key role in the day-to-day management of the operation. It will be the main forum for discussing all problems relating to day-to-day management having regard to the measures taken by the PSC in this field. The deliberations of the Committee of Contributors will constitute a positive contribution to those of the PSC.

In this connection:

- it will be supplied with detailed information regarding the operation on the ground via the EU bodies responsible for follow-up. It will receive regular information from the Operation Commander who may be heard by the Committee.
- it will deal with the various problems concerning the implementation of the military operation, the use of forces, and all day-to-day management matters which are not exclusively, under the instructions he will have received, the responsibility of the Operation Commander.

– it will provide opinions and recommendations on possible adjustments to operational planning, including possible adjustments to objectives which may affect the situation of forces. It will adopt a position on planning the end of the operation and the withdrawal of forces.

In these areas, the Political and Security Committee, which exercises the political control and strategic direction of the operation, will take account of the views expressed by the Committee of Contributors.

All EU Member States are entitled to be present at the Committee's discussions irrespective of whether or not they are taking part in the operation, but only contributing States will take part in the day-to-day management of the operation. Non-EU European allies and candidate countries deploying significant military forces under an EU-led operation will have the same rights and obligations in terms of day-to-day management of the operation as EU Member States taking part in the operation.

The work of the Committee of Contributors will be conducted without prejudice to consultations in the framework of the single structure including non-EU European NATO members and EU candidate countries.

Depending on the nature of its tasks, the Committee may meet in the appropriate format. For Member States, it may be comprised of representatives on the PSC and on the Military Committee. It will usually be chaired by a representative of the Secretary-General/High Representative or the Presidency, assisted by the Chairman of the Military Committee or his Deputy. The Director of the Military Staff and the Operation Commander may also attend or be represented in the Committee.

The Chairman will be responsible for conveying the outcome of the Committee's discussions to the PSC and to the Military Committee.

The Committee will be consulted by the Military Committee and the PSC on matters relating to planning the end of the operation and the withdrawal of forces. Once the operation is ended, the Committee of Contributors may be requested to provide its assessment of the lessons drawn from the operation.

## ANNEX VII to ANNEX VI

### **STANDING ARRANGEMENTS FOR CONSULTATION AND COOPERATION BETWEEN THE EU AND NATO**

#### **I. Guiding principles:**

As stated in the conclusions of the Helsinki European Council, the aim in relations between the

EU and NATO is to ensure effective consultation, cooperation and transparency in determining the appropriate military response to crises, and to guarantee effective crisis management. At the Feira European Council it was decided to base consultations with NATO on the following principles:

- Development of consultation and cooperation between the EU and NATO must take place in full respect of the autonomy of EU decision-making.
- The EU and NATO have undertaken further to strengthen and develop their cooperation in military crisis-management on the basis of shared values, equality and in a spirit of partnership. The aim is to achieve full and effective consultation, cooperation and transparency in order to identify and take rapid decisions on the most appropriate military response to a crisis and to ensure efficient crisis-management. In this context, EU-objectives in the field of military capabilities and those arising, for those countries concerned, from NATO's Defence Capabilities Initiative, will be mutually reinforcing.
- While being mutually reinforcing in crisis management, the EU and NATO are organisations of a different nature. This will be taken into account in the arrangements concerning their relations and in the assessment to be made by the EU of existing procedures governing WEU-NATO relations with a view to their possible adaptation to an EU-NATO framework.
- Arrangements and modalities for relations between the EU and NATO will reflect the fact that each Organisation will be dealing with the other on an equal footing.
- In the relations between the EU and NATO as institutions, there will be no discrimination against any of the Member States.

In that spirit, and to place this consultation and cooperation within a true strategic partnership on crisis management, the autonomy of NATO and EU decision-making will be fully respected.

Consultations and cooperation will be developed between the two organisations on questions of common interest relating to security, defence and crisis management, so that crises can be met with the most appropriate military response and effective crisis management ensured.

## **II. Arrangements for consultation outside times of crisis**

1. Regular dialogue will be established between the two organisations to ensure consultation, cooperation and transparency, in particular by holding meetings between the PSC and the North Atlantic Council (NAC) and ministerial meetings, at least once during each Presidency; either organisation may request additional meetings, for which it will propose a draft agenda.

Meetings between the NATO and EU Military Committees may be held as required, at the request of either organisation, with at least one such meeting during each Presidency. These meetings will be held on the basis of specific agendas.

There may also be meetings between subsidiary groups (such as the PCG ( 7) and the PMG ( 8), or Military Committee working parties), in the form of ad hoc EU/NATO groups (for example on capabilities) or expert groups along HTF Plus lines, when there is a need for NATO expertise on specific subjects.

The organisational arrangements for these meetings will have to be agreed between the two organisations.

2. When necessary, and in particular where the capabilities and expertise of the Alliance are concerned, the dialogue will be supplemented by inviting NATO representatives to meetings, in accordance with the provisions of the TEU and on a basis of reciprocity. This will apply to the Secretary-General of NATO for ministerial meetings, in particular those attended by Defence Ministers; the Chairman of the NATO Military Committee for meetings of the Military Committee, and, in view of his responsibilities for the European pillar of NATO and his potential role in EU-led operations, DSACEUR ( 9) for meetings of the Military Committee.

3. Regular contacts between the Secretaries-General, Secretariats and Military Staffs of the EU and NATO will also be a useful contribution to transparency and exchanges of information and documents.

Under this heading there will be:

– contacts between the Secretaries-General or between the Assistant Secretary-General for Political Affairs and the European Union's official responsible for ESDP;

– contacts between NATO's International Staff and the Council Secretariat departments dealing with the ESDP (PPEWU ( 10), DGE ( 11), Situation Centre, etc), in particular for preparing for meetings and forwarding documents for such meetings.

– contacts, based on directives from the Military Committee, between experts from the EU Military Staff (EUMS) and their opposite numbers on NATO's Military Staff, in particular for preparing for meetings and forwarding documents for meetings (including planning documents).

All these contacts and exchanges will be the subject of regular reports to the PSC and the EUMC.

### **III. NATO/EU relations in times of crisis**

(A) In the emergency phase of a crisis contacts and meetings will be stepped up, including those at ministerial level if appropriate, so that, in the interests of transparency, consultation and cooperation, the two organisations can discuss their assessments of the crisis and how it may develop, together with any related security problems.

At the request of the PSC, the EUMC will instruct the European Military Staff to determine and prioritise the strategic military options. Having determined the initial general options, the Staff may call on external planning sources, in particular the guaranteed access to NATO planning capabilities, to analyse and refine these options. This contribution will be evaluated by the EUMS, which may commission any additional work that may be necessary.

Should the Union intend to look more closely at an option calling for predetermined NATO assets and capabilities, the PSC will so inform the NAC.

(B) In the event of an operation calling on NATO assets and capabilities (see Appendix to this Annex)

- on the basis of opinions and recommendations from the Military Committee assisted by the EUMS, the PSC will send the designated operation commander, via the Military Committee, strategic directives enabling him to draw up the necessary planning documents for the operation (CONOPS, OPLAN), making use of the guaranteed access to NATO planning capabilities; these planning documents will be submitted to the PSC for approval;
- experts from the two organisations, in liaison with DSACEUR as strategic coordinator, will meet to specify the predetermined NATO assets and capabilities concerned by this option;
- once the predetermined assets and capabilities to be used in the operation have been specified, the EU will forward a request to NATO;
- the hand-over of the predetermined assets and capabilities used in the EU operation, together with the arrangements for making them available and any recall conditions, will be identified at a PSC/NAC meeting;
- throughout the operation the Alliance will be kept informed of the use of NATO assets and capabilities, if necessary by convening a meeting of the PSC and the NAC;
- the commander of the operation will be invited to EUMC meetings to report on the progress of the operation. The Presidency may invite him to attend meetings of the PSC and the GAC;
- having first informed the NAC, the PSC will propose to the Council that the operation be terminated. The EU will terminate the use of NATO assets and capabilities.

(C) In the event of a European Union operation conducted without NATO assets

Throughout the period in which the European Union conducts an operation without NATO assets, or if NATO conducts a crisis management operation, each organisation will keep the other informed of the general progress of the operation.

**Appendix to ANNEX VII to ANNEX VI**

**ANNEX TO THE PERMANENT ARRANGEMENTS ON EU/NATO**

## **CONSULTATION AND COOPERATION ON THE IMPLEMENTATION OF PARAGRAPH 10 OF THE WASHINGTON COMMUNIQUE**

On the basis of decisions adopted by the Alliance at the Washington Summit on 24 April 1999, the European Union suggests that the arrangements between the two organisations for the implementation of Berlin Plus should be as follows:

### **(1) Guaranteed access to NATO's planning capabilities**

The European Union will have guaranteed permanent access ( 12) to NATO's planning capabilities:

- when the EU examines options with a view to an operation, drawing up its strategic military options can involve a contribution from NATO's planning capabilities;
- in order to provide operational planning for an operation which has recourse to NATO assets and capabilities.

That access will be guaranteed under the following arrangements:

- under the control of the EUMC, the Director-General of the EUMS will send DSACEUR, as part of his responsibilities within NATO's European pillar, technical planning requests to contribute to the drafting of strategic options;
- in the field of operational planning, the Military Staff of the Alliance with responsibility for handling EU requests will be accessible to experts from the Member States who so wish without discrimination;
- in the event of DSACEUR's informing the EU that he cannot at the same time satisfy both the EU request and NATO work on a non-Article V operation, close consultation will take place between the organisations at the appropriate level in order that an acceptable solution for the two organisations in terms of managing priorities and allocating assets may be reached, the final decision lying with NATO;
- should NATO undertake an Article V operation and should it have had to refuse or recall planning capabilities in that context, the EU will have access to those NATO planning capabilities which remain available.

### **(2) Presumption of availability of pre-identified assets and capabilities**

Regarding the pre-identification of assets, work on pre-identifying the collective assets and capabilities of the Alliance which may be used for EU-led operations will be carried out by EU and Alliance experts and will be validated by a meeting of the Military Committees of the two organisations with a view to their approval under each organisation's specific procedures.

If the EU should consider an in-depth study of a strategic option which calls for NATO assets and capabilities, the PSC will inform the NAC.

In the event of an EU operation calling for NATO assets and capabilities, the following procedure

for placing those pre-identified assets and capabilities at the disposal of the European Union will be established:

- once the EU has chosen a strategic option, experts from both organisations will meet to determine the pre-identified assets and capabilities which are likely to be used within that operation;
- on a proposal from the EUMC based on a report from the EUMS which takes account of talks with experts, the PSC will forward a request for pre-identified assets and capabilities to the NAC;
- the NAC will reply to the PSC request. A meeting of experts from the two organisations will examine from the technical viewpoint the extent to which the assets and capabilities proposed by the Alliance match the EU request;
- availability will be formally confirmed at a PSC/NAC meeting in the form of an overall package defining the practical arrangements, including the administrative, legal and financial aspects, for making them available throughout the operation;
- the assets and capabilities will be available to the EU throughout the operation, except in cases where the Alliance has to carry out an Article V operation or a non-Article V operation which has been given priority after consultation between the two organisations;
- new requests which might be made during the operation will go through the same procedure as described for the initial package;
- throughout the operation the EU will inform NATO of the use of the assets and capabilities placed at the EU's disposal, in particular at meetings between the PSC and the NAC and through the intermediary of the Chairman of the EU Military Committee, come to address the Military Committee of the Alliance.

### **(3) Identification of a series of command options made available to the EU**

*Discussions will take place between experts from the EU and the Alliance with a view to identifying a series of possible options for the choice of all or part of a chain of command (operation commanders, force commanders, unit commanders and associated Military Staff elements). These discussions will include developing the role of the DSACEUR to enable him to meet his European responsibilities fully and effectively. These discussions will be validated by a meeting of the Military Committees of the two organisations with a view to their approval under each organisation's specific procedures.*

- should the EU consider an in-depth study of a strategic option which calls for NATO command options, in particular for the command of the operation, the PSC will inform the NAC;
- after the EU Council has adopted a strategic option and chosen to call upon an operations commander, the PSC will forward to the NAC a request for the command options relating to the operation;
- after the NAC has replied, the Council will appoint the operation commander and, through the intermediary of the PSC, instruct him to activate the chain of command;

- the entire chain of command must remain under the political control and strategic direction of the EU throughout the operation, after consultation between the two organisations. In that framework the operation commander will report on the conduct of the operation to EU bodies only. NATO will be informed of developments in the situation by the appropriate bodies, in particular the PSC and the Chairman of the Military Committee.

## **ANNEX VII**

### **DECLARATION BY THE EUROPEAN COUNCIL ON THE MIDDLE EAST**

The prospect of peace must return to the Middle East.

Nobody can tolerate violence, the suffering of populations or hatred between peoples.

The negotiations must resume. The European Union considers the following essential in this connection:

- the personal commitment of the Israeli Prime Minister and the President of the Palestinian Authority;
- full and immediate compliance with the undertakings which they entered into at Sharm el-Sheikh and Gaza;
- concrete gestures by both parties, with respect, inter alia, to the renunciation of violence and, as regards Israel, the settlements issue;
- the establishment of a mechanism for confidence-building measures;
- the commencement of work on the spot by the Fact-Finding Commission, in which Mr Solana, Secretary-General/High Representative for the CFSP, will take part;
- an agreement on the setting up of an observer mission.

The European Union has major interests in the Middle East. Its positions have been clearly defined, inter alia at the Berlin European Council meeting in March 1999 and in the European Union's Declaration of 12 September 2000. It is willing to consult with all parties on the means of achieving these objectives with a view to the resumption of negotiations for a peace agreement.

## **ANNEX VIII**

## DOCUMENTS SUBMITTED TO THE EUROPEAN COUNCIL IN NICE

- Presidency note on the solemn proclamation of the Charter of Fundamental Rights

(14101/00)

- Summary document

(CONFER 4816/00)

- Complete picture of the enlargement process (General Affairs Council conclusions)

[\(13970/1/00 REV 1\)](#)

- Report by the ECOFIN Council on the exchange-rate aspects of enlargement

[\(13055/00\)](#)

- Enlargement strategy paper: report on progress towards accession by each of the candidate countries

(13358/00)

- Presidency report on the European Security and Defence Policy

[\(14056/00 REV 2 + REV 3 \(de,nl,en\)\)](#)

- Contribution by the Secretary General/High Representative: reference framework for comprehensive, coherent crisis management

[\(13957/1/00 REV 1 + COR 1\)](#)

- Report by the Secretary General/High Representative and the Commission containing practical recommendations for improving the coherence and effectiveness of EU action in the field of conflict prevention

[\(14088/00\)](#)

- Joint employment report for 2000

(12909/00 + COR 1 (en), COR 2, ADD 1, ADD 1 COR 1 (en))

- Proposal for a Council Decision on guidelines for Member States' employment policies for the year 2001

(14116/00)

- Commission recommendation for Council recommendations on the implementation of Member States' employment policies

[\(14115/00\)](#)

- European Social Agenda

(14011/00 + COR 1 (en) + COR 2 (es) + COR 3 (de))

- Commission communication concerning the social policy agenda

(9964/00)

- Fight against poverty and social exclusion – definition of appropriate objectives

[\(14110/00\)](#)

- Progress report from the High-Level Working Party on Social Protection on the communication from the Commission to the Council, to the European Parliament and to the Economic and Social Committee on the future evolution of social protection from a long-term point of view: safe and sustainable pensions

[\(14055/00\)](#)

- Report from the ECOFIN Council on the review of Community financial instruments for enterprises

[\(13056/00\)](#)

- Report from the ECOFIN Council on structural indicators: an instrument for better structural policies

[\(13217/00, 13170/1/00 REV 1\)](#)

- Commission communication on structural indicators

(11909/00)

- Commission communication to the Council and the European Parliament on eEurope 2002

(14203/00)

- Reports by the Commission and the Council on implementation of the eEurope Action Plan

[\(13515/1/00 REV 1, 14195/00\)](#)

- Council Resolution concerning an action plan for mobility

(13649/00 + COR 1 (de))

- Note submitting the Council Resolution on the precautionary principle

(14328/00 + COR 1 (de))

- Report by the ECOFIN Council on environment and sustainable development

([13054/1/00 REV 1](#))

- Report by the High-Level Working Group on Asylum and Migration

([13993/00 + ADD 1](#), 13994/00)

- Council report on the implementation of the Common Strategy on Ukraine

([14202/00](#))

- Statement on services of general economic interest

(14185/00)

- Declaration on the specific characteristics of sport and its social function in Europe, of which account should be taken in implementing common policies

(13948/00 + *COR 1 (de)*)

- "Better lawmaking 2000" (Commission report)

(14253/00)

- Report by the Presidency and the General Secretariat of the Council on making the co-decision procedure more effective

([13316/1/00 REV 1](#), 14144/00)

- Council Resolution on the application of national fixed book-price systems

(13981/00)

- Council Resolution on national aid to the film and audiovisual industries

(13980/00 + *COR 1 (sv)*, *COR 2 (pt)*, *COR 3 (fr)*, *COR 4 (de,da,es,fi)*)

- Commission working paper on Article 299(2): strategy for sustainable development of the outermost regions of the Union

(7072/00, SEC(2000) 2192)

**Footnotes:**

( 1) Council Resolution of 17 December 1999 on "Into the new millenium": developing new working procedures for European cooperation in the field of education and training (OJ C 8, 12.1.2000, p. 6).

( 2) The Petersberg tasks include humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking. (Article 17(2) TEU).

( 3) Denmark recalled Protocol No 5 annexed to the Treaty of Amsterdam.

( 4) C3 = command, control and communications.

( 5) Defence Capabilities Initiative.

( 6) *Preliminary definitions:*

*Strategic planning: planning activities that start as soon as a crisis emerges and end when the EU political authorities approve a military strategic option or a set of military strategic options. The strategic process encompasses military situation assessment, definition of a POL/MIL framework and development of military strategic options.*

*Military strategic option: a possible military action designed to achieve the POL/MIL objectives outlined in the POL/MIL framework. A military strategic option will describe the outline military solution, the required resource and constraints and recommendations on the choice of the operations commander and OHQ.*

( 7) NATO Policy Coordination Group.

( 8) Politico-Military Group.

( 9) Deputy Supreme Allied Commander, Europe.

( 10) Policy Planning and Early Warning Unit.

( 11) Directorate-General for External Relations.

( 12) without case-by-case NATO authorisation