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**FORWARDING NOTE**

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from : Presidency

to : Delegations

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**Subject : Preparation for the implementation of the Amsterdam Treaty  
- Presidency draft for the arrangements under Protocol on Article 17**

As a follow-up to point 75 of the conclusions of the Vienna European Council, delegations will find attached a draft text for the arrangements to be drawn up by the Union, together with the Western European Union, under the Protocol on Article 17 of the Amsterdam Treaty, which the Presidency has prepared with a view to discussion at the next meeting of the Security Working Group.

The same draft text is being circulated in WEU.

**D R A F T**  
**ARRANGEMENTS TO BE DRAWN UP**  
**UNDER THE PROTOCOL ON ARTICLE 17**

- I. Article 17 of the Treaty on European Union (TEU) provides for "closer institutional relations with WEU".

Pursuant to the relevant provisions of this Article, the EU Council adopted on ... a "decision concerning the practical arrangements for the participation of all Member States in tasks under Article 17 para 2 of the Treaty on European Union for which the Union avails itself of WEU".

The WEU Council had adopted earlier, on 18 November 1997, corresponding provisions as "the practical arrangements referred to in Article 17 para 3 of the Treaty on European Union." This is mentioned in the EU Council decision.

The Protocol on Article 17 stipulates that the European Union will draw up together with WEU arrangements for enhanced cooperation between EU and WEU.

The European Council in Vienna invited the Council to bring forward, in agreement with the WEU, the completion of arrangements for enhanced cooperation under the Protocol on Article 17 of the Treaty on European Union, so that these may come into effect on the Treaty's entry into force.

The WEU (in its Declaration dated 22 July 1997) identified an initial list of areas for enhanced cooperation. This declaration was noted by the Intergovernmental Conference 1996/97 and annexed to the Final Act.

In accordance with the Protocol on Article 17, the European Union and WEU have drawn up the following arrangements for enhanced cooperation between them, drawing on the list included in the abovementioned declaration.

These arrangements constitute a first range of measures which can be complemented in the light of experience. The EU and WEU undertake to review these arrangements within [2 years] from the entry into force of the Amsterdam Treaty with a view to further developing them in the light of the evolution of EU/WEU relations.

## **II. Arrangements**

### **A) Improving the coordination of EU/WEU consultation and decision-making processes, in particular in crisis situations**

1. Both EU and WEU are convinced that practical implementation of Article 17 of the TEU will best and most speedily be achieved by arrangements which will enable both organisations to carry out their functions under these provisions more effectively, notably in crisis situations. Without prejudice to their respective competencies in each practical case, the EU and WEU will make full use of existing practices and procedures and seek to identify further measures of consultation and cooperation in the light of experience.
2. The EU and WEU accordingly hereby agree that the "modus operandi" for the implementation of Article 17 and its attached flowchart describing in a diagrammatic way the procedural steps in the two organisations and the linkages between them, as set out in Annex I, will be used as a guide for the decision-making process in the EU and WEU, for cases where the EU avails itself of WEU. They further agree that such a guide can only be illustrative and cannot be expected to cover all elements of any given crisis situation, nor does it prejudice further improvements in the applicable decision-making processes.

### **B) Holding of joint meetings of the relevant bodies of the two organisations**

1. The EU and WEU agree that joint meetings can enhance cooperation and will be organised:
  - (i) in areas where cooperation between the two organisations is provided for by Article 17 of the Treaty, ie:
    - a) the framing of the defence aspects of the Common Foreign and Security Policy, in which the WEU supports the Union (para 1, 2nd sub-para);
    - b) the elaboration and implementation of decisions and actions of the Union which have defence implications, for which the Union will avail itself of the WEU (para 3);
  - (ii) in other areas where EU and WEU interests and activities overlap and may warrant coordination.

2. To contribute to the aims described under i) above, the EU and WEU agree to continue the existing practice of holding meetings of an EU/WEU ad hoc group attended by delegations of the European Union Member States and of WEU nations attending the WEU Permanent Council.

The following modalities and procedures will be followed:

- each country attending is represented by a single delegation; - delegations are seated in the alphabetical order, the names of countries being in their own languages;
  - meetings are co-chaired in accordance with each organisation's rules: for the EU, the Presidency, supported by the Council Secretariat; for the WEU, the Secretariat, with the WEU Presidency at its side next to the EU Presidency.
  - the European Commission is seated facing the co-Chairmen;
  - agendas and documents for the meetings are circulated under the authority of the EU and WEU Presidency(-cies);
  - a report on each meeting is prepared jointly by the EU Council Secretariat and WEU Secretariat-General and circulated under the authority of the Presidency(-cies) as above;
  - following the meetings, it is the responsibility of each Presidency to introduce any document or proposed decision in the decision-making process of each organisation.
3. In the handling of crises in which the EU avails itself of the WEU or where their activities warrant consideration under para B(ii) above, joint meetings of EU and WEU bodies concerned may be held at the initiative of the two Presidencies jointly.

The modalities and procedures set out for the ad hoc joint group will apply *mutatis mutandis*, with participation reflecting the format adopted in each organisation.

4. Cooperation will also be enhanced by :

- close cooperation between the Presidencies and respective staffs in liaison, information exchange and coordination of work;
- regular contacts and meetings between the Presidencies and Secretariats of both organisations;
- information regularly presented by EU Presidency at WEU meetings and by WEU Presidency at EU meetings;
- participation of EU and WEU representatives in corresponding meetings and activities of the other organisation;
- attendance by officials of one organisation in meetings of the other organisation, as provided for by the specific arrangements under D and G below;
- at EU initiative, representatives of WEU may be included in the EU delegation at meetings and related events with third countries when matters having defence implications are to be covered. Meetings of the EU and WEU with third countries, when both organisations have relations with them, may also be considered.

**C) Harmonisation, as much as possible, of the sequence of the Presidencies of WEU and the EU, as well as the administrative rules and practices of the two organisations**

1. The WEU Council adopted on 12 September 1997 a decision (Annex 2) harmonising the sequence of presidencies in WEU in relation to the sequence of presidencies in the EU.
2. Given the need for the EU, in cases with budgetary implications, to have budgetary estimates for its decisions, WEU undertakes, drawing inter alia on the possibilities identified in the modus operandi and under E below, to provide EU institutions as fully and early as possible with all the necessary information.

**D) Close coordination of the work of the staff of the Secretariat General of the WEU and the General Secretariat of the Council of the EU, including through the exchange and secondment of personnel**

The EU Council Secretariat and the WEU Secretariat will coordinate their work and will cooperate in accordance with the provisions in Annex 3, covering exchange of information, exchange of written material, cross-participation in meetings, synchronisation of meetings, seating arrangements and exchange and secondment of personnel.

**E) Allowing the relevant bodies of the EU, including its Policy Planning and Early Warning Unit, to draw on the resources of WEU's Planning Cell, Situation Centre and Satellite Centre**

1. Any EU body may, in pursuit of its work related to Article 17 of the TEU, express a wish for information, advice or other services from WEU resources, notably the Military Staff including the Situation Centre. Such requests will be conveyed by the EU Presidency or the EU Council Secretariat acting on its behalf to the Permanent Council of WEU which will give the appropriate (specific or general) directions.
2. The WEU Military Staff, which embraces the Planning Cell and Situation Centre, participates in and contributes to joint meetings of the EU and WEU. Documents produced by the Military Staff may be included in information exchange between the organisations subject to the usual modalities. The Military Staff assists in the EU/WEU exchanges required for the preparation, execution and monitoring of decisions under Article 17.3 of the Treaty on European Union.

The Military Staff is authorized to provide on a regular basis briefings for EU representatives on relevant aspects of WEU procedures, plans and activities; to receive visits from EU representatives at its or their initiative including visits to the Situation Centre; and to pursue a number of more detailed arrangements with EU officials to promote understanding and preparedness and to facilitate cooperation notably in the operational field.

3. The WEU Satellite Centre is authorized to supply image interpretation products to the European Union in accordance with instructions and priorities given to it by the WEU Council. The WEU and the EU are pursuing a number of possibilities for further development in their relations in this field.

4. The WEU Institute of Security Studies, established on 1 July 1990 as a subsidiary body of the WEU, has as its primary mission to assist in the development of a European security identity. It is the intention of EU and WEU that it should offer an additional resource for the EU. The Institute's activities of analysis, research, debate, and cooperation with other national and international institutions are all open to the pursuit of themes which the EU identifies as of particular interest for its work. The Institute will systematically invite EU representatives to its seminars and similar events, including the summer course to be organized on a trial basis in 1999 pursuant to a WEU Council decision regarding the gradual development of the Institute into a European Security and Defence Academy.
5. The High Representative for the Common Foreign and Security Policy and any of his staff designated by him, including The Policy Planning and Early Warning Unit provided for in Declaration n° 6 annexed to the Amsterdam Treaty, will have access to all the WEU resources as described above in the exercise of his responsibilities.

In addition, and within the framework of the general arrangements for WEU/EU cooperation described here, the High Representative may invite the WEU Secretary-General to designate WEU personnel for task forces set up to address particular policy issues.

**F) Cooperation in the field of armaments, as appropriate, within the framework of the Western European Armaments Group (WEAG), as the European forum for armaments cooperation, the EU and WEU in the context of rationalisation of the European armaments market and the establishment of a European Armaments Agency**

1. The EU and WEU welcome the arrangements agreed between the EU and WEAG, to enhance transparency and effective coordination of work. These include informal exchanges of information, including through:
  - recognition of the WEAG Presidency and the EU Presidency (the Chair of the Ad hoc Working Party on a European Armaments Policy or its representative) and Commission (according to their respective responsibilities) as the points of contact and main channels of communication, supported by contacts between the Secretariat General of the Council and the Armaments Secretariat of WEAG;

- on current work of mutual interest, periodic briefings :
    - = by the EU Presidency and the Commission (according to their respective responsibilities) of WEAG Panels through the Chairman of National Armaments Directors;
    - = of the Ad hoc Working Party on a European Armaments Policy by the Presidency of WEAG supported as needed by the relevant WEAG Panels;
  - regular exchanges of information on ongoing activities in the Ad hoc Working Party on a European Armaments Policy and WEAG supported by exchanges of relevant working documents and by meetings between the EU Presidency/Commission (according to their respective responsibilities) and the WEAG Presidency. Exchanged documents will be handled in accordance with the relevant security procedures of the EU and WEAG.
  - Where the Ad hoc Working Party on a European Armaments Policy and WEAG agree, informal joint sessions on relevant topics;
  - any other cooperative arrangements between the EU and WEAG which may be agreed to enhance European armaments cooperation.
2. When considerations related to armaments need to be addressed during work of the EU and WEU related to defence aspects of the CFSP and the progressive framing of a common defence policy, the established modalities for such cooperation, notably in the framework of the EU/WEU ad hoc group, will be followed.

**G) Ensuring cooperation with the European Commission reflecting its role in the CFSP as defined in the revised Treaty on European Union**

1. The Commission being under the TEU provisions fully associated with the work carried out in the CFSP, including in the field covered by Article 17 of TEU, the modalities of the cooperation between the WEU and the Commission are set out in Annex 4, covering inter alia exchange of information, exchange of written material, cross-participation in meetings, seating arrangements, exchanges of staff.



2. The EU and WEU note that a framework financial agreement will be concluded between the Commission and the WEU Secretariat with a view to facilitating the practical and speedy implementation of EU decisions and actions implying WEU activities under Article 17 and financed on the European Communities general budget.
3. The EU and WEU note that in cases where Community actions and WEU activities are complementary, exchanges and interaction between the Commission and WEU may take place.

## **H) Security arrangements**

The Secretary General of the Council of the EU and the Secretary General of WEU have exchanged correspondence on the security rules applicable for the handling of classified information transmitted from the other organisation (see Annex 5). This exchange provides for the unimpeded flow between Secretariats of information required for the proper functioning of EU/WEU relations under the Treaty.

The Secretary General . . . [ Commission ]. (Annex 6)

The above arrangements are without prejudice to other official exchange of information between the two organisations which may be required for the implementation of the Treaty provisions or considered necessary by the relevant bodies of each organisation.

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- Annex 1 -     modus operandi + flowchart
- Annex 2 -     harmonisation presidencies
- Annex 3 -     cooperation Secretariats
- Annex 4 -     cooperation Commission - WEU
- Annex 5 -     correspondence on security arrangements between EU Council and WEU  
Secretary General
- Annex 6 -     correspondence on security arrangements between Commission and WEU  
Secretary General