



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 18 January 2005

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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.



ANNEX

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RESTREINT

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COSEC 32**

FORWARDING NOTE

From :	Secretariat
To	Delegations
No. prev. doc.:	8154/99 PESC 133 COSEC 30 8237/99 PESC 143 COSEC 31
Subject :	Draft Presidency report on strengthening of a common European policy on security and defence

Delegations will find attached comments received from Austria, France, Portugal and the United Kingdom and additional comments by Greece, on the draft Presidency report on strengthening of a common European policy on security and defence.

Comments from the Austrian delegation:

Austria thanks the Presidency for its "Draft Report". We share the view that the "guidelines and principles" contained in the report (sections 2-5) reflect an emerging consensus amongst partners to enhance the capability of the Union for military crisis management (Petersberg tasks) in the context of "the progressive framing of a common defence policy" in accordance with Art. 17 of the TEU.

Austria would like to make the following preliminary comments/drafting suggestions:

Section 2 ("Guiding Principles"):

We support the Swedish proposal to make a reference in this section to the primary responsibility of the Security Council for the maintenance of international peace and security.

In the second sentence of the first para. we would like to replace "credible military capabilities" by "credible operational capabilities". Furthermore, we suggest that the wording in brackets at the end of the first para. be deleted.

As all Member States agree that the focus of our efforts in this area should be the development of an effective EU-led crisis management in the field of the Petersberg tasks we see no need at this stage to discuss Art. V issues in an EU context.

We would therefore prefer deleting the last para. of section 2 altogether. If other partners wish to maintain a reference to this issue we suggest that the second sentence of the last para. be rephrased as follows: "They will preserve their commitments under Article 5 of the Washington Treaty and Article V of the Brussels Treaty." and the following new (third) sentence be added: "Any future development affecting the EU would require a unanimous decision by all Member States."

Section 3 ("Requirements"):

We continue to believe that the first tiret does not sufficiently reflect the progress we achieved in Amsterdam on the subject of the participation of non-allied WEU observers in EU-led crisis management operations. Austria thus suggests that this tiret be reworded as follows: "the possibility of all EU Member States, including non-allied members, to participate fully and on an equal footing in European operations drawing on NATO assets and capabilities".

Section 4 ("Decision Making"):

We support proposals by others to replace "will" by "may" at the beginning of the second para.

As to the first tiret, we suggest that the reference in brackets to a specific "Defence Ministers Council" be deleted.

As far as the second tiret is concerned the exact nature and role of a "permanent body in Brussels" consisting of "permanent representatives" remain unclear to us. We therefore suggest that the words "in Brussels" and the second "permanent" be deleted.

In view of our firm position that all EU members must have an equal access to any (new) EU structure in the CFSP/crisis management we strongly support the Swedish proposal that the fourth tiret be reworded as follows: "an EU Military Staff including a situation centre".

Section 6 ("Conclusions"):

In the first sentence of the second para "to create a Common European..." should read "to develop a Common European...".

The meaning of the second sentence of the second para. ("The formal decisions within the EU" is unclear. (What is "one organisation within the EU"?) It would be best to delete the whole sentence.

As to the third sentence of the second para. we suggest the following rewording at the beginning of the sentence: "To this end the necessary institutional conditions within the EU may have to be created, on the basis of Art. 17 TEU, by transferring and, if necessary, adapting.....".

In the third para we suggest deleting the words "Meeting ... 2000". The sentence would thus read: "To this end the European Council should task the General Affairs Council to prepare the necessary decisions to integrate the WEU into the EU to be taken by the European Council, taking into account the different status of member states with regard to collective defence guarantees."

Comments from the French delegation:

1. France thanks the Presidency for its draft report, which seems to it to reflect the consensus which has emerged gradually among the Fifteen over the past months.
2. This draft constitutes an excellent basis for discussion for the General Affairs Council meeting on 17 May. With this in mind, France would submit the following proposals for amendments for consideration by the Presidency:
3. Section 5 - Implementation: in its present wording, the first sentence of the fourth paragraph of this section contains a contradiction since, while what are involved are autonomous EU-led operations without recourse to NATO assets and capabilities, it is stated that the EU could use European capabilities pre-identified by Member States within NATO's European pillar.

In fact, the forces to which recourse would be had may have been assigned to NATO just as they may also form part of the FAWEU. Their use is a matter for a final decision by the States.

To avoid the above-mentioned contradiction and to take this situation into account (forces assigned to NATO, FAWEU, other forces), it is proposed that the paragraph in question begin as follows:

"For autonomous EU-led operations without recourse to NATO assets and capabilities, the EU could use multinational or national European means pre-identified by Member States".

The remainder of the paragraph would stand.

4. Section 6 - Conclusions:

After the first paragraph of this section, the remainder of the text would read as follows:

"On the basis of this report the European Council tasks the Finnish Presidency to elaborate provisions for its implementation and to report to the Helsinki European Council meeting."

The EU's Member States are determined to make every effort to develop a common European policy for security and defence to strengthen the common foreign and security policy.

To this end, efficient crisis management by the EU requires development of the corresponding military capabilities. The Member States are called upon to make the necessary efforts to further develop more effective military capabilities on the basis of existing national, binational and multinational capabilities.

The Member States are also convinced that European defence needs from each of their nations sustained efforts to reinforce the industrial and technological defence base which they want competitive and dynamic. The Member States want to follow on with determination the effort of restructuration of the European defence industries among the concerned nations.

The Member States note that from now on there is an agreement on the principle of WEU integration in EU as stated by article 17 of the UE Treaty. They are now starting the definition of the modalities of this integration, which will coincide with the implementation of its new competences by the Union."

Comments from the Portuguese delegation:

Portugal thanks the Presidency for the “Draft Presidency report on strengthening of the common european policy on security and defence” presented at the Political Committee in Berlin (6-7). Portugal agrees in general terms with this document, as well as with the comments made by some partners, specially those made by Sweden (CFSP/STO 237). From our side, we would like to propose the following:

Nº 1 (introduction) 3rd para: – in order to reproduce the language of the Washington communique, the second half of the 3rd para should read as follows:

“The NATO summit furthermore stressed that the development of a CFSP, as called for in the Amsterdam Treaty, is a contribution to the vitality of the alliance in the 21st century. This process will lead to more complementarity, co-operation and synergy.”

Nº 2 (guiding principles) last para. Portugal proposes to introduce a distinction between the Washington Treaty and the Brussels Treaty as follows:

“The Atlantic alliance remains the foundation of the collective defence of its members as provided for by the article 5 of the Washington Treaty. The commitments under Article V of the Brussels Treaty will be preserved – also in case of integration of WEU in EU – although there will be a need to review the institutional basis for the latter subject to a unanimous decision of all concerned.”

Nº 4 (decision making) first tiret should read as follows:

“regular meetings (or ad hoc) of the General Affairs Council, as appropriate including Defence Ministers.”

Nº 6 (conclusions) last sentence. Portugal sees no need for the creation of a special group. We consider that the COSEC is the appropriate group to carry on this work, provided an adequate representation in the group is assured.

Comments from the UK delegation:

1. The United Kingdom thanks the Presidency for its draft report under reference.
2. The United Kingdom believes that the draft report represents broad consensus amongst Partners about what we are trying to achieve, and provides an excellent basis for Cologne. Looking forward to discussion at the GAC on 17 May, the United Kingdom would like to propose the following amendments for consideration by the Presidency:

Introduction

Para 1.1: Replace "including the development of a Common European Defence Policy (CEDP) with "including the progressive framing of a common defence policy, without prejudice to the obligations of certain Member States which see their common defence realised in NATO." This language reflects more closely that contained in the Amsterdam Treaty.

Para 1.4: Add "and continued at the Bremen Ministerial Council." after "Rome Ministerial Council". Add a further sentence: "Nations will act on the conclusions of the ongoing WEU Audit of European defence capabilities".

This would reflect the commitment shown at the WEU Bremen Ministerial meeting on 10-11 May.

Guiding Principles

Para 2.1: Insert "autonomous" after "This requires a capacity for ... "

See para 5.4

Para 2.4: Delete the text after "preserved" and replace with "for the countries concerned". It is premature to consider the institutional implications of the Brussels Treaty Article V. But it is a statement of fact that Article V and Article 5 security guarantees are only relevant to NATO Members.

Requirements

Para 3: insert a new third tiret to read:

"- arrangements to ensure that all participants in an EU-led operation will have equal rights in respect of the conduct of that operation, without prejudice to the right of the Council to discuss and decide matters of principle and policy relevant to the Union". It is worth clarifying in the Report these two important points of principle: that all participants in an operation are equal; and that the 15 reserve to themselves the right to decide matters of principle and policy.

Decision Making

Para 4.1: Replace "EU-led operations so that...operations" with "EU-led crisis management operations so that the EU can take decisions and approve military action where the Alliance as a whole is not engaged".

This language would reflect more accurately the consensus reached on this point at the Washington NATO Summit.

Add new para 4.2 after "strategic planning" to read:

"Decisions of principle relating to crisis management tasks, including the decision to commission military planning and any decisions on the use of military means should be taken by consensus by the Member States in Council. Member States will retain in all circumstances the sovereign right to decide if and when their national forces are deployed. All EU Member States should be entitled to participate in these tasks and in activities related to them".

It is important to set out at this stage these fundamental points on decision making.

First tiret: Amend to read "- regular or ad hoc meetings of the General Affairs Council including Defence Ministers as appropriate". The UK believes it is important not to divide foreign and security policy in CFSP. The amendment returns to the language used in the paper circulated at Reinhartshausen.

Third tiret: Delete rest of tiret after "an EU Military Committee". The UK considers it premature to enter into further detail on the structure of the Military Committee in this report.

Implementation

Para 5.1: Amend to read: "In order to improve the means by which the Union will conduct military operations in support of crisis management activities within CFSP, the Member States of the EU will need to develop those national and multinational force capabilities (including force headquarters) necessary for crisis management operations. The main criteria for such forces should be deployability, sustainability, interoperability, flexibility and mobility".

Para 5.3: Delete. Replace with: "For the effective implementation of EU-led operations the EU will be able to draw on both NATO assets and capabilities and multinational and national assets outside the NATO framework".

The report should emphasise that the EU will act in partnership with NATO, rather than creating an unnecessary distinction between the two types of operations.

Para 5.4: Begin the first sentence: "Where EU-led operations are undertaken without recourse to ...".

The UK believes the word "autonomous" would be better placed in para 2.1.

Para 5.5: Replace chapeau and first two tirets with: "For EU-led operations having recourse to NATO assets and capabilities, including European command arrangements, the EU will have recourse to the arrangements agreed at Berlin in 1996 and taken forward at Washington in April 1999. These arrangements will include the further measures set out by NATO at its summit meeting in Washington, in particular:"

Conclusions

Para 6.2 and 6.3: Replace "by the European Council Meeting... Satellite Centre" with: "on new arrangements for European security and defence as part of the progressive framing of a common defence policy in accordance, as appropriate, with Article 17 and Article 48 of the Treaty on European Union, with a view to the necessary decisions to be taken by the European Council Meeting at the end of 2000, taking into account the different status of member states with regard to collective defence guarantees". Delete para 6.3.

The UK considers it premature at this stage to close off the various institutional options available to us. There are different ways by which we might incorporate relevant functions of the WEU into the EU. The more urgent task is to agree on the substance of what we aim to achieve - and what new capabilities we wish to give the EU. The UK would also suggest moving the amended para 6.2 so that it becomes the penultimate paragraph (after existing para 6.5).

Para 6.5: Place a full stop after "industries". Delete the remainder of the sentence. Add a new sentence, reading: "In concert with industry, Member States should therefore take steps to work towards closer and more efficient defence industry collaboration and further progress in the harmonisation of operational defence requirements".

Procurement is dealt with by bodies outside the EU. It is important to recognise that defence industry restructuring is primarily a matter for industry, in cooperation with Government.

Para 6.6: Replace with: "The Finnish Presidency, working with Member states and the High Representative for CFSP, and in collaboration with the Luxembourg Presidency of the WEU, should take forward work on the basis of this report and report to the Helsinki European Council, as a first step in preparing the necessary decisions."

The UK believes the next Presidency is best placed to take work forward in conjunction with Member States.

Comments from the Greek delegation:

Further to its comments contained in doc. 8237/99, Greece would like to offer a more detailed contribution to the debate on the development of a common defense policy by the EU.

The Need for Common Defense

1. The recent dramatic developments in the Balkans have highlighted in the most revealing manner the need for developing the European Union's capacity to cope effectively with regional sources of instability and conflicts. Europe needs to play an active role in preventing conflicts and to be able to tackle them speedily and effectively when they occur especially in its backyard. To do so, the E.U. must enhance its common foreign and security policy (CFSP) by acquiring the operational, military, institutional and procedural capabilities, means and instruments for projecting an autonomous, active role in preventing, managing and resolving conflicts.
2. Moreover, the successful creation of the single currency/Euro, which places upon the European Union new and wider international functions and responsibilities as well as the enlargement prospect pending of the Union with six countries five from Central, Eastern Europe and Cyprus), which is bound to confront the Union with new security challenges, risks and problems, militate in favour of accelerating the process for framing a common defense policy and a common defense. The European Union must become fully prepared to meet the new risks and challenges and play its role on the international scene as a reliable and credible political actor, a political role commensurate with its economic power.
3. The entry into force of the new Treaty of Amsterdam provides a strong and essential basis for starting the process for the development of the European Security and Defense Identity (ESDI) at the European Union level. The Amsterdam Treaty states in its preamble that the signatory states are "resolved to implement a common foreign and security policy including the progressive framing of a common defense policy which might lead to a common defense in accordance with the provisions of article J.7". Article J.7 of the Treaty stipulates that "the common foreign and security policy shall include all questions relating to the security of the Union including the progressive framing of a common defense policy [....] which might lead to a common defense....".

4. The European Council is the institution entrusted by the Amsterdam Treaty with the responsibility of deciding on the progressive framing of a common defense policy and common defense in the framework of the CFSP. This means that we can proceed with the task of framing a common defense policy by rapidly implementing the provisions of the Amsterdam Treaty, without necessarily convening a new intergovernmental conference.

The Scope and Objectives of Common Defense

5. Common defense policy and common defense should be an integral component of the Common Foreign and Security Policy (CFSP) of the E.U. Their function, that is, must be to contribute to the realization of the whole range of objectives of the CFSP by enhancing the efficiency and effectiveness of the policy. The scope of common defense policy and common defense will in turn be defined by the objectives and underlying principles of the Union's common foreign and security policy. The ultimate objective of common defense policy and common defense will be to contribute to strengthening the independence, integrity and security of the Union. Consequently, the definition of the conceptual framework for the common defense policy/common defense must derive from the content of the Amsterdam Treaty concerning the CFSP. On the basis of this, we can proceed to identify security risk perceptions, shared interests and common threats and the instruments and capabilities to be employed for promoting objectives and working out suitable responses.

6. The reinforcement of solidarity among the member states of the E.U., which the development of common defense policy/common defense entails, will not and should not affect or diminish in any way the collective defense commitments and obligations of E.U. states in NATO. On the contrary, it will contribute decisively to the vitality of the Alliance and to the strength of transatlantic links, by allowing, among other things, Europe to shoulder more responsibilities in future crises. In other words, the development of common defense policy/common defense by the E.U. is a complementary and not an antithetical component of the Atlantic Alliance. The Declaration adopted by the recent NATO summit in Washington underscores the need for Europe to develop its own defense identity.

7. The foundation for building the Union's common defense policy/common defense must be the "Petersberg tasks" which have already been incorporated into the Treaty of Amsterdam. However, the context, mechanisms and procedures for preventing, managing and resolving crises need to be clearly worked out.

Operational Capabilities

8. Common defense policy/common defense must endow the European Union with the capacity to take autonomous, purposeful action, especially where NATO is not prepared or willing to become engaged. To be able to do so, the European union needs to develop concrete operational capabilities based on credible military forces. To this end, a wide array of options can be considered ranging from setting up multinational forces to having recourse to national or NATO assets as specific situations dictate.

The Institutional Dimension

9. The institutional and procedural aspects of a common defense policy/common defense can not be divorced from the operational/military aspects. They form a unified whole, in which one element/reinforces or weakens the other depending on the particular political circumstances and relations. The availability of operational/military means and capabilities must be underpinned by the appropriate institutional and procedural mechanism for efficient policy-making and decision-taking.

10. In our view, the institutional arrangements set out in the Treaty, which essentially divide responsibility in policy-shaping and decision-making between the European Union on the one hand and Western European Union (WEU) on the other are not conducive to expedient and efficient decision-making especially when it comes to dealing with the management of crises. Transparency, clarity and coherence, the essential characteristics of an efficient policy-making framework, seem to be lacking.

11. The essential first step in the process of working out a solution to the institutional problem, a solution which would enable the European Union to formulate efficiently and implement policy is to proceed with the integration of the Western European Union (WEU) into the European Union. Institutional confusion notwithstanding, maintaining WEU as an independent body appears to be losing its distinctive importance due to the changing nature of NATO in particular and of the European security environment.

12. The integration of the WEU into the E.U. must be accomplished with full respect for the rights, obligations and specific conditions concerning the EU member states. This may entail the drawing up of special institutional arrangements to take account of the specific priorities and needs of individual member states.

13. The integration of the WEU into the E.U. should be carried out in connection with the second pillar, namely in the CFSP. This effectively implies that all functions and competences of the WEU (as provided in the Brussels Treaty), be they political or military, will be transferred to the CFSP. To overcome specific difficulties, the integration could be effected by means of a protocol to be signed by the interested member states of the EU. But it must be clear that the European Union will provide the institutional framework within which defense policy will be formulated and relevant decisions will be taken.

14. E.U./W.E.U. integration could be a staged process. The specific details and steps for each stage could be worked out by the European Council which has the authority, under the Treaty of Amsterdam, to implement the absorption of the WEU by the E.U. However, an early step in the process could be nomination of the Secretary-General/High Representative for the CFSP to serve as Secretary-General for the WEU.

15. While remaining essentially non-communitized, common defense policy/common defense could benefit from the contributions of the European Union's organs (European Commission, European Parliament) both in terms of substance, effectiveness and legitimacy.

16. Following the conclusions of the Vienna European Council and given that a number of member states have already presented ideas about the future of European defense, it is necessary for the General Affairs Council (GAC) to initiate a systematic discussion on the issue. The GAC is the suitable political forum in which to conduct the debate for the future of European defense in the context of the CFSP.
