

CFSP Watch 2004

Jess Pilegaard, Danish Institute for International Studies

1. Danish government priorities in the CFSP

Mainstream political parties in Denmark are very supportive of the CFSP and the efforts to strengthen the global role of the EU. In reaction to the draft Constitutional Treaty, the liberal-conservative Danish government and the major opposition parties¹ in the Danish Parliament (the 'Folketing') have made a Political Agreement regarding Denmark in the enlarged EU (see annex 1). It is on the basis of this Agreement that the government and the main opposition parties have agreed to recommend a 'yes-vote' to the Constitutional Treaty when a referendum is held.²

This Agreement covers all major aspects of Danish EU policy, including the CFSP/ESDP, and is consequently worth quoting at some length. The Agreement stipulates that:

'We shall seek to ensure that the EU assumes greater global responsibility. We wish to see a multi-pronged approach where the EU plays an active role in the efforts to promote peace, disarmament and stability; in the efforts to strengthen democracy, human rights and the international rule of law; in the efforts to prevent and fight terrorism; in the efforts to foster development and fight hardship and poverty in the world; and in the efforts within the areas of international environmental and climate policy. The EU must also strengthen the civilian crisis management capacity.

We must actively support the wish of EU neighbouring countries for closer cooperation, for example by incorporating them in EU programmes and by offering access to EU markets in tandem with the progress of the reform efforts implemented in these countries. At the same time, we note with satisfaction that the EU's security and defence dimension is developing in accordance with the principles of the UN Charter and on the

¹ I.e. all parties represented in Parliament, with the exception of the right-wing Danish People's Party (which secures the present liberal-conservative government its parliamentary majority) and the left-wing Unity List.

² At the time of writing, there were strong indications that the referendum would be held in September 2005.

basis of the Treaty's stipulations. The Treaty lays down the framework for civilian and military operations outside the EU. That includes joint disarmament operations, humanitarian and rescue tasks, military and assistance tasks, conflict prevention and peace-keeping tasks, and tasks of combat forces in crisis management, including peace-making and stabilisation. In addition to this are contributions to the fight against terrorism, including by supporting third countries in combating terrorism in their territories. The Treaty stipulates that for Denmark and those States which are members of NATO, NATO will remain the foundation of their collective defence. The Treaty does not entail the creation of a European army nor does it infringe upon the exclusive right of the Government and the Folketing to dispatch Danish troops as laid down in the Danish Constitution. The Treaty's obligation to improve military capacities does not entail that this must be achieved through an increase in military expenditure. The goal can be achieved by other means. It will continue to be the Member States themselves that draw up their own national defence budgets. In this regard, it should be borne in mind that the Danish defence opt-out is preserved in the new Treaty.

We also wish to see the EU play a greater role in the efforts to solve refugee problems as well as fight illegal immigration and cross-border crime.'

In a speech given at the *Institut Français des Relations Internationales* in Paris (see annex II), Danish Prime Minister, Anders Fogh Rasmussen, outlines a number of priorities for the EU in international affairs. Emphasising the increased global responsibility of the enlarged EU, the Prime Minister stresses the key challenges of international terrorism, failed states, proliferation of weapons of mass destruction, civil wars and humanitarian disasters. While these challenges can only be tackled in close cooperation with international partners, such as the United States, the Union has a particular responsibility for addressing the political and security-related challenges in its near abroad, including the Middle East and Africa. The Union should be able to utilise the numerous civilian instruments at its disposal (incl. financial and humanitarian aid) in conjunction with military instruments, thus creating 'added value' in the execution of EU security policies.

The Danish government has been particularly active in strengthening dialogue and partnership with the Middle Eastern region, bilaterally and through the CFSP.³ Denmark has simultaneously given high priority to security and conflict-resolution in Africa, and is expected to emphasise this agenda as non-permanent member of the UN Security council (2005-2006).⁴

2. National Perceptions and Positions with Regard to CFSP/ESDP issues

The Danish government sided with the US administration in the run-up to the Iraq conflict, providing military support for the campaign. The Danish government has subsequently sought to downplay the EU-political ramifications of the decision to join the US-led coalition. The Danish government rejects the notion that the Iraq conflict is somehow undermining the CFSP, and has tried to keep the two issues apart: The Danish decision to join the US-led coalition does not represent a general re-orientation of Danish foreign policy and should not be taken to imply a dissatisfaction or disillusionment with the CFSP. On the contrary, the Danish government is keen on moving beyond the political debacles of the recent past.

The leading opposition party, the Social Democrats, was critical of the Danish government's original decision to join the US-led military campaign, and is consequently calling for a more balanced policy. A prominent figure from the Social Democrats, Frank Jensen, thus recently asserted that Denmark 'should be more *European* than the United Kingdom, and more *Atlanticist* than Germany'.

Interestingly, the conflict over Iraq has arguably made Danish left-wing opposition parties more favourably inclined towards the European Union and the CFSP/ESDP; the argument being that we need a stronger Europe to counterbalance the United States.

³ See <http://www.um.dk/en/menu/DevelopmentPolicy/WiderMiddleEastInitiative/>

⁴ See the website of the Danish Ministry of Foreign Affairs (<http://www.um.dk/en>) for additional information on the Danish membership of the UN Security Council and the new Danish Africa Policy.

Mainstream political parties do not accept this counterbalancing argument. For changing Danish governments NATO has been the preferred option in terms of military security, and the incumbent government is no exception (see also the excerpts from the Political Agreement quoted above). 'NATO remains the cornerstone of European security', asserts the Danish Prime Minister in the above-mentioned speech, emphasising the critical importance of transatlantic co-operation. The Danish government is eager to revamp the transatlantic partnership through increased co-operation on counterterrorism, non-proliferation, failed states, international development cooperation, and international trade. The Danish government is consequently favourably inclined towards initiatives that may strengthen the relevance of NATO (e.g. out-of-area operations, outreach programmes). However, the Danish government simultaneously emphasises the importance of making the EU a more reliable and efficient international partner for the United States. The EU needs to pull a greater weight in international relations, not to counterbalance the United States, but to become a more valuable partner in the transatlantic alliance.

As can be seen from the Political Agreement quoted above and the priorities delineated by the Danish Prime Minister, the Danish government and the mainstream opposition parties are clearly in favour of strengthening the EU's role in crisis management in Europe and Africa, under the political mandate of the United Nations.

Denmark is generally speaking closer to Rumsfeld's 'New Europe': More pro-atlantic and less keen on independent (competing) EU military structures. Denmark is consequently not dissatisfied with the possibility that Eastern enlargement may strengthen an 'Atlanticist' coalition inside the EU.

As can be gathered from the above-mentioned priorities, the Danish government is generally favourable to the European Security Strategy. The strategy has not received much attention in the broader public debate in Denmark, but the priorities and key challenges contained in the Strategy are clearly relevant to Danish foreign policy concerns.

3. The Results of the IGC 2003/2004 on the Constitutional Treaty

The Political Agreement (annex I) between the Danish Government and the main opposition parties clearly shows that Denmark is supportive of the efforts to strengthen the CFSP. Because of Denmark's traditional ambivalence towards the notion of a 'Federal Europe', the titles 'President' and 'Foreign Minister' have caused some concern in the Danish EU-debate. Generally speaking, Denmark is in favour of functions, but is less enamoured in the titles, which have federal connotations. This is likely to become a contentious issue in the forthcoming referendum (to what extent do the Treaty changes indicate that we are moving towards a federal Europe?). Still, the Danish government and the main opposition parties are clearly in favour of the proposed changes.

Denmark is strongly in favour of the CFSP, which has become an integral part of Danish foreign policy and Danish diplomacy. Denmark is consequently supportive of efforts to strengthen the efficiency of the CFSP (see annex I). The Danish government is also supportive of the efforts to strengthen the ESDP, but given the Danish opt-out from the ESDP⁵, the Danish government has generally kept a relatively low - but supportive - profile. It is no secret that the Danish government is keen on having the opt-out lifted, and this is supported by all mainstream opposition parties. Surveys indicate that a majority of the electorate also support this position. However, the Danish government has – in agreement with the mainstream opposition parties – chosen to postpone the issue until after the planned referendum on the Constitutional Treaty.

4. Mapping of Activities in CFSP-related Research

Key researchers in the field of CFSP/ESDP include (the list is not exhaustive and the names appear in random order):

- Professor Ole Wæver, Institute of Political Science, University of Copenhagen
- Jean Monnet Professor Bertel Heurlin, Institute of Political Science, University of Copenhagen

⁵ According to the Protocol on the position of Denmark to the Amsterdam Treaty '*Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications, but will not prevent the development of closer co-operation between Member States in this area. Therefore Denmark shall not participate in their adoption.*' The Danish opt-out will be an integral part of the Constitutional Treaty.

- Jean Monnet Professor Knud-Erik Jørgensen, Institute of Political Science, University of Aarhus
- Associate Professor Mikkel Vedby Rasmussen, Institute of Political Science, University of Copenhagen
- Associate Professor Lene Hansen, Institute of Political Science, University of Copenhagen
- Senior Researcher Ulla Holm, Danish Institute for International Studies
- Professor Morten Kelstrup, Institute of Political Science, University of Copenhagen
- Head of Department Gorm Rye Olsen, Danish Institute for International Studies
- Professor Finn Laursen, Institute for Political Science, University of Southern Denmark
- Senior Researcher Hans Mouritzen, Danish Institute for International Studies.
- Associate Professor Marlene Wind, Institute of Political Science, University of Copenhagen
- Associate Professor Anders Wivel, Institute of Political Science, University of Copenhagen
- Associate Professor Henrik Larsen, Institute of Political Science, University of Copenhagen
- Associate Professor Sten Rynning, Institute of Political Science, University of Southern Denmark

Annex I (source: www.um.dk)

Unofficial translation

2 November 2004

Political Agreement between the Government (the Liberal Party, the Conservative Party), the Social Democrats, the Socialist People's Party and the Social Liberal Party regarding Denmark in the Enlarged EU
"Denmark in the Enlarged EU"

With the enlargement of the EU by 10 new Member States, we have a new, united EU. The divided Europe of the Cold War has been replaced by a democratic community of nations and peoples of Europe. The enlargement marks the achievement of the primary objective of Danish European policy since the fall of the Berlin Wall. A democratic, cooperating and strong EU is in Denmark's interest.

The enlarged EU must be open, effective and capable of taking decisions. This is imperative for our ability to fully exploit the benefits that the EU offers us. At the same time, the EU must be understandable. Consequently, it is necessary and proper that the new Treaty unifies and modernises the foundation for the enlarged EU.

The EU constitutes the framework for future European cooperation; a cooperation where results are achieved not only in the meeting between national interests, but also in the meeting between political views across borders. The EU is not an ideological project, but a common framework for political efforts.

Denmark's positions in the day-to-day work in the EU are determined by a political process in this country. The political process is characterized by the different views held by the parties to this Agreement and the other parties in the Folketing (Danish Parliament). This Agreement does not change this, but simply reflects the fact that the parties behind the Danish endorsement of the Treaty share certain overall goals regarding the ways in which the new framework is to be utilised.

The Treaty is a result of negotiation between all EU Member States. Every Member State has had to make concessions and compromises – also Denmark. However, the overall result is a better Treaty that clarifies the EU's goals and structure in a single basic document for Europe and which:

- builds on the national constitutions of the individual sovereign states,
- is compatible with the Danish Constitution, and
- must be approved by all Member States in accordance with each Member State's national constitution, which in the case of Denmark is the Constitution.

At the same time, we agree that the Treaty contains a number of significant improvements:

- The Treaty ensures that the enlarged EU can function more effectively. The decision-making procedures are simplified and streamlined, thus enhancing the ability of the EU to deliver the necessary results, even with 25 or more Member States.
- It is firmly stated that the EU is a cooperation between independent nation states, and that the EU's powers are conferred by the Member States. At the same time, it is made clear that any Member State has the freedom to withdraw from the cooperation.
- The division of labour between the EU and the Member States is clarified and clearly described.
- The EU's objectives and values are clearly presented and given far more prominence in the Treaty. The Treaty underlines that the EU is built on democracy, freedom, tolerance, equality and respect for human rights. The EU seeks to promote, among other things, social progress and a high level of environmental and consumer protection. The values are further emphasised by the decision to incorporate the EU Charter of Fundamental Rights into the Treaty.

- It is stipulated that EU legislation shall be adopted in accordance with the principles of full openness and transparency – in both the European Parliament and the Council. The democratic process in the EU is enhanced also by the role and opportunities afforded to the national Parliaments and by the fact that the European Parliament is given increased co-influence.
- The EU's ability to present our common views on the international scene is strengthened, as is the EU's ability to undertake crisis management tasks based on voluntary contributions from the Member States.
- The EU is given legal personality, thus allowing the EU to act as one entity in relation to the surrounding world, including when the EU concludes international agreements.

A new, proactive Danish European Policy

The Treaty is not a goal in itself. It is first and foremost a means that can and must be used for the benefit of the nations and peoples of Europe. Results are generated in the political and democratic process that takes place in the Member States and in the EU institutions. The Treaty offers a good foundation for Denmark's active and equal participation in European cooperation. The Treaty offers Denmark good opportunities to continue the efforts to achieve the overall European policy objectives that the parties to this Agreement share.

- We shall continue our efforts to promote openness, proximity and democracy in the EU. The Treaty takes us another step in the right direction. This applies to, among other things, openness regarding the legislative process. The provisions in the new Treaty regarding a strengthened role for the national Parliaments must be implemented in practice. Similarly, we must create optimal conditions for applying the Treaty's principle of promoting popular participation in the democratic life of the EU. We will take and support initiatives that can contribute to achieving this objective.

- We shall work to integrate EU policy issues more systematically in the work of the Folketing, thus affording the Folketing better opportunities to influence Denmark's EU policies at an early stage.
- We shall work to strengthen Europe's competitiveness. The EU must contribute to fostering economic growth, creating more and better jobs, promoting equal opportunities, and developing a well-educated and highly skilled workforce with particular focus on an effectively functioning Internal Market. We wish to see an increased focus on research and development as well as education and training that, among other things, stimulate products and production within fields such as sustainable energy, cleaner technology and other environmental technology.
- We must use the EU to promote economically and socially sustainable development. The EU must be used to secure the framework for the European welfare states. Through this framework, the EU must strengthen the opportunities for us to preserve the Danish welfare model. The organisation of the welfare state will remain a national responsibility.
- We must use the EU to promote environmentally sustainable development through targeted efforts to raise the level of protection in present and future Member States and to continually improve the level of environmental quality. We shall endeavour to ensure that the EU actively strives for an ambitious agreement on the reduction of greenhouse gases and that this is done in good time before the Kyoto Protocol's first phase expires in 2012. At the same time, we shall seek to promote the use of sustainable energy in the EU. We shall also seek to ensure a high level of food safety and animal welfare.
- We shall seek to ensure that the EU assumes greater global responsibility. We wish to see a multi-pronged approach where the EU plays an active role in the efforts to promote peace, disarmament and stability; in the efforts to strengthen democracy, human rights and the international rule of law; in the efforts to prevent and fight terrorism; in the efforts to foster development and fight hardship and poverty in the world; and in the efforts within the areas of international environmental and climate policy. The EU must also strengthen the civilian crisis management capacity.

We must actively support the wish of EU neighbouring countries for closer cooperation, for example by incorporating them in EU programmes and by offering access to EU markets in tandem with the progress of the reform efforts implemented in these countries.

At the same time, we note with satisfaction that the EU's security and defence dimension is developing in accordance with the principles of the UN Charter and on the basis of the Treaty's stipulations. The Treaty lays down the framework for civilian and military operations outside the EU. That includes joint disarmament operations, humanitarian and rescue tasks, military and assistance tasks, conflict prevention and peace-keeping tasks, and tasks of combat forces in crisis management, including peace-making and stabilisation. In addition to this are contributions to the fight against terrorism, including by supporting third countries in combating terrorism in their territories. The Treaty stipulates that for Denmark and those States which are members of NATO, NATO will remain the foundation of their collective defence. The Treaty does not entail the creation of a European army nor does it infringe upon the exclusive right of the Government and the Folketing to dispatch Danish troops as laid down in the Danish Constitution. The Treaty's obligation to improve military capacities does not entail that this must be achieved through an increase in military expenditure. The goal can be achieved by other means. It will continue to be the Member States themselves that draw up their own national defence budgets. In this regard, it should be borne in mind that the Danish defence opt-out is preserved in the new Treaty.

We also wish to see the EU play a greater role in the efforts to solve refugee problems as well as fight illegal immigration and cross-border crime.

A Treaty with new adjustment possibilities

We find that the Treaty offers a foundation that can provide an effective, democratic and transparent framework for the future development of Europe for many years to come. In

the years ahead, we must focus on strengthening EU cooperation to achieve concrete results. We are therefore satisfied that the Treaty in several areas holds new adjustment possibilities.

Treaty amendments

Article IV-445 of the Treaty contains a new provision stipulating that amendments may be made in the Treaty provisions regarding EU internal policies without convening an intergovernmental conference or a convention. The amendments may not give the EU more competence, and a decision demands unanimity in the European Council and subsequent ratification in accordance with the constitutional requirements of each individual Member State. Consequently, a double Danish right of veto has been secured in the same way as with the ordinary Treaty amendment procedure.

Majority decisions

In an EU with 25 Member States, the point of departure must be that decisions are taken by qualified majority. However, in certain areas, it has been important for several Member States to uphold the principle of unanimity.

In this respect, the Common Foreign and Security Policy constitutes a special area. The EU must assume greater responsibility internationally. We are therefore satisfied that the Treaty allows for more decisions to be taken by qualified majority. However, the principal rule will continue to be unanimity, a rule that applies also to the overall guidelines for the common foreign and security policy which must be adopted by unanimity without the possibility of transition to qualified majority. In areas where decisions may be taken by qualified majority, the Treaty makes it possible for a specific country for vital reasons ultimately to secure unanimity voting. The EU cannot impose a particular foreign policy on a country. Similarly, a single country should not prevent the others from pursuing a particular foreign policy.

We find it proper that the Treaty allows for the possibility that the Member States at a later time through unanimity may move from unanimous voting to qualified majority

voting in certain areas or give up a special legislative procedure for the Council in favour of the ordinary legislative procedure, where both the Council and the Parliament are co-legislators.¹ We would like to see majority decisions extended to several areas, including:

- minimum rates for environmental taxes (Article III-234(2)),
- minimum rates for energy taxes (Article III-256(3)),
- combat of various forms of discrimination (Article III-124(1)), and
- decisions regarding the EU's multiannual financial framework (Article I-55(4)).

We also welcome Article-223(2), which entails automatic transition to qualified majority voting and ordinary legislative procedure regarding the Structural Funds and the Cohesion Fund when the first provisions after the Treaty enters into force are to be adopted.

We agree that the Bill in connection with Denmark's ratification of the Treaty must hold a provision to the effect that the possibility of a transition to qualified majority voting or the ordinary legislative procedure cannot be used in any matter without the consent of the Folketing. We also agree that we will hold close consultations between the parties in each individual case.

The possibility of a transition to qualified majority voting or to the ordinary legislative procedure exists also in areas where special conditions require that such a decision be carefully considered. This applies, for example, to the possibility laid down in Article III-

¹ This concerns a general possibility for amending decision-making procedures within EU policies and functioning under Article IV-444 of the Treaty. This also concerns the possibility for specific decisions hereon within parts of the social and labour market policy (Article III-210(3)), within parts of the environmental policy (Article III-234(2)), within parts of civil law (Article III-269(3)), within parts of the Common Foreign and Security Policy (Article III-300(3)), within the multiannual financial framework (Article I-55(4)), as well as decision-making procedures within enhanced cooperation (Article III-422). The provision may not be applied to decisions with military or defence implications. The Treaty provisions that require special national ratification will inherently demand that all Member States are in agreement. This applies, for example, to the supplementing of EU citizen rights (Article III-129) and the electoral system for the European Parliament (Article III-330). The transition to qualified majority or the introduction of the ordinary legislative procedure in these areas thus make no sense. The described procedure between the parties to the Agreement governing the use of Article IV-444 and the specific possibility for transition to qualified majority or the ordinary legislative procedure will find corresponding use if the amendment to the decision-making procedure is made on the basis of the simplified Treaty amendment procedure as laid down in Article IV-445.

185(6) for, at a later time, conferring the supervision of certain financial institutions to the European Central Bank, on whose Governing Council Denmark is not represented, as long as Denmark stands outside the euro cooperation. This applies also to key parts of the social and labour market policy, to certain parts of the common commercial policy and to parts of the taxation area, where the implications of the Danish welfare model require that Denmark should exercise special care.

With respect to the social and labour market policy, we are satisfied that Article III-210 of the Treaty upholds unanimity in connection with decisions on the protection of workers regarding:

- social security and social protection of workers (1(c)),
- termination of an employment contract (1(d)),
- representation and collective defence of the interests of workers and employers (1(f)), as well as
- conditions of employment for third-country nationals (1(g)).

We agree that we will not support the transition to qualified majority or ordinary legislative procedure in these areas, if one of the parties to this Agreement remains opposed to the proposal in question following consultations between the parties. We agree that the same arrangement shall apply to regulation of issues under Article III-125(2) that concern social security or social protection. If a party has opposed a proposal, we agree that we will hold fresh consultation, if significant changes occur in the conditions on which the rejection of the proposal in question was based.

We are also satisfied that the Treaty underlines the role of the social partners at EU level in consideration of the diverse nature of national systems. As part of this, Articles III-211 and III-212 of the Treaty maintain the social partners' possibility of concluding voluntary collective agreements at EU level on the social and labour market policy, as well as their possibility of freely choosing whether the agreements are to be implemented by the EU. In this connection, we find it important that, as has been the case so far, it should be left to

the Member States themselves to choose the form and means for the implementation, and that the Danish collective bargaining system on the labour market is maintained.

With respect to services, we are satisfied that Articles III-145-147 of the Treaty do not change the competence of the EU in relation to services within the Internal Market.

Similarly, the Treaty maintains the definition of what, under the Treaty, shall be considered "services". We are also satisfied that the Treaty without changes establishes that the Member States themselves decide their systems of property ownership (Article III-425).

In respect of trade in services, Article III-315 on the common commercial policy underlines that the EU must not through the commercial policy change the distribution of competence between the EU and the Member States. This applies also to the negotiation and conclusion of trade agreements in the field of cultural and audiovisual services, as well as in the field of social, education and health services. We are satisfied that the external competence of the EU concerning services pursuant to Article III-315 cannot exceed the internal competence of the EU, and that it therefore cannot extend the internal competence of the EU by the backdoor regarding services in, for example, the field of cultural and audiovisual services as well as in the field of social, education and health services.

We agree in this connection that, if necessary, we shall use the possibility laid down in Article III-325(11) of the Treaty for obtaining an opinion from the European Court of Justice if we find that a trade agreement will imply harmonisation in an area where the Treaty rules out harmonisation. If the European Court of Justice shares this view, the agreement may not enter into force unless it is amended.

The Treaty holds an innovation under which the Commission is required, in each individual case, to carefully consider whether national organization of social, health and education services may be seriously disrupted, or whether the responsibility of Member States to deliver them may be prejudiced. Similarly, as another innovation, the Commission is also

required, in connection with trade agreements in the field of cultural and audiovisual services, to carefully consider whether cultural and linguistic diversity in the EU is put at risk. We agree that we will turn down any proposals for a transition to majority decisions in these areas, if merely one of the parties to this Agreement is opposed to the proposal in question following consultations between the parties.

We believe that strengthening the EU cooperation in certain taxation areas is in Denmark's interest. This applies, among other things, to:

- the establishment and harmonisation of minimum rates for indirect taxes (Article III-171), and
- cooperation on direct and indirect tax fraud and evasion as well as administrative cooperation (Articles III-171 and III-173).

In these areas, we are therefore prepared to support any proposals for a transition to majority decisions or ordinary legislative procedure.

In certain other taxation areas, we shall, however, reject any proposals for a transition to majority decisions or ordinary legislative procedure under Articles III-171 and III-173, if merely one of the parties to this Agreement is opposed to the proposal in question after consultations between the parties. This applies to proposals for a transition to majority decisions or ordinary legislative procedure that may relate to:

- direct personal taxes (Article III-173), as well as
- harmonisation of indirect taxes, apart from minimum harmonization (Article III-171).

The same applies to proposals for a transition to majority decisions or ordinary legislative procedure concerning approximation of legislation that impacts directly on the establishment or function of the Common Market in pursuance of Article III-173; except for a transition to majority decisions or ordinary legislative procedure concerning the

updating of Partnership and Cooperation Agreements with third countries as well as taxation issues that do not relate to direct personal taxes.

If a party has opposed a proposal, we agree that we will hold fresh consultations, if significant changes occur in the conditions on which the rejection of the proposal in question was based.

Migrant workers

We agree that within the Internal Market there is a need for the possibility of coordinating social security arrangements for migrant workers. At the same time, we are fully convinced that the organisation and financing of the individual Member States' welfare systems are, first and foremost, a national responsibility.

The provision of Article III-136 on social security enables a qualified majority to adopt arrangements for the calculation and payment of benefits to migrant workers in the EU. The provision holds, simultaneously, an effective emergency brake mechanism laid down in paragraph 2, which makes it possible to refer a proposal that affects fundamental aspects of the social security system or the financial balance of that system to the European Council for decision by consensus. Prior to determining Denmark's position on a proposal in this area, the Government will naturally, as has been the case so far, have to assess the consequences of the proposal and obtain negotiating positions from the European Affairs Committee of the Folketing. We agree that we will conduct close consultations between the parties to the Agreement on any proposal in pursuance of Article III-136 with a view to ensuring that the proposal does not affect fundamental aspects of Denmark's social security system or the financial balance of that system.

If a proposal according to expert assessment, if necessary with the involvement of external expertise, is considered to affect fundamental aspects of Denmark's social security system or the financial balance of that system, we agree on insisting that the proposal be referred to the European Council, and we agree that Denmark will oppose the adoption of the proposal. Where it is deemed necessary to involve external expertise for

the purpose of the expert assessment, the relevant experts will be appointed subject to agreement between the parties. Where the expert assessment raises reasonable doubts as to whether a proposal is liable to affect fundamental aspects of the social security system or the financial balance of that system, any party to the Agreement may require that the emergency brake mechanism be applied. If changes occur in significant preconditions of the assessments, including if the Commission changes its proposal, we agree to reconsider the matter. Any party to the Agreement may demand a reassessment, if the party finds that the political preconditions have changed significantly.

Status of Agreement

This Agreement is an expression of a fundamental political understanding between the participating parties with respect to the areas covered by the Agreement. It is included in the explanatory notes to the Bill on ratification of the Treaty, without this changing the fact that it is a matter of a political agreement.

The Agreement shall remain in force for as long as the Treaty that was signed in Rome on 29 October 2004. Any amendment to the Agreement shall be subject to consensus between the parties to this Agreement.

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Denmark's special position

The Danish opt-outs are laid down in the Edinburgh Decision and supplemented by a special protocol to the Amsterdam Treaty. Denmark's special arrangements cannot be changed without Danish consent and will, therefore, be maintained as long as Denmark so wishes. In Edinburgh, Denmark indicated that we would not prevent other countries from developing the cooperation in the areas where we have opt-outs.

The opt-outs are maintained in the new Treaty. At the same time, the Treaty opens up for the possibility that Denmark's opt-out regarding the EU cooperation on Justice and Home

Affairs may change, subject to approval by referendum. If relevant, this means that Denmark on a case-by-case basis will decide on participation in the cooperation in this area.

It is altogether vital that the Danish EU policy also in these areas rests on the necessary popular foundation. A change of Denmark's special position is only possible through a later, separate referendum.

Annex II (Source : www.stm.dk)

DÉFIS GLOBAUX POUR L'EUROPE - L'Union Européenne après l'élargissement

Discours prononcé par le Premier ministre danois Anders Fogh Rasmussen à l'Institut Français des Relations Internationales le 14 avril 2004

M. Directeur Général, mesdames et messieurs,

C'est un grand honneur pour moi d'avoir l'occasion de venir m'adresser à vous ici, à l'institut aujourd'hui.

Dans un peu plus de deux semaines - à savoir le 1er mai - l'élargissement de l'UE deviendra réalité. Ca sera l'aboutissement de plus de 10 années de travail – le couronnement étant les décisions adoptées au Sommet de Copenhague en décembre 2002. En même temps, l'élargissement marque le début d'une nouvelle ère dans l'histoire de l'Europe et de l'Union européenne.

C'est un moment opportun de nous tourner vers l'avenir. Je me concentrerai sur les défis globaux auxquels l'Union élargie est confrontée.

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Permettez-moi tout d'abord d'évoquer brièvement la Conférence intergouvernementale et le futur traité constitutionnel.

Une tâche principale pour l'Union dans les années à venir sera d'assurer la réussite de l'élargissement. Le premier pas déterminant sera l'adoption d'un nouveau traité. Nous devons aménager les processus de décision et les institutions de l'Union de manière à maintenir et à renforcer l'efficacité de notre coopération même avec 25 États membres, voire plus.

Le Danemark salue donc le résultat obtenu lors du Sommet européen au mois de mars. Ce résultat met en évidence la force de l'Union. Les crises sont susceptibles de survenir. Les

négociations sont susceptibles d'être suspendues. Mais nous trouvons une solution nous permettant d'avancer. Il s'agit désormais de réunir la volonté nécessaire pour trouver un compromis.

Certaines parties ont exprimé des inquiétudes face à l'échec de la Conférence intergouvernementale parce qu'elles voient un signe d'une évolution vers une dominance de grande puissance au sein de l'Union. Eventuellement sous forme de relations plus étroites entre la France, l'Allemagne et la Grande-Bretagne.

Je ne partage pas cette crainte. Je ne considère pas les dernières réunions tenues entre ces trois pays comme un club privé contre quelqu'un d'autre. Ces pays souhaitent, comme c'est le cas avec d'autres, échanger leurs points de vue préalablement aux réunions importantes au sein de l'Union.

De toute évidence, il est essentiel d'organiser la coopération européenne de manière à ne pas créer des entités - grands contre petits, nord contre sud et est contre ouest.

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L'Union élargie aura tout naturellement une plus grande responsabilité du développement au niveau mondial. L'élargissement a réellement permis à l'Union européenne de passer d'un acteur régional vers un acteur global. Dans les prochaines années, l'Europe devra prendre activement position sur le monde qui l'entoure. Ca devra se faire au niveau économique, au niveau de la politique étrangère et au niveau de la politique de sécurité.

L'Europe se trouve face à de grands défis au niveau économique. Dans les prochaines années, nous allons assister à un déplacement global considérable des emplois.

Cette répartition du travail à l'échelle mondiale peut être pour le bien commun. Mais uniquement si nous, les Européens, arrivons mieux à créer de nouveaux emplois. L'Europe doit en tout état de cause faire un pas énorme en avant en ce qui concerne les investissements dans des emplois dans le domaine de la technologie de pointe. L'Europe doit mettre en place une société de la connaissance, où la recherche et l'éducation sont

placés au premier rang. Nous devons faire de l'économie européenne une économie forte, compétitive et dynamique.

Nous avons fait les premiers pas importants. Dans les années 80, nous avons créé le marché unique. Dans les années 90, nous avons introduit la monnaie unique, l'euro. Et le 1er mai de cette année, nous allons réaliser l'élargissement de l'Union européenne qui passera ainsi de 15 à 25 États membres. Un grand marché unique avec plus de 450 millions d'habitants. La plus grande économie du monde.

Mais malheureusement pas la plus dynamique du monde. Nous perdons du terrain en matière de technologie. Nous perdons les emplois traditionnels, et nous créons trop peu de nouveaux emplois.

Dans les domaines cruciaux comme la recherche et l'innovation, l'Europe est également à la traîne. Surtout par rapport aux États-Unis. Les Américains consacrent plus d'argent à la recherche et au développement. Et l'Europe souffre de la fuite des cerveaux aux États-Unis.

Il faut placer l'emploi en faveur des citoyens européens au centre. À présent, il convient donc de mettre en oeuvre un plan d'envergure permettant à l'UE de devenir une société de la connaissance de premier plan. Notre action doit être de grande envergure et bien ciblée.

Je propose que nous nous fixerions comme objectif de développer un véritable espace commun en matière de recherche, de développement et d'éducation.

Il faudrait, dans les années à venir, redoubler les efforts de l'UE en cette matière. Concrètement, je vais proposer cinq éléments qui sont tirés d'une stratégie pour le développement d'un espace commun en matière de recherche, de développement et d'éducation.

Premièrement, les crédits consacrés au programme cadre de recherche communautaire devraient bénéficier d'une augmentation significative.

Deuxièmement, il conviendrait de mettre en place un nouveau Fonds européen de la recherche fondamentale. Le Fonds doit permettre un renforcement de la recherche fondamentale à l'échelle européenne dans les technologies de demain, comme par exemple les nanotechnologies, les technologies hydrogènes et les technologies environnementales.

Troisièmement, il conviendrait de renforcer la coopération en matière d'innovation et de diffusion de la technologie. La tâche consiste à traduire, dans les plus brefs délais, les résultats de recherche en de nouvelles productions. Le programme Airbus est un bon exemple de coopération d'un enjeu stratégique parce qu'il permet d'aboutir à des résultats et de renforcer notre développement industriel. Il nous faut tirer des leçons de ces résultats et les exploiter dans d'autres domaines.

Quatrièmement, il conviendrait d'étendre considérablement les programmes d'échange européens en faveur des étudiants, des enseignants et des chercheurs. Notre ambition doit être de considérer l'Union comme un espace, où les étudiants, les enseignants et les chercheurs se déplacent - comme la chose la plus naturelle - partout dans l'Union.

Cinquièmement, il conviendrait d'étendre nos programmes d'échange à d'autres régions du monde. Notre ambition est de faire de l'Europe un centre international de premier plan en matière d'éducation et de recherche. Nous devons attirer davantage d'étudiants qu'aujourd'hui, venus entre autres des États-Unis et de l'Asie. Et nous devons établir des collèges européens dans d'autres régions, comme par exemple aux États-Unis, en Asie et au Moyen-Orient.

Le marché intérieur, la monnaie unique et l'élargissement de l'Union marquent tous des étapes importantes de l'Europe. Il convient désormais de franchir une nouvelle étape importante. Faire de l'UE une économie fondée sur la connaissance de premier plan. Et ceci en créant un espace commun pour la recherche, le développement et l'éducation.

Mais l'Europe se trouve également face à de nouveaux défis en matière de politique de sécurité. Le terrorisme international, avec sa brutalité sans merci auquel nous venons d'assister à Madrid, mais également les États échoués, la prolifération d'armes de destruction massive, les guerres civiles, les catastrophes d'origine humaine. On connaît maintenant la liste par cœur. L'Europe doit relever ces défis globaux en collaboration avec des acteurs réactifs qui partagent ses vues, tout d'abord les États-Unis.

L'UE devrait jouer un rôle particulièrement responsable dans le domaine de la politique de sécurité en Europe et dans le voisinage immédiat de l'UE, p.ex. dans le Moyen-Orient et en Afrique. L'Union européenne doit pouvoir utiliser ses nombreux instruments financiers, humanitaires, diplomatiques et autres en commun avec les instruments militaires. Ça permettrait de créer une plus-value pour la politique de sécurité.

Mais pour cela, il est nécessaire d'accroître la capacité des pays de l'UE à mettre en oeuvre et à mener des opérations militaires dans les régions en conflit. Et pour cela, il faudra améliorer les possibilités de définir et de poursuivre une politique étrangère et de sécurité commune au sein de l'UE.

La pierre angulaire pour la sécurité européenne reste l'OTAN – et donc la coopération avec les États-Unis et le Canada. Mais dans ce cadre, nous devrions renforcer la capacité propre de l'Europe à prévenir et à résoudre des conflits régionaux.

L'Union devrait être capable d'assumer des missions militaires de rétablissement et de maintien de la paix et humanitaires, lorsque l'OTAN ne souhaite pas intervenir. Je salue donc l'initiative présentée par la France, l'Allemagne et la Grande-Bretagne sur la mise en place d'une force d'intervention commune. Ça devra s'inscrire dans la lignée du développement de la force de réaction de l'OTAN.

L'Union européenne a déjà démarré sa première opération militaire en Macédoine, où elle a repris la relève de la mission de l'OTAN. Dans quelques mois, l'UE prendra le relais de la mission de l'OTAN en Bosnie. La SFOR deviendra l'EUFOR. Ça sera la mission la plus importante et la plus exigeante jusqu'ici pour l'UE.

L'UE pourra également jouer un rôle positif en Afrique qui est tiraillée par les conflits. A la fois à travers des opérations directes comme ca a déjà été le cas avec l'opération dirigée par la France au Congo. En même temps que l'on accorde une aide aux efforts de rétablissement de la paix, qui sont conduits par les organisations africaines elles-mêmes.

Le prochain pas à faire dans cette direction est tout naturellement une amélioration de la capacité militaire des pays de l'Union. C'est la raison pour laquelle une Agence Européenne de la Capacité d'Armement, de Recherche, et de Militaire sera créer. C'est à mes yeux une initiative sensée, car elle permettra, on l'espère aussi, de contribuer à un renforcement de la recherche et du développement technologiques de l'Europe.

Mais l'Union européenne ne pourra devenir un acteur sérieux sur la scène internationale que si elle arrive mieux à parler d'une seule voix.

La politique étrangère, de défense et de sécurité relèvera tout d'abord de la compétence des États membres. Mais nous devrions être mieux à même de trouver une position commune et de poursuivre une position commune. Seule une telle action à l'unisson permettra à l'Europe d'avoir du poids dans la communauté internationale.

Il convient donc de créer le poste de ministre européen des Affaires étrangères. Un poste fort, où le ministre européen des Affaires étrangères présidera le conseil des ministres des Affaires étrangères, et il aura le droit de proposer des initiatives au même titre que les États membres.

Le poste de ministre européen des Affaires étrangères ne pourra pas garantir que les pays de l'UE parleront d'une seule voix. Mais si nous arrivons à choisir la personne appropriée, qui est capable de saisir l'équilibre entre les intérêts nationaux et les intérêts communautaires, je suis convaincu que l'Union aura fait un pas important, qui lui permettrait d'occuper un rôle plus central sur la scène internationale.

Le Moyen-Orient et l'Afrique du Nord font partie du voisinage immédiat de l'UE. Nous avons traditionnellement eu tendance à considérer toute la région à la lumière du conflit israélo-palestinien.

Mais il faut considérer la région à une échelle plus large. Les populations dans la majeure partie des pays du monde arabe manquent de liberté et leurs conditions de vie sont si misérables que ça génère une colère violente et une frustration. Cette frustration peut rapidement être dirigée contre le reste du monde – en particulier contre les États-Unis et l'Europe. Même si les raisons des maux et des frustrations dont souffrent ces populations se cachent tout d'abord dans les affaires intérieures, qui existent dans chacun des pays.

Ici, nous nous trouvons confrontés à un défi de politique étrangère et de sécurité à laquelle l'UE, dans les années à venir, doit accorder la plus haute priorité. Il est nécessaire d'établir un dialogue intensif et une coopération avec les pays au Moyen-Orient et en Afrique du Nord, un réel partenariat.

Les pays nordiques et baltes ont commencé par présenter une proposition concrète lors du Sommet européen au printemps 2003. Plusieurs contributions intéressantes ont suivi depuis, notamment de la part de la France et de l'Allemagne. Et nous savons que le gouvernement américain reste aussi préoccupé par cette idée.

On peut à juste titre se demander pour quelle raison les régimes autoritaires au Moyen-Orient devraient être incités à initier une coopération en matière de réforme et d'ouverture de leurs sociétés.

Je vois au moins deux mesures incitatives. Premièrement, les avantages économiques qui sont tirés d'une coopération économique renforcée. Deuxièmement, la coopération de sécurité au niveau régional avec l'OTAN. Mais cette dernière nous montre que l'UE ne pourra pas assumer à elle seule la tâche d'un nouveau partenariat avec le monde arabe. Je crois que l'établissement d'un tel partenariat avec le monde arabe doit se faire dans une collaboration entre l'UE, les États-Unis et les pays arabes. Ces derniers doivent avoir un sentiment d'appartenance envers les changements nécessaires de leurs sociétés.

Pour moi, une stratégie coordonnée à long terme pour le Moyen-Orient est un élément naturel de la coopération transatlantique entre l'UE et les États-Unis.

D'après moi, il est nécessaire de donner un nouvel élan à la coopération transatlantique. Ces dernières années ont été marquées par une série de tensions politiques graves dans les relations transatlantiques. La première a naturellement été provoquée par le conflit en Irak. Mais la Cour pénale internationale, l'accord de Kyoto et le climat, ainsi que le désaccord commercial relatif aux denrées alimentaires OGM sont tous des exemples des grands différends de principe, qui ont ébranlé les relations transatlantiques.

À mes yeux, il faut relancer la coopération entre l'UE et les États-Unis. Il faut donner un nouveau départ.

Il convient, de toute évidence, de renforcer la coopération autour des thèmes plus vastes. Les thèmes, qui prennent leur point de départ dans une discussion des réels défis difficiles communs à l'Europe et aux États-Unis. Aussi sur les points où nous ne sommes pas d'accord.

Permettez-moi de mettre l'accent sur trois grands thèmes de coopération, qui sont des thèmes clefs à mes yeux :

Premièrement, il conviendrait d'étendre la coopération en matière de politique commerciale. Il y va de nos intérêts vitaux, et il est donc préférable d'assurer un bon déroulement des échanges transatlantiques. La grande majorité des échanges entre l'Europe et les États-Unis s'effectuent sans problèmes. Mais il est évident que nous devons continuer à faire en sorte d'éviter les litiges malheureux en matière de politique commerciale. Ici, les deux parties doivent prendre leurs responsabilités dans ces échanges. Je verrai d'un bon oeil l'établissement, à terme, d'une zone de libre échange transatlantique.

Le deuxième domaine porte sur la politique de développement et sur le développement durable. Ici, l'UE et les États-Unis se trouvent réellement face à un défi commun. Nous devons faire front commun dans la lutte contre la pauvreté dans le monde. C'est une question de dignité humaine et de justice. Et c'est une question de sécurité et de stabilité dans le monde à long terme. Nous devons coopérer en faveur d'un développement durable basé sur un meilleur accès au marché, sur le libre échange, sur l'aide au développement, sur la bonne gouvernance et sur une action plus vaste en faveur d'un meilleur environnement. Dans les domaines de la politique de développement et de l'environnement, l'Union européenne occupe la première place au monde. Et nous devons insister pour que le dialogue transatlantique accorde une priorité absolue à ces questions. À terme, c'est également dans l'intérêt des États-Unis de chercher à approfondir la coopération en la matière.

Troisièmement, il est nécessaire d'avoir un dialogue plus large en matière de politique étrangère et de sécurité entre l'Europe et les États-Unis. Nous avons des intérêts mutuels pour un ordre mondial stable et pour la promotion de la liberté et de la démocratie. La lutte contre le terrorisme devrait être un sujet principal dans de tels contacts entre l'UE et les États-Unis. Le Conseil européen vient de prendre des mesures, qui visent à renforcer la lutte contre le terrorisme. A la suite du 11 septembre, les États-Unis ont renforcé et centralisé leurs efforts. Il convient, de toute évidence, d'établir une coopération plus étroite à l'échelle transatlantique en la matière, et cette coopération devrait être plus vaste que celle, qui existe dans le domaine militaire.

Un tel nouveau cadre pour le dialogue entre l'UE et les États-Unis sera naturellement basé sur les résultats, qui seront obtenus lors des négociations entre les parties. Le Danemark a observé avec intérêt les idées françaises sur une charte transatlantique, qui servirait de cadre pour le dialogue. L'objectif d'une telle charte devrait être de développer le grand potentiel d'un dialogue positif avec les États-Unis.

À l'heure actuelle, les États-Unis demeurent la seule superpuissance. Mais les États-Unis ont besoin de partenaires pour pouvoir gérer les défis de demain. L'Union européenne est la plus grande entité économique du monde. Mais c'est impossible pour l'Union d'agir

seule dans un contexte global. Nous avons un intérêt commun à coopérer. Les États-Unis, quant à eux, voient un intérêt clair à long terme d'avoir une Europe forte comme partenaire global.

Il n'est donc pas contradictoire de souhaiter à la fois une Europe plus forte et en même temps un renforcement de la coopération transatlantique. Bien au contraire. Les États-Unis ont besoin d'une Europe forte et unie. Et l'Europe a besoin d'être forte et unie pour avoir une coopération équilibrée et sur un pied d'égalité avec les États-Unis.

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Ma conclusion est claire : les défis globaux sont d'une telle envergure que les pays européens doivent coopérer afin de les relever au niveau de l'économie, de la politique étrangère et de sécurité. Nous avons donc besoin d'une coopération renforcée dans l'Union élargie, qui permettrait de donner à l'Europe un énorme coup de pouce vers une économie du savoir de premier rang. Et nous avons besoin d'une coopération renforcée en matière de politique étrangère, de sécurité et de défense. Et c'est également pour cette raison qu'il convient de mettre en place le nouveau traité constitutionnel dans les plus brefs délais.

L'Europe entre dans le 21^e siècle réunifiée et renforcée. Mais également avec un nouvel agenda et de nouveaux défis.

L'Europe a un grand potentiel. Et l'objectif est clair – nous devons être au premier rang dans le développement du 21^e siècle. Nous devons afficher un engagement positif et constructif dans le développement global. Pour réussir, il faut être prêt à s'attaquer aux tâches de grande envergure et prêt à avoir des idées novatrices.

Je vous remercie.