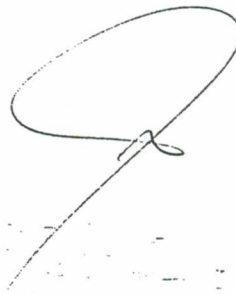


GENERAL REMARKS ON THE "ANKARA DOCUMENT"

- ◆ **Para 2** of the said document paraphrases Art. 17.1 of the TEU and imposes unilateral obligations to some of the member-states, those which are also members of NATO, without providing for any similar commitments on the part of the Allies in the context of their involvement in ESDP. This provision, as it is formulated, materially breaches the basic principles that "each Organisation will be dealing with the other on an equal footing" and that "there will be no discrimination against any of the member-states". In practical terms that means that the Allies, which are also candidate countries for accession to the EU, will be involved in ESDP without any written obligation to respect their commitments stemming from their candidature status to the EU, while the member-states will abide by their NATO obligations within the ESDP context.
- Also, the last sentence of the same paragraph: "under no circumstances, nor in any crisis, will ESDP be used against an Ally", not only distorts the very concept of ESDP, which, by definition, is designed to deal with crisis management and not to be used against any country, but also sends the wrong political message to other third countries, including the candidates. And the most important: in the hypothetical case that a specific Ally has conflicting interests with the EU, let us say in the Balkans or in the Caucasus, would that be a sufficient reason for not implementing ESDP? In other words, this provision contradicts the fundamental principle that ESDP supports the CFSP, in conjunction with the fundamental objective of the latter, as provided for in Art. 11.1 of the TEU, to "safeguard ... the fundamental interests ... of the Union". In practice, it also diminishes the decision-making autonomy of the EU.
- ◆ **Para 3** (...will enable the non-EU European Allies ... to associate themselves with EU decisions, actions and declarations) introduces a novelty, which is based on the pattern applied in the case of the candidate countries but with a significant difference: it allows the Allies to be associated with the decisions of the EU on ESDP, while there is no such a provision for the candidate countries. This provision breaches the fundamental principle that "there will be full respect of the single institutional framework of the EU", by creating a two-gear CFSP, taking into account that ESDP forms part of the former and it is not separate, institutionally. It also disrupts the principle that "there will be a single inclusive structure in which all the 15 countries concerned (non-EU European Allies + candidates to the EU) can enjoy the necessary dialogue, consultation and cooperation with the EU". In practice it means that all the decisions of the EU regarding ESDP should be communicated to the non-EU European Allies, in order to give them the possibility to associate themselves. We think that this constitutes a material breach of the EU autonomy.

- ◆ **Paras 4 and 5** go, definitely, beyond the relevant provisions of Nice and breach the afore-mentioned principle of the non-discrimination against the candidate countries, as far as consultations with the EU are concerned.
- ◆ **Para 6** (Arrangements in NATO for non-NATO EU members will be taken as a basis for developing appropriate arrangements for the non-EU European Allies in the EU military structures) breaches the principles that "... the EU and NATO are organisations of a different nature" as well as the "respect of the single institutional framework of the EU". In practical terms, this entails problems for the smooth functioning of the military structures of the EU, which are integrated in its institutional framework.
- ◆ **Para 9** changes completely the letter and the spirit of the Exercise Policy, as adopted in Göteborg, by allowing the non-EU European Allies to participate even in the planning of the EU exercises, while Göteborg provides their participation solely in the conduct of the European exercises.
- ◆ **Para 12 in connection with Para 2**, puts into serious risk the decision-making autonomy of the EU, by making the participation of the non-EU European Allies in the autonomous EU operation quasi mandatory, while placing the national interests of these countries above those of the member-states.
- ◆ **Paras 15, 16, 17 and 18** provide for a participation of the non-EU European Allies in the operational planning of the autonomous EU-led operations on an equal footing with the member-states, while upgrading the role of the Committee of Contributors in such a manner that breaches the decision-making autonomy of the EU (i.e. "the Committee of Contributors would be established and convened in order to discuss the finalization of the initial operational plans and military preparations for the operations") and affects the institutional role of PSC in that respect. Furthermore, the provisions of these paras (i.e. The C.o.C. takes decisions by consensus) will hinder substantially the day-to-day management of the European operations, bringing them to a paralysis.

A handwritten signature in black ink, consisting of a large, stylized loop at the top and a long, thin tail extending downwards and to the left.