

fines the principles and general guidelines for the CFSP including those with defence implications, on the basis of which the Council must take the decisions necessary for defining and implementing the CFSP. This means that the European Council in its orientating role is enlarged towards the defence dimension, and as a consequence towards WEU.

3. A Precise Definition of Each Instrument:

- Common Strategies (Article J.3): Common Strategies are implemented in areas where the Member States have important interests in common and they will set out the objectives, duration and means.

- Joint Actions (Article J.4): Joint Actions shall address specific situations where operational action by the Union is deemed to be required and they lay down the objectives, scope, the means, the duration and the conditions for implementation. The Council may ask the Commission to submit to it the appropriate proposals to ensure the implementation of a joint action.

- Common Positions (Article J.5): Common Positions shall define the approach of the Union to a particular matter of a geographical or thematic nature.

4. **Constructive Abstention (Article J.13(1)):** If a decision has to be taken with unanimity, the abstention of one or more Member States will not prevent the adoption of that decision. Such Member States may also submit a formal declaration during a vote to ensure that they are not obliged to apply the decision, but that they will accept the decision is binding on the Union. If the number of Member States making this declaration reaches one third of the weighted votes, the decision is not adopted.

5. **Imported and Stated Reasons of National Policy (Art.J.13(2)):** If a decision has to be taken with QMV, there will be no vote if a Member State declares that, for important and stated reasons of national policy, it intends to oppose the adoption of such a decision. In that case, the Council may, acting by qualified majority, refer the matter to the European Council for a decision by unanimity. QMV will not apply to decisions having military or defence implications.

JHA - Justice and Home Affairs

I. The provisions requiring unanimity in JHA are the following Articles of the TEU:

K.3(2) in conjunction with K.4(3):

Adoption of Joint Action and Common Position

K.8:

Charging operational expenditure to Community budget

K.9:

Crossover to Article 100c

II. The provision requiring QMV is:

Article K.3(2):

Implementing measures

III. Consulting and Informing EP

1. The Council Presidency consults the EP on the main aspects of JHA
2. The Council Presidency and the Commission inform the Parliament of work in JHA

The Treaty of Amsterdam has brought the following modifications to JHA:

1. Enlargement of the Community matters

- Issues concerning borders, visa policy, asylum, immigration, and judicial cooperation in civil matters. However, the control will be shared between the Commission and the Member States, who will decide by unanimity in all domains, except for certain issues related to visas. After a period of 5 years of joint Commission/Member States initiative, the Commission will have the monopoly to initiate action. At the same time, the Council will determine unanimously whether all, or part of, those JHA matters should be governed by QMV and co-decision;

- Customs fraud (and reinforcement of the provisions on fraud against the Community budget).

2. JHA matters under intergovernmental cooperation

- Matters concerning internal borders;
- Police and Judicial cooperation in criminal matters;
- Customs cooperation.

3. Integration of Schengen into the EU

- "Schengen *acquis*" might be divided over the EC and the Council. The division of responsibilities will be decided by unanimity by all 15 MS. If not, Schengen measures will remain under intergovernmental cooperation.

- "new" Schengen measures will have to be taken on the basis of the division of the matters in the Treaty of Amsterdam.

4. New powers for Europol

Europol remains an intergovernmental body set up for the facilitation and support of operative actions aiming at fighting organised crime in Member States. The Treaty of Amsterdam makes provisions for

- The assignment of operative powers to Europol