

solidarity clause is included in paragraph 2 of Article J.1 of the TEU. This article sets out the Member States' commitment to supporting the CFSP actively and unreservedly by enhancing and developing a mutual political solidarity. This implies that Member States should refrain from any action contrary to the interests of the Union or which may impair its effectiveness in international affairs.

The decision-making capacity of the Council of the European Union is also strengthened with the creation of a new instrument, called "common strategies", added to the existing joint actions and common positions. Common strategies, decided by consensus at the European Council, will determine for implementation actions and positions, adopted by QMV at the Council of the European Union.

The Treaty of Amsterdam thus reduces the number of decisions within CFSP that must be taken by consensus. Moreover, the Treaty of Amsterdam also introduces the concept of constructive abstention whereby a State can refrain from voting without blocking a consensus. Indeed, constructive abstention is a flexible means to allow a Member State not to participate in initiatives that a majority of Member States support, without preventing their adoption. However, the new "Amsterdam Compromise" can be invoked by any Member State if it has important and stated reasons of national policy to counteract the Council position.

The Treaty of Amsterdam introduces a new "Troika" system (Presidency, Secretary General of the Council, Commission VP responsible for all external relations) in the framework of the CFSP. The Presidency represents the Union in the sphere of the CFSP. It is assisted in this task by the Secretary-General of the Council, who becomes in Article J.16 the High Representative for CFSP, and, if it is the Presidency's wish, by the Member State which will exercise the next Presidency.

The duties of the High Representative for CFSP are explained in the Treaty of Amsterdam as the following: "He/She will assist the Council in matters of policy initiatives, in helping to formulate, prepare and implement policy decisions and when appropriate, conducting political dialogue with third parties on behalf of the Council and at the request of the Presidency." The High Representative is designated by the Council by unanimity and is assisted by a Deputy Secretary-General who is responsible for the management of the General Secretariat. Whenever it deems necessary, the Council can appoint a special envoy with a mandate in relation to a particular policy issue (the Middle East, Africa, etc.).

A declaration to the Final Act establishes a *policy planning and early warning unit* in the Council Sec-

retariat. This unit, under the responsibility of the Secretary-General, will consist of personnel from the General Secretariat, the Member States, the Commission and the WEU. Its duties include monitoring and analysing developments in areas relevant to the CFSP, the provision of timely assessments and early warning of important events or crisis, and assisting the formulation of policies by the Council – containing analyses, recommendations and strategies for CFSP. The Member States and the Commission may make suggestions to the unit for possible activities and must provide as much information as possible, including confidential information.

The CFSP will now also include the progressive framing of a common defence and security policy, which may lead to the creation of a "European Defence Identity". The EU also seeks to foster institutional relations with the WEU which may ultimately lead to the integration of the WEU into the Union. It also initiated, under the Austrian Presidency, formal contacts with NATO. The Treaty of Amsterdam recognises the vocation for the Council to take political decisions concerning the "Petersberg tasks" (humanitarian and rescue tasks, peacekeeping missions and tasks of combat forces in crisis management). To implement such political decisions, the treaty of Amsterdam makes provisions allowing the Union to have recourse to the WEU.

Council Activities in Justice and Home Affairs

In the TEU, the distinction made between matters which are "primarily" Community matters and those which are "primarily" intergovernmental is clear. JHA belongs to the second group, to the extent that the maintenance of domestic security and the respect of internal law and order are within the exclusive competence of each of the Member States. The scope of the Council's authority in the field of JHA is defined in Article K.1 of the TEU, addressing: asylum and immigration policy; external border crossing; policies concerning third country nationals; judicial cooperation in civil and criminal matters; the combatting of drug addiction and international fraud; customs cooperation; and police cooperation for the purposes of combatting international crime.

In the TEU, the Council also operates through the adoption of joint actions and common positions, and the drawing up of conventions to be then recommended for adoption, implementation and enforcement in the Member States.

However, the Treaty of Amsterdam brings important modifications to provisions on JHA. The door to