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**The Danish Presidency 2002:
Completing the Circle from
Copenhagen to Copenhagen**

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The Danish Presidency 2002: Completing the Circle from Copenhagen to Copenhagen

Introduction

In recent years we have seen an increasing interest in EU Presidencies, partly because the role of the Presidency has indeed increased. This increased role is due to the expanding scope of integration as well as the widened membership of the EU. At the same time there has been a tendency to involve the European Parliament more in the decision-making process. These factors have contributed to making decision-making a more complex process. The Presidency's main role is to 'manage' a multi-layered process of decision-making in an emerging polity. This involves – in cooperation with the Council Secretariat and the Commission – setting the agenda, exercising leadership – as a mediator and a policy entrepreneur – finding compromises, and representing the EU towards the external world, both in economic and political areas.

Denmark held the Presidency during the second half of 2002. How much could it affect the agenda and the results? This question about influence is not an easy one. A Presidency can of course try to pull the integration process in the direction it prefers, but it has to be careful not to be too partial. It has to a certain extent to anticipate the reactions of the other Member States to its ideas and proposals. In the end the Danish Presidency achieved much of what it set out to achieve, especially the completion of accession negotiations with 10 applicant countries: Estonia, Latvia, Lithuania, Poland, the Czech Republic, Slovakia, Hungary, Slovenia, Cyprus and Malta.

Enlargement clearly was the main priority. The Danish Prime Minister Anders Fogh Rasmussen made it clear that he considered it to be of extreme importance to conclude enlargement negotiations by December 2002. He viewed the task of the Danish Presidency as a historical opportunity to “unify the European continent and to make a great area of stability, prosperity and security” (*Agence Europe* 28/06/02). He appealed to the Member States and the candidate countries to be flexible and explained that everyone’s commitment was needed. “Ultimate success will require a willingness to compromise by all parties”, he said (Denmark, 2002a, 32).

Priorities

As is customary the Danish government set out priorities in a work programme prior to the start of the Presidency on 1 July 2002. The programme was entitled *One Europe*, suggesting already the emphasis the government put on enlargement (Denmark, 2002a). The five priorities were:

- *From Copenhagen to Copenhagen*¹ – Conclude enlargement negotiation with up to 10 countries to enable them to become EU members in 2004. To make progress in the negotiations with the countries not yet ready for membership and to strengthen relations with the EU’s new neighbours in the future.
- *Freedom, security and justice* – Joint fight against cross-border crime, including terrorism, illegal immigration, trafficking in women, narcotics crime and child pornography on the Internet. 11 September 2001 had set a new agenda. In particular the war on terrorism and implementation of the Seville decisions on political asylum and immigration were given high priority.
- *Sustainable development* – To find the means to reconcile economic growth and environmental protection. Efforts were needed

1 The reference is to the meeting of the European Council in Copenhagen in June 1993 when the decision was made that the applicant countries in Central and Eastern Europe could become members of the EU in the future when certain conditions, the so-called Copenhagen criteria, were met.

‘to get more people into work and secure a durable economy while avoiding harmful tax competition and tax avoidance’. Results should be achieved both in ‘the EU and worldwide’.

- *Safe food* – Food safety – from farm to fork – was another priority. There was also a need ‘to reconsider the common agricultural policy so that we can continue developing it in a more market-oriented and green direction’. Further, a new fisheries policy taking into account fisherman’s interests and ensuring that in the future there are still enough fish in the sea was needed.
- *Global responsibility* – Fanaticism and poverty were seen as ‘the greatest threats to global security’. Given Europe’s tradition of democracy and respect for human right Europe had ‘a natural role and obligation to fulfil in the striving for peace and development’. Two events were singled out as especially important: The World Summit on Sustainable Development in Johannesburg, which offered ‘a good opportunity to promote global dialogue and understanding’, and the ASEM 4 summit in Copenhagen, ‘where relations between Asia and Europe will be further strengthened’.

The Danish Presidency committed itself to transparency. ‘European citizens and the media must be able to follow proceedings in the EU at close hand,’ said the government. The Danish Presidency implemented a number of reforms, created a website, provided agendas of Council meetings and gave public access to Council press briefings.

A Euro-Sceptic Country

Denmark is a hesitant member of the EU with a Euro-sceptical population. Denmark has opt-outs relating to the single currency, defence, citizenship of the Union, and supranational Justice and Home Affairs cooperation. These opt-outs go back to 1992 when the Danes first rejected the Maastricht Treaty in a referendum on 2 June. The opt-outs were agreed at the meeting of the European Council in Edinburgh in December 1992 and subsequently helped the Danish political elite to get the Maastricht Treaty accepted in a second referendum in May 1993 (Laursen, 1994).

The implications of the opt-outs are clear in respect to the euro and defence policy: Denmark does not take part. The exemption on citizenship does not mean much in practice. In respect to Justice and Home Affairs Denmark takes part in intergovernmental cooperation, but not supranational cooperation. This exemption was reconfirmed when the Amsterdam Treaty moved a good part of Justice and Home Affairs from pillar 3 (intergovernmental) in the Union to the first pillar (supranational) (Laursen, 2002). And the exemption got under increased pressure, as the EU decided at the Tampere summit in 1999 to speed up progress in these areas.

The Danish scepticism was confirmed in 2000, when a majority of 53.1 percent of the Danes rejected participation in the euro in a referendum (Laursen, 2003). Since the euro referendum on 28 September 2000 there has been very little debate about European integration, despite such debate being the declared objective of the government in the post-Nice period (Kelstrup, 2002). The election campaign leading up to elections to the Danish Parliament, the *Folketing*, on 18 November 2001 took place without the EU playing an important role in the debate. Immigration became the big issue in the election, with the centre-right winning on proposed restrictions in immigration and asylum policies. The Social Democratic-Social Liberal minority government under Prime Minister Poul Nyrup Rasmussen had to resign. A new minority Liberal-Conservative Government under Anders Fogh Rasmussen was formed after the election. This current government depends on support from the anti-immigration and EU-sceptical Danish People's Party for parliamentary survival.

The Foreign Minister in this current government is Per Stig Møller from the Conservative Party. Bertel Haarder (Liberal) became Minister for European Affairs as well as Minister for Refugees, Immigration and Integration Affairs. The European Affairs portfolio was limited to the period before and during the Presidency. As a former MEP (1994–2001) and Vice-President of the European Parliament (1997–99) one of his assignments was to keep the European Parliament informed during the Presidency.

The Danish Presidency 2002

How can a small euro-sceptic country like Denmark exercise effective leadership during a presidency?

The government was partly aided by domestic political peace during the Presidency. The Presidency is seen as an important 'national' job. The opposition therefore gave the government full support during the Presidency.

In connection with the opt-outs – or exemptions, as they are called in Denmark – a special problem arose within the EU: Could Denmark chair Council meetings in areas where the country itself did not take part?

An agreement was reached according to which Greece, which was scheduled to have the next presidency, would step into the Presidency in some situations. The arrangement based on a Danish report to the other Member States prior to taking over the Presidency is outlined in *Agence Europe* of the 2nd of July 2002:

- Denmark will not preside in fora where topics are predominantly of a defence character, i.e. meetings of defence ministers (irrespective of the format for the meeting), meetings in the Military Committee and its subgroups and in other working groups that primarily discuss defence-related issues.
- Denmark will preside in fora dealing with topics of general ESDP, i.e. in the European Council, in the General Affairs Council, in PSC (Political and Security Committee) and in the traditional CFSP working groups. The report explains: "This will also apply in cases where elements relating to defence might enter the discussion. However, if an agenda point in the General Affairs Council or in PSC related only to defence is dealt with, Denmark will refrain from presiding over the discussion on that particular agenda point. Denmark is naturally aware that in situations of crisis under all circumstances a decision can be made that the Secretary General/the High Representative will preside over meetings in PSC". Similar guidelines will apply to exercises organised under ESDP.
- For meetings with international organisations or third countries the same principle will, as far as possible, apply, i.e. where topics are

predominantly of a defence character, Denmark will refrain from presiding. Denmark will not preside in relation to permanent co-operation agreements with NATO, including at Council level, PSC/NAC level or any working groups between the two organisations. However, if a topic of generally non-defence character is dealt with, Denmark is willing to preside but it will not preside at meetings with the six European-allied non-EU countries nor with candidate countries concerning topics of a predominantly defence character, although it will preside over “other meetings with international organisations or general dialogue with third countries, even though elements touching on defence issues might be brought up”. (*Agence Europe*, 02/07/2002)

It is clear from this that defence policy was the most affected area. When it comes to Economic and Monetary Union the 12 participants in the euro have their euro-12 Council, where the UK, Sweden and Denmark do not take part.

Difficulties on the Road

The main priority, as we have seen, was enlargement. The Danish presidency wanted to conclude the negotiations with the applicant countries by the time of the Copenhagen summit in December. There were still outstanding issues with the applicants, including especially financial issues. Enlargement would also make Kaliningrad a Russian enclave inside an enlarged EU, squeezed in between Poland and Lithuania. Would Russians in Kaliningrad need a visa to cross Lithuania to the main part of Russia?

Among the candidates the division of Cyprus into a Greek and a Turkish part was also considered an issue. The EU clearly preferred a united Cyprus as future member and put pressure on the two sides – assisted by the UN – to find a solution.

Turkey further complicated the issues by wanting a date for the start of accession negotiations. At the December 1999 summit in Helsinki Turkey had finally been accepted as a candidate country. But Turkey had problems

fulfilling the so-called Copenhagen criteria set up at the Copenhagen meeting of the European Council in June 1993. These criteria were:

- Stability of institutions guaranteeing democracy, the rule of law, human rights and respects for and protection of minorities
- The existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union
- Ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union (Laursen, 2001, 208-209).

On the EU side enlargement also depended on the ratification of the Treaty of Nice. But the Irish had rejected the treaty in a referendum in June 2001. Would they change their mind in a second referendum in the autumn of 2002? If not, could enlargement take place without the entry into force of the Treaty of Nice? The Commission and the Danish Presidency claimed that this would not be possible and that there was no Plan B should the Irish vote 'no' again.

The Costs of Enlargement

At the Laeken European Council in December 2001 the Member States agreed on a list of ten countries to join the EU in time for the next European Parliament elections in June 2004. The countries were Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, the Czech Republic and Slovenia. Also it was the intention to continue negotiations with Romania and Bulgaria that are expected to join the EU by 2007. One of the main questions was "how much would the enlargement be allowed to cost?" (Denmark 2002b)

Some financial aspects of enlargement were among the last issues to be solved in the negotiations. Here the two heavy policy areas, agriculture and regional policy, were the two with the biggest budgetary implications. The Commission's proposed enlargement budget for the years 2004 to 2006 was €40 billion, but not all member states accepted this figure. Concerning

the phasing in of direct payments to farmers in the new member states the Commission proposed a 10-year transition period, but this proposal met with criticism from some of the candidates that feared a ‘two-tier’ Europe (Brinkmann & Partners, 2002).

Concerning the wider issues of CAP reform the Danish Presidency tried actively to delink these issues from enlargement. Speaking to the European Parliament on 3 July 2002 the Danish Prime Minister said that reform of the CAP “must be conducted independently of the enlargement negotiations. We are not going to create new conditions for the enlargement” (Fogh Rasmussen, 2002). CAP reform is a difficult issue in the EU and although enlargement is making it more urgent it will require time and in the end probably not be the kind of radical reform some economists would like to see.

There were also some specific issues that remained to be sorted out for particular applicant countries. As in former enlargements the new member states were expected to take over the EU’s existing rules and regulations, the so-called *acquis communautaire*. Some of these issues included Estonia’s possibilities for continuing its production of oil shale, a special energy resource extracted through mining, Malta’s wish to continue for some time to give state aid to certain industries, including shipyards, and Poland’s problems in meeting EU rules on border control (Denmark, 2002b).

Kaliningrad: complications with the Russians

A mayor concern during enlargement negotiations was how to proceed with negotiations over access to Kaliningrad and the complications it brought with the Russians. Russian Prime Minister Mikhail Kasyanov did not accept the Commission’s suggestion that frequent travellers could be issued a “Kaliningrad pass” to be accompanied by an internal Russian passport until the end of 2004. After that date an internationally recognized travel document would be required. France, Italy and Spain wanted the EU to commit itself to an assessment of how high-speed trains could be set up between Kaliningrad and the rest of Russia, allowing non-stop, visa-free travel for Russian citizens via Lithuania.

The Danish Presidency 2002

The Danish Presidency had established a work programme for Russia that was endorsed by the Council on 22nd of July 2002. The common strategy had four main areas of cooperation with Russia.²

- Promoting the consolidation of democracy, the rule of law and public institutions in Russia: Focusing on present reforms of the judicial system
- Integration of Russia into a common European economic and social area:
 - Support current work on the implementation of the Partnership and Cooperation Agreement, negotiations on Russian WTO membership, development of the Common European Economic Space
 - Focus on energy questions including in the Kaliningrad Region
 - Secure links between the priorities of the common strategy and the assistance to Russia by the EU and its Member States
 - The issue of Chechnya was considered a central element in the work of promoting democracy in Russia.
- Cooperation to strengthen stability and security in Europe and beyond:
 - Continue the close cooperation in the fight against terrorism and on current international crises and crisis management
 - Intensify efforts of cooperation on civilian crisis management
 - Intensify the cooperation with Russia on and in the OSCE
 - Secure Russian cooperation on conflicts in and between CIS Member States
 - Addressing common challenges on the European continent

2 Questions and answers: The Presidency work programme for Russia, EUROPA-INFORMATIONEN, 6. August 2002, <http://www.europa-web.de/europa/03euinf/10counc/russiawp.htm>

- Continue the cooperation in Justice and Home Affairs including fight against organized crime, trafficking and money laundering
- Open negotiations on a readmission agreement
- Focus on the Kaliningrad region
- Further development of the Northern Dimension
- Cooperation on environment

An unexpected event was to create difficulties in the relations with the Russians. The Moscow Theatre siege by rebel Chechens in October threatened to overshadow the EU dialogue with Russia. The EU-Russia Summit was moved to Brussels from Copenhagen because the Russians were angry at Denmark for hosting a Chechen Congress few days after the Moscow siege. At the time the Russians had requested extradition from Denmark of a Chechen rebel envoy, Akhmed Zakayev, but Denmark refused.

The Summit took place on 11th November 2002 and involved discussions on Kaliningrad, Justice and Home Affairs, fight against terrorism, trade and investment, energy and environment and nuclear safety. The EU and Russia reached an agreement on a solution for residents of Kaliningrad. The EU would introduce legislation to establish by 1st July 2003 a Facilitated Transit Document (FTD) that would be issued free of charge or at a very low cost. The EU also promised to review the FTD scheme by 2005, a year after Lithuania, Poland and eight other countries in Eastern Europe and the Mediterranean were expected to join the EU.³ Also an action plan on combating terrorism was adopted. A joint declaration on the Middle East and the third report on the EU-Russia energy dialogue were also adopted.

Prime Minister Anders Fogh Rasmussen disagreed with the Russian position on Chechnya and said that the conflict was not just about terrorism. He said that a political solution should be found to secure peace. Putin said, "We're in favour of it, but what we suggest is that we consider terrorism

3 Joint Statement on Transit between the Kaliningrad Region and the Rest of the Russian Federation
http://europa.eu.int/comm/external_relations/russia/summit_11_02/js_kalin.htm

and politics to be completely separate issues.” Rasmussen reiterated the European Union’s call for human rights to be respected, “Both sides must respect human rights, and those who don’t [must] be brought to trial without delay” and he added, “The international community must be allowed to help the innocents caught in the conflict. Humanitarian assistance must be allowed into Chechnya to reach those in need.” Other EU leaders also raised their worries at the summit after Putin reiterated that he would not hold peace talks with Chechnya’s elected president, Aslan Maskhadov.

The Danish Prime Minister seems to have handled the difficult situation very well. The External Relations Commissioner Chris Patten, told the European Parliament Development Committee on the 12th November 2002:

“I have now been to seven Summit meetings between the EU and Russia, out of the ten which have been held so far...I have to say that no Presidency in my experience...has raised Chechnya as comprehensively and as vigorously as the Danish Prime Minister did yesterday... I have not been to a meeting with our Russian counterparts at this level, at which the subject has been raised in a more informed or more prolonged and comprehensive way than it was yesterday... I would commend the Danish Presidency for the vigour and intelligence with which they have raised concerns about Chechnya while condemning out of hand terrorism.”⁴

Irish referendum on the Treaty of Nice

Given the agreement at the time of the negotiation of the Treaty of Nice that the treaty’s ratification was a precondition for the coming enlargement the non-ratification by the Irish was a problem.

In a referendum in June 2001, where the turnout was only 34.79 percent, a majority of 53.87 percent of those voting opposed ratification of the treaty. A second referendum was to take place on the 19th of October 2002 and polls indicated in September that only about 37% of the Irish voters in-

4 Declaration by The Rt Hon Chris Patten, CH at the European Parliament Development Committee 12 November IP/02/1655, <http://europa.eu.int/comm/external_relations/news/patten/ip02_1655.htm>

tended to vote. Of these 25% were opposed and 32 percent were undecided. The European Commission said publicly that enlargement would be at risk should Ireland fail to endorse the treaty (Lobjakas, 2002). Commission President Romano Prodi had said that an Irish ‘No’ vote would be a disaster. There was no “plan B”. Enlargement negotiations could prove to be deadlocked (*Agence Europe*, 02/07/2002).

It was then good luck for the Danes that the second referendum allowed Irish ratification. In the second referendum the turnout increased to 48.45% and there was a 62.98% ‘Yes’ vote. The Danish Prime Minister, President of the European Council, Anders Fogh Rasmussen considered that this ‘Yes’ vote was a clear signal that “all EU countries take enlargement seriously”. And he reminded us: “The Treaty of Nice is the enlargement treaty.” (*Agence Europe*, 22/10/2002)

The ‘Yes’ vote was a victory for the Irish government and the pro-treaty campaigners (Tonra, forthcoming).

We can only speculate whether a plan B could have been worked out quickly should the Irish have said ‘No’ a second time. But most likely a second ‘No’ would at least have delayed the enlargement negotiations, and the Danish Government would not have achieved its main goal during its Presidency.

Divided Cyprus

Concerning the membership of Cyprus the European Council at Helsinki in December 1999 had stated: “... a political settlement will facilitate the accession of Cyprus to the European Union. If no settlement has been reached by the completion of the accession negotiations, the Council’s decision on accession will be taken without the above being a precondition. In this the Council will take account of all relevant factors” (Council, 1999).

At Laeken in December 2001 the European Council welcomed the meetings that had taken place between the leaders of the Greek and Turkish Cypriot communities and encouraged them to continue their efforts to find a solution (Council 2001).

At the Seville summit in June 2002 the European Council stated that its preference continued to be accession of a reunited island (Council 2002a). The effort of the UN Secretary General to assist the two communities in finding a settlement was encouraged. The Commission had also proposed a financial package to help overcome the economic disparities between the two parts of the island (Commission, 2002b, 25-27).

During the Danish Presidency there were heavy pressures on the two sides on Cyprus to agree on reunification.

The Turkish Issue

The Turkish issue was especially difficult for the Danish Presidency. The EU Member States had rather diverse preferences, with some, including Italy and the UK, being in favour of a date for accession negotiations to start, but many other Member States feeling that such a date would be premature.

Especially the political part of the Copenhagen criteria, democracy, rule of law, respect for human rights, including the rights of minorities, was a problem for Turkey. In its 2002 Regular Report on Turkey's Progress towards Accession the Commission analysed a number of reforms adopted in Turkey recently (Commission, 2002a). "Overall, Turkey has made noticeable progress towards meeting the Copenhagen political criteria", the Commission said.

"Nonetheless Turkey does not fully meet the political criteria. First, the reforms contain a number of significant limitations (...) on the full enjoyment of fundamental rights and freedoms. Important restrictions remain, notably, to freedom of expression, including in particular the written press and broadcasting, freedom of peaceful assembly, freedom of association, freedom of religion and the right to legal redress" (Ibid., 47)

Secondly some of the adopted reforms still needed implementation.

"Thirdly, a number of important issues arising under the political criteria have yet to be adequately addressed. These include the fight against torture and ill-treatment, civilian control of the military, the situation of persons imprisoned

for expressing non-violent opinions, and compliance with the decisions of the European Court of Human Rights” (Ibid., 47).

Achievements

The Presidency has a number of jobs relating to the EU’s external relations. One of the bigger ones during the Danish Presidency was the UN Summit on Sustainable Development in Johannesburg, South Africa. Later the ASEM 4 meeting in Copenhagen also required active involvement of the Danish Presidency. To that came a number of bilateral meetings as well as declarations on crisis situations in the world issued by the Presidency.

UN Summit on Sustainable Development in Johannesburg, 24 August – 4 September

At the Seville European Council on 21 and 22 June 2002 the Danish, Finnish and Swedish Prime Ministers presented a joint draft for the Johannesburg Declaration “People, Planet and Prosperity – a Global Deal”, which, in an abbreviated version, formed part of the conclusions of the Seville Summit.⁵

The EU, which is strongly committed to sustainable development, took a leading role in preparations for the Summit in Johannesburg. The Union objective was to focus on six priority areas where poverty reduction and sustainable development come together. The six areas were water and sanitation, energy, health, trade and globalisation, global public goods and sustainable consumption and production patterns. The EU also wanted clear targets and timetables in order to ensure that goals were met.

At the Summit in Johannesburg on the 2nd of September 2002 Prime Minister Anders Fogh Rasmussen, President of the EU, spoke on behalf of not only the European Union and its Member States but also on behalf of Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta,

5 Information at <http://www.um.dk/english/wssd/eu.asp>

Poland, Romania, Slovakia, Slovenia and Turkey. He explained that the key elements in the European Union's call for a global deal in Johannesburg were aid, trade, good governance and a better environment. He explained that the European Union had three messages in Johannesburg:

1. The first priority should be to eradicate poverty through sustainable economic growth and increased market access, "We believe that a key factor towards a cleaner environment and sustainable development is to raise standards of living in the developing countries...we can achieve this without detriment to our environment. Free trade and increased market access to all nations in the world is key to achieve this. ... Because – when trade advances, poverty retreats."
2. The second part of the EU message was: "the industrialized world must increase development aid and finance. More resources are needed. The richer countries should live up to their long-standing commitment to reach the 0.7 percent target for development assistance. We must cooperate with the developing countries in order to improve education, health, public administration and services. We must fight HIV/AIDS and other major diseases. We must foster an environment where private initiative and business can thrive." He stated that the European Union already provides the highest level of official development assistance to developing countries, "In the years until 2006 the EU will increase its development assistance with more than 22 billion Euros. And from 2006 onwards with more than 9 billion Euros annually." He added, "All countries should observe fundamental freedoms, democracy and rule of law... in order to create the best conditions for business and sustainable growth. When aid and trade are linked to good policy, more people are lifted out of poverty."
3. The third message concerned the environment: "If we don't enhance the protection of our environment and ensure sustainable use of our

6 <http://www.pnltv.com/Denmark%20World%20Summit%2002%20September%202002.htm>>

natural resources all of our other initiatives will be wasted.” He explained that the EU has already ratified the Kyoto Protocol and stated, “We support the establishment of clear targets on water and sanitation, energy, biodiversity and chemicals. We support programs for sustainable consumption and production. A key challenge is to solve the serious problem of providing clean drinking water and sanitation to every village, town and city on the planet. This should be our primary goal.”

4. He concluded: “Growth and development are vital to us all – because it is only when people can feed themselves and their families, see their children go to school and grow up with a real future, and face life with a feeling of hope, that they too can afford themselves – the luxury of taking care of their forests, their air, their water and their food. Let us create this link between economic growth and protection of our environment.”⁶

The EU took a lead in Johannesburg but negotiations came to a deadlock when the US refused to contemplate binding targets for introducing renewable energy technologies like wind and solar power. There were also suggestions that the Japanese and the Americans were negotiating behind closed doors over an exchange of access to clean water for Japan supporting a removal of renewable energy targets. CNN.com on August 30, 2002 had a headline which said, “Earth Summit stalls on fine print” and explained “The European Union pressed on Friday to accelerate moves on contentious issues like sanitation goals and anti-corruption measures – taking them out of the hands of negotiators and sending them to top ministers to decide.” CNN quotes Hans Christian Schmidt, the Danish Environment Minister, as saying, “This just isn’t good enough...Either more issues are solved faster at the technical level or we must move them to the political level.” One of the problems was that Delegates were trying to reconcile American and European Union demands “for aid to be tied more clearly to efforts to improve human rights and democracy, and insistence by develop-

ing nations that the rich states must do more to cut subsidies to their own farmers that help keep Third World imports out of their markets”⁷.

At the end the text adopted in Johannesburg included an “urgent” commitment to “substantially increase” the use of renewable energy sources but did not include targets sought by the European Union and some developing nations on the use of renewable sources such as wind and solar energy. The EU had wanted all countries to agree to increase global use of renewable energy sources to 15 percent by 2010. At the same time Canada and European Union succeeded in including a reference to “human rights and fundamental freedoms” alongside an existing phrase which said that medical access should be consistent with “cultural and religious values”. The fear was that without this reference to human rights women could be denied access to contraception and abortion and could be left prey to traditional practices such as genital mutilation. At the end the European Commission welcomed the results of the Johannesburg Summit but urged the world to turn the Summit agreement into concrete results. Still the Danish Prime Minister Anders Fogh Rasmussen, said in a news conference “I don’t think that mega-summits are the way to secure effective implementation.” (Rasmussen, 2002b)

ASEM 4

Maybe the biggest external relations job during the Danish Presidency was the 4th EU-East Asia summit known as Asia-Europe Meeting (ASEM 4) because it took place in Copenhagen, 23-24 September 2002. It included EU leaders and leaders from Japan, China, South Korea and six ASEAN countries. It started with an informal dinner Sunday 22 September in the evening at Kronborg Castle, Elsinore, where an informal political dialogue took place. It mainly dealt with recent regional developments. The official opening took place Monday morning. It was followed by the first formal session of Political dialogue: The international situation in the aftermath of September 11 and New Security Issues were discussed. Over lunch the

7 CNN.com <http://www.cnn.com/2002/WORLD/africa/08/30/summit.eu.glb/>

leaders had a dialogue on Cultures and Civilizations. The second session Monday afternoon dealt with economic co-operation: Regional economic and financial priorities in the context of the global economic situation. The third session Tuesday morning dealt with social, cultural and educational issues: Human resources development and educational exchange: fostering mutual understanding, reducing poverty, increasing employability.⁸

In his opening speech the Danish Prime Minister Anders Fogh Rasmussen talked about interdependence and common concerns. He called ASEM “a unique process” unifying “more than two billion people from different civilizations and cultures”. He went on:

In the light of the tragic events of 11 September, the bridge-building role of ASEM is even more called for. We must firmly reject any attempt by extremist forces to divide the International Community on the basis of race, ethnic background or religious persuasion.⁹

In the economic section the Prime Minister talked about “the need for better coordination to fight abuses of the global financial system”. He also said that it was necessary to “strive to achieve an even better framework for co-operation to improve market access and investment conditions.”

The Chairman’s statement issued after ASEM 4 summarised the discussions. The leaders “underlined their resolve to fight international terrorism”. And they emphasised that “the fight against terrorism must be based on the leading role of the United Nations and the principles of the UN Charter”. A signal to the United States, one may ask? They decided “to establish an ad hoc informal consultative mechanism enabling ASEM Coordinators and Senior Officials to confer expeditiously on significant international events”¹⁰. The Copenhagen summit also adopted a Declaration on

8 The programme can be downloaded from:
http://www.um.dk/asem/programUK_20020912.asp

9 The speech can be downloaded from: <http://www.um.dk/asem/aabningstateUK.asp>

10 The Chairman’s statement can be found at:
<http://www.um.dk/asem/erklæringUK.asp>

Cooperation against International Terrorism as well as a Cooperation Programme on Fighting International Terrorism.¹¹

The summit further discussed Iraq. According to press reports the French president Jacques Chirac proposed that the meeting should adopt a political declaration, but this idea was pushed aside. There were disagreements both among the European and Asian partners on Iraq. On the European side the recently re-elected German Chancellor Gerhard Schröder had spoken out against a military attack on Iraq. On the Asian side Prime Minister Mahatir Mohamad from Malaysia had never hidden his opposition against an attack. China's Zhu Ronji is reported to have stated in the debate that Saddam Hussein must respect UN resolutions and allow weapons inspectors in.¹²

The leaders also said that ASEM "should serve to promote unity in diversity". They welcomed "the latest developments on the Korean Peninsula". On the latter point they adopted a Political Declaration for Peace on the Korean Peninsula. In this they stated inter alia that "they hoped that the prospects for the resumption of dialogue between the United States and the [Democratic People's Republic of Korea] DPRK would continue to improve"¹³.

The EU gave wholehearted support to Kim Dae-Jung's sunshine policy. The fact that the EU and South Korea has a serious conflict concerning South Korean state aid to the shipbuilding industry was not mentioned during the summit. It was however discussed in a bilateral EU-South Korea meeting after the summit in the Danish Foreign Ministry. The meeting was not successful. Afterwards Commission President Romano Prodi vowed to keep pressing South Korea to abolish its support for the domestic shipbuilding industry, which has created unfair competition for ship builders in Europe.¹⁴

11 Annexed to the Chairman's statement.

12 "Irak øverst på dagsordenen under ASEM-topmøde", *Børsen*, 24 September, 2002, and Jesper Kongstad and Jørgen Ullerup, "Styrket samarbejde mod terror", *Jyllands-Posten*, 24 July 2002.

13 Annexed to Chairman's statement.

14 Flemming Ytzen, "EU-opbakning til Korea", *Politiken*, 25 September 2002.

In the section on closer economic partnership the ASEM leaders confirmed their commitment to enhance economic relations between the two regions while also expressing “their undiminished commitment to a strong, open, transparent and fair multilateral trading system, and agreed the WTO work programme launched at Doha represented a unique opportunity to promote economic growth to the benefit of their societies”. They were not specific in saying what progress they wanted. But they decided to ask ASEM coordinators to set up “an action-oriented Taskforce” to consider the three areas of trade, investment and finance. This Taskforce should consist of five experts from each of the two regions.

The Copenhagen summit also dealt with human resources development, social cohesion and environmental cooperation. The leaders stressed the role of education.

A list of activities since ASEM 3 annexed to the Chairman’s statement included about 65 meetings taking place at various levels and dealing with various issues. About 15 of these had dealt with trade facilitation (customs, standards, government procurements, e-commerce, veterinary controls and intellectual property rights enforcement) suggesting that ASEM is still battling with Non-Tariff Barriers to trade (NTBs).

In his speech at the closing ceremony Prime Minister Fogh Rasmussen said: “I have sensed an ‘ASEM spirit’ in our open, spontaneous and frank exchanges on the different items on our agenda.” The summit had “reached results of direct, concrete relevance for our peoples”¹⁵.

There was also an EU-China bilateral summit after the ASEM summit. After that meeting the Danish prime minister said that the mature relation between the EU and China allowed for a discussion of issues where the two sides have different views, such as human rights. Indeed, at the bilateral meeting the EU expressed concern about human rights in China, especially the use of the death penalty, torture and suppression of ethnic minorities. In

15 <http://www.um.dk/asem/afslutUK.asp>

a joint statement from the bilateral summit with China the EU supported the One China policy.¹⁶

The Brussels meeting of the European Council, 24-25 October

In order to prepare the final EU offer on enlargement and decide about interim institutional arrangements after enlargement an extraordinary European Council meeting took place in Brussels 24-25 October.

Just prior to the summit the French President Jacques Chirac and German Chancellor Gerhard Schröder held a bilateral meeting, where they reached an agreement to maintain the financial framework of CAP until 2006 at the level decided in Berlin in 1999 and to start implementing an upper limit on agricultural spending from 2007 to 2013, taking account of inflation. The two leaders managed to reach an agreement on the phasing-in of direct aid for farmers in future member states for the 2004-2006 period. Anders Fogh Rasmussen hailed the agreement, but he also pointed out that this was an issue for all fifteen Member States (*Agence Europe*, 25/10/2002).

The meeting of the European Council welcomed the positive result of the Irish referendum: “The result has paved the way for completing ratification of the Nice Treaty, thereby allowing the Treaty to enter into force early next year”, i.e. 2003. The meeting endorsed the recommendation from the Commission that the 10 candidate countries already singled out for membership fulfilled the Copenhagen criteria and would be able to “assume the obligations of membership from the beginning of 2004”. The Union further reiterated “its preference for a reunited Cyprus to join the European Union on the basis of a comprehensive settlement” and urged “the leaders of the Greek Cypriot and Turkish Cypriot communities to seize the opportunity and reach an agreement before the end of the accession negotiations”. Concerning Bulgaria and Romania the European Council expressed its support for the two countries’ “efforts to achieve the objective of membership in 2007”. And concerning Turkey the Union welcomed “the important steps

16 Flemming Ytzen, “Verdens største handelsrute i sigte”, *Politiken*, 25 September 2002.

taken by Turkey towards meeting the Copenhagen political criteria” which had “brought forward the opening of accession negotiations with Turkey” (Council, 2002b).

At the meeting several decisions were made relating to the costs of enlargement. The ceiling for budgetary expenses agreed by the European Council in Berlin in 1999 for 2004-2006 had to be respected.

First there was an agreement on the amount of funds that the candidate countries were to receive from the EU structural funds, namely 23 billion euros.

Second a decision was reached on the phasing in of EU farm subsidies that the candidate countries will get as direct payments to the individual farmers. Expressed as a percentage of the level of such payments in the Union the schedule would be: 2004: 25%, 2005: 30%, 2006:35% and 2007: 40%. Afterwards there would be “10% increments so as to ensure that the new Member States reach in 2013 the support level then applicable in the current European Union”.

Thirdly it was decided that the rules about own resources would apply to the new Member States. But this would make many of the new member states net contributors to the EU budget. So, “If the forecast cash flow balance with the Community’s budget compared to the year 2003 is negative for individual candidate States in the years 2004-2006, temporary budgetary compensation will be offered” (Council, 2002b). Or, as the Danes explained it, “no candidate country is to be in a poorer position after accession in relation to the EU budget that before, when they received support from the EU for their accession preparations” (Denmark, 2002b, 8).

Concerning institutional issues the Brussels meeting decided that the weighting of votes in the Council for the period between accession and 31 December 2004 would follow the current weights, with Poland getting 8 votes (like Spain), the Czech Republic and Hungary 5 votes (like the Netherlands, Greece, Belgium and Portugal), Slovakia, Lithuania, Latvia, Slovenia and Estonia 3 votes (like Denmark, Finland and Ireland), and Cyprus and Malta 2 votes (like Luxembourg). In EU-25 this would mean a total of 124 votes, with a qualified majority vote being set at 88 votes. From 1

January 2005 the votes established by the Treaty of Nice and its attached declaration will apply, starting with 29 votes for the four biggest Member States and graduated down to 3 votes for Malta. In EU-25 this will give a total of 321 votes, and the QMV was set at 232. A QMV, as stipulated by Nice, will also include a majority of Member States, in some cases two-thirds of the members. Further, a member may request verification that the Member States constituting the qualified majority represent at least 62% of the total population of the Union (Annex I, Council 2002b).

The seats in the European Parliament for the period 2004-2009 will be based on the Declaration attached to the Final Act of the Nice Treaty. The 50 seats which will not be taken up by Bulgaria and Romania “shall be distributed according to the provisions of the Nice Treaty”. “The total number of seats thus obtained shall be as close to 732 as possible.” But, “the application of this method shall not result in any of the current Member States receiving a higher allocation of seats than at present” (Ibid.).

After the Brussels meeting of the European Council Anders Fogh Rasmussen said that the meeting was “crowned with success”. Referring to the prior agreement between France and Germany the Commission’s president Romano Prodi said, “I believe that it is my duty to praise the excellent Franco-German engine.” And he added a “special thank-you to France and Germany that allowed for this historic agreement to be formalised” (*Agence Europe*, 28/10/2002).

It seems fair to say that the Franco-German agreement prior to the meeting was a great help for the Presidency.

The reaction from the candidate countries, on the other hand, was one of disappointment (*Agence Europe*, 29/10/2002).

The Copenhagen Summit, 12-13 December

After the Brussels meeting of the European Council intense individual negotiations with the 10 candidate countries took place up to the meeting of the European Council in Copenhagen in December, where the final agreement was reached about enlargement.

The Danish Presidency worked out its “final packages” during November. The Presidency’s proposals were criticized by both the current members and the future members. The Presidency admitted, “It was a rough reception on both sides, Member States and candidates. Reactions were more negative than expected.” Since the net cost of enlargement for the period 2004-2006, according to the Danish compromise proposal, would be 1.3 billion euro higher than calculated on the basis of the financial package agreed in Brussels the main ‘net contributors’ (Germany, United Kingdom, Sweden, Netherlands and France) found the Presidency’s offer too generous, while most candidates considered it largely inadequate (*Agence Europe*, 28/11/2002).

At the summit intense negotiations took place especially with Poland about money and Turkey about a date for the start of negotiations about membership. It was agreed that Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia would be able to join from 1 May 2004. For Bulgaria and Romania the EU set 2007 as the target date for accession (Denmark 2002b, 9).

Concerning Turkey the Commission had concluded in its annual report in October 2002 that progress was being made towards fulfilling the political Copenhagen criteria – requirements for democracy, protection of minorities and the rule of law – but that the country did not fully meet these criteria.

Turkey was pressing for a date. In the end, Copenhagen at least offered a date for a decision. The Commission will present a report to the European Council in December 2004 and make a recommendation concerning Turkey’s fulfilment of the political Copenhagen criteria. If the European Council decides then, on the basis of the Commission report, that Turkey fulfils the criteria the EU will initiate accession negotiation with Turkey ‘without delay.’ It was also decided to increase pre-accession financial assistance to Turkey (Denmark 2002b, 10).

The Turkish leaders present in Copenhagen were not satisfied. Their US ally had also put pressure on the EU leaders, with President Bush personally calling some of them, including Anders Fogh Rasmussen.

Concerning new neighbours the summit expressed its willingness to improve relations to create stability, progress and close co-operation, mentioning in particular Russia. But a new neighbour's policy was also proposed for Ukraine, Moldova and Belarus. The possibility of future membership for countries in the Balkans was confirmed.

At the start of the summit the Presidency tried to get a final agreement with the other Member States about the final financial offers to the candidates. The Fifteen approved various "packages" proposed by the Presidency while insisting that the financial offer was "at the limit of budgetary resources", as Anders Fogh Rasmussen expressed it in a press briefing. According to the compromise formula Poland would benefit in 2005 and 2006 of a new additional budget facility (cash-flow facility) of 1 billion euro (550 million in 2005 and 450 million in 2006) to allow the Polish authorities better to manage their budgetary difficulties during the first three years of membership. At the same time Poland would lose 1 billion euro in revenue in the long term under the Structural Funds. In reality therefore this was a money transfer within the budget, which would not increase the total costs to the EU budget (*Agence Europe*, 14/12/2002).

| Table 1: Maximum enlargement-related appropriations for commitments (mio. Euros 1999 prices) | | | |
|-----------------------------------------------------------------------------------------------------|-------------|-------------|-------------|
| 2004-2006 (for 10 new Member States) | | | |
| | 2004 | 2005 | 2006 |
| Heading 1 Agriculture | 1.897 | 3.747 | 4.147 |
| Of which: | | | |
| 1a – Common Agricultural Policy | 327 | 2.032 | 2.322 |
| 1b – Rural development | 1.570 | 1.715 | 1.825 |
| Heading 2 Structural actions after capping | 6.095 | 6.940 | 8.812 |
| Of which: | | | |
| Structural fund | 3.478 | 4.788 | 5.990 |

| | | | |
|------------------------------------------------------------------------|-------|--------|--------|
| Cohesion fund | 2.617 | 2.152 | 2.822 |
| Heading 3 Internal Policies and additional transitional expenditure | 1.421 | 1.376 | 1.351 |
| Of which: | | | |
| Existing policies | 882 | 917 | 952 |
| Transitional Nuclear safety measures | 125 | 125 | 125 |
| Transitional Institution building measures | 200 | 120 | 60 |
| Transitional Schengen measures | 286 | 286 | 286 |
| Heading 5 Administration | 503 | 558 | 612 |
| Total Maximum Appropriations for commitments Heading 1, 2, 3 and 5) | 9.952 | 12.657 | 14.958 |

Annex I to the Presidency conclusions outlined the financial part of the agreement based on accession of 10 new Member States by 1 May 2004. Table 1 shows the maximum appropriations for the remaining years of the current financial framework agreed in Berlin in 1999.

Further, the Copenhagen summit agreed on a special lump-sum cash-flow facility for the year 2004 and for temporary budgetary compensation for the years 2004 to 2006. The total amounts agreed are shown in table 2.

| Table 2: Heading X (special cash-flow facility and (mio. Euros 1999 prices) temporary budgetary compensation) 2004-2006 (for 10 new Member States) | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------|-------------|
| | 2004 | 2005 | 2006 |
| Special cash-flow facility | 998 | 650 | 550 |
| Temporary budgetary compensation | 262 | 479 | 346 |

A number of other issues were dealt with during the end-game, including Polish milk quotas, zero level VAT on medicines and foodstuffs for Malta until 2010, 5-year restriction on Czech heavy-goods vehicles in the EU and nuclear safety (the Temelin and Ignalina nuclear reactors), etc.

Afterwards Anders Fogh Rasmussen stated: “I have to admit – during the afternoon, I went through very tough negotiations with some Prime Ministers and managed to get my EU15 partners to accept some concessions. I did not really doubt, but things seemed long and hard. It’s incredible that we finally managed to conclude before midnight.” And he went on: “I may have been rough and tough this afternoon (...), but I believe that everyone will forgive me because we seized this historic opportunity to reunite Europe” (quoted from *Agence Europe*, 16/12/2002).

According to Commission President Romano Prodi the Copenhagen result was a “great personal success” for the Danish Prime Minister (*Agence Europe*, 19/12/2002).

Evaluations

The Danes were self-congratulatory after the Presidency. The official report on the Presidency talked about carrying out the historic task of completing accession negotiations. “With this, the vision of one Europe has become reality.”

But many other results had been achieved during the Danish Presidency, including for instance:

- Liberalisation of the electricity and gas markets in the EU, a step that will lead to lower prices for consumers and companies.
- The establishment of a single European airspace, the Single European Sky, which simplifies air traffic control in Europe and leads to fewer cancellations, shorter waiting time and safer air transport.
- The adoption of new rules on food safety, which provide greater safety for consumers, which again means that fewer will fall ill with bacterial food contamination (Denmark, 2002b, 3)

In a speech to the European Parliament after the Copenhagen summit Anders Fogh Rasmussen also mentioned these results: the Dublin II agreement on asylum, the agreement on CO₂ emission exchanges, solidarity with countries flooded last summer, common rules on GMO labelling, and the solution to the Kaliningrad problem (*Agence Europe*, 19/12/2002).

The Danes argued that the Presidency has two main tasks, getting the work done and creating specific results. In respect to the latter, it was said that the Presidency “must be ready to conduct marathon meetings, apply pressure on Member States and be able to present creative proposals at the right time and in the right place. This requires preparation, focus and solid craftsmanship”. According to the Danish report, the Danish Presidency had discharged these tasks “beyond the call of mere duty” (Denmark 2002b, 4).

Transparency was also mentioned in the Danish report as an area with special achievements. Based on the decisions of the Seville European Council in June 2002 the Danish Presidency had implemented a number of reforms to produce more transparency. This included open, televised Council meetings. The following statistics were presented:

- With more than 25 open Council debates, the Danish EU Presidency has held more open debates than any previous EU Presidency.
- With 1.3 million visitors, the Presidency website, www.eu2002.dk, is the most visited EU Presidency website so far.

It was also claimed that the work in the Council had become more streamlined “with fewer but stronger Council configurations,” and “the meetings

of the European Council have been better prepared and the agenda drawn up to focus on fewer and more overall items” (ibid., 5).

Concluding remarks

Measuring the success of a presidency is not an easy task. The success rate depends on expectations. But if one compares the results of the Danish Presidency with the priorities established at the outset the Danish Presidency was indeed a success. This is also the evaluation of some scholars. At a Round Table discussion at Aarhus University on April 28, 2003, both the Swedish scholar Magnus Ekengren and British scholar Lee Miles spoke favourably of the Presidency. According to Ekengren the emphasis had been on sticking to the time schedule, whatever happened. The Presidency succeeded in linking the political layers within the individual member states as well as on the European level. The Presidency succeeded in reconciling national interest with the common interest (Wehmüller, 2003, 20-21).

Miles said that the claim that smaller states due to a lack of resources are unfit to run a presidency needs to be abandoned. Small states appear less threatening than large states and can have considerable goodwill. “Pragmatism rather than visions seemed a particular good characteristic of the Danish Presidency.” “Pragmatic and instrumental leadership has been at the helm of the Danish EU Presidency.” (ibid, 22-23)

At the same round table Jeppe Tranholm-Mikkelsen, one of the chief advisors of the Danish Prime Minister during the Presidency, also spoke of the Presidency as a success. He mentioned “the Presidency’s ability to shape the expectations of the negotiating partners” as a factor. “In committing itself to a principle of credibility, the political team behind the Danish Presidency had agreed to keep a steady course while at the same time have the guts to choose a decision when needed. The Danish Presidency showed on the one hand a willingness to listen and on the other to eventually go along on its own agenda when needed.” (quoted from ibid, 19) But he also admitted that there were two external factors beyond the control of the Danish Presidency: the risk that the Iraqi crisis might have exploded during

the Copenhagen summit and that the Irish might have voted ‘no’ to Nice a second time.

A successful Presidency thus requires good luck as well as help from partners. The Franco-German agreement on CAP financing 1994-96 constituted such help from partners during the Danish Presidency.

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