

Maastricht, 11 December 1991

EUROPEAN COUNCIL

Maastricht, 9 and 10 December 1991

PRESIDENCY CONCLUSIONS

Mr. BARON CRESPO, President of the European Parliament, put to the European Council his Institution's views on the draft Treaties on Political Union and Economic and Monetary Union.

The European Council welcomed all the contacts which had been established with the European Parliament during the preparation of these drafts and, in particular, the inter-institutional meetings which had made for a better understanding of the respective opinions.

TREATY ON EUROPEAN UNION

The Intergovernmental Conferences on Political Union and Economic and Monetary Union, meeting at the level of Heads of State and Government, reached agreement on the Draft Treaty on European Union based on the texts (doc. SN 252/1/91) concerning Political Union and on the Draft Treaty text concerning Economic and Monetary Union. The necessary final legal editing and harmonization of the texts will be completed with a view to signature of the Treaty in the beginning of February 1992.

With particular reference to social policy the European Council confirms that the present provisions of the Treaty can be considered an "acquis communautaire".

The European Council notes that eleven Member States desire to continue on the path laid down by the Social Charter in 1989. To this end it has been agreed to annex to the Treaty a Protocol concerning social policy which will commit the Institutions of the Community to take and implement the necessary decisions while adapting the decision-making procedures for application by eleven Member States.

ENLARGEMENT

The European Council recalls that the Treaty on European Union which the Heads of State and Government have now agreed, provides that any European State whose systems of Government are founded on the principle of democracy may apply to become members of the Union.

The European Council notes that negotiations on accession to the European Union on the basis of the Treaty now agreed can start as soon as the Community has terminated its negotiations on Own Resources and related issues in 1992.

The European Council notes that a number of European countries have submitted applications or announced their intention of seeking membership of the Union. The European Council invites the Commission to examine those questions including the implications for the Union's future development and with regard to the European Council in Lisbon.

URUGUAY ROUND

The European Council notes that the trade liberalization negotiations have entered a conclusive stage. It has been informed about the progress of the negotiations, both in Geneva as well as in the Transatlantic Summit, at The Hague on November 9, 1991.

The European Council reiterates its firm commitment to a substantial, balanced and global package of results of the Uruguay Round by the end of the year. This package should cover GATT rules and disciplines, market access, agriculture, textiles, services, TRIPs and the institutional reinforcement of the GATT system, excluding any recourse to unilateral action by any partner. It urges other partners in the Uruguay Round to join in its efforts to finalize the negotiations on this basis.

The European Council invites the Commission to elaborate a good negotiated outcome of the Round encompassing substantial and credible results in all major areas, consistent with the objectives of the European Communities.

It asks the Commission to keep the Council closely informed of the results obtained.

CO-OPERATION IN THE SPHERES OF JUSTICE AND HOME AFFAIRS

Free movement of persons, immigration and asylum

- A. The European Council noted the reports on immigration and asylum drawn up at its request by the Ministers responsible for immigration. It considered that they constituted an adequate basis for measures to be taken in those areas.

It agreed on the programme of work and the timetables laid down and invited the Ministers for Immigration to implement them.

- B. The European Council took note of the report by the Co-ordinators' Group on Free Movement of Persons and approved the recommendations made in it.
- C. The European Council regretted that it had not yet been possible to resolve the last problem preventing the signing of the Convention between the Member States of the European Communities on the crossing of their external frontiers. The European Council invited the Presidency to collaborate with the two Member States concerned in actively seeking a solution for this problem.
- D. The European Council requests the Co-ordinators to examine what the structure of the European Information System should be and to take care that the technical and legal provisions - including the protection of personal privacy - are being taken to build the system.

In view of the need for a speedy conclusion of these activities, it is desirable in the first place to establish whether the arrangements already existing between certain Member States may also apply to all the Member States.

Europol

The European Council agreed on the creation of a European police office (Europol) the initial function of which would be to organize the exchange of information on narcotic drugs at the level of the Community's twelve Member States. The European Council instructed the TREVI Ministers, in collaboration with the Commission, to take such measures as were needed to allow Europol to be set up at an early date.

Drugs

The European Council took note of the report by the European Committee on the Fight Against Drugs.

It invited the Institutions of the European Community to employ all means to ensure that the act setting up the European anti-drug monitoring body could be adopted before 30 June 1992.

In the context of the widest possible information on drug problems the European Council supported the organization, during the second half of 1992, of a European Week to promote the prevention of drug use.

The European Council invited CELAD to continue its function of co-ordination and to ensure that the various responsible bodies lost no time in implementing the European programme for the fight against drugs adopted by the European Council in Rome on 14 December 1990.

Consequences of the draft Treaty on European Union

The European Council instructed the competent Council bodies and the Co-ordinators' Group on Free Movement of Persons to collaborate with the Commission on the examination of the consequences of the draft Treaty on European Union on proceedings in these areas, so that the relevant provisions of the future Treaty might be effectively applied as soon as that Treaty entered into force.

FOOD SUPPLY SITUATION IN MOSCOW AND ST. PETERSBURG

The European Council expressed its preoccupation with the critical food supply situation in Moscow and St. Petersburg, and agreed that the Community should take concrete rapid steps to help the populations of these cities.

The Member States will respond positively to requests from the Commission for making logistic experts available.

It asked the Commission to come forward with specific proposals and the Council (ECO/FIN) to examine at its session on 17 December 1991 the specific financial aspects of a Community action, including the question of credit guarantee.

EUROPEAN POLITICAL COOPERATION

Middle East

- The European Council adopted the declaration on the peace process in the Middle East in Annex 1.

- The European Council welcomes the release of further hostages in Lebanon. It expresses its gratitude to the Secretary General of the United Nations for his efforts in this respect.

The European Council deplores that the German nationals Heinrich Strübig and Thomas Kemptner are still being detained in Lebanon.

The European Council urges all governments and personalities who are able to contribute to the solution of the hostage problem, to continue their efforts towards an unconditional release of all persons who are detained without legal procedure.

The hostage question in Lebanon will not be resolved until all hostages have been released.

The European Council welcomes the fact that the Secretary General of the United Nations has declared his readiness to continue his efforts.

Developments in the Soviet Union

The European Council discussed recent developments in the Soviet Union and adopted the declaration in Annex 2.

Policy regarding new European states

The European Council asked Ministers of Foreign Affairs to assess developments in Eastern Europe and in the Soviet Union with a view to elaborating an approach regarding relations with new States.

Racism and xenophobia

The European Council adopted the declaration in Annex 3.

Enquiries in the bombing of flights PAN AM 103 and UTA 772

Recalling the declaration issued by the Community and its member States on 2 December, the European Council takes a most serious view of accusations against Libyan nationals in connection with the bombings of flight Pan Am 103 in December 1988 and of flight UTA 772 in September 1989. The European Council reaffirms its condemnation of all acts of terrorism, wherever and by whomever committed.

The European Council has noted the demands made of the Libyan authorities by the Governments of France, the United Kingdom and the United States on 27 November. It fully endorses these demands and calls upon the Libyan authorities to comply promptly and in full.

DECLARATION ON THE PEACE PROCESS IN THE MIDDLE EAST

The European Council attaches great significance to the Middle East Peace Conference in Madrid, which has launched a process of negotiations on the basis of UN Security Council Resolutions 242 and 338 which should lead to a just and comprehensive solution to the Arab-Israeli conflict and the Palestinian question. On the basis of the principles which have long governed their position, the Community and its member States are determined to continue to undertake all possible efforts alongside the United States and the Soviet Union to support this process. In Madrid they pledged their constructive partnership in all phases of the negotiations.

The European Council considers it of vital importance that the momentum gained at Madrid is not dissipated on procedural matters. It noted that the second round of bilateral negotiations has been convened in Washington. These negotiations should be pursued in good faith by all parties. Only then may the way be opened to movement on substance and meaningful confidence building measures. The European Council considers a halt to Israel's settlement activity in the Occupied Territories an essential contribution to creating the stable environment which progress in the negotiations requires. Renunciation of the Arab trade boycott is another.

With regard to the situation in the Occupied Territories, it is important that both sides show restraint and that Israel abide by the provisions of the Fourth Geneva Convention. The European Council looks forward to a tangible improvement in the situation in these territories, even before the putting in place of interim or other arrangements. In this respect it noted reports indicating that since the Conference in Madrid, the level of violence there has diminished. Indeed, this Conference has led to an atmosphere of hope, both in the Occupied Territories and elsewhere, which should not be disappointed.

The European Council reaffirms the commitment of the Community and its member States to make an active practical contribution to progress in the multilateral phase of the negotiations on regional cooperation. It expresses the hope that all parties in the region will participate in these negotiations. The European Council considers that the bilateral and multilateral agendas should go hand in hand, each one reinforcing the other. However, regional cooperation cannot progress faster than movement towards a political settlement. Given its close ties with all the parties involved, the Community and its member States are determined to remain in close contact with all participants and to do all they can to promote significant steps in the direction of a comprehensive, just and lasting settlement.

DECLARATION ON DEVELOPMENTS IN THE SOVIET UNION

The European Council took note of the decision of the Republics of Byelorussia, Ukraine and Russia to form a "Commonwealth of Independent States", which other Republics have been invited to join. It also took note of President Gorbachev's statement on 9 December 1991.

The European Council underlines the necessity for a constructive dialogue among all parties concerned to ensure that the process of transformation of the Soviet Union, which has entered a crucial phase, continues in a peaceful, democratic and orderly manner.

The European Council welcomes the fact that the three Republics engaged in this comprehensive process of change have declared that they mutually recognise and respect each other's territorial integrity and the inviolability of the borders existing in the context of their Commonwealth.

The European Council is pleased to note that these Republics have at the same time reaffirmed their readiness to respect the international commitments of the Soviet Union and to ensure single control of nuclear weapons on their territory.

The European Council recalls the importance which the Community and its member States attach to respect for and implementation by all Republics of all provisions of the Helsinki Final Act, the Charter of Paris and other relevant provisions of the CSCE regarding human rights and the rights of persons belonging to national minorities. It also recalls that according to these provisions, the frontiers of all States in Europe are inviolable and can only be changed by peaceful means and agreement. Furthermore, the Community and its member States attach particular importance to necessary measures being taken without delay at the level of the Republics concerned to put into effect the agreements in the field of arms control, nuclear non-proliferation and the effective control and security of nuclear weapons. The Community and its member States also subscribe to the principle that Republics acceding to sovereignty should, for their part, respect the obligations deriving from the external debt of the Soviet Union.

At a moment when these Republics express democratically and peacefully their will to accede to full sovereignty, the Community and its member States wish to open with them, in a spirit of cooperation, a dialogue regarding the development of their mutual relationship.

The European Council also expresses the wish that these Republics develop among themselves the structures of cooperation required to facilitate their insertion in the international community under conditions appropriate to ensure the security, stability and legitimate fulfilment of all.

DECLARATION ON RACISM AND XENOPHOBIA

The European Council notes with concern that manifestations of racism and xenophobia are steadily growing in Europe, both in the member States of the Community and elsewhere.

The European Council stresses the undiminished validity of international obligations with regard to combating discrimination and racism to which the member States have committed themselves within the framework of the United Nations, the Council of Europe and the CSCE.

The European Council recalls the Declaration against racism and xenophobia issued by the European Parliament, Council and Commission on 11 June 1986 and, reaffirming its Declaration issued in Dublin on 26 June 1990, expresses its revulsion against racist sentiments and manifestations. These manifestations, including expressions of prejudice and violence against foreign immigrants and exploitation of them, are unacceptable.

The European Council expresses its conviction that respect for human dignity is essential to the Europe of the Community and that combating discrimination in all its forms is therefore vital to the European Community, as a community of States governed by the rule of law. The European Council therefore considers it necessary that the Governments and Parliaments of the member States should act clearly and unambiguously to counter the growth of sentiments and manifestations of racism and xenophobia.

The European Council asks Ministers and the Commission to increase their efforts to combat discrimination and xenophobia, and to strengthen the legal protection for third country nationals in the territories of the member States.

Lastly, the European Council notes that, in connection with the upheavals in Eastern Europe, similar sentiments of intolerance and xenophobia are manifesting themselves in extreme forms of nationalism and ethnocentrism. The policies of the Community and its member States towards the countries concerned will aim to discourage strongly such manifestations.
