

**Explanatory Meeting on the Acquis with Albania and North Macedonia**  
**Chapter 31 - Foreign, security and defence policy**  
**Brussels, 26 September 2019**

**Opening remarks for the Chair**

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These slides accompany the explanation of the acquis to Albania and North Macedonia and can only be used for that purpose. Their content is subject to further development of the acquis and interpretation by the Court of Justice of the European Union.

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- Today we have come together to make a step further in the process of technical explanation of the EU *acquis* as part of our preparatory work in view of the possible opening of accession negotiations with your countries. We would like to thank you for having come to Brussels with such a strong delegation which shows your commitment to participate in the EU's foreign, security and defence policy already now.
- We will discuss the more political part of our external relations, that is the **EU's foreign, security and defence policy**. This is a **relatively new part of EU competences**. Back in the '90s, the Treaty of Maastricht introduced this policy as the second pillar into EU primary law.
  - At that time, the second pillar did not follow the 'methode communautaire', which provides a right of initiative for the Commission, co-legislation by the Council and the Parliament as well as oversight by the European Court of Justice.
  - It was an inter-governmental cooperation with no, or hardly any, role for the Commission, the Parliament and the Court. It was all done in the Council among Member States. In the Council, it was the High Representative representing the unanimity voice of the Member States, if and where this could be found. At the time, it was felt, that a new institutional set-up was needed to achieve better results.
- That is why the Lisbon Treaty realised the idea of a '**double hat**', which had emerged from the Convention: The High Representative of the Union for foreign affairs and security policy presides the Foreign Affairs Council and is at the same time, a member - even Vice-President - of the Commission. That is where we are now. At present, as you know, this is Vice-President Mogherini and the new Vice-President/High Representative-elect is the former Spanish Minister for Foreign Affairs, Mr Borrel.



- The Foreign Affairs Council still takes decisions by **unanimity**, which hampers its effective functioning. The Commission has therefore proposed to the Council and Parliament to use the so-called '**passerelle clause**' included in the Lisbon Treaty which provides the possibility to move from unanimity to **Qualified Majority Voting (QMV)**. The proposal is on the table. Let's see what the Council will do with it.
- The EU foreign, security and defence policy is based on **legal acts**, including legally binding international agreements, and on **political documents**. The *acquis* consists of **political declarations, common positions and agreements**.
- As you know, the progress reports on the enlargement countries accompanying the regular communications by the Commission on EU enlargement policy have mentioned their alignment rates with the relevant High Representative declarations on behalf of the EU and Council decisions during the respective reporting periods. This underlines the political importance which the EU and its Member States continuously attach to alignment of your countries with the EU common positions on foreign policy and to the application of restrictive measures when and where required. We particularly appreciate the consistent 100% alignment by Albania. A good example to follow for North Macedonia. In the **negotiating framework** to be in place for each of your countries once accession negotiations start, you will take on a formal commitment of **progressive alignment** in this respect. In more detail, when the time comes, in the period up to accession:
  - You will be obliged to progressively **align your policies towards third countries** with the policies and positions adopted by the Union and its Member States.
  - Furthermore, you will be obliged to progressively **align your positions on related files within international organisations**, including when it comes to **membership by all EU Member States to those organisations and arrangements**.
  - At the same time, you will need to provide details on existing and planned **legislative alignment and implementation**, as well as your **administrative capacity**.
- In more general terms, you will be required to support the efforts of the EU aimed at **strengthening its role as a cohesive force in international relations**



and its **ability to promote European interests and values** on the international scene.

- That said, it is important to listen carefully to what colleagues have to say during the day.
- But before we dive into the detail, I would like to pass the floor to my colleague Elsa Fenet, who is Head of the Western Balkans Division at the European External Action Service. She will provide you with an **overview on what we can expect in terms of EU foreign policy developments** in the years to come. Elsa, you have the floor.