PART 3.   EUROPEAN LAW AND POLICY

3.1. European Union law

> The law condemns and punishes only actions within certain definite and narrow limits; it thereby justifies, in a way, all similar actions that lie outside those limits.
> *Leo Tolstoy (Russian writer)*

1. Read the quotation and discuss the following:
– What does the word «law» mean for you?
– Do you agree or disagree with Leo Tolstoy's statement?
– Does the law limit or expand power of an individual / a state?

2. Read and translate the text:
The key difference between the EU and any other 'international organization' is that the EU has built a body of law which is applicable in all its member states, which supersedes national law in areas where the EU has 'competence', and which is backed up by rulings from the Court of Justice. The creation of this body of law has involved the voluntary surrender of powers by the member states in a broad range of policy areas, and the development of a new level of legal authority to which the member states are subject.

The foundation of the EU legal order is provided by the nine treaties: Paris, the two treaties of Rome, the Merger Treaty, the Single European Act, Maastricht, Amsterdam, Nice and Lisbon. These are the primary rules, out of which have come thousands of secondary rules, which take five main forms:

– Regulations are the most powerful, and the most like conventional acts of a national legislature. They are directly applicable in that they do not need to be turned into national law, they are binding in their entirety, and they take immediate effect on a specified date. Usually fairly narrow in intent, regulations are often designed to amend or adjust an existing law.

– Directives are binding in terms of goals, but it is left up to the member states to decide what action they need to take to achieve those goals. For example, a 1988 directive on pollution from large industrial plants set targets for the reduction of emissions (how much, and by when), but left it up to the member states to decide individually how to meet those targets. Directives usually include a date by which national action must be taken, and member states must tell the Commission what they are doing.

– Decisions are also binding, but are usually fairly specific in their intent, and aimed at one or more member states, at institutions, or even at individuals. Some are aimed at making changes in the powers of EU institutions, some are directed towards internal administrative matters, and others are issued when the Commission has to adjudicate disputes between member states or corporations.

– Recommendations and Opinions have no binding force. They are sometimes used to test reaction to a new EU policy, but they are used mainly to persuade or to provide interpretation on the application of regulations, directives and decisions.

Until the early 1990s the EU was adopting a staggering 6000-7000 laws every year, but the number has since fallen to about 1500-1800. The fall-off was due in part to a deliberate policy by the Santer Commission to focus more on the implementation of existing laws, and in part to the completion of the single market programme.

From: McCormick, J. (2002) Understanding the European Union. A Concise Introduction. New York: Palgrave, 89

Vocabulary

body of law - сукупність правових норм	specified - визначений
applicable - такий, що застосовується	intent - намір
supersede - заміняти, відміняти собою	amend - вносити поправки (до закону)
competence - юрисдикція	adjust - корегувати
ruling - судове рішення	pollution - забруднення
Court of Justice - Європейський Суд	reduction - скорочення, зменшення
voluntary - добровільний	emission - викид
range - сфера, царина	include - включати
legal - правовий	to direct (toward) - спрямовувати
authority - влада	internal - внутрішній
subject - тут: підлеглий, підпорядкований	issue - видавати
provide - тут: забезпечувати	adjudicate - розглядати справу, вирішувати суперечку
treaty - договір, угода	
merger - злиття	persuade - переконувати
primary - первинний	interpretation - тлумачення
secondary - вторинний	application - тут: застосування
regulation - правило, регламент, постанова	adopt - приймати
	staggering - приголомшливий
conventional - звичайний, стандартний	fall-off - спад, падіння
legislature - законодавча влада	deliberate - тут: спланований
binding - зобов'язальний	implementation - виконання
entirety - цілісність	completion – завершення

Vocabulary Practice

3. Match the items in Column A with the items in Column B:

A	B
1) deliberate	a) done consciously and intentionally or careful and unhurried;
2) applicable	b) relevant or appropriate;
3) supersede	c) take the place of; supplant;
4) conventional	d) based on or in accordance with convention;
5) legislature	e) a body of persons vested with power to make, amend, and repeal laws;
6) voluntary	f) done, given, or acting of one's own free will;
7) competence	g) the state of being legally competent or qualified

4. Choose necessary words from the box to insert into the sentences:

> to amend, applicable, interpretation, supersede, competence, adjudicate, emission, binding, deliberate

a. Commission requests Belgium … law on supplementary health insurance provided by private sickness funds.
b. The new rules of the foreign policy of the EU should be … to all partner countries.
c. The European Court of Justice gives … of the EU law at the request of the national courts and tribunals.
d. After the country enters European Union, the EU law will … the national law in areas where the EU has …, for example, Estonia's Free Trade Law was … by the European Agreement.

e. The anti-fraud commission will take … measures as part of the Community actions against fraud.
f. A Court may … on any civil matters as long as the pertaining documents were submitted in a course of the year.
g. Commission calls on all member-countries of the EU to apply Court of Justice … on the new carbon … standards.
h. Regulations of the EU are … for all EU states, meaning that they are obligatory.

5. Complete items in column A with appropriate items from column B, use the text for reference. Make your own sentences with these phrases. Translate them into Ukrainian.

A	B
1) reduction of emissions	a) emissions
2) body of law	b) law
3) adjust an existing law	c) an existing law
4) adjudicate disputes	d) disputes
5) implementation of existing laws	e) existing laws
6) application of regulations	f) regulations
7) secondary rules	g) rules
8) the Merger Treaty	h) Treaty
9) legal authority	i) Authority
10) deliberate policy	j) Policy

Reading and Comprehension

6. Answer the questions:
a. What is the main difference between the EU and any other 'international organization'?
b. Enumerate the treaties which provide the foundation for the EU legal order.
c. What are the Regulations often designed for?
d. Which of the five primary rules is used for adjudication of disputes between member states or corporations?
e. What was the main reason(s) for the fall-off in the number of the laws being adopted?

7. Choose all that apply:
1) The EU's body of law is backed up by rulings of the … .
a) EU Court   b) Court of Justice   c) EU Court of Human Rights   d) General Court of the EU

2) Which from the following does NOT count as the primary rule:
a) Opinions   b) Directions   c) Recommendations   d) Treaties

3) Which of the following Treaties provided the foundation of the EU legal order:
a) the Merger Treaty   b) the Maastrich Treaty   c) the Versailles Treaty   d) the Nice Treaty

4) Which form of the five primary rules allows the states to decide what action they need to take to achieve those goals?
a) Regulations   b) Decisions   c) Opinions   d) Directives

5) Decisions are …
a) usually fairly specific in their intent
b) include a date by which national action must be taken
c) are binding in terms of goals
d) used to test reaction to a new EU policy

6) The average number of laws that was adopted by the EU yearly in the early 1990s was:

a) 1500 – 1800   b) 6000 – 7000   c) 1500 – 2000   d) 5000 – 7000

7) The most like conventional acts of a national legislature are:

a) Regulations   b) Decisions   c) Opinions   d) Directives

8) Recommendations and Opinions … for the member - states.

a) are legally obligatory

b) have fairly specific binding force

c) are legally not obligatory

8. Divide into five groups and make a summary of the text. Each group will be responsible for a particular area:

I group – Introduction

II group – Regulations section

III group – Directives section

IV group – Decision section

V group – Recommendations / Opinions section

Substantiate each form of the secondary rules with examples of the EU legislation. You can find them on www.eur-lex.europa.eu or http://europa.eu/legislation_summaries/index_en.htm.

Grammar Practice

Present Perfect vs. Past Simple

9. Explain the difference:

a. The Parliament has already adopted this Resolution.

b. The Parliament adopted this Resolution on Wednesday.

c. I have worked in the Court of Justice for three years.

d. I worked in Court of Justice for three years.

11. Complete the sentences, changing the word order if necessary:

Pass, discuss, rule, avoid, hear, adjudicate, persuade, propose, support, adjust, ratify, be

a. On the 24th of November 2009 the EU Parliament … legislative resolution on the proposal for a Council decision providing macro-financial assistance to Armenia.

b. Members of EU Parliament … recently the maternity and paternity leave directives.

c. The European Court of Justice has already … that National law must be interpreted and applied, insofar as possible, so as to ... a conflict with a Community rule.

d. I have not … anything from him since yesterday morning.

e. Today the MEP … the delegates to … the dispute.

f. After the toxic waste accident in Côte d'Ivoire in 2006 Franco Frattini, the Justice, Freedom and Security Commissioner, together with Stavros Dimas, the Environment Commissioner, … to create criminal sentences for "ecological crimes".

g. Yesterday all members of the Parliament … the initial intent of the Commission to increase security measures.

h. Up to now the EU … its environmental policy.

i. Up to now the Treaty establishing the European Constitutions … .

j. … you ever … to Brussels?

11. Use Past Simple or Present Perfect:

a. When … the EU (to adopt) the directive on pollution?

b. How long (to known) the President of the Court?

- I (to know) Vassilios Skouris since 2003.

c. When (to send) the report on the interpretation of this clause?
- I (to send) just it.
d. How long is it since you (to have) a day off?
- I (to have) a day off for three month already.

Professional Skills Development

Problems: identifying problems and agreeing action
11. Read the dialogue between two managers. At first identify the problem they are talking about and then develop a possible solution. What would you do in this situation if you were a manager?

John: Hi Kate!

Kate: Hi John. How are you?

John: I am fine, thanks. Actually, Kate, I came here to talk with you about Mrs. Taylor.

Kate: Alright, I am listening.

John: You know her, right? She has been working at the **** department for about 4 months.

Kate: Yes, I know her. I remember reading her CV, a good one, I should admit. And it seems to me she has joined us in the fall of 2007.

John: That's true. So, she is a good employee – and does her work very well but there are several issues that I need to talk to you about. She is constantly late for work, and you know that everyone here has to be on time. I told her about that about a month ago and it seemed to work for a couple of weeks but yesterday she was late again. Her reports are also late in spite of the fact that she even takes them home to write. I am not sure whether she can keep up with our workload…

Kate: Have you tried to talk to her?

John: Yes I did but she would not say a word during the meeting – she kept silence and nodded.

Kate: Maybe she has some other problems that we do not know of. We have to find out this before making any serious decisions. Let me try to talk to her.

John: Go ahead and see what happens. When can you do that?

Kate: This Thursday and I can talk to you afterward.

John: Good, then see you later this week. Bye!

Kate: See you!

12. Read the letter and identify the problem. Try to find at least three solutions to the problem mentioned in the letter.

Dear Kevin,

I need your advice. I am a manager of one of the civil services departments. One of my employees, Mrs. Taylor, is on very good terms with my supervisor. She is a diligent worker and perfectly copes with all her work. Unfortunately Mrs. Taylor constantly bad-mouths other employees. Probably because of her good relations with my supervisor a lot of people in the department are afraid to say anything to her although several complained to me. It even seems to me that some employees began to fear her. This situation does not create a healthy work environment and it becomes more and more difficult to work. Can you advise me on what I can do to help my employees?

Thank you.

Sincerely,
Davon

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13. Think about the most common problems at work connected with employees or chief, make a list. Then write at least two solutions to each of the problems (e.g. how the situation can be improved or solved). Some of the common problems may include:

- poor service (e.g. rudeness towards clients, employees);
- being late for work;
- unethical behaviour of employees / chief;
- inability to manage resources/staff;
- lack of necessary training.

Review Questions

1. Does the EU law supersede the law of the member states?
2. What Treaties provide foundation for the legal order of the EU? Enumerate them.
3. Enumerate five main forms of the primary rules.
4. Are the *Directives* binding for member states?
5. With reference to the text, provide definition of the word «*conventional*».
6. Provide English synonyms and translation for the word «*to supersede*».
7. What tense is used to show a certain present result of the past action?
8. Explain the difference:
   - Have you talked with Michael this afternoon?
   - Did you talk with Michael this afternoon?
9. Explain the cases of usage of present perfect and past indefinite. Give examples.
10. What are the most common problems one encounters at work?
11. What are some possible strategies for solving work-related problems?

Additional Reading

EU support for measures to combat discrimination

A considerable body of European legislation has been put in place over the last thirty years, in order to tackle sex discrimination related to pay, working conditions and social security. Over the years, the case-law of the European Court of Justice has helped to clarify and reinforce this legal framework. Today, equality between women and men is recognised as one of the EU's core objectives and efforts are made to mainstream the gender dimension in all the Union's activities.

Building on the EU's experience of dealing with sex discrimination, a consensus emerged in the mid-1990s concerning the need for the European Community to tackle discrimination on a number of additional grounds. Civil society organisations and the European Parliament were instrumental in driving this debate forward. The result of this process was the inclusion of a new Article (number 13) in the EC Treaty, following the entry into force of the 1997 Amsterdam Treaty. Article 13 represented a quantum leap forward in the fight against discrimination at EU level in that it empowered the Community to take action to deal with discrimination on a whole new range of grounds, including racial or ethnic origin, religion or belief, age, disability and sexual orientation.

This Article was subsequently further modified by the Nice Treaty, in order to allow for the adoption of incentive measures by qualified majority voting rules in the Council. Legislative action continues to require unanimous approval by the Council, despite proposals from the Commission to move towards qualified majority voting in the context of the European Convention.

The adoption of Article 13 reflected the growing recognition of the need to develop a coherent and integrated approach towards the fight against discrimination. This approach

seeks to make the most of joint efforts to combat discrimination and to benefit from transfers of experience and good practice across the various grounds. It provides a more effective basis for addressing situations of multiple discrimination. It allows for common legal and policy approaches covering the different grounds, including common definitions of discrimination.

While recognising the specific challenges faced by different groups, this integrated approach is based on the premise that equal treatment and respect for diversity are in the interests of society as a whole. To this end, the EU equality Directives are complemented by a Community action programme to combat discrimination. This programme covers all of the grounds set out in Article 13 with the exception of sex, which is dealt with separately by the European Community's gender equality programme.

The existence of the Community action programme is recognition of the fact that legislation is but one component of action to combat discrimination. Support for a range of positive measures is also necessary in order to challenge discriminatory behaviour and promote a change in attitudes over time. Specifically, the programme aims to:
–   improve the understanding of issues relating to discrimination through improved knowledge of this phenomenon and through evaluation of the effectiveness of policies and practice;
–   develop the capacity to prevent and address discrimination effectively, in particular by strengthening organisations' means of action and through support for the exchange of information and good practice and networking at European level, while taking into account the specific characteristics of the different forms of discrimination;
–   promote and disseminate the values and practices underlying the fight against discrimination, including through the use of awareness-raising campaigns.

After its launch in 2001, the programme has already made a valuable contribution to the efforts of the EU and Member States to tackle discrimination. The Programme has supported a total of around 100 projects and activities per year. Those activities have involved a wide variety of stakeholders, from national authorities to organisations representing people who are potentially exposed to discrimination, from social partners to equality bodies, from policy and decision-makers to legal practitioners.

Public interest in the EU's activities to combat discrimination has increased considerably since the launch of the programme. One indication of the level of public interest in the programme is provided by the high number of visits to the European Commission's anti-discrimination web pages, which makes this site one of the most visited on the Europa server. Recent surveys have indicated that, in a relatively short space of time, anti-discrimination has become one of the most widely known areas of EU employment and social policy.

Examples of activities supported through the Community action programme to combat discrimination:

Strand 1 (Analysis and Evaluation)

The European Commission published the results of a number of Eurobarometer opinion surveys. They showed that most Europeans believe that a person's ethnic origin, religion, disability or age can be an obstacle in finding a job, even where qualifications are equal. Most were opposed to discrimination in all circumstances, although they had less faith in the opposition of others.

Strand 2 (Capacity-building)

The Racial Equality Directive requires Member States to designate a specialised Equality Body to provide assistance to victims and to issue reports and recommendations. Under Strand 2 of the programme, funding has been provided to allow a network of existing and new Equality Bodies to be established and to promote exchanges of experience and good practice between these bodies.

Strand 3 (Awareness-raising)

The European Commission launched a five-year, EU-wide Information Campaign "For Diversity – Against Discrimination" in June 2003. This Campaign is designed to inform people about their rights and obligations under European and national anti-discrimination law, as well as promoting the positive benefits of diversity for business and for society as a whole.

Projects designed to tackle discrimination in employment have also benefited from EU funding through the EQUAL Community Initiative, as well as through mainstream European Social Fund expenditure. Some projects supported through the Community's gender equality programme have also touched on discrimination on other grounds covered by Article 13 (e.g. women from ethnic minorities). The Community action programme to combat social exclusion has looked at related issues from a social inclusion perspective.

EU Programmes in the field of education, training and youth have also supported activities in favour of ethnic minorities, people with disabilities and other disadvantaged groups. Research projects on discrimination-related issues have also been supported under the EU's Fifth and Sixth Framework Programmes for Research and Technological Development.

From: Equality and Non-Discrimination in the Enlarged European Union. Green Paper by the European Commission – May 2004

3.2 General Principles of the EU Law

> Justice is what is established; and thus all our established laws will necessarily be regarded as just without examination, since they are established.
>
> *Blaise Pascal, French mathematician and philosopher*

1. Read the quotation and discuss the following:
– Do law and justice mean the same to you?
– What are the principles of the Ukrainian law?
– Should the law be regarded without examination?
– What do you know about the principles of the EU law?

2. Read and translate the text:

General principles of law are found in every legal system in Europe. The European Court of Justice (ECJ) has induced them into the legal order to supplement the written sources of law, the treaties, and they are used as an aid of interpretation. This is because the court can't rule on all the issues through applying laws, and treaties from the past. Therefore, over the years the rules of Community Law were allowed to be derived from general principles of law in addition to treaties and EC legislation. On the one hand the ECJ will try to find a reference for the general principles in the laws and sources that they already have obtained, and apply the general principle in its own right. On the other hand the EJC will, when referring to municipal law, look for principles of law, that are found in most member states, regardless of the fact, that there might be a minority state, that does not apply these principles.

The principles that the EU legal system shares with other democratic legal systems include the primacy of the law, presumption of innocence and a number of legal principles that date back to Roman civil law, i.e. non bis in diem (one cannot be punished twice for the same deed), audiatur et altera pars (hear the other side), nullum crimen, nulla poena sine lege praevia lege poenali (no crime, no punishment without a previous penal law), pacta sunt servanda (agreements must be observed), and others. In the EU law these principles have precedence over secondary law, but are lower in status that primary law.

Alongside these, there is also a number of principles that are exclusively characteristic of the EU legal system. First, the European Court of Justice has been constantly emphasizing the autonomy of the Community's legal order and its equal application in all Member States. The Member States, having formed the Community, limited their legislative activities and thus created a new legal order, which is independent of national and international legal systems. This order, however, should be equally implemented and adhered to in all Member States as well as in the proceedings of national courts.

Second, the principle of supremacy of the EU law over national law of the Member States sets procedures for cases when there is a conflict between the norms of national and EU law. In such a case the EU law has primacy over national legal norms. However, supremacy only establishes EU law's primacy in application of the law. Hence, if certain legal norms on the national level contradict their counterparts in the EU law, they are not automatically deemed null and void.

The third principle is direct effect of the EU law that is interpreted to mean that legislative acts produced by the EU have direct application in the Member States, usually without any need to either ratify or otherwise incorporate them into national body of law. Both the provisions of the Treaties, and EU regulations are said to have direct effect

horizontally. This means private citizens can rely on the rights granted to them (and the duties created for them) against one another. The other main legal instrument of the EU, directives, have direct effect, but only "vertically". Private citizens may not sue one another on the basis of an EU directive, since these are addressed to the Member States. Directives allow some choice for Member States in the way they translate (or 'transpose') a directive into national law - usually this is done by passing one or more legislative acts. Once this has happened citizens may rely on the law that has been implemented. They may only sue the government "vertically" for failing to implement a directive correctly.

Article 10 [5] of the Treaty of Rome aptly formulates the forth and final principle, solidarity: «Member States shall take all appropriate measures, whether general or particular, to ensure fulfillment of the obligations arising out of this Treaty or resulting from action taken by the institutions of the Community. […] They shall abstain from any measure which could jeopardize the attainment of the objectives of this Treaty.»

Thus, on the one hand the principle of solidarity means that Member States cannot refuse to abide by the norms of the Community law even when pursuing legitimate national interests. On the other hand they have to do all that is in their capacity to ensure complete fulfillment of the norms of the EU law.

Vocabulary

to induce – робити висновки, логічно виводити
to supplement – доповнювати
to derive – походити (з чогось)
reference – посилання
to obtain – отримувати
to refer – посилатись (на щось), звертатись (до чогось)
primacy – первинність
presumption of innocence – презумпція невинуватості
deed – справа, дія, вчинок
precedence – приоритет
secondary – вторинний

primary – первинний
to adhere (to) – дотримуватись, слідувати (нормам)
supremacy – верховенство
to contradict – протирічити
null and void – недійсний
provision – положення
to transpose – переносити, пересувати
to abstain – утримуватись
to jeopardize – ставити під загрозу
attainment – досягнення
to refuse – відмовлятись
to abide (by) – слідувати (нормам), дотримуватись, слухатись
fulfillment – виконання

Vocabulary Practice

3. Match English words and phrases with their Ukrainian equivalents:

1) to induce
2) to derive
3) reference
4) provision
5) to transpose
6) to supplement

a) переносити, пересувати
b) положення
c) робити висновки
d) доповнювати
e) посилання
f) походити (з чогось)

4. Provide English synonyms or explanations for the following words:

attainment –
fulfillment –

to contradict –
to refer –
to abstain –

5. Replace the words in *italics* with their synonyms from the box below:

to adhere to   deed   null and void   to jeopardize   to abide by   to obtain

a. Member States shall abstain from any measure which could *imperil* the attainment of the objectives of this Treaty.
b. The new legal order should be equally implemented and *stuck* to in all Member States.
c. The principle of solidarity means that Member States cannot refuse *to comply with* the norms of the Community law.
d. If certain legal norms on the national level contradict their counterparts in the EU law, they are not automatically deemed *invalid*.
e. The ECJ will try to find a reference for the general principles in the laws and sources that they already have *acquired*, and apply the general principle in its own right.
f. One of legal principles that date back to Roman civil law is one cannot be punished twice for the same *act*.

Reading Comprehension

6. Decide on whether the following statements are TRUE or FALSE, and correct the false ones:

a. The principles that the EU legal system shares with other democratic legal systems include legal principles that date back to Roman civil law.
b. The Member States limited their legislative activities and created a new legal order, which is dependent on national and international legal systems.
c. The principle of solidarity means that Member States cannot refuse to abide by the norms of the Community law except when pursuing legitimate national interests.
d. When there is a conflict between the norms of national and EU law, the EU law has primacy over national legal norms.
e. Legislative acts produced by the EU are applied in the Member States after being ratified or incorporated into national body of law.
f. If certain legal norms on the national level contradict their counterparts in the EU law, they are automatically deemed null and void.

7. Answer the questions:
a. What do the EU legal principles include?
b. How can you describe the status of these principles in the EU law?
c. How many principles are there that are exclusively characteristic of the EU legal system?
d. Give the names of these principles.

8. Summarize the four principles of the EU legal system, and give a presentation on «The Essence of the EU Four Legal Principles».

Grammar Practice

Past Perfect

9. Read the situations and write sentences from the words in brackets:
a. We went to the lawyer's office but he wasn't there. (he/ go/ out)
b. You went back to the document after some time. It wasn't the same as before. (it/ change/ a little)
c. I invited my colleague to my presentation but she couldn't come. (she/ arrange/ to do something else)
d. You went to a meeting yesterday. You arrived late. (the meeting/ already/ begin)
e. Last year we went to Sweden. It was our first time there. (we/ never/ be/ there/ before)

10. Choose the correct tense – Past Simple or Past Perfect:
a. When he … (start) making his report, I realized that I … (hear) it before.
b. When we … (get) to the restaurant, we … (realize) that nobody … (remember) to reserve a table.
c. I … (not be) abroad before, so I … (enjoy) every moment of my first visit to Germany.
d. When she came to England, she found that the language was quite different from the English that she … (learn) at school.
e. I … (tell) him twice that I … (not know) who … (make) that mistake, but he … (not believe) me.

11. Think of three things that you had never done before last weekend/ your last birthday/ you started your current job.

Professional Skills Development

Ethical Problem-Solving
12. Work in pairs. Look at these ethical work problems and discuss how you would respond to the three situations. Use some of the expressions for problem-solving in your answers:

Ethical dilemma 1: An accounting dilemma
You work in accounts. Whilst checking the company accounts one day, you discover that your financial director has been claiming irregular expenses. Expenses include opera tickets, two digital cameras and a laptop computer which you think he bought for his daughter. Some of the expenses have already been paid to him, but not all. What would you do?
Ethical dilemma 2: Working overtime
The boss asks workers to stay late at the office. Although some of the employees including you have said they cannot stay late, the boss persists in telling you that there is «a bit» more work to do. What would you do?
Ethical dilemma 3: Everlasting help
Your colleague rarely completes work assignments. You have been helping him finish the last two projects. You want him to stop asking you for help because you have work of your own to do. What would you do?

Expressions for problem-solving:
Proposing solutions
In this situation, I'd …
In this case, I'd …
What I'd do/ say is …
If it were the case that …

Looking at problems from different angles
Having said that, …
On the other hand, …

Giving reasons for opinions
on the grounds that …
for the reason that …
Seeing/ given that …

Playing for time
That's a difficult/ tricky/ interesting one.
Let me see, …
It (really) depends on …
At the same time, …
There are a lot of issues at play here.
You could argue that …

13. Describe an ethical dilemma you faced at work. Have a class discussion of possible solutions to your dilemma, using the expressions above.

Review Questions

1. Translate the following words into your language: to induce, to derive, reference, provision, to transpose, to supplement.
2. Translate the following into English: досягнення, протирічити, виконання, посилатись (на щось), утримуватись, приоритет.
3. What do the EU legal principles include?
4. How many principles are there that are exclusively characteristic of the EU legal system?
5. What are these principles?
6. How is the past perfect tense formed?
7. When do we use past perfect?
8. Give your examples on the past perfect cases.
9. How would you define an ethical problem?
10. Why are ethical problems difficult to deal with?
11. What are the common phrases to propose solutions to an ethical problem, to look at a problem from different angles, to give reasons for opinions? Make your own sentences with these expressions

Additional Reading

What is the principles of proportionality and subsidiarity?
The principle of proportionality and subsidiarity is extremely important because it underlies everything the European Union does in areas where it does not have the right of exclusive competence.

In plain English it means that the EU should not get involved in matters which do not concern it. The official version runs as follows:

"The Community shall act within the limits of the powers conferred on it by this Treaty and of the objectives assigned to it therein.

In areas which do not fall within its exclusive competence, the Community shall take action, in accordance with the principle of subsidiarity, only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the Community.

Any action by the Community shall not go beyond what is necessary to achieve the objectives of the Treaty."

What this means in practice is that the European Commission must justify the relevance of any proposals against the principle, and in fact, when proposals go to the European Parliament committees it is one of the first tests they consider.

If you feel that a proposal is just another example of over regulation, i.e. it is entirely disproportionate, then you may have strong grounds for opposing it on the grounds of proportionality.

Equally, if you believe that the issue being addressed by the legislation is not trans-European, and should therefore be addressed by individual Member States then again you might have grounds for opposition on the grounds of subsidiarity.

From: European Law Monitor. Accessed at http://www.europeanlawmonitor.org/EU-Information/EU-Legal-Principles/EU-Law-What-is-the-Principle-of-Proportionality Subsidiarity.html on Jan. 6, 2010

Does European law override national law?
In short, yes it does. The principle of European law overriding national law has actually been around since 1963, when it was decided that European law could not be applied in different ways in the Member States, without fundamentally undermining any chance of achieving the Treaty objectives.

Treaty objectives are agreed by the member governments when a new Treaty is being drafted. The EU can only propose new laws to fulfill the completion of those Treaty objectives, and should not come out with measures outside of that framework.

Basically, the governments agree a 10-year plan, which is then put into Treaty form. They then tell the Commission to implement these policies by coming out with legislative proposals to fulfill the agreed Treaty objectives. Once a law has been passed, the different countries agree to implement it, and allow it to override national law.

But what happens if member states don't subject to the EU legal order? If you join the EU, then part of that package means you are fundamentally obliged to take all appropriate measures, whether general or particular, to ensure fulfillment of the obligations arising out of a Treaty.

Equally, member states are fundamentally obliged to implement any laws agreed in Brussels, which means that it is up to governments and businesses to get the best deal they can when new acts are proposed by the Commission.

Finally, any government must abstain from doing anything which could jeopardize the completion of the agreed Treaty objectives.

If a government does break this fundamental obligation, then they can be taken to court and fined. To give you a topical example, the French government has not been fulfilling its obligations under the common fisheries policy, and it has been proposed to impose on the French government a lump sum fine of EUR 115.5m, with EUR 58m becoming payable for every further six months that it fails to comply.

To finish up, and just to show you that nothing actually changes in politics, here is a quote made by Lord Denning in 1979.

"If the time should come when Parliament deliberately passes an Act with the intention of repudiating the Treaty, or any provision in it, or intentionally of acting inconsistently with it and says so in express terms then I should have thought that it would be the duty of our courts to follow the statute of our Parliament. I do not however envisage any such situation… Unless there is such an intentional and express repudiation of the Treaty, it is our duty to give priority to the Treaty."

The adoption by a parliament of a law repudiating a Treaty would, of course, put the member state in breach of its fundamental obligations under European law.

From: European Law Monitor. Accessed at http://www.europeanlawmonitor.org/EU-Information/EU-Legal-Principles/EU-Law-Does-European-Law-Override-National-Law.html on Jan. 4, 2010

3.3 EU Social and Employment Policy

> Increased employment of older workers seems like a natural solution, but employers will have to change their hiring and retention policies if they want to attract these highly productive older individuals.
>
> *Alicia Munnell, the director of the Center for Retirement Research at Boston College*

1. Read the quotation and discuss the following:
– If you were an employer, who would you prefer to hire – an experienced worker over 50 or a young worker with two or three years' experience? Why?
– Do you think that discrimination on the grounds of age is unlawful? Justify your opinion.
– How should social and employment policy work in a highly developed state? How does it work in your country?
– Could you think of any countries which citizens are very well socially protected? Give your examples.
– What improvements would you make to an existing social and employment policy in your country?

2. Read and translate the text:
At the dawn of the 21st century, high unemployment is the most serious economic and social problem for nearly all Member States. One of every 10 EU citizens is looking for work in vain. The employment rate in Europe is 61%, i.e. nearly 10 percentage points below the US and Japan. Although millions of new jobs have been created in the EU, millions of people are still unable to find work. And more than half of all jobseekers have been unemployed for over a year. On top of the net shortage of jobs, some population groups have special difficulties on the labor market: the long-term unemployed, young people, older jobseekers, people with disabilities, women, and ethnic minorities. The EU objective is therefore not only to ensure that more jobs are created in the EU, but also to provide better opportunities on the labor market for the population groups which up to now have been at a disadvantage. Laid out officially, the main tasks of European social policy are described in Article 136 of the EC Treaty: «The Community [the EU] and the Member States [...] shall have as their objectives the promotion of employment, improved living and working conditions, so as to make possible their harmonisation while the improvements is being maintained, proper social protection, dialogues between management and labour, the development of human resources with a view to lasting high employment and the combating of exclusion.»

To attain the set goals the European Employment and Social Policy Strategy envisions work along the following four key lines:

– Employability. This refers to the skills of jobseekers and encompasses training, further training, retraining and good careers advice. The principle of employability targets all young people who should be offered training, retraining, employment or practical traineeship before they have been unemployed for six months; and unemployed adults who should be offered a new start, more specifically through further training and career guidance, before they have been unemployed for 12 months. This principle also focuses on the reduction of school drop-out rates, and creating or improving an existing apprenticeship system.

–   Entrepreneurship. If new jobs are to be created, it is important to make life simpler for businesses. The intention of the EU countries is therefore to make it easier to set up a new business and become self-employed by identifying existing obstacles to the creation of small and medium-sized businesses, and making any necessary changes to eradicating them. The EU employment and social policy is also directed at reducing the tax and contributions burden on labour, especially with regard to low-paid jobs. Last but not least entrepreneurship means looking at how more jobs can be created in the social sphere, e.g. in the voluntary and cooperative sector.

–   Adaptability. Businesses and employees are under pressure to adapt. They are faced with new technologies and changing market conditions. This adaption is facilitated by developing strategies for modern and flexible work organization together with the social partners; looking at whether today's extremely diverse forms of employment necessitate new types of employment contracts; and introducing, where possible, incentives for individual and in-company further training.

–   Equal opportunities. The EU Member States attach particular importance to ensuring that women and men have equal career opportunities and to improving the integration of people with disabilities and of different racial, national and ethnic origin into the labour market. This is attained by adopting measures to ensure that more women can take up employment and gain access to braches and occupations previously dominated by men; improving the availability of child-care facilities and nursing services for the elderly to make it easier for women to take up or remain in employment; progressively removing obstacles which make it difficult for women and men to return to work after a break (e.g. for bringing up children); and devoting special attention to the difficulties experienced by disabled people and minorities in finding a job.

Besides emphasizing on employment opportunities, the EU also directs much of its attention to sustaining proper social policy programs like that of social protection. Social protection systems provide individual citizens with security and contribute to political and social stability and economic success. Benefits include treatment of events of illness and after work accidents, and income after retirement or in the event of unemployment.

In general, the organization of social protection systems is the sole responsibility of the Member States. However, in the 1990s, the EU Council agreed on a so-called 'convergence strategy' designed to achieve long-term approximation of social protection policies and systems. It adopted two recommendations setting out specific goals. First, every EU citizen with no income from employment or capital should receive a minimum income from the State. To date, 13 Member States have introduced such arrangements.

Second, a number of EU-wide studies have shown that exclusion of the elderly from the world of employment at an increasingly earlier age does not fulfill the associated hope that young employees will replace them. The trend towards early retirement has certainly not led to measurable growth in the EU's average employment rate. In this view the EU started administering a number of programs aimed at a step-by-step transition from work to retirement, combined with realistic prospects for an old age that is worth living. EU research policy plays a part here, by funding medical and social projects concerned with old age. Older people are entitled not to suffer unjustified discrimination or disadvantage as part of its non-discrimination policy. Thus the EU aim is to prevent objectively unjustified discrimination against older employees.

From: European Employment and Social Policy: A Policy for People. Booklet by the European Commission. – May, 2000

Vocabulary

unemployment – безробіття
in vain – напрасно
unable – неспроможний, нездатний
jobseeker – той, хто шукає роботу
net – чистий, фактичний, кінцевий
shortage – брак, нестача
objective – ціль, мета
to maintain – підтримувати
to combat – боротися
exclusion – виключення
to attain – досягати
to envision – передбачати
employability – здатність отримати роботу, здатність працевлаштуватися
to encompass – охоплювати
to target – націлювати(ся)
reduction – скорочення
drop-out – той, що не закінчив школу/університет
apprenticeship – професійне навчання без відриву від виробництва

entrepreneurship – підприємництво
to identify – визначати, ідентифікувати
obstacle – перепона
to eradicate – знищувати
burden – тягар
voluntary – добровільний
adaptability – здатність призвичаюватися
to facilitate – полегшувати
diverse – різноманітний, урізноманітнений, диверсифікований
to sustain – підтримувати
protection – захист
convergence – зближення, злиття
to achieve – досягати
approximation – приблизне значення
the elderly – люди похилого віку
associated – пов'язаний
trend – тенденція
measurable – значний
transition – перехід

Vocabulary Practice

3. Match the words with their antonyms:

1) the elderly
2) approximation
3) measurable
4) convergence
5) diverse
6) reduction

a) identical, uniform
b) divergence
c) the young
d) accuracy
e) growth, increase, rise
f) insignificant, trivial

4. Provide synonyms for the following words using the vocabulary:
difficulty –
security –
to aim at –
to support –
cut, lessening –
exception –

5. Match the words to make proper word combinations, and use them in the sentences of your own. Make at least two sentences with each word combination:

1) the elderly
2) social
3) measurable
4) school drop-out
5) net
6) to attain
7) to identify

a) existing obstacles
b) shortage
c) people
d) the set goals
e) protection
f) growth
g) rates

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Reading Comprehension

6. Answer the questions:
a. What is the most serious economic and social problem for nearly all Member States at the beginning of the 21st century?
b. What is the employment rate in Europe in comparison with the US and Japan?
c. Which groups have special difficulties on the labour market?
d. What are the main tasks of European social policy described in the EC Treaty?
e. What are the four key lines of the European Employment and Social Policy Strategy?
f. How can individual citizens benefit from social protection systems/
g. How does the State protect those EU citizens with no income from employment?
h. What is the EU aim concerning older employees?

7. Decide on whether the following statements are TRUE or FALSE, and correct the false ones:
a. At the beginning of the 21st century the employment rate in Europe was significantly higher than in the US and Japan.
b. Millions of people are still unable to find work because new jobs haven't been created so far in the EU.
c. Some population groups are at a disadvantage on the labor market.
d. The principle of employability targets both young people and unemployed adults.
e. The EU employment and social policy is directed at reducing the tax and contributions burden on labour, especially with regard to high-paid jobs.
f. Equal opportunities make it easier for people with disabilities and of different racial, national and ethnic origin find a job at the labour market.

8. Work in groups of four. Each student makes a presentation on one of the four key lines of the European Employment and Social Policy Strategy – Employability, Entrepreneurship, Adaptability, and Equal Opportunities.

9. Read the information from the British Charity for Retirees, www.ageconcerns.org.uk, and compare the situation with the one in your country:

Every day older people face age discrimination in access to health and social care services, in access to financial products, benefits and insurance, and can be forced to retire at 65.

The Equality Bill presents an historic opportunity to ban age discrimination. We need MPs to strengthen and support the Bill through Parliament. We want at least 100 people in every constituency to call on their MP for Just Equal Treatment.

Forced retirement - questions and answers:

Q: What legislation are we seeking to change?

A: We are challenging the Employment Equality (Age) Regulations 2006 which came into force on 1st October 2006. The regulations implement a November 2000 European directive outlawing age discrimination in employment and training (Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation).

In December 2004, the Government announced the law would include a national default retirement age, introducing major restrictions on the employment protection available to people over the age of 65. All employers will be able to force employees to retire at or after 65 and will be able to refuse to recruit anyone over the age of 65.

We believe that by excluding people over 65 from protection the Government has failed to implement the Directive correctly – in breach of their obligations under European law.

We are also arguing that the Regulations give employers too much scope to justify direct discrimination on grounds of age – beyond what was intended by the Directive.

Q: What was the European Court of Justice's Judgment on 5th March?

A: The judgment did not go so far as to say that the Government has failed to implement the EU Directive correctly; that question has to be decided when the case returns to the High Court. But the ECJ judges did confirm that Britain's national default retirement age falls within the scope of EU law.

They also made it clear that the High Court must look very carefully at whether the default retirement age is justified under EU law, looking only at social and economic policy objectives – not the interests of individual businesses. In effect, the ECJ rejected the Advocate General's opinion which suggested that ageism was less significant than other forms of discrimination.

Q: What happens next?

A: The case will return to the High Court where the British Government will have to prove that default retirement age of 65 satisfies European Union age discrimination rules.

We believe that the Government will struggle proving that its national default retirement age of 65 satisfies European Union age discrimination rules.

Q: What will the High Court do?

A: It will be up to the High Court to decide whether or not the Age Regulations incorrectly implement the European directive outlawing age discrimination. If the case is decided in our favour, the Government will have to amend the legislation to abolish the national default retirement age and give workers over age 65 full employment rights.

Q: Will we succeed?

A: We hope that we are successful, for the sake of people who do not wish or cannot afford to retire. We still have a very strong chance of winning in the British Courts. The ECJ has said the Government must prove to a high standard why forced retirement ages are needed, and those reasons must be based on social or labour market needs, not the interests of employers.

10. Offer your own solutions to the problem of age discrimination in the workplace and have a class discussion on the matter.

Grammar Practice

Test
11. Choose the correct tense – Past Simple or Past Continuous:
a. The manager … (wait) for me when I … (arrive).
b. What … you … (do) this time yesterday? – I … (make) a report.
c. What … you … (do) yesterday? – I … (work) on my project.
d. When I last … (see) Jane, she … (try) to find a job.
e. When I was young, I … (want) to be a doctor.
f. While we … (discuss) our new action plan, my secretary … (tell) me the news.
g. They … (talk) and … (not listen) while you … (make) your report.
h. When we … (go out) of the office, it … (snow) hard, so we … (decide) to take a taxi.
i. I … (meet) Tom and Ann at the airport last week. We … (have) a chat while we … (wait) for our flights.
j. Were you busy at 8 o'clock yesterday evening? – Yes, I … (have) dinner with my new partners.

12. Choose the correct tense – Past Simple or Present Perfect:
a. Look! Somebody … (spill) coffee on my documents!
b. John … (leave) his job. – Really? When … it … (happen)?
c. Mr. Thompson isn't in at the moment. He … (go) to the bank.
d. Maria … (not sign) this agreement yesterday.
e. … you … (find) a new job yet? – Yes, I … (start) on Monday.
f. Would you like something to eat? – No, thanks. I … (just have) lunch.
g. Can I have a look at your plan? – Sorry, but I … (not finish) it yet.
h. They … (raise) prices a few weeks ago, but we … (not receive) their new price list so far.
i. How long … you … (work) in this department? – For five years now.
j. When … you … (start) working here? – Five years ago.

13. Choose the correct tense – Past Simple or Past Perfect:
a. I was sure that I … (meet) him before.
b. He denied that he … (take) the money from the office.
c. Angela asked me how to use the photocopier. She … (never/ use) it before, so she … (not know) what to do.
d. Thomas explained that he … (go) home earlier because he … (feel) ill.
e. How many times … you … (meet) him before yesterday?
f. I … (finish) some work when Sue … (arrive), so we … (go) shopping together.
g. My chief was really annoyed with me. It was the third time I … (arrive) late for work that week.
h. I thought that you … (leave) the office with other colleagues. Why … you … (stay)?
i. I knew Sarah was very busy with her balance sheet, so I … (not disturb) her yesterday.
j. I … (not know) about the time of the budget meeting as nobody … (tell) me, so I … (be) late.

Professional Skills Development

Telephoning: making contact
14. What kinds of telephone calls do you make in English? What useful telephone expressions do you know? Make a list of these expressions and add some more after doing exercises below.

15. Read the telephone conversations and role play them with a partner:
Conversation 1:
– Hello. Could I speak to Nell, please?
– I'm afraid she's not here at the moment. Can I take a message?
– Yes, please. This is Bob Simon from Leadership. Could you tell her I won't be able to make the training course on Saturday? She can call me back if there's a problem. I'm on 091 6789034.
– OK. Thank you. Bye.

Conversation 2:
– Hello, Human Resources. How can I help you?
– Hello. This is Nell Hamilton. Could I speak to Pat Robins, please?
– I'm afraid she's out of the office at the moment. Can I get her to call you?
– Yes, please.
– Can you give me your number?

– 055 4567890.
– And, I'm sorry, your name again?
– Nell Hamilton.
– OK Ms Hamilton, I'll ask her to call you.
– Thank you.
– Thank you. Goodbye.
– Goodbye.

Conversation 3:
– Hello, Pat Robins.
– Oh, hello Pat. It's Nell Hamilton here.
– Hello, Nell. How are you?
– Fine thanks. Listen, just a quick word.
– Yeah, go ahead.
– Do you think you could let me have the fax number for Leadership? I can't get through to them. Their phone's always engaged.
– I've got it here. It's 077 1230945.
– Sorry, I didn't catch the last part. Did you say 0955?
– No, it's 0945.
– OK, thanks. Bye.
– No problem. Bye.

16. Role play the following situations using the dialogues from exercise 15 as an example, and the telephone expressions below:
Situation 1:
Work in pairs. Student A calls the Human Resources Department and asks Maria who is not in at the moment. He leaves a message that he can't make a report on Organizational Capability next week. Student B receives this call and takes the message.
Situation 2:
Work in pairs. Student A wants to apply for the job in the advertisement. He/ she calls Career Opportunities and asks Sue Dalton. Student B receives a call for Sue, but Sue is not in the office at the moment. Student B takes the caller's details and says that Sue will call him/ her back.

Now Student B is Sue Dalton. Sue telephones the person who called about the job advertisement. Student A asks Sue about how he/ she can apply for the job. Sue offers to send an application form. Student A also wants to know when the closing date for applications is. Student B says that the closing date for applications is in three weeks' time.

Telephone Expressions:

Making calls:	Receiving calls:
Could I speak to Sue Dalton, please?	Who's calling, please?
Yes, this is Bob Simon from Leadership.	Could you tell me what it's about?
I'm calling about …	I'll put you through.
Could you tell him/ her that I rang?	Can you hold?
Could you ask him/ her to call me back?	I'm afraid he/ she's not in the moment. Can I take a message?

17. On the left, there are some more expressions you are likely to hear on the telephone. Match them with the expressions on the right:

1) The line is engaged/ busy.	a) Would you like to wait until the line is free?
2) It's for you.	b) Tom Philips asked me to call you.
3) Will/ can you hold?	c) He's talking on another telephone.
4) He's on another line.	d) He isn't answering his phone.
5) I'm returning your call.	e) He's talking to someone else.
6) There's no answer.	f) What is your name, please?
7) I'm calling on behalf of Tom Philips.	g) The person phoning wants to talk to you.
8) Who shall I say is calling?	h) You called me earlier, and now I'm calling you back.

Review Questions

1. Translate the following into your language: *the elderly people, social protection, measurable growth, to attain the set goals, to identify existing obstacles*.
2. Make your own sentences with the expressions above.
3. Provide antonyms for the following words: *identical, the young, accuracy, growth, trivial*.
4. What does the word «jobseeker» mean?
5. What is the most serious economic and social problem for nearly all Member States at the beginning of the 21st century?
6. How can you describe the employment situation in Europe?
7. Which groups have special difficulties on the labour market?
8. What are the four key lines of the European Employment and Social Policy Strategy?
9. What is the EU aim concerning older employees?
10. What useful phrases to make a telephone call do you know?
11. What phrases can be used to receive a call?

Additional Reading

Environmental policy

The goals of EU environmental policy are outlined in the treaties and the six Environmental Action Programmes, but they are broad and generalized. They include the improvement of the quality of the environment, the protection of human health, the prudent use of natural resources, increased environmental efficiency (meaning improvements in the efficiency with which resources are used so that consumption is reduced), and the promotion of measures at the international level to deal with regional or global environmental problems.

Whatever the goals say, EU policy has so far focused on problems that are better dealt with jointly than nationally, such as the control of chemicals in the environment, the reduction of air and water pollution, the management of wastes, fisheries conservation, and the control of pesticides. The EU has also been active in areas not normally defined as 'environmental' at the national level, including noise pollution and the control of genetically modified organisms. It has been less involved in the protection of ecosystems, natural habitats and wildlife, the management of natural resources such as forests and soil, and the promotion of energy conservation and alternative sources of energy. Among the underlying principles of EU policy are the following:

–   •Sustainable development: renewable natural resources such as air, water, and forests should be used in such a way as to ensure their continued availability for future generations.

–	•Integration: environmental protection must be a component of all EU policies that might have an environmental impact. This principle applies in only three other EU policy areas: consumer protection, culture and human health.

–	•Prevention: the EU emphasizes action to prevent the emergence of environmental problems, rather than just responding to problems as they arise.

–	•Subsidiarity: the EU restricts itself to issues that are best dealt with jointly, leaving the rest to be addressed by the member states.

–	•Derogation: member states unable to bear the economic burden of environmental protection are given longer deadlines, lower targets or financial assistance.

The Common Fisheries Policy

The fishing industry in the EU employs just 0.2 per cent of the workforce, but the state of the industry has implications for coastal communities all around the EU. Disputes over fishing grounds in European waters have also led to sometimes bitter confrontation between EU partners and their neighbours. There were, for example, the infamous cod wars of the 1960s between Britain and Iceland over access to fisheries in the north Atlantic. Similarly, in 1984 French patrol boats fired on Spanish trawlers operating inside the Community's 200-mile limit, and more than two dozen Spanish trawlers were intercepted off the coast of Ireland. Spain's fishing fleet was bigger than that of the entire EC fleet at the time, and fishing rights were a major issue in Spain's negotiations to join the EC. More recently, Spanish fishing boats became an issue in domestic British politics when Eurosceptics in the Major government quoted their presence in traditional British waters as one of their many complaints about the effects of British membership of the EU.

For all these reasons, fishing has been an unusually prominent issue in policy developments in the EU, which since 1983 has pursued a Common Fisheries Policy (CFP). The main goal of this is to resolve conflicts over territorial fishing rights and to prevent overfishing by setting catch quotas. The goals of the policy are pursued in four main ways. First, all the waters within the EU's 200-mile limit have been opened up to all EU fishing boats, although member states have the right to restrict access to fishing grounds within 12 miles of their shores. Second, the CFP prevents overfishing by imposing national quotas (or Total Allowable Catches) on the take of Atlantic and North Sea fish, and by regulating fishing areas and equipment, for example by setting standards on the mesh size of fishing nets. Third, it set up a market organization to oversee prices, quality, marketing, and external trade. Finally, it guides negotiations with other countries on access to waters and the conservation of fisheries.

The Common Agricultural Policy

Agriculture accounts for only a small fraction of the economic activity of most Western governments, and as a result tends to be fairly low on the policy agenda. Yet it has long been a headline issue in the European Union, because while it employs just five per cent of European workers, and accounts for just three per cent of the combined GDP of the EU, it is the most expensive, most complex, and sometimes most contentious of the policy areas in which the EU has become involved. Compared to other policy areas, the EU has more powers over agriculture, has passed more legislation on agriculture, spends almost as much of its budget on agriculture as on all other policy areas combined, and has seen more political activity on agriculture. Only the foreign ministers meet more often than the agriculture ministers, and the Commission's Agriculture DG is the second biggest of all its directorates-general.

At the core of agricultural issues in the EU is the Common Agricultural Policy, which has three underlying principles: the promotion of a single market in agricultural produce, a system of protectionism aimed at giving advantages to EU produce over imported produce,

and joint financing, meaning that the costs of CAP are to be shared equitably across all the member states. What this has meant in practical policy terms is that EU farmers are guaranteed the same minimum price for their produce, irrespective of how much they produce, of world prices, or of prevailing levels of supply and demand. Meanwhile, the EU's internal market is protected from imports by tariffs, and the member states share the financial burden for making this possible.

CAP is not so much a common agricultural policy as a common agricultural price support system. Annual prices for all agricultural products are fixed by the agriculture ministers meeting in the spring (usually April or May). On the basis of discussions and negotiations that usually have been going on since the previous September and have pulled in the Commission, the Agriculture Council, interest groups, and national governments, the ministers set several kinds of prices:

–   Target prices, or the prices they hope farmers will receive on the open market in order to receive a fair return on their investments. These are usually set high - above world prices - in order to ensure a minimum standard of living for farmers, and they are supported by levies on imports and subsidies to promote exports.

–   Intervention prices, or the prices the Commission will pay as a last resort to take produce off the market if it is not meeting the target price.

–   Threshold prices, or the prices for imports from outside the EU at which levies will be charged in order to make them less competitive.

–   Entry price, or the minimum price at which a commodity can be imported into the EU.

This price-setting arrangement has become more expensive and more complex as EU farmers have produced more than consumers need. The EU has been obliged to buy up the surplus of commodities such as butter, cereals, beef and sugar. Some of this is stored, while the rest is either sold outside the EU (much to the annoyance of other agricultural countries, such as the United States), given as food aid to poorer countries, or destroyed or converted into another product. For example, excess wine might be turned into spirits, which take up less space, or even into heating fuel. The EU has also tried to discourage production by paying farmers not to produce food.

The costs of CAP come out of the European Agricultural Guidance and Guarantee Fund (EAGGF), which has been the single biggest item on the EU budget since it was launched in 1962 (although agricultural spending has fallen from about 85 per cent of the budget in 1970 to about 45 per cent today). The bulk of funds are spent in the Guarantee Section, which is used to buy and store surplus produce, and to encourage agricultural exports. Meanwhile, the Guidance Section is one of the elements that makes up the EU's structural funds, and IS used to improve agriculture by investing in new equipment and technology and helping those working in agriculture with pensions, illness benefits, and other supports.

In terms of its original goals - increasing productivity, ensuring a fair standard of living for agricultural communities, stabilizing markets, securing supplies, and protecting European farmers from the fluctuations in world market prices - CAP has been an outstanding success. European farmers are wealthier then before, and their livelihoods have become more predictable and stable.

From McCormick, J. (2002). Understanding the European Union. A Concise Introduction. 2nd Ed. New-York: Palgrave

3.4. Common European Security and Defense Policy

> The goal of the EU is to form a region of
> freedom, security and justice. Freedom in
> this connection cannot be just the freedom
> of the strong, but it must be combined with
> fraternity and equality.
>
> *Tarja Halonen (president of Finland,*
> *2000 – present (2010)*

1. Read the quotation and discuss the following:
– What does Tarha Halonen mean by the «freedom of the strong»?
– How can «fraternity and equality» be observed in the EU?

2. Read and translate the text:
The European Security and Defense Policy (ESDP), which is the operational military and civilian arm of the Common Foreign and Security Policy (CFSP)1, is today one of the most dynamic areas of the European project. The European Union, which started as a purely and self-consciously a 'civilian' power, with European security provided through NATO under a US guarantee, is gradually emerging as a major player on the international scene, with a strategic vision, embodied in the European Security Strategy, and diplomatic, civilian and military crisis-management instruments, which complement the other tools available – economic, commercial, humanitarian and development aid. It is currently not only present on the European continent – in the Western Balkans and southern Caucasus – but also in Africa, the Middle East and Asia. These recent developments are radically changing the political nature of the EU, now capable of carrying its founding values of peace and security beyond its borders.

ESDP is a fairly recent development. For several decades until early 1990's when European dismay at the drift of the US policy over the coup in Poland, revolution in Iran and later Afghanistan, revolutionary movements in the central and eastern Europe, and unification of Germany forced the question of authentically European foreign and security policy up the agenda, the issue on the pan-European level were handled exclusively by the NATO under the US leadership. None of the three founding treaties touched on foreign policy, let alone defense. The Treaty of Rome (European Economic Community - EEC) included only limited competencies to conduct external relations, under Articles 113-16 (now Arts. 131-4 TEC) (common commercial policy), Articles 228-31 (now Arts. 300-4 TEC) (relations with third states and international organizations), and Article 238 (now Art. 310 TEC) ('… agreements establishing an association involving reciprocal rights and obligations, common actions and special procedures' with 'a third Sates, a union of States or an international organization'). First official introduction of the CFSP occurred in 1993 with the adoption of the Treaty on European Union (TEU) in Maastricht. The Treaty included three key points, which became the second pillar of the European Union and received further development in the Treaty of Amsterdam (1999) (established a High Representative for the CFSP and gave European Commission (EC) greater competence to establish guidelines, notably in the field of security and defense) and the Treaty of Nice (2003) (institutionalized the Political and Security Committee, introduced enhanced cooperation in the field of CFSP, and adapted Art. 17 of the TEU to developments in the field of defense, namely humanitarian and peacekeeping operations) – first, it covered all

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[1] The CFSP is both the institutional framework that gave birth to the ESDP and the political framework that justifies its development.

areas of foreign and security policy, including «the eventual framing of a common defense policy;» secondly, it required Member States to «ensure that their national policies are consistent with the common positions;» and finally, it created a new legal instrument, Joint Action, which allows the EU's financial resources to be mobilized.

Unlike other major international players, the European Union did not start off with a doctrine that could provide a framework or an explanation of its actions abroad. The strategy, European Security Strategy, was adopted only on December 12, 2003. Starting from an analysis of the global challenges and main threats to Europe's security (terrorism, proliferation of weapons of mass destruction, regional conflicts with an international impact, failing States and organized crime), the Strategy sets the EU three objectives for defending its security and promoting its values:

– to confront threats by conducting a policy of conflict prevention using a combination of civilian and military capabilities;

– to build security in the European neighborhood by acting in the Middle East, the Balkans and the Caucasus;

– to promote effective multilateralism by defending and developing international law, in line with the United Nations Charter.

These objectives have to be achieved by promoting a strategic culture of prevention, developing military capacities and combining the EU's various instruments and assets, thereby improving both their effectiveness and coherence.

Consistent with the strategy are EU's so called 'fields of action' under ESPD. For once, they include various programs of crisis managements, whose specificity is that they have both civilian and military dimensions and thus can tailor the responses to each crisis situation in the best way possible. As it was decided by the European Council in Santa Maria de Feira in June 2000 there should be four priority fields of civilian action: police, strengthening the rule of law, strengthening civil administration, and civil protection.

The second field is armaments cooperation. As it develops, the ESDP is increasingly calling for defense tool commensurate with its responsibilities. However, Member States are today investing too little in defense equipment and doing so in a fragmentary and generally inefficient way. To solve this problem the Council created in July 2004, with the broad support of the defense industry, the European Defense Agency (EDA), with the task of developing a global approach to capacity-building and supporting rationalization of supply and demand in Member States' defense procurement.

The EU has also begun to consider cooperative action in the field of security. This represents an extension of the scope of ESDP, in line with its natural progression. Security sector reform (SSR) is a fundamental step, following the engagement international military forces in a given theatre, on the path towards reconstruction and stabilization. Building on the assessment that conflicts partly derive from weak security structures, SSR aims at reforming the fundamental structures of the State, in conformity with the principle of good governance and respect for human rights.

Among other no less important areas, along the lines of which ESDP is developing, are promoting human rights, counter-terrorism and space exploration policy.

From: Guide to the European Security and Defense Policy (ESDP). Nov. 2008 edition.

Vocabulary

security – безпека
defense – оборона, захист
military – військовий, воєнний
civilian – цивільний
purely – виключно

competency – повноваження
reciprocal – зворотній, обопільний
pillar – стовп
peacekeeping – миротворчість
eventual – можливий, такий, що може

self-consciously – самосвідомо
guarantee – гарантія
gradually – поступово
to emerge – виникати, з'являтися
to complement – доповнювати
radically – докорінно
capable – здатний, спроможний
founding – засновний
decade – десятиріччя
dismay – стурбованість
drift – перехід, зміна
coup – заколот
unification – об'єднання
authentically – автентично, самобутньо
let alone – не говорячи про

статися; кінцевий
Joint Action – Спільна дія
framework – рамки
impact – вплив
neighborhood – оточення, сусідство
multilateralism – багатосторонність
coherence – логічність, цілісність
to tailor – робити на замовлення, підлаштовувати
armaments – озброєння
commensurate – відповідний
procurement – поставка
assessment – оцінка, оцінювання
to derive – походити (з чогось)

Vocabulary Practice

3. Find English equivalents and connect them with their definitions or their synonyms (column B):

A	B
1) робити на замовлення, підлаштовувати	a) to satisfy certain requirements
2) поставка	b) the act or an instance of procuring, the act of buying
3) цивільний	c) a person whose primary occupation is civil or nonmilitary
4) автентично, самобутньо	d) for certain, for sure
5) докорінно	e) fundamentally, completely
6) зворотній, обопільний	f) mutual, correlative
7) миротворчість	g) the maintenance of peace, especially the prevention of further fighting between hostile forces in an area
8) стурбованість	h) fear, perturbation, confusion
9) оточення, сусідство	i) the immediate environment; surroundings; vicinity
10) оцінка, оцінювання	

4. Complete the sentences with necessary words:

Peacekeeping, assessment, dismay, neighbourhood, reciprocal, authentically, radically, decade, procurements, civilian, tailor.

a. The European Union closely cooperates with the African Union in various … operations in Africa.
b. … of the situation of human rights and democratization are also parts of the EU's foreign policy and are taken into consideration when dealing with specific third countries.
c. A lot of international organizations are expressing their profound … on the current situation in Somalia.
d. Good … relations are essential for security and peace in the Middle East region although they are extremely difficult to develop and sustain.

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e. All Member States of the European Union should design a system where they can develop and gradually broaden … knowledge of their legal and judicial systems.

f. «That it is [climate change] the first … global challenge facing mankind: it threatens every human being without exception and the solution can only come from a worldwide agreement» said Javier Solana.

g. The EU should take … different political actions in order to secure its safety and stability in the next … .

h. Transparent government … are very important part of the EU trade policy.

i. The ... aspects of crisis management include four priority areas: police, strengthening of the rule of law, strengthening civilian administration and civil protection.

j. The responses to each crisis must be … to the present and potential needs in future of the country.

5. Complete phrases in the column A with the appropriate endings from column B. Find them in the text and read the whole sentences. Make sentences of your own with five of them.

A	B
1) military and civilian…	a) arm
2) civilian…	b) power
3) humanitarian and development …	c) aid
4) unification of …	d) Germany
5) authentically …	e) European foreign and security policy
6) limited …	f) Competencies
7) reciprocal …	g) rights and obligations
8) pillar of …	h) the European Union
9) humanitarian and peacekeeping …	i) operations
10) international …	j) impact
11) effective …	k) multilateralism

Reading and Comprehension

6. Answer the questions:
a. What was the original purpose of the European Union?
b. What world events changed the view of the EU on its foreign and security policy?
c. What is the name of the Treaty that allowed the EU to conduct external relations although with limited competencies?
d. When was the first official introduction of the Common Foreign and Security Policy?
e. Enumerate and explain objectives of the European Security Strategy.
f. What is the Security sector reform and what are its aims?

7. Decide on whether the following statements are TRUE or FALSE, correct the false ones:
a. Security of the European Union is provided through US under NATO guarantee.
b. Foreign policy of the European Community (European Union in future) was clearly stated in the first two founding treaties.
c. Joint Action was established by the Treaty of Nice.
d. The European Security Strategy was adopted on December 13, 2002.

e. The European Council in Santa Maria de Feira (2000) decided that there should be four priority fields of civilian action: police, strengthening armies of the member states, strengthening the rule of law, and civil protection.

f. The task of the European Defense Agency was to develop a global approach to capacity-building and supporting rationalization of supply and demand in Member States' defense procurement.

g. Other important areas of work of the European Security and Defense Policy are promoting counter-terrorism, space exploration and human rights policy.

h. The Treaty of Amsterdam (1999) institutionalized the Political and Security Committee and introduced enhanced cooperation in the field of CFSP.

8. Work in groups and make a short summary of the text «Common European Security and Defense Policy» using information from the two cases below to substantiate your answers.

EU Border Assistance Mission to the Republic of Moldova and Ukraine

«The EU Border Assistance Mission to the Republic of Moldova and Ukraine was established in response to the joint letter from the Presidents of Moldova and Ukraine dating from 2 June 2005 calling for additional EU support for capacity building for border management, including customs, on the whole Moldova-Ukraine border, including the border between Ukraine and the separatist Transnistrian region of the Republic of Moldova, because the Moldovan border authorities are unable to be present there.

On 7 October 2005, a Memorandum of Understanding on the Border Assistance Mission was signed between the European Commission and the governments of Moldova and Ukraine. The official opening ceremony of the EU Border Assistance Mission to Moldova and Ukraine took place on 30 November 2005.

The Mission is technical and advisory. Its mandate is to help improve the capacity of the Moldovan and Ukrainian border and customs services to prevent and detect smuggling, trafficking of goods and human beings, and customs fraud, by providing advice and training.

The Mission works very closely with the team of the EU Special Representative for Moldova Kalman Mizsei, which has advisors in Kyiv, Chisinau and Odessa on political issues related to the border.

The EU Border Assistance Mission initially had a two year mandate, which has been extended up to November 2009.»

EU Border Assistance Mission to the Republic of Moldova and Ukraine. Council of the European Union. Retrieved from http://www.consilium.europa.eu on December 10th, 2009.

EU advisory and assistance mission for security reform in the Democratic Republic of Congo

«Following an official request by the DRC government, the EU decided to establish an EU advisory and assistance mission for security reform in the Democratic Republic of Congo (DRC) ("EUSEC RD CONGO"). The mission was launched on 8 June 2005 and its mandate runs until 30 September 2010.

The mission provides advice and assistance to the Congolese authorities in charge of security while ensuring the promotion of policies that are compatible with human rights and international humanitarian law, gender issues and children affected by armed conflicts, democratic standards, principles of good public management, transparency and observance

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of the rule of law.

Restoration of governance in general and defence reform in particular remain central factors in creating lasting conditions for stability in DRC. To contribute towards that goal, EUSEC´s continued cooperation with the DRC Government and close coordination of EUSEC with EUPOL RD Congo, the Community activities and Member States' bilateral activities, as well as with the UN and other relevant international actors are of great importance.

On 17 November 2009, the Council welcomed the work of EUSEC RD Congo and stressed that defence reform and good governance in the defence field remain key factors in creating conditions for lasting stability and development in the country. The Council underlined the importance of EUSEC RD Congo's key tasks of providing advice and assistance for defence reform w ith the aim of implementing the Congolese revised reform plan for the Congolese Armed Forces (FARDC) and to translate it into concrete actions.

The Council welcomed the progress in the integration of former armed groups, including National Congress for the Defence of the People (CNDP). The Council underlined the importance of EU action in DRC in contributing to the prevention and addressing of human rights violations and therefore welcomed the increased focus of EUSEC RD Congo in supporting efforts to address impunity for crimes, particularly sexual and gender-based violence, committed by the security forces and the use of child soldiers.»

EU advisory and assistance mission for security reform in the Democratic Republic of Congo. Council of the European Union. Retrieved from http://www.consilium.europa.eu on January 10th, 2009.

Grammar Practice

Have and Have Got
9. Complete the sentences with have or have got, changing the word order if necessary:
    a. … your statements any rational seed in them, let alone your deeds? – I'm not sure about that!
    b. … a look at the building there! I think the peacekeepers have arrived.
    c. Back then all delegated believed that the European Union … limited competencies to conduct external relations.
    d. … you an appointment with the Secretary General? - You are lucky.
    e. … you a stamped document with the program assessment figures when you stayed at the headquarters?
    f. I … a complete list of all peacekeeping operations for the last decade.
    g. We are … a rest today from work. Please, don't disturb us!!!
    h. When he was in college, he … long hair, almost up to his shoulders. Now he is in the military and his hair is extremely short.

10. Complete the sentences *have* or *have got* and then make the sentences negative:
a. The EU … a crisis-management team that can be dispatched to the needed location within three hours.
b. … Ukraine … any security guarantees in the new Joint Action cooperation program?
c. He is … a walk in the park right before the meeting.
d. Nowadays a lot of developed countries … necessary diplomatic, civilian and military crisis-management instruments to promote human rights all around the globe.
e. We can tailor this agreement to the needs of our country, first, because … you all the competencies to do so and secondly, because nobody else really cares about it.

f. I was capable of preparing the presentation because I … my flash drive we me.
g. Delegates usually … a cup of coffee every morning.
h. I … an idea on how to change the impact of recycling and I want to share it with my colleagues.

Professional Skills Development

Telephoning: exchanging information
11. Read the dialogue and point out the ways in which the address, number and e-mail are given.
Receptionist: City Council. Margaret speaking.
Mr. Johnson: Can I speak to Mr. Carlson, please?
Receptionist: Could I have your name, please?
Mr. Johnson: Yes, this is Jack Johnson speaking."
Receptionist: Please, wait a moment. I will check whether he is in.
[in a moment]
Mr. Carlson: Den Carlson speaking!
Mr. Johnson: Hi, Mr. Carlson. This is Jack Johnson from International Cooperation Department.
Mr. Carlson: Yes.
Mr. Johnson: We received the documents you have requested. Now I need your address to ship them to you.
Mr. Carlson: Certainly. It is 31 Park street, Wellington, and the postal code is TA21 8NR.
Mr. Johnson: Could you spell the name of the town?
Mr. Carlson: Yes, W as in William, E as in East, double LL as in Left, I as in India, N as in North, G as in Game, T as in Tree, O as in Open, and N as in North.
Mr. Johnson: Thanks. Now I need your telephone number and e-mail address. I will send you the confirmation number so you will be able to track the shipment.
Mr. Carlson: Alright. My phone number is 01823 765-227 (oh, one-eight-two-three, seven-six-five, double two, seven). And my e-mail address is dcarlson_city@cityc.com (d-c-a-r-l-s-o-n, underscore, c-i-t-y, at, c-i-t-y, dot, com).
Mr. Johnson: Could you repeat that please?
Mr. Carlson: Yes, it is dcarlson_city@cityc.com (d-c-a-r-l-s-o-n, underscore, c-i-t-y, at, c-i-t-y, dot, com).
Mr. Johnson: Thank you. So, you should receive the documents by Thursday.
Mr. Carlson: That would be great!
Mr. Johnson: It was nice talking to you, Mr. Carlson!
Mr. Carlson: Bye!

12. Practice giving these telephone numbers and e-mail addresses to your colleagues:
675-780-0987
001-212-465-9063
+38 044-761-22-44

globacom@patrick.net
cityalliance-west@city.org
sfredericks_emp@united.com

13. Practice giving the address of your company to your colleagues:
Brussels City Council
Rue de la Loi 145,
B-47 Brussels
Belgium

Tel: (32-2) 271 61 13
Fax (32-2) 271 68 35

Trenton City Hall,
1 City Hall Square,
Trenton, MA 02201
USA

Tel: (627) 645-4011

14. Make your own dialogue on the following topic: You are being invited to a conference. The conference organizers are calling you to inquire about your postal address, telephone number and e-mail address in order to send you an invitation as well as all supplementary brochures. Accept their invitation and provide necessary information for them.
Vocabulary:

@ is pronounced 'at'.
/ is "forward slash".
- is a "hyphen" / "dash".
_ is an "underscore".

Review Questions

1. What does the acronym ESDP stand for?
2. What countries or organizations guarantee the security of majority of the European nations?
3. What is the European Security Strategy? What are its goals and objectives?
4. What was the reason behind the creation of the European Defence Agency?
5. Explain the meaning of the word «*authentically*» and translate it into your language.
6. With reference to the text, find English equivalent for the word «*рамки*», give as many synonyms to it as you can.
7. When we refer to the past, what would we use: *had* or *had got*? Give examples.
8. Give several examples of set expressions when only *have* is used.
9. How would you pronounce the following sign «@» over the phone to somebody?
10. How would you give the following telephone number and e-mail address to somebody over the phone: 617-239-2459, migrationict@htip.org?

Additional Reading

ESDP actors and means of taking action
ESDP structures are part of the European decision-making institutions. They are thus under the authority of the European Council and the General Affairs and External Relations Council (GAERC). They differ from those of other European policies because of the

requirement for unanimity of decision-making at all levels and because of the role of the Political and Security Committee, the body that coordinates and develops the ESDP.

The Council has no formal "defence" body, but the defence Ministers meet twice in every six-month presidency, once informally and once in the GAERC framework.

POLITICAL AND SECURITY COMMITTEE AND MILITARY COMMITTEE

Political and Security Committee (PSC)

Established by decision of the Council of 22 January 2001 as a follow-on to the interim Political and Security Committee, the PSC is the body which initiates and develops every aspect of the CFSP and ESDP. On average, it meets twice a week. Its proceedings (like those of the Council's other politico-military bodies) take place in French and English, without interpretation, in accordance with the CFSP's linguistic regime. It comprises representatives of every Member State, who have ambassadorial level. The PSC may receive delegated authority from the Council to provide political control and strategic direction of ESDP operations (Article 25 of TEU).

In close contact with the Secretary-General/High Representative (SG/HR), the PSC is the main player in the decision-making process in CFSP/ESDP areas and helps define the ED's policy guidelines giving opinions for the attention of the Council.

In times of crisis, the PSC provides "political control and strategic direction" of the ED's response. It works closely with the Military Committee (EUMC), the Committee for Civilian Aspects of Crisis Management (CIVCOM) and the Politico-Military Group (PMG), from which it receives advice and recommendations and to which it sends directives. The heads of mission of crisis-management operations and the EU Special Representatives regularly attend its sessions. The PSC is also responsible for monitoring the international situation in the field of CFSP, and for conducting political dialogue at its level.

The Nicolaidis group is in charge of preparing the agendas of PSC meetings.

Military Committee (EUMC)

The highest military body within the Council, the Military Committee is composed of the Chiefs of Defence Staff (CHODS), represented at weekly meetings by their Military Representatives. Its chairman, an officer appointed by the Council on the proposal of the CHODs for a three-year term, takes part in PSC and GAERC meetings. He also acts as military adviser to the SG/HR. Since November 2006, General Henri Bentegeat, former French CHOD, has been EUMC chairman.

The Military Committee issues advice and recommendations to the PSC on military aspects of the ESDP. It is supported by the European Union Military Staff (EUMS), which is part of the Council's General Secretariat, to which it gives its recommendations. It plays a key role in planning and monitoring military operations.

Preparations for its work are carried out by the Military Committee's working group (EUMCWG), composed of the Military Representatives' deputies and assistants.

WORKING GROUPS

Committee responsible for civilian aspects of crisis management (CIVCOM)

A PSC working group, CIVCOM sends recommendations and advice to the PSC on the various civilian aspects of crisis management: police, rule of law, civil administration and civil protection (including disaster and emergency services).

It develops the concept ad instruments, including the capabilities, of civilian crisis management. It plans, monitors the progress of civilian operation and evaluates the strategic options identified by the Council's General Secretariat. It prepares the crisis exit strategy in coordination with the European Commission, which de jure is a member of it.

Political Military Group

A working group of the PSC, the PMG is responsible for the politico-military aspects of the ESDP. Just like CIVCOM, it formulates recommendations and advice to the PSC on the politico-military aspects of crisis management.

In this respect, it is like the key forum for the political development of concepts and policy instruments for EU military or civilian-military operations. The PMG also monitors the military aspects of security sector reform missions and EU action in the filed of the development of African capabilities for preventing, managing and resolving conflicts. The PMG also prepares PSC meetings, as and when required, at the latter's request.

Working Party of Foreign Relations Councellors (RELEX)

Bringing together the Foreign Relations Councellors of all the permanent representation to the European Union, this inter-pillar group deals with all the CFSP/ESDP's horizontal aspects, particularly the institutional, legal and budgetary ones. In this capacity it prepares, inter alia, the Joint Actions required for the launching of the EU's crisis-management operations, and for the creation of EU agencies in the CFSP/ESDP field (European Defence Agency, Satellite Center, and European Secutiry and Defence College). The Working Party of Foreign Relations Councellors is also tasked with supervising the ATHENA mechanism, which allows the common funding of some EU military operations.

Geographical groups

Attached to COREPER, the geographical groups, which deal with matters relating to areas such as the Balkans, Asia and the Middle East occupy an important place in the daily work of the PSC. They provide the political expertise necessary to develop the concept and conduct of ESDP operations.

ROLE OF THE GENERAL SECRETARIAT OF THE COUNCIL

Secretary-General/High Representative for the CFSP

On the proposal of France, among others, the Treaty of Amsterdam entrusted to the Secretary-General of the Council the function of High Representative for the CFSP. Responsible for assisting the Council, the High Representative takes part in the formulation and implementation of decisions relating to the CFSP. At the Presidency's request, he may conduct a political dialogue with third parties on the Council's behalf. Genuinely spearheading the CFSP, he is today the European Union's "face and voice" on the international scene, and helps ensure the continuity of EU action beyond the six-monthly rotation of its Presidency.

Directorate General for External Relations

The Directorate General for External Relations (DGE) brings together the services of the Council's General Secretariat dealing with the EU's external relations as well as the CFSP /ESDP.

ESDP issues are distributed between the Defence Directorate (DGE VIII), the Directorate for civilian crisis-management (DGE IX) and the Civilian Planning and Conduct Capability (CPCC), created in July 2007. The creation of this structure concludes a process initiated at the informal meeting of heads of State or government at Hampton Court in October 2005, during which the Secretary-General/High Representative had expressed the need in view of the increasing number of civilian crisis-management missions, to strengthen, in Brussels, the capabilities for the planning and conduct of these missions.

DGE IX which until then had had sole responsibility for the planning and conduct of the civilian missions and to which the police unit was answerable, now concentrates on planning at the politico-strategic level (developing the crisis management concept or CMC), the political dialogue (with third States and international organizations) and monitoring the horizontal and conceptual issues affecting civilian crisis management (concepts, capability process, exercises training, etc.)

The Civilian Planning and Conduct Capability (CPCC), with the support of the Civilian-Military Cell, is tasked with the operational planning and conduct of the missions. It comprises around 60 civilian staff, civil experts, police and gendarmerie officers seconded by Member States, and Council officials. headed by a director general with the support of a chief of staff, an operations head and a support cell to the missions, the CPCC is the GSC's source of civilian and police expertise. The creation of this structure strengthens the links between the missions on the ground and the Council Secretariat-General in Brussels, since one of the tasks of the director of the CPCC is to command the civilian operations (civilian opcommander). The CPCC has declared its full operational capability in November 2008.

For the military operations, DGE VIII is, inter alia, responsible for drafting the initial planning documents (in particular the crisis management concept), monitoring the European Union's relations with NATO, the United Nations, the other international organizations and third countries. DGE VIII also follows horizontal and conceptual issues relating to the military aspects of crisis management (e.g. concepts, capability process, exercises, training). On all these issues DGE VIII works closely with the European Union Military Staff.

Policy Unit (Policy Planning and Early Warning Unit)

Created by the Amsterdam European Council (Declaration No. 6 annexed to the Treaty), the Policy Unit, which is under the direct authority of the High Representative for the CFSP, provides the EU with a collective capacity to analyse the European Union's strategic priorities and proposes actions in the field of CFSP. The Policy Unit prepares, at the Member States' request or on its own initiative, «policy options papers», which serve as the basis for decisions by the Political and Security Commander.

Set up in autumn 1999, it today comprises about 40 officials coming mainly from Member States, the Council's General Secretariat and the Commission.

Situation Center (SITCEN)

Attached directly to the Secretary-general/High Representative for CFSP, the European Union's Situation Center, which operates 24/7, provides the European Union with an intelligence, analysis and early-warning capability.

On the basis of open and classified information coming from Member States and the European institutions, the Situation Center continuously monitors current events and procedures medium-term assessments on geographical or thematic issues of interest to the European Union, for the High Representative and Policy Unit, the Political and Security Committee (PSC), European Union Special Representatives, Military Committee, EU Staff and the European Commission. Since the beginning of 2007, closer cooperation between SITCEN's Civilian Intelligence Cell and the European Union Staff Intelligence Service has enabled the development of a Single Intelligence Analysis Capacity (SIAC) which provides analyses to assist the preparation, launch and running of the EU's crisis-management operations. The Situation Center organizes an annual crisis-management exercise.

SITCEN's staff of about 100 comprises officials from the Council's General Secretariat and experts seconded by Member States. Since 2007, some European officials have been associated with the drafting of assessments.

European Union Military Staff (EUMS)

The European Union Military Staff (EUMS) is comprised of military personnel seconded by Member States to the Council's general Secretariat. It is the source of the EU's military expertise and works under the direction of the EUMC, to which it reports.

It has three principal operational functions: early warning, situation assessment, and strategic planning of EU missions, following DGE VIII and in cooperation with it. It is also responsible for carrying out the various policies and decisions adopted by the EU, in accordance with European Union Military Committee directives. As such, it contributes to

the process of formulating, evaluation and reviewing objectives as regards military capabilities.

Civilian-Military Cell and Operations Center

Decided upon in principle at the Decemeber 2003 European Council, the establishment within the EUMS of a cell comprising civil and military components is intended «to enhance the capacity of the EUMS to conduct early warning, situation assessment and strategic planning.» The essential mission of this «civilian-military cell» is to liaise between the EU's civilian and military bodies on issues related to crisis prevention and crisis management. It also assists the CPCC for the planning, support and conduct of civilian operations (particularly for the possible use of military assets).

Set up in June 2005, it comprises some 30 military and civilian personnel, under the authority of the EUMS Director General.

The cell can also set up an operation center to plan and conduct an autonomous EU operation when the Council decides to draw on the collective capacity of the EUMS for an operation which requires a civilian as well as a military response and when no national headquarters has been identified.

From: Guide to the European Security and Defence Policy (ESPD) / French Delegation to the EU Political and Security Committee, November 2008.