

Statement by the Federal Government on the outcome of the Tampere European Council (28 October 1999)

Caption: On 28 October 1999, in the Bundestag, the German Foreign Minister Joschka Fischer comments on the decisions of the Tampere European Council regarding, in particular, the establishment of a European area of freedom, security and justice in the European Union.

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Statement made by Foreign Minister Joschka Fischer on behalf of the Federal German Government to the German *Bundestag* on 28 October 1999 in Berlin on the outcome of the special meeting of the European Council held in Tampere on 15 and 16 October 1999

The year 1999 will go down as an extremely important year in the history of the development of European integration. Following the historic step of the introduction of a common currency in the wake of the dual crisis triggered by the Kosovo war and the resignation of the Commission, the German Presidency managed to take a major step forward in the European integration process. Agenda 2000, the decisions on the common foreign and security policy, as also on the European security and defence union, the Charter of Fundamental Rights and the new Intergovernmental Conference on institutional reforms represent important milestones on the road to the major objective of an enlarged European Union that is also capable of taking political action.

After the single market and the common currency, the Tampere European Council now marks the beginning of a new, far-reaching and ambitious integration project, the creation of a common 'area of freedom, security and justice'. That shows that nobody should underestimate the power of integration of the old continent of Europe. Aware of the enormous challenges that await us, the resolve to forge a common future remains unshaken.

With the common area of justice, the 'People's Europe' is now within our grasp. People's daily lives have long since become European, in terms of travel, job and family relations. At the same time, many of their problems have become Europeanised. Today, no individual state can cope on its own with the challenge of organised crime or, as we have seen in connection with the Kosovo war, with major refugee movements. The EU must show that it can cope with this situation. People must really feel that their daily lives have improved thanks to European policy. That is the only way in which we can ensure their acceptance of further integration, something which is so vital in the long term.

This new integration project has another even more significant aspect, however. A common area of justice can give an enormous impetus to integration. The Napoleonic Code and the history of German unification after 1870-71 are impressive examples. Accordingly, the real significance of the common area of justice is that, once it has been established, Europe can move vigorously towards a genuine political union.

With the adoption of some 50 tangible, binding tasks and the agreement reached on an ambitious target date, 2004, for achieving them, the European Council has emphasised the political priority that it attaches to the project of a common area of justice — improved access to justice, a common asylum and integration policy and more effective crime prevention. It is largely thanks to the ministers of the interior and of justice, who prepared and shaped the Summit together with the foreign office, that this political starting signal could be sent out. I am, therefore, especially grateful to Ministers Herta Däubler-Gmelin and Otto Schily.

European areas of justice are the end result of many centuries of developments. They form part of the European cultural heritage. It will certainly not be easy to integrate them, because evolved law is an important point of identification that is also experienced in daily life. So the goal cannot be to homogenise these diverse legal cultures but rather to create islands of common justice and then, where deemed necessary, to extend them.

In the words of Romano Prodi, we embarked on a long march of work in Tampere. The plan for a common area of justice is still in its early days. The determining factor, however, is that we now have a tangible framework plan in terms of substance and timescale, of the kind that proved effective for the single market. This means that the outcome of Tampere is more than respectable.

Ladies and gentlemen, a common area of justice must mean that, in future, all EU citizens may bring an action before a court in any other Member State as easily as in their own. To that end, we must remove bureaucratic hurdles and simplify and speed up procedures.

As a rule, civil law judgments are already mutually recognised in the EU. Yet it still remains difficult for some individuals to assert their rights. This anomaly is to be remedied by the introduction of a European enforcement order, at the initiative of Germany.

In the field of family law, the approximation of conflicting law will ensure that it is established throughout Europe without any doubt which national law is applicable in the event of divorce between a couple of different nationalities or when custody questions need to be clarified. These are issues that have often given rise to difficulties, especially in Franco-German relations.

The European area of justice must be accompanied by a Charter of Fundamental Rights. The Tampere European Council approved the procedures for setting up a body entrusted with drawing up a draft Charter of Fundamental Rights. This body will be set up in December and is to submit a draft by the end of next year. The former German President, Roman Herzog, will be a member of it, representing the Chancellor, and the Bundestag and Bundesrat will each send one representative. One particularly successful outcome of the joint efforts of the Bundestag and the German Government is that the body will elect its own chairman.

With the proposal for a Charter of Fundamental Rights, Germany is not intending to reinvent European fundamental rights. The aim is for anyone whose fundamental rights have been infringed by EU bodies or institutions to have more effective means of redress than before. The principle of democracy requires us to draw up a European Charter of Fundamental Rights, which will then be integrated step by step into the EU Treaties.

Existing fundamental rights must be made more transparent and visible to the citizen. We expect the Charter of Fundamental Rights to give new impetus not only to human rights but also, and above all, to the identity and legitimacy of the EU. That is a vital foundation for the future of the integration process. Unless we strengthen the democratic principle in the EU, it will be very difficult to widen and deepen integration. In that regard, the practical work that has begun on a European Charter of Fundamental Rights has an importance for integration policy that goes far beyond this basic area of the law.

The EU will work towards establishing a common asylum and immigration policy. Its core aspect, a common asylum system, will ensure that victims of persecution will continue to be granted protection in the European Union.

This decision, largely shaped by an initiative by the German, French and UK Ministers of the Interior, makes it clear once again what the Union is about, namely the protection of refugees and not protection from refugees. The European Union is not a closed fortress, nor must it become one.

On the question, of particular concern to Germany, of European burden sharing, and particularly in response to German pressure, the European Council has called for a balanced approach based on solidarity between the Member States, although this has yet to take tangible shape and will be anything but easy in view of the differences of interest.

In future, the European Union will make combating the causes of refugeeism — poverty, need and political persecution — a major aim of its common foreign policy. The corresponding action plans have been approved for the main countries of origin and now need to be implemented. Moreover, the EU will aim at ‘a more vigorous integration policy’ for third-country nationals permanently resident in the Union.

In Tampere, it was also agreed that the means of combating crime at European level must be improved. Europol became operational on 1 July. Nevertheless, we must ensure that the fight against crime keeps pace with organised crime, which is now operating across borders using modern technical resources.

Police cooperation must become as efficient and work as smoothly in Europe as it does within individual states. That is another reason, in fact, why it is so important to protect fundamental rights, for, today, this is of course essential for the creation of an internal balance under democratic conditions. A further, important step towards that aim is joint investigative teams, with the participation, and, where possible under the

direction, of Europol.

The police and justice system must also be built up in parallel with each other at European level. That is a cornerstone of the division of powers. With the creation of Eurojust to supplement Europol, the aim is now close cooperation between national prosecutors. In the longer term, Eurojust can become the nucleus of a European prosecution authority.

Important signals were also sent out in Tampere for the enlargement of the Union, on the basis of the most recent Commission progress reports. For the coming Helsinki European Council, the following agreement is now taking shape on the central issues of enlargement:

As proposed by the Commission, accession negotiations are to begin with all six of the second wave of countries next year. At the same time, however, the negotiations are to be differentiated more clearly than in the past, depending on the progress made by the individual applicant countries towards meeting the objective criteria.

This approach is likely to lead to a wider divergence of position among applicant than before. It is, however, the only way to ensure that those who have lagged behind in the past will have a chance to catch up and that all applicants will be judged by their achievements, without any watering down of the Copenhagen criteria.

In Helsinki, the EU intends to enter into a political commitment to be ready for new accessions by 2003. That means that the German Government's proposal for a timetable for enlargement has been given practical form. This deadline will make the timescale of the enlargement process more predictable for the applicant countries, which is why they unanimously welcomed the signal sent out in Tampere.

Time does not necessarily work in favour of enlargement. This can be seen from the worrying decline in support for EU accession in some Central and Eastern European countries. That is precisely why it is so important that we do not lose the momentum.

Today, enlargement issues are no longer just symbolic. They are issues that call for practical decisions. The first step, Agenda 2000, has been concluded successfully. The second step, the Intergovernmental Conference on institutional reforms, is to be concluded under the French Presidency at the latest. If we then add the further year required for ratification, we come to the target date of 1 January 2003.

The Intergovernmental Conference on institutional reforms is vitally important for the enlargement and functioning of the future Union. The three 'wise men', Richard von Weizsäcker, Jean-Luc Dehaene and David Simon, have submitted good and important proposals to this end. We must ensure, however, that we do not overburden the Intergovernmental Conference. It needs to conclude on time next year under the French Presidency if we are to meet the target date of 2003. That will be the German Government's criterion when it determines the substance of the Intergovernmental Conference.

Let me say quite openly that we see no point in including matters in the IGC that would delay its conclusion. The German Government will vigorously support France, our closest and most important partner, in its endeavours to conclude the Intergovernmental Conference promptly and with a substantial reform package.

Ladies and gentlemen, in Tampere, attitudes towards Turkey's status as an applicant country continued to converge. This was another of the German Government's concerns. Let me emphasise once again that accession negotiations with Turkey can begin only when it, like the other applicants for accession, has met the Copenhagen political criteria in full. There is no Lex Turkey; the same criteria apply to all applicants for accession to the EU.

Turkey is fully aware — as the correspondence between Gerhard Schröder and Bulent Ecevit shows — how far it still is from fulfilling these criteria. In our view, it is crucial for the EU to offer Turkey a prospect that can bring it out of its isolation and reduce tensions.

After all, despite all the criticism, it is already clear now that, with the new policy towards Turkey, there are signs of a decided improvement in Greek-Turkish relations. That is one of the first positive results of this new policy, while the three years during which Turkey was driven into isolation produced the very opposite of a constructive policy. In our view, it is crucial for the EU to offer Turkey a prospect that can promote democracy, human rights, the protection of minorities and domestic reforms in that country.

Ladies and gentlemen, the Tampere European Council coincided with the moment when Javier Solana took up office as High Representative for the common foreign and security policy. With the creation of this post, one of the most ambitious and far-reaching projects of European policy has become a reality. In Javier Solana, the European Union has found a central interlocutor for its external policy and an important new source of momentum for its internal policy. That is a genuine step forward on the road to the common representation of European interests.

In Tampere, the joint letter written by Chancellor Schröder and President Jacques Chirac led to the consolidation of Mr Solana's role *vis-à-vis* the Presidency and the Commission. That is another example of how closely Germany and France cooperate on all European issues, contrary to any false impression. Jointly with France, we shall continue to do our utmost to ensure that Mr Solana can bring his political weight and his experiences fully to bear in his new office, with particular regard to the shaping of a common security and defence policy.

Ladies and gentlemen, the Tampere decisions are more closely interrelated than they might seem at first glance. The acceptance of the applicant countries will depend largely on whether the future Member States can follow up the measures approved in Tampere in the field of justice and home affairs policy. Before we enlarge the EU, we must make as much progress as possible in deepening the EU, in terms of justice and home affairs as of foreign and security policy, for it will hardly be any easier to make headway with 25 rather than with 15 Member States.

In that respect, the Tampere triad, relating to justice, enlargement and foreign policy, was an important and balanced intermediate step on the road to an enlarged political union. There is, therefore, a good chance that we can master the next important stage in Helsinki. The German Government wants the 'enlargement summit' in Helsinki to succeed and will do its utmost to ensure that it does.