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**Institutional Trends in CFSP/ ESDP  
in the Wake of the EU's Constitutional Crisis**

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## Institutional Trends in CFSP/ ESDP in the Wake of the EU's Constitutional Crisis

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### The Common Foreign and Security Policy of the EU (CFSP) – remarkable dynamism

Since many years the CFSP has enjoyed considerable interest on the part of all the participating states. The collective framework offers them a unique chance to play a role in world politics which none of them would be able to do individually. The instruments at hand are extensively used:

#### CFSP instruments and their application

year	2004	2005
declaration	136	144
demarche	454	- <sup>1</sup>
Political dialogue	123	- <sup>2</sup>
joint action	22	72
common viewpoint	23	30
common strategy <sup>3</sup>	3	3
decisions (institut.questions)	-	5
International agreements	8	16
Enhanced cooperation	-	-

As the numerous texts adopted demonstrate a rather impressive *acquis politique* has been achieved on a wide range of issues on the international agenda but in contrast to earlier times the CFSP/ ESDP of today has become much more concrete and operational – most obvious perhaps in the growing number of both military and civil crisis management operations since 2003.

#### Ongoing CFSP Operations (as of June 2006)

Civil Operations	Military Operations
EUPM (Bosnia and Herzegowina)	EUFOR ALTHEA (Bosnia and Herzegowina)
EUPAT (FYROM/Concordia)	EUFOR Congo (DR Congo)

<sup>1</sup> Data not yet available

<sup>2</sup> Data not yet available

<sup>3</sup> Since 1999/2000 only three times used and since then regularly prolonged (Russia, Ukraine, Mediterranean)

<b>EUPT (Kosovo)</b>	
<b>AMM Monitoring Mission (ACEH)</b>	
<b>EUJUST-LEX (Iraq)</b>	
<b>EUBAM Rafah (Palestinian Territories)</b>	
<b>EUPOL COPPS (Palestinian Territories)</b>	
<b>EUPOL (Kinshasa/ DR Congo)</b>	
<b>EUSEC DR Congo</b>	
<b>AMIS II Assistance (Sudan/Darfur)</b>	

In terms of personnel, the numbers involved in the missions are not impressive (with the exception of Operation Althea, which reached the total of 7.000 troops from 33 countries, including 11 non-EU states), but their tasks were qualitatively of high profile, ranging from police missions to military missions and rule-of-law missions. The majority of these operations have been of civilian character, even if progressively they have moved more consistently into the military field.

Therefore, what it is interesting to note is that the failure of the then 15 member states in 2003 to find a collective response to the Iraq war did not produce a complete halt in the CFSP as some had predicted. On the contrary, the controversies among the today 25 and across the Atlantic over “old” and “new” Europe have led since then to considerable EU coherence on major international issues and have produced a remarkable readiness to improve the existing institutional set-up of the second pillar. The 2003 European Security Strategy (ESS) – the first comprehensive strategic concept for a more outward-looking EU - is proof hereof as are the provisions on CFSP and ESDP in the Treaty Establishing a Constitution for Europe (2004). Again, as the multiplication of crises management operations confirms, the “force of events” and some successful experiences on the ground have contributed to a bottom up approach towards the development of CFSP/ESDP activities and, even, of institutional practices (i.e. a single joint action both for the military and civilian aspects of the crisis management operation in Darfur).

### **The present impasse in the reform debate and consequences for the CFSP**

Due to the failed referenda on the Constitutional Treaty in France and the Netherlands in 2005, CFSP practitioners and academics alike are today faced with the question to what extent the present impasse in the overall EU reform process will affect both the functioning and the policy substance of the CFSP and ESDP in the months or even years to come. Since the reform debate over the past years has revealed major shortcomings in CFSP which the Constitutional Treaty was supposed to solve one has to ask what will happen in case the ratification process will never come to a successful end. Will we continue with the present and sometimes competing actors – the rotating Presidency, the Troika, the Commission and the High Representative for the CFSP - as they stand today and live with the obvious lack of efficiency, visibility, continuity and coherence in the CFSP? Or do we see ways to “save” at least some elements of the reform package and if so in what manner could they be achieved – special amendments to the existing TEU, Council decisions, practical arrangements or other? How can this

rather disorderly growth of instruments and activities at ESDP level be settled into a more rational and efficient framework in the absence of the Constitutional Treaty?

### **Managing CFSP/ ESDP without the Constitutional Treaty and its key players**

The 6-monthly rotating Presidency is one if not the biggest obstacle towards greater continuity and visibility of the CFSP. The benefits assigned earlier to this system – i.e. each government would be eager and make the best out of its presidency for the sake of collective diplomacy – become less obvious at times of an EU-25. Not only will the new member states face enormous challenges to manage the whole business in the name of the EU but also experienced ones and those having a huge national diplomatic service at their disposal suffer from managerial overload. The constantly growing challenges for CFSP, the complex institutional set-up and the diversification of the CFSP instruments led the intergovernmental conference to introduce the post of a Union Minister for Foreign Affairs (art. I-28).

Since this construction and particularly the “double-hat” approach would impact on the overall EU institutional balance it seems unlikely that the new function will be created<sup>4</sup> even in a restricted version, i.e. without the portfolio of a Commission Vice-President. Also in such a case a revision of the existing treaty provisions (e.g. arts. 18, 26, TEU on the High Representative for the CFSP/ Secretary General of the Council) ) i.e. convening a “mini IGC” (art. 48 TEU) would be required. The same would also apply if such a new “figure” would fully – or already partially i.e. to chair the Council External Relations? - take over from the rotating presidency (art. 203 EC Treaty) even though some observers seem to assume that secondary law e.g. via Council Decisions<sup>5</sup> or Interinstitutional Agreements<sup>6</sup> could be also envisaged to go ahead.

As seen from outside CFSP circles seem to prefer more modest step by step solutions which aim towards an up-grade of the High Representative within the existing legal framework :<sup>7</sup>

- the High Representative chairs the meetings of COPS with Nato;

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<sup>4</sup> Franco Algeri/ Thomas Bauer/ Klaus Brummer: Entwicklungspotenzial auch ohne Verfassungsvertrag: Optionen für GASP und ESVP, CAP Analyse 1(2005), München 2005 suggest to consider an up-graded High Representative with Commission functions being defined by an Interinstitutional Agreement. If, however, the assumption is right that Interinstitutional Agreements in the area of CFSP are used by the European Parliament to increase its own powers this option seems to be less attractive on the part of the member states. Andreas Maurer/ Daniela Kietz: Interinstitutional Agreements in CFSP – Informal and Incremental Parliamentaris, in: Andreas Maurer/ Dietmar Nickel (Eds.): Das Europäische Parlament. Supranationalität, Repräsentation und Legitimation, Baden-Baden 2005, pp.225-242.

<sup>5</sup> Like the European Defence Agency and the creation of the Policy Unit.

<sup>6</sup> others see the potential of an Interinstitutional Agreement in the area of CFSP limited to cases where the European Parliament seeks to increase its powers: Andreas Maurer/ Daniela Kietz: Interinstitutional Agreements in CFSP – Informal and Incremental Parliamentaris, in: Andreas Maurer/ Dietmar Nickel (Eds.): Das Europäische Parlament. Supranationalität, Repräsentation und Legitimation, Baden-Baden 2005, pp.225-242.

<sup>7</sup> See Christoph Heusgen: Nach den gescheiterten Referenden: Was wird aus dem Außenminister der Union und dem Europäischen Auswärtigen Dienst? In: integration 4(2005), pp.336-340.

- the High Representative is entrusted increasingly by the Presidency to conduct political dialogues with third countries;
- the High Representative might not only be charged with specific points of the Council's agenda in the sense of preparing the Council's deliberations and implementing Council decisions but be charged by the acting presidency to conduct Council negotiations on these items.

Linked to the post of a Union Foreign Minister is the idea that his increased tasks would require adequate administrative resources in the form of a European External Action Service (EEAS) (art.III-296 and declaration No.24). In line with the overall positive mood in the immediate aftermath of the signature of the Constitutional Treaty discussions started as early as in October 2004 on the “nature of the beast”:<sup>8</sup> should the EEAS become a fully-fledged European Foreign Ministry or some sort of an advisory Council? What kind of concrete functions should it get? The question of size was another issue as was the national and EU-level composition of this new apparatus. Not surprisingly controversies arose among the 25 but also between them and the European Commission supported in its views by the European Parliament particularly about “where” to install the EEAS inside the EU machinery i.e. a revival of the doctrinal debate of earlier times whether the intergovernmental CFSP approach would interfere with the Community competences and method. Again the referenda in France and the Netherlands have swapped the issue away from the official CFSP agenda – most obvious perhaps in June 2005 when the European Council did not refer to the progress report on the External Action Service the High Representative and the Commission had been charged with by the Heads of State and Government some months before.

What has happened since then? Seen from outside the original EEAS proposals have disappeared and even marginal adaptations are difficult to identify. Against the background of the growing demands for a greater role and support of the High Representative and his Policy Unit – composed of the 25 diplomats from the national capitals, one Commission delegate and three from the Council Secretariat - the minimalist approach would be to multiply/ to double the present staff. Since the Policy Unit was established by a Decision of Coreper the same could be done now rather easily to enlarge its staff.

On the same practical line, the European Commission in its most recent Communication to the European Council of June 2006,<sup>9</sup> has raised the issue of how to develop its own External Service by improving the reporting and analytical capacities both in Brussels and in its Delegations “introducing greater flexibility in allocation of resources and expertise in response to evolving needs”. The proposal, then, suggests the possibility to invite Commission Heads of Delegations to the meeting of Council groups, that is under the CFSP structure. A sharing of information and better coordination between Heads of Commission Delegations and EU Special Representatives is also requested.

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<sup>8</sup> Illustrative here are: Giovanni Grevi/ Fraser Cameron: Towards a EU foreign service. European Polic Center, Brussels 2005; Andreas Maurer/ Sarah Reichel: Der Europäische Auswärtige Dienst, SWP-Aktuell No.53, Berlin 2004.

<sup>9</sup> Europe in the World – Some Practical Proposals for Greater Coherence, Effectiveness and Visibility, COM(2006) 278 final.

Besides, it might be worth considering to introduce new and more flexible modes for the chairs in the CFSP Working Parties. Given the expertise Solana's staff has already demonstrated in various areas of key interest to the EU, e.g. the Balkans, it might be wise to entrust them with the presidency at expert level thus achieving greater personal continuity and visibility. Whether such a decision could be taken on the basis of the current Rules of Procedure of the Council (e.g. via Art. 20 which specifies the role of the High Representative to assist the Presidency) or whether these would have to be amended will be up to the legal experts. Similarly and also on a case by case basis member states which claim to have a special knowledge/ special ties towards a region/ countries might take the EU lead for an extended period thus reducing the burdens of the Presidency. Again legal expertise is needed to make sure whether such new modes would be covered by the existing Council Proceedings (Art.19; 20) Both models would of course also require intense coordination with the country holding the Presidency and the latter one might foster suspicions towards new directoires/ coalitions of the able and willing/ ins and outs.

### **Council–Commission Relations – Ways to Improve Coherence in Absence of the “Double-hatted” Concept**

The principle of consistency and coherence represents one of the basic requirements for an effective EU external role. Thus for some reasons: first, consistency at horizontal level, among EU “pillars” and/or institutions, has been, since the Single European Act of 1986, one of the main objective of the EU reforming process, which after two decades has come to the drafting of a Constitutional Treaty; second, consistency at the vertical level, between EU institutions and the member states, is a necessary element to make crisis management work in the field of CFSP/ESDP, where intergovernmental/ national actors prevail but where communitarian tools are needed at the same time; third, progress towards coherence is necessary if we want to favour EU and Member State developments towards a true European strategic culture on defence. The risk of not achieving this strategic culture at the EU level would prevent any political aspirations and acquisition of real capabilities in word affairs.

Without the setting up of a Union Foreign Minister being at the same time Vice-President of the European Commission the EU-25 have to seek other, i.e. more modest practical steps to improve coherence and effectiveness of their external action. In contrast to previous times when competition was strong between the two sides and fears that the Council and the intergovernmental procedures of the CFSP might spill over to the Community sphere and might curtail the competences of the European Commission in particular, today the focus is much more on cooperation and mutual recognition of the tasks each “pillar” has to fulfil. The Commission's Communication to the European Council of June 2006 which the Heads of State and Government have endorsed<sup>10</sup> largely reflects this approach and offers a number of concrete measures within the existing treaty framework.

To move towards a better use of the instruments and actors available more intense contacts between those who are responsible in both Brussels and abroad have to be

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<sup>10</sup> Presidency Conclusions, European Council Brussels 15/16 June 2006, Doc. 10633/06 CONCL 2.

sought. They include those at top political level, i.e. between the High Representative of the CFSP and the various Commissioners in charge of the EU external relations which are said to be particularly intense between Solana and Rehn and Solana and Michel<sup>11</sup> and might be extended as a next step towards Solana's regular participation in the meetings of the Commission on external relations. Besides, the Commission Communication suggests regular though informal gatherings to be attended by the President of the European Council, the President of the Council External Relations, the Commission President, the Commissioner responsible for external relations and the High Representative for the CFSP at the beginning of each Presidency to discuss the main policy orientations in the area of the CFSP. It is what the Commission in its Communication to the European Council calls "strategic planning", which should be based on the European Security Strategy of 2003 and get additional strength through a "more systematic approach to setting strategic objectives and political priorities at both geographical and thematic level, so that policy objectives guide the choice of policy instruments".

But even more important is intense networking at the levels below, i.e. in particular between the Policy Unit/ DG E Council Secretariat where the CFSP acquis is formulated and implemented and those Commission units which dispose of other concrete instruments one of the most important being the Community budget. Simultaneously initiatives are necessary to reduce the proliferation of EU "faces" abroad and to improve the degree of mutual information and consultation "at place". The Western Balkans has offered examples of both unilateral and collective action and presence on the part of national/ CFSP diplomats and the Commission delegations.

As we have said above, again and in absence of the Constitutional Treaty which foresees the creation of EU delegations under the authority of a Union Minister for Foreign Affairs (art.III-328) solutions below a treaty revision have to be found. The EU Special Representative to Macedonia who serves both the Commission and Solana, i.e. the double hatted approach, is unique so far and might serve as a model for others. Other, less optimistic suggestions see already the collective use of technical facilities or the accommodation in one single building as progress or favour the enlargement of the personnel in the Commission delegations to include staff members from Solana's Policy Unit or the foreign ministries from the EU member states thus broadening the delegations' work towards the political sphere.

### **Progress in the area of ESDP**

Compared to the negative impact of the constitutional crisis on further reforms of the CFSP institutions it is less so in the area of security and defence.<sup>12</sup>

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<sup>11</sup> See the assessment of Solana's former closest collaborator and head of the Policy Unit: Heusgen, *op. cit.*

<sup>12</sup> Mathias Jopp/ Sammi Sandawi: Europäische Sicherheits- und Verteidigungspolitik, in: Werner Weidenfeld/ Wolfgang Wessels (eds.): *Jahrbuch der Europäischen Integration 2005*, Baden-Baden 2006, pp.231-240. Ulrich Petersohn/ Sibylle Lang: *Die Zukunft der ESVP nach den gescheiterten Referenden*, SWP-Aktuell 34, August 2005.

External challenges like weapons of mass destruction, failed states or terrorism have forced the EU to improve both their civil and military capabilities as quickly as possible without awaiting the ratification of the new treaty provisions. The tasks referred to there (art.III-309) have also been referred to in the European Security Strategy adopted by the Heads of State and Government in 2003 and are already part of the daily CFSP business.

The steadily growing number of crisis management operations since 2003 (see above) is proof hereof. Again, crisis management operations raise the issue of coherence due to the fact that the very nature of EU projection into conflict areas is a mix of civilian and military actions. Purely military operations are not yet considered appropriate, either by the basic texts of CfSP/ESDP or by EU policies and institutions.

At operational level, the picture at present is rather promising. A CivMil Cell is being developed with the capacity to rapidly create an Operations Centre. It is placed under the EU Military Staff. An Establishment Team has been tasked to support the setting up of the CivMil Cell. It will be installed within the EU Military Staff with an independent Director.<sup>13</sup> The advantage of the CivMil Cell is that it could provide a better link between the civilian and military missions being conducted in the same area. The EU is going to examine different ways of improving coordination between its various tools in field operations, as well as between the field and the centre in Brussels. The CivMil Cell promises to be able to support developments to improve this aspect of EU consistency. Although, in itself, the Cell will not solve the EU's coherence problems it is seen as a step in the right direction to promote more effective and coordinated action.

Also another idea of the Constitutional Treaty (art.III-310), i.e. to entrust groups of countries with the implementation of such operations, is real today. For whatever reasons, one or more member states among the 25 might be unable to participate in a concrete operation while others – the able and the willing- would be ready to act on behalf of the EU.

Similarly the European Defence Agency (as foreseen in art.I-41,3 and III-311) was given priority and set up by a Council Decision as early as in July 2004 to assist the member states to improve the military requirements and national commitments for joint operations. Despite limited financial resources its work is well received so far by the member states.<sup>14</sup> In reality, some concerns still remain: its Executive Director, Nick Whitney, has underlined that the main target of EDA should be to spend money at the right stuff; to spend more money together, to pool resources increasingly within Europe. It is up to the Defence Ministers to decide whether to spend more money, but the present budgetary restrictions in several member countries clearly will deny any real perspective into this direction.

Also the solidarity clause - formulated in rather general terms in the end in art.I-43; III-329 - became real much earlier than envisaged with the ratification of the treaty: in the aftermath of the terrorist attacks in Madrid and London the European Council adopted a

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<sup>13</sup>For a detailed analysis of the role and tasks of CivMil Cell see: S.Pullinger, ed.: *The New EU Civil-Military Planning Cell*, Joint Report by ISIS Europe and Cemiss (forthcoming).

<sup>14</sup> See the Conclusions on ESDP, General Affairs Council, 15 May 2006.



text along the same wording as the treaty provisions during its meeting in Brussels on 25 March 2004.<sup>15</sup>

Finally, in the line of pragmatical progresses, it is worth to mention the decision to create battlegroups in order to enhance the military capabilities of ESDP. Not all is clear and predictable in the future use of the groups, nor do they provide a full answer to the request of effective capabilities. Nonetheless they give an idea of the seriousness of an existing willingness to move beyond a purely declaratory policy.

### **The EU-25 and Variable Geometry – Trends towards Core Groups/ Countries (EU-3 Iran; Kosovo Contact Group; Others)**

The problem of equality among the member states is as old as the CFSP itself. The building of core groups even existed in European Political Cooperation, the forerunner of today's CFSP. The difference to the past is, however, that such circles are increasingly accepted as adequate means to strengthen Europe's international influence. While criticism on the part of those excluded, normally the smaller EU member states but also the medium-sized ones like Italy which perceives itself as the smallest of the big ones,<sup>16</sup> was sharp until the second half of the nineties,<sup>17</sup> the phenomenon of core groups seems to become an established feature of the EU-25.

The most obvious "directoire" is the EU-3 (France, Germany, the United Kingdom) on Iran. Established informally as early as in autumn 2003 it received the official backing of the 25 through the European Council.<sup>18</sup>

However, this process was not without tensions. On the one hand, the non-participants had to acknowledge that some of their partners could deliver the expertise needed to play a significant European role in international fora like the International Atomic Energy at all. On the other hand they successfully insisted on some sort of an "association" with the negotiations at the international stage. This has been achieved not only through regular participation of the High Representative for the CFSP in the EU-3 from 2004 onwards but also to a single EU-3 representation by Solana alone as his most recent visit to Iran has illustrated.

Similarly the Kosovo Contact Groups has been "enlarged" and is open to the participation of Solana and also Commission representation which corresponds to the leading role the EU as a whole plays towards the stabilization of the Western Balkans. Whether or not these core groups might serve for other ones and become an important CFSP instrument<sup>19</sup> in the future remains to be seen. The long dispute among the 25 in

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<sup>15</sup> Declaration on Combating Terrorism, European Council Brussels, 25 March 2004.

<sup>16</sup> Ettore Greco at al.: Fifteen Proposals for a Bipartisan European Policy in Italy, in: *The International Spectator* 1/200, pp.7-31.

<sup>17</sup> Open criticism against the participation of some EU member states in the Bosnia Contact Group and the need for established procedures between the ins and outs was launched e.g. by the Benelux countries in 1997/98. Elfriede Regelsberger: *Gemeinsame Außen- und Sicherheitspolitik*, in: Werner Weidenfeld/Wolfgang Wessels (eds.): *Jahrbuch der Europäischen Integration 1997/98*, Bonn 1998, pp.237-244.

<sup>18</sup> See point 42 of the respective Presidency Conclusions, Doc. 16238/04 Rev. 1 CONCL.4.

<sup>19</sup> See for this argument: Christoph Schwegmann: *Kontaktgruppen und EU-3-Verhandlungen*, in: *SWP-Aktuell* 62, December 2005.

the recent reform debate about the modalities of enhanced cooperation (art.I-44; III-419) suggests less optimism and it is an open question how the dominance of the big three in defence matters will be felt by the other EU-partners in the longer run.

Apart of the issue of the “Big Three”, which in the field of CFSP/ESDP might become a kind of permanent core for main decisions, the other emerging question relates to the extension of the principle of flexibility to joint actions in the military field. The Constitutional Treaty provides the basis for a variety of different models, i.e. from enhanced to permanent structured cooperation (art.III-312), in order to fix clear rules and avoid the risk of extra-Treaty initiatives. The failure to pass the Constitutional Treaty is an incentive to multiply those deviating attitudes, which represent a source of increased EU “ideological” fragmentation. To avoid such a risk would it not be feasible to apply in a rather pragmatic way the norms which were drafted in the Constitutional Treaty? Could it not be possible to set up informal groups of countries for ad hoc political-military operations on the basis of the extension of the Nice Treaty’s CFSP rules of reinforced cooperation to ESDP actions or the unofficial anticipation of Constitutional Treaty articles for the same purpose? For sure the future will be marked by growing flexibility, particularly (but not only) in the CFSP/ESDP framework. To agree on time on certain practical solutions will be essential both for the image and the effectiveness of the Union’s security role in world affairs.

### **Germany and Italy and prospects to relaunch a joint EU political initiative**

To play an active part in the overall EU - “game” is high on the agenda of the new German Government. Illustrative hereof was Chancellor Merkel’s active role as a mediator at her first European Council meeting in 2005. As in previous governments to formulate and implement German foreign policy via the CFSP is perceived as important and reflects itself also in the nomination of German diplomats and military personnel for key functions in CFSP. Christoph Heusgen, the former Head of Solana’s Policy Unit, and now Head of the foreign policy division in the Chancellery seems to be the most prominent one but the Berlin government also positioned others successfully e.g. as Special Representatives.

The importance the new government attaches to EU affairs was also demonstrated in so far as Merkel’s second trip abroad – after the first one which is for each incoming government traditionally to Paris - led her to Brussels to visit both the Nato Headquarters and the EU institutions. Remarkably enough she also met the Belgian Prime Minister there – possibly not only a change of style compared to her predecessor but an indication of the weight Berlin will attribute to the interests of the smaller member states of the EU.

Germany’s new Grand Coalition government is eager to stick to the Constitutional Treaty as a whole and rejects any proposal to go ahead with only parts of it. According to the wording of the Coalition Treaty and other government sources the ratification process has to continue and new initiatives are announced for the next German EU

Presidency in the first semester of 2007.<sup>20</sup> With regard to the CFSP provisions of the Constitutional Treaty it is obvious that key provisions like the creation of the post of a European Foreign Minister and an External Action Service therefore will have to await their realisation. Berlin seems to be against any attempts to untie the package and unwilling to accept mini treaty amendments. For the time being the German government therefore favours a rather modest, bottom-up approach which aims to improve the daily CFSP business but nothing more.

Italy seems to continue to rank rather low in Germany's list of privileged partners measured against the short visit the Chancellor paid to Rome in December 2005 and the press reporting hereof.<sup>21</sup> Earlier disputes between the Berlusconi and the Schröder governments about Iraq/ the United States or the UN Security Council and possibly also personal dissonances have obviously created mistrust and distance between Rome and Berlin and tend to ignore the long-standing convergence and the joint initiatives Italy and Germany have undertaken to foster the process of European integration in the eighties and nineties.

This attitude might change in the months ahead. The new Prodi government has placed Italy's participation to the EU high on the political agenda. Both in the coalition program and in numerous declarations of Italian key ministers and party leaders "target Europe" represents the very first foreign policy priority. The appointments of Tommaso Padoa-Schioppa as Economy Minister, Emma Bonino, former EU Commissioner, at the Ministry for Europe, a high level professional like Massimo D'Alema as Foreign Minister, all have been addressed both to a special effort to regaining credibility in Europe and to recovering the country out of its present marginalisation. The election itself of Giorgio Napolitano as President of the Republic is reinforcing the image of an European minded country. In order to support this new (but at the same time "old") political strategy, the first step should be to recreate a strong cooperation with Germany, putting aside the critical points of the past and focusing all efforts into the relaunching of the process of European integration. Waiting for the new French President, the Italian government perceives a room for manoeuvre in its strategy towards Germany. What is not yet clear (and the short visit paid by Romano Prodi to Angela Merkel didn't provide an answer) is on which issue and by which means a new Italian/German "entente" should start. The Balkans and a search for a solution of the EU institutional deadlock might be the very first topics on a bilateral agenda. But this is not such a "natural" and easy task. Both countries, for example, support the Constitutional Treaty, but their positions on the "means" to do it are diverging.

On the Italian side the government would also like to get a European Constitution approved, but not as it is now. Romano Prodi has openly declared that it is impossible to re-submit the same text to the Dutch and French electorates. His position is more close to the French one (Sakozy): to take out Part I° and II° of the Constitutional Treaty and

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<sup>20</sup> See the overall assessment on Germany's EU policy after the elections in 2005: Hartmut Marhold: Deutsche Europapolitik nach dem Regierungswechsel 2005, in: *Integration* 1(2006), pp.3-22. As for the expectations on the German Presidency see also the results of the informal meeting of the foreign ministers in Austria, 27/28 May 2006 and the Chancellor's speech to the German Bundestag.

<sup>21</sup> See the commentary of one of the leading German journalists on Italy: Heinz-Joachim Fischer: Kühle Distanz, *Frankfurter Allgemeine Zeitung* v. 21.12.2005.

ask just on them for a new ratification round. A more flexible attitude is also emerging on the question of anticipating some norms of the Constitutional Treaty, even if on it a final government's position has not yet been fixed.

Next months, therefore, should be devoted to frequent bilateral meetings, not just at the highest level but also at the one of practitioners and even experts. After five years of distance, getting again together might prove to be somewhat difficult but worth doing it!