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Subject: EUROPEAN UNION COMMON POSITION  
Chapter 31: Foreign, Security and Defence policy

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**EUROPEAN UNION COMMON POSITION**  
**(Revision of CONF-HR 22/10)**

**Chapter 31: Foreign, security and defence policy**

This position of the European Union is based on its general position for the Accession Conference with Croatia (CONF-HR 2/05), and is subject to the negotiating principles endorsed by the Accession Conference (CONF-HR 5/05), in particular:

- any view expressed by either party on a chapter of the negotiations will in no way prejudice the position which may be taken on other chapters;
- agreements - even partial agreements - reached during the course of the negotiations on chapters to be examined successively may not be considered as final until an overall agreement has been established;

as well as to the requirements set out in points 13, 16 and 26 of the Negotiating Framework.

The EU underlines the importance for Croatia of compliance with the Stabilisation and Association Agreement as well as the Accession Partnership, which constitute basic elements of the pre-accession strategy.

The EU encourages Croatia to continue the process of alignment with the *acquis* and its effective implementation and enforcement, and in general to develop, already before accession, policies and instruments as close as possible to those of the EU. The EU recalls in particular the requirements set out in point 14 of the Negotiating Framework, which underlines that, in the period up to accession, Croatia will be required to progressively align its policies towards third countries and its positions within international organisations with the policies and positions adopted by the Union and its Member States.

The EU notes that Croatia, in its addendum (CONF-HR 29/10) to the negotiating position on Chapter 31 (CONF-HR 9/08), accepts the *acquis* under chapter 31 as in force on 1 September 2010, and that Croatia declares that it will be ready to implement it by the date of its accession to the European Union.

### **CFSP – political dialogue**

The EU notes that Croatia will continue to actively participate in the existing forms of political dialogue with the EU and consultations in the area of CFSP/CSDP.

The EU takes note of Croatia's statement that it will have no difficulties in implementing decisions and positions taken in the framework of CFSP. The EU notes that since May 2008 Croatia has responded to all invitations it received for alignment.

Recalling point 13 of the Negotiating Framework, the EU notes Croatia's commitment to good neighbourly relations. In particular the EU recalls the requirement concerning Croatia's undertaking to resolve any border disputes in conformity with the principle of peaceful settlement of disputes in accordance with the United Nations Charter, including if necessary compulsory jurisdiction of the International Court of Justice. The EU invites Croatia to continue working on finding mutually acceptable definitive solutions to all pending bilateral and regional issues with neighbouring countries, especially as regards border issues, and to pursue efforts aimed at reconciliation among citizens in the region. The EU reiterates the importance of regional cooperation and good neighbourly relations in the process of moving towards the European Union.

The EU notes Croatia's commitment to continue to share its experience acquired through the accession process with the other SAP countries and assist them in carrying out the necessary reforms on their way to EU membership, in line with the principles and criteria laid down in the relevant EU documents.

The EU notes that Croatia is ready to contribute to the European Neighbourhood Policy by sharing its transition-related experience, that Croatia is committed to the preservation of peace and stability in the Mediterranean region and that it is keen on playing a more active role in the political, economic and cultural cooperation and dialogue among all Mediterranean countries.

The EU notes that Croatia has strengthened its administrative structures required for efficient cooperation with and participation in EU working bodies and institutional structures in the field of CFSP; the EU furthermore notes that, before accession, the internal organisation of the Ministry of Foreign Affairs and European Integration will be adjusted in order to define more precisely the competences and the role of the Political Director and the European Correspondent. The EU notes that all the technical preconditions, including the strengthened IT infrastructure necessary for the connection of Croatia to the relevant EU communication systems, will be put in place by the time of Croatia's accession to the EU.

#### **CFSP and CSDP – political strategy**

The EU recalls the need for Croatia to be in a position to implement the Treaty provisions on the Common Security and Defence Policy under articles 42 TEU to 46 TEU inclusive. The EU also draws the attention of Croatia to Protocol 10 attached to the TEU.

The EU notes that Croatia will continue aligning its foreign, security and defence policy with EU positions and actions taken regarding issues of global and regional significance. The EU furthermore notes that Croatia is prepared to continue to actively contribute to regional security and stability, including through various regional initiatives.

## Conflict prevention

The EU notes Croatia's commitment to continue to actively support and participate in the measures and actions implemented by the EU with the aim of conflict prevention. The EU furthermore notes that Croatia contributes to this area by participating in the mechanisms of the UN, OSCE, Council of Europe and other regional organisations, initiatives and processes. The EU notes Croatia's engagement for the security sector reform in Afghanistan and in Iraq. The EU looks forward to Croatia's continued contribution to the EU's external efforts to prevent conflict and build peace through its own experience in areas such as land-mine clearance, security sector reform and reconciliation.

## Non-proliferation and WMD/SALW strategy

The EU notes that Croatia has aligned its legislation with and implements the *acquis* related to non-proliferation, arms control and export control regimes. The EU notes the various measures undertaken by Croatia to further strengthen implementation and enforcement capacities as well as transparency of arms related information. The EU further encourages Croatia to continue the implementation of these measures. In this context, the EU notes that, in the area of arms brokering, Croatia adopted in July 2008 the Act on the Export and Import of Military-Use Items and Non-Military Lethal Goods, completed by a regulation from the Ministry of Finance adopted in January 2009, in line with Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing the control of exports of military technology and equipment. The EU also notes that the new legislation that has introduced more rigorous sanctions for offenders, is in line with Council Common Position 2003/468/CFSP of 23 June 2003 on the control of arms brokering.

The EU notes that through the introduction of the TRACKER program the Government of the Republic of Croatia has introduced an electronic system for the control of export and import of goods subject to a licensing regime. The EU also notes that all state bodies participating in the process of issuing licences have been connected, and training of officials involved in the licensing process is underway.

The EU notes that upon adoption of the "Act on the Export and Import of Military Use Items and Non-military Lethal Goods" additional implementation mechanisms have been developed and existing administrative capacities have been strengthened through professional training and hiring expert personnel.

#### *Weapons of mass destruction (WMD)*

The EU notes that threats imposed by the proliferation of weapons of mass destruction and, in particular, their use by terrorists have been recognised by Croatia; emphasis has been placed on prevention of such threats. The EU also notes Croatia's commitment to the implementation of the UN SCR 1540 (2004) and notes the steps taken by the Government of Croatia in this regard. The EU furthermore notes that particular attention has been given to the continuing professional training of employees of institutions responsible for enforcement of legislation.

#### *Small arms and light weapons (SALW)*

The EU notes that a National Strategy for Control of Small Arms and Light Weapons and a corresponding Action plan have been adopted by Croatia in September 2009. The EU notes that this Strategy is in line with the EU Strategy to Combat the Illicit Accumulation and Trafficking of Small Arms and Light Weapons and their Ammunition. The EU notes that Croatia has strengthened implementation and enforcement capacities as well as transparency of arms-related information and calls on Croatia to continue its efforts in this area. The EU furthermore notes that the corresponding Action Plan takes into account the objectives of Council Joint Action of 12 July 2002 on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons (2002/589/CFSP). The EU takes note of the establishment of the National Commission on Small Arms and Light Weapons.

In view of the above, the EU notes that the requirements of the closing benchmark set out in the EU common position (CONF-HR 22/10) have been fulfilled.

### Alignment with restrictive measures

The EU takes note of Croatia's commitment to effective implementation of restrictive measures as an important contribution to peace and security, in accordance with the UN Charter and the CFSP of the EU.

The EU notes that the legislative and institutional framework for the implementation of international restrictive measures has been strengthened and adapted to the requirements of Croatia's full participation in the CFSP. Furthermore, the EU notes in this context that Croatia has modified the Act on International Restrictive Measures and has established a Permanent Co-ordination Group, so as to ensure full and effective implementation and enforcement of all EU sanctions and restrictive measures adopted in accordance with the relevant articles of the Treaties.

### Cooperation with international organisations

The EU notes that Croatia has continued to align itself with EU statements and positions within the framework of international organisations. The EU notes Croatia's commitment – as a party to the Rome Statute establishing the International Criminal Court (ICC) – to continue supporting Council Common Position 2003/444/CFSP on the ICC and not to sign a treaty with the USA or any other country on the exemption of their nationals.

### Security measures (classified information)

The EU notes that Croatia has adjusted its security procedures and systems for the exchange of classified information, according to the requirements of EU security policy. The EU furthermore notes that Council Decision 2001/264/EC on the Council's security regulations, as last amended by Council Decision 2007/438/EC will be directly applied by Croatia, as of accession.

## **CSDP – contributing capacities**

### Civil and military crisis management

The EU takes note of Croatia's readiness for and interest in participation in further military and civilian missions in the framework of the CSDP. The EU recalls Croatia's participation in EUFOR Tchad/RCA from 2008 to 2009. The EU notes that Croatia is currently participating in several civilian missions and military operations of CSDP, including EULEX Kosovo, and notes Croatia's consistent support for CSDP missions in the Western Balkans, including Croatia's technical and logistical support for EUPM Bosnia and Herzegovina. The EU notes Croatia's participation in EUPOL AFGHANISTAN and in the military operation EU NAVFOR ATALANTA to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coasts and in the Gulf of Aden.

The EU notes that the number of Croatian Armed Forces personnel in international peacekeeping missions and operations is currently about 460, of which 120 are participating in 7 UN peacekeeping missions. The EU notes Croatia's plans to increase the number of Croatian Armed Forces personnel in international peacekeeping missions and operations. The EU notes the strategic documents in this area are currently under review. The EU welcomes Croatia's commitment to contribute to the establishment of a European Union Battle Group.

The EU notes the information provided by Croatia that an appropriate legislative and institutional framework is in place, in the responsible state administration bodies, for monitoring the development and implementation of all activities and the *acquis* in the CSDP area. The EU notes that – depending on the pace of participation in EU activities in the pre-accession period – administrative capacities will be additionally strengthened by increasing the number of employees dealing with CSDP in state administration bodies, in the Missions of the Republic of Croatia to the EU and to NATO.

The EU takes note of the commitment taken by Croatia to complete the build up, in all areas identified above, of the adequate institutional framework and the necessary administrative capacity in order to be in a position to effectively implement the *acquis* upon accession.

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In view of all the above considerations, the EU notes that, at this stage, this chapter does not require further negotiations.

Monitoring of progress in the alignment with and implementation of the *acquis* will continue throughout the negotiations. The EU underlines that it will devote particular attention to monitoring all specific issues mentioned above, including with a view to ensuring Croatia's administrative capacity and its capacity to complete the alignment in all areas under this chapter. Particular consideration needs to be given to the links between the present chapter and other negotiation chapters. A final assessment of the conformity of Croatian legislation with the *acquis* and of its implementation capacity can only be made at a later stage of the negotiations. In addition to all the information the EU may require for the negotiations in this chapter and which is to be provided to the Conference, the EU invites Croatia to provide regular detailed written information to the Stabilisation and Association Council on progress in the implementation of the *acquis*.

In view of all the above considerations, the Conference will, if necessary, return to this chapter at an appropriate moment.

Furthermore, the EU recalls that there may be new *acquis* between 1 September 2010 and the conclusion of the negotiations.

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