



Law Department

The European Neighbourhood Policy: A Framework for Modernisation?

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***A new Framework for the Relations
Between the Union and its East -European Neighbours***

A new framework for the relations between the Union and its East-European Neighbours

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A central element of the European Neighbourhood Policy (ENP) is the future establishment of a new type of bilateral agreement between the EU and its ENP partners.¹ In the case of East European neighbours,² this new agreement would replace the existing Partnership and Cooperation Agreements (PCAs).³

The various EU policy papers that articulate the ENP do not spell out in detail what this future agreement could consist of. But, the current negotiations of the ‘enhanced agreement’ with Ukraine are shedding some light on its possible contours,⁴ and on the EU intentions of making it comprehensive, binding and durable.⁵ Against this background, the present paper critically examines the envisaged scope (1), nature (2) and sustainability (3) of the future agreement.

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¹ See Communication from the Commission to the Council and the European Parliament - Wider Europe - Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours; COM (2003) 104; Communication on the European Neighbourhood Policy – Strategy Paper; COM(2004) 373; Communication from the Commission to the Council and the European Parliament on strengthening the European Neighbourhood Policy, COM(2006) 726. Other ENP primary documents can be found at: http://ec.europa.eu/world/enp/documents_en.htm#5 (last visited 1 June 2007).

² The eastern dimension of the ENP covers Moldova, and Ukraine, as well as Armenia, Azerbaijan and Georgia. It is intended equally to cover Belarus ‘as soon as the country indicates a willingness to move towards true democracy, human rights and rule of law’ (Commissioner Ferrero Waldner, 21/11/2006; IP/06/1593). The policy was also deemed to cover the Russian Federation (COM(2003) 104, p. 4), but the latter has instead favoured a “strategic partnership” with the EU.

³ E.g. PCA between the European Communities and their Member States on the one hand, and Ukraine on the other [OJ 1998, L49]; PCA between the European Communities and their Member States on the one hand, and Moldova on the other [OJ 1998, L181].

⁴ GAERC conclusions, 22 January 2007 [5463/07]. The negotiations formally started on

5 March 2007; see also “Commission proposes negotiating directives for enhanced agreement with Ukraine”, IP/06/1184; 13/09/2006: <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/06/1184&format=HTML&aged=0&language=EN&guiLanguage=en> (last visited, 1 June 2007); see “EU-Ukraine start negotiations on new Enhanced Agreement”: <http://www.europa.eu/rapid/pressReleasesAction.do?reference=IP/07/275&format=HTML&aged=0&language=EN&guiLanguage=en> (last visited 1 June 2007).

⁵ These features were mentioned in the presentation of the agreement by Finnish Secretary of State Markus Lyra, representing the Presidency of the EU, at the Wider Europe Seminar organized by the Sussex European Institute in Kiev (October 2006).

1. The scope of the future agreement: widening and deepening the existing partnership?

The new agreement envisaged by the Commission and the Council aims at establishing a 'deep' and 'comprehensive' Free Trade Area (FTA) between the EU and its ENP partners.⁶

A *comprehensive* FTA entails liberalisation of trade in goods *and* services, in compliance with the relevant GATT and GATS requirements.⁷ This contrasts with the PCA trade regime which, essentially inspired by the Most Favoured Nation principle, only contains, in its most advanced version, a 'rendez-vous' clause whereby the parties agreed merely to *discuss* the feasibility of an FTA, without any commitment to establishing it.⁸

A *deep* FTA refers to the important role regulatory approximation would play in the new relationship. Such approximation is set to supplement the abolition of tariffs, entailed by the establishment of a classical FTA, with a reduction of non-tariff (i.e. technical)⁹ barriers by fostering the ENP partners' adoption of EC standards. The new agreement would thereby consolidate an approximation process already sought under the PCAs¹⁰ and the ENP Action Plans,¹¹ with a view to preparing the grounds for economic integration between the EU and the ENP partners.

If it were to establish such a deep and comprehensive FTA, the new agreement between the EU and its East-European neighbours would bring about considerable widening and

⁶ COM(2006)726, pp. 4-5. Further on these concepts: see M. EMERSON (ed), *The Prospect of Deep Free Trade between the European Union and Ukraine*, Brussels, Centre for European Policy Studies, 2006.

⁷ See Art. XXIV GATT and Art. V GATS, respectively. Further: P. VAN DEN BOSSCHE, *The Law and Policy of the World Trade Organization: Text, Cases and Materials*, Cambridge, Cambridge University Press, 2005, esp. p. 658.

⁸ This 'rendez-vous clause' is only included in the PCAs with Moldova, the Russian Federation and Ukraine (see e.g. Art. 4 PCA Ukraine). Further from this author: "Partnership and cooperation agreements between the EU and the NIS of the ex-Soviet Union", *EFARev*, 1998, p. 399; R. PETROV, "The Partnership and Cooperation Agreements with the Newly Independent States" in A. OTT & K. INGLIS (eds), *Handbook on European Enlargement*, The Hague, Asser Press, 2002, p. 175.

⁹ E.g. technical norms and standards, sanitary and phytosanitary rules, competition policy, enterprise competitiveness, innovation and industrial policy, research cooperation, intellectual property rights, trade facilitation, customs measures and administrative capacity in the area of rules of origin, good governance in the tax area, company law, public procurement and financial services; COM(2006)726; p. 4.

¹⁰ See the provisions on legislative cooperation in the PCAs; e.g. Art. 50 PCA Moldova, and Art. 51 PCA Ukraine. Further: R. PETROV, "Recent Developments in the Adaptation of Ukrainian Legislation to EU Law", *EFARev*, 2003, p. 125.

¹¹ On Action Plans, see from this author, "'Thou shalt love thy neighbour': the draft European Neighbourhood Policy Action Plan between the EU and Ukraine" in A. MAYHEW & N. COPSEY (eds.) *Ukraine and European Neighbourhood Policy*, Brighton, Sussex European Institute, 2005, p. 17.

deepening of their *trade* relations. However, it should be recalled that the FTA, and a fortiori a deep FTA, will not be put in place overnight. As illustrated by the old Europe Agreements (EAs),¹² additional years will probably be needed after the agreement's entry into force for the FTA to be fully operational. Indeed, the economic situation of the partners will influence how quickly such an FTA might be set up.

According to the Commission and the Council, the new agreement should also activate 'enhanced cooperation' in various fields, such as energy, environment, transport and education. Moreover, building upon the ENP Action Plans and other existing arrangements,¹³ such enhanced cooperation would cover the whole breadth of EU activities, including CFSP and ESDP cooperation, as well as cooperation in the area of freedom, security and justice.¹⁴ The new agreement would thereby consolidate and codify the comprehensive dimension of existing relations between the Union and its East-European countries,¹⁵ though what the EU precisely means by 'enhanced cooperation' remains to be clarified. This enhancement will only be genuine if it is clearly articulated in the language of the new agreement's provisions.

2. An all-encompassing association agreement?

Contrary to the APs, the new agreement between the EU and its East European neighbours is meant to be binding.¹⁶ Yet, neither the Commission nor the Council have hitherto given any indication as to what its precise legal basis could be. One could nonetheless foresee that the 'enhanced' or 'neighbourhood' agreement take the form of an association agreement based on Article 310 EC, potentially close but not necessarily

¹² E.g. Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part [OJ 1993, L348/2].

¹³ E.g. Agreement between the European Union and Ukraine establishing a framework for the participation of the Ukraine in the European Union crisis management operations [OJ 2005, L182]; Agreement between the European Union and Ukraine on security procedures for the exchange of classified information [OJ 2005, L172]; Agreement between the European Community and Ukraine on certain aspects of air services [OJ 2006, L211]; Agreement between the European Community and the Government of Ukraine on trade in certain steel products [OJ 2005, L232]; Agreement renewing the Agreement on cooperation in science and technology between the European Community and Ukraine [OJ 2003, L267]. The new agreement will also build upon soft law instruments; e.g. the EU Action Plan on Justice and Home Affairs of 10 December 2001 [OJ 2001, C77/1].

¹⁴ In this regard, see: "Commission proposes negotiating directives for enhanced agreement with Ukraine", above n 4.

¹⁵ Further: M. CREMONA & C. HILLION, "*L'Union fait la force?* Potential and Limitations of the European Neighbourhood Policy as an Integrated EU Foreign and Security Policy", *EUI Law Working Papers* 2006/39.

¹⁶ Support can be found in the procedure followed by the Commission in launching the discussion with the Council on the future agreement (see: "Commission proposes negotiating directives for enhanced agreement with Ukraine"; above n 4); and by the terminology of COM(2006) 726, esp. p. 4.

identical to the EAs. This proposition finds support first, in the terminology of several ENP documents and secondly, in the inherent logic of the policy.

The notion of Association has been defined by the European Court of Justice in the *Demirel* judgment,¹⁷ which states that an ‘association agreement creat[es] special, privileged links with a non-member country which must, at least to a certain extent, take part in the Community system’. Echoing this definition, the Commission Strategy Paper of 2004,¹⁸ as well as the subsequent Council Conclusions endorsing it,¹⁹ explicitly refer to a ‘privileged relationship’ between the EU and its neighbours,²⁰ while the introductory sections of the ENP Action Plans, notably with Ukraine and Moldova, hint at the progressive establishment of *privileged* links. Indeed, the ENP perspective of moving the EU relationship with its neighbours beyond cooperation to a ‘significant measure of economic and political integration’,²¹ and the possibility for neighbouring countries progressively to take part in key aspects of EU policies and programmes,²² including participation in relevant Community and Union agencies,²³ also remind of the formula used by the Court when articulating the concept of association.²⁴

Arguably, any agreement ‘below’ association would not be perceived as an ‘enhanced’ contractual relationship. To begin with, the initial justification for the Union to maintain an alternative arrangement to association (*viz.* PCAs) *vis-à-vis* east-European states is no longer there. At the start of the nineties, the EU Member States were not yet determined to enlarge the Union to the Central and Eastern European Countries (CEECs). In this context, the EAs were conceived by some Member States as an *alternative to accession*, as indeed suggested by the preamble of the EAs with Poland and Hungary, and by the

¹⁷ Case 12/86, *Meryem Demirel v Stadt Schwäbisch Gmünd* [1987] ECR 3719. Further on association agreements, see the contributions in M.-F. CHRISTOPHE-TCHAKALOFF (ed), *Le concept d’association dans les accords passés par la Communauté: essai de clarification*, Bruxelles, Bruylant, 1999.

¹⁸ COM(2004) 373 final, p. 3.

¹⁹ GAERC conclusions, 14 June 2004 [10189/04; Presse 195], p. 11.

²⁰ In the same vein, the ENPI Regulation includes in its Preamble the notion of ‘privileged relationship’ between the EU and its neighbours; while the Resolution of the European Parliament on the European Neighbourhood Policy [P6_TA(2006)0028] talks about ‘privileged relations’.

²¹ COM(2004) 373 final, p. 5; though the Council more cautiously refers to ‘gradual economic integration and deepening of political *cooperation*’ (emphasis added); GAERC conclusions, 22 January 2007; see pt. 2, second indent [5463/07; Presse 7].

²² COM(2004) 373 final, p. 8.

²³ Further in this regard: Communication from the Commission to the Council and to the European Parliament on the general approach to enable ENP partner countries to participate in Community agencies and Community programmes; COM(2006) 724 final.

²⁴ Art. I-57 of the Constitutional Treaty foresees a ‘special relationship’.

Commission's initial communication on the new type of association.²⁵ Consequently, the EU had to 'package' the EA as a special and exclusive breed of association agreement to make it less unpalatable for the CEECs. Including the former Soviet republics in the already widening bundle of EAs²⁶ could have diminished their exclusive character, thereby diluting their political value.²⁷ Indeed, following the Copenhagen European Council of 1993, a direct link was finally established between the EAs and accession, making an EA-like treatment ever more inaccessible for 'non-CEECs'. Given that all the EA states have become members of the Union, the initial rationale for not granting Ukraine or Moldova an association agreement has now vanished, thereby making association available.

The second argument which should incite the Union to propose an association agreement to its east-European partners stems from its existing relations with the southern ENP states, namely the Euro-Mediterranean Agreements.²⁸ These agreements *are* association agreements. Unless the Union seeks to dilute the Euro-Mediterranean *acquis*, which would be contrary to the logic of the ENP, it is unlikely that the current relationship is going to be downgraded. In other words, the new EU agreement with the southern neighbours would, at any rate, be an association based on Article 310 EC. Against this background, it would be surprising if the Union was to offer east-European partners an enhanced agreement that does not match the type of relations it has with the southern Mediterranean states. Establishing a less ambitious relationship with East-European countries would undermine the coherence of the ENP. Incidentally, it would also diminish the value of the EU's declared ambition to 'build an increasing close relationship' with Ukraine and Moldova,²⁹ as well as its acknowledgement of the latter's European aspirations.³⁰ Indeed, it could be recalled, particularly for those Member States

²⁵ Commission's 'Communication on Association agreements with the Countries of Central and Eastern Europe: a General Outline'; COM(90) 398. Further, e.g. M. MARESCEAU, "A legal analysis of the Community's Association Agreements with central and eastern Europe: general framework, accession objectives and trade liberalisation" in S. V. KONSTADINIDIS (ed), *The legal regulation of the European Community's external relations after the completion of the internal market*, Dartmouth Press, 1996, p. 125.

²⁶ EAs were being concluded with Bulgaria, Romania, the Baltic States and eventually Slovenia.

²⁷ It was also felt on the EC side that the post-soviet states (the so-called 'Newly-Independent States') should be approached differently from the CEECs, because of their potential re-integration, e.g. in the form of the Commonwealth of Independent States. Further: J. RAUX, "Les instruments juridiques de la Communauté avec les Etats de l'Europe de l'Est", in J. C. GAUTRON (ed), *Les relations Communauté européenne – Europe de l'Est*, Economica, 1991, p. 41.

²⁸ See e.g. the Euro-Mediterranean Agreement between the European Communities and their Member States on the one hand, and Morocco on the other [OJEC 2000 L70].

²⁹ GAERC conclusions, 22 January 2007, pt. 2, second indent [5463/07, Presse 7].

³⁰ This European perspective of Ukraine was recognised by the EU notably in the EU Common Strategy on Ukraine [OJ 1999, L331/1]; the EU/Ukraine Action Plan; and in the GAERC conclusions,

that remain undecided, if not reluctant to conceive of Ukraine's and Moldova's eligibility for membership to the Union,³¹ that association does not automatically mean accession. After all, Latin American countries have concluded association agreements with the Community.³²

While the new EU agreement with the East-European neighbours should, almost inexorably, take the form of an association agreement based on Article 310 EC, its likely all-inclusive scope, both in terms of objectives and content, may entail that the *Union* becomes a concluding party to the new agreement, alongside the Community and the Member States. This proposition is not contradicted by the Council decision on the negotiating directives, which refers to an 'enhanced agreement between the *European Union* and Ukraine' (emphasis added).³³ Such a cross-pillar framework agreement would be among the first of this kind in the typology of EU external agreements and, arguably, a way symbolically to materialise the EU ambition of going beyond and above the existing relationship.³⁴ Also, it could make the new agreement more appealing to the East-European states that are keen on developing an ever closer relationship with the Union.

The choice of the legal basis of the new EU agreement with its neighbours will determine procedure for concluding it. In EU external relations, the rule appears to be as follows: the more ambitious the agreement, the more difficult its conclusion. In particular, concluding an association agreement requires a unanimous vote within the Council,³⁵ and the assent of the European Parliament (EP).³⁶ Furthermore, assuming that the new agreement covers most areas of EC external relations, including areas of shared competence (e.g. environment, social policy), it is likely to be mixed. As such, it will have to be concluded by the EC together with its Member States, and will therefore require

22 January 2007, pt. 1 [5463/07; Presse 7]. A similar perspective was recognised in relation to Moldova, as recalled by the EU/Moldova AP.

³¹ *Agence Europe* No 9349, 23 January 2007, p. 5.

³² See e.g. Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part [OJ 2002, L352].

³³ GAERC conclusions, 22 January 2007 [5463/07, Presse 7]. See in this regard: J. RAUX, "Towards a pan-Euro-Mediterranean strategy: association of proximity", in M. MARESCEAU and E. LANNON (eds), *The EU's Enlargement and Mediterranean Strategies*, Basingstoke, Palgrave, 2001, p. 42; J. RAUX, "Association et perspectives partenariales" in M.-F. CHRISTOPHE-TCHAKALOFF, above n 17, at p. 89.

³⁴ Indeed, it would not be the first time that the EU-Ukraine relations would be used as a *laboratory* for testing new formula of EU external relations (e.g. Common Strategies, Partnership and Cooperation Agreements); further from this author, *The European Union and its East-European Neighbours – A laboratory for the organisation of EU external relations*, Oxford, Hart Publishing, 2007, forthcoming.

³⁵ Art. 300(2) EC.

³⁶ Art. 300(3), 2nd subpara., EC.

the ratification by all 27 Member States – if not more by the time of its conclusion. Numerous national interests,³⁷ as well as the concerns of the EP will thus have to be thoroughly considered, particularly during the negotiations.³⁸

Indeed, if it were to establish enhanced cooperation in all EU external policies, as suggested earlier, the new agreement could be concluded, at least theoretically, as ‘a cross-pillar agreement’ by the Community and the Union, on the basis of Articles 300(3) second indent EC, and Article 24 TEU, respectively.³⁹ Choosing this complex legal basis would involve different procedural arrangements. In particular, the provisions relating to EC competence (exclusive and possibly shared) would fall to be negotiated by the Commission (possibly with Member States for areas of shared competence), while parts of the agreement on cooperation in CFSP and PJCCM⁴⁰ matters could be negotiated by the EU Presidency, assisted by the Council’s Secretariat.⁴¹ Even if it were decided, as it is sometimes done in the context of mixed agreements,⁴² to ask the Commission to act as sole negotiator on behalf of the Community and the Member States, but also possibly on behalf of the Union, such a decision would not in any event prejudice the question of the competence of the Community, the Member States or the Union on particular issues. In other words, the EC, the EU, and the Member States, would still have to conclude the draft agreement, in relation to their respective fields of competence. Such intricate procedure could lead to some squabbling, notably between the Commission and the Council, as to which parts of the agreement relate to the competence of the EC, the EU, and the Member States, respectively.⁴³

³⁷ As epitomised by the Polish veto on the start of negotiations of a new post-PCA agreement with Russia.

³⁸ On the complexities of mixed agreements, see e.g. J. HELISKOSKI, *Mixed agreements as a technique for organizing the international relations of the European Community and its Member States*, The Hague, Kluwer Law International, 2001; D. O’KEEFFE & H. SCHERMERS (eds), *Mixed agreements*, Deventer, Kluwer Law, 1983.

³⁹ There have been discussions about cross-pillar agreements in the context of the EU accession to the ASEAN Treaty of Amity and Cooperation (TAC) as suggested by Council doc. 16042/06 of 30 November 2006 entitled ‘Draft Council authorization to the Presidency and the Commission to negotiate the accession to ASEAN Treaty of Amity and Cooperation (TAC) by the EU and EC respectively’ (non public).

⁴⁰ For PJC matters, Art. 38 TEU would have to be added to Art. 24 TEU.

⁴¹ The Council’s adoption of negotiating directives was not clear on the question of who is going to negotiate the Agreement. It merely mentions that negotiations were due to be launched at the “EU-Troika Ukraine Ministerial meeting” of February 2007.

⁴² For instance, for the negotiations of the WTO agreement; see in this regard: Opinion 1/94, *WTO* [1994] ECR I-5267.

⁴³ On such EU/EC competence battle, see e.g. Case C-176/03, *Commission v Council (Environmental penalties)* [2005] ECR I-7879, and pending case 91/05, *Commission v Council (ECOWAS)* [OJ 2005, C115/10]. The European Parliament could also get involved in such power politics as it has done in the past, though not entirely successfully: see Cases C-317/04 and 318/04, *Parliament v Council (PNR)*, judgment of 30 May 2006.

The foregoing suggests that, at least for procedural reasons, the Union may be in a difficult position to offer an ambitious agreement that would match the neighbours' expectations,⁴⁴ not to mention the general objectives of its ENP. Unless pragmatic arrangements are found to ensure a solid and coherent EU position,⁴⁵ a bundle of sectoral agreements could be explored as an alternative to an all-encompassing framework agreement, although this fallback arrangement would need to be spearheaded by an overall institutional framework.

3. A durable arrangement?

The Council and the Commission acknowledge that the 'new enhanced agreement shall not prejudice any possible future developments in EU-Ukraine relations'.⁴⁶ Nonetheless, as the ENP is envisaged as a long term policy, the EU favours an agreement that is long-lasting, rather than limited in time and thus opened to early renegotiation.⁴⁷ This requires an agreement adaptable to change, which in turns notably depends on the institutional framework to be set up by the new agreement.

In particular, the vitality of the relationship would be fostered if, in contrast to the PCAs, the agreement were to establish an organ (e.g. an association council)⁴⁸ endowed with a full-fledged decision-making power and clear tasks. In effect, alongside timelines and transition periods, for instance to establish an FTA, association agreements often include enabling clauses, entrusting the association council with the power to elaborate and strengthen the relationship through binding decisions.⁴⁹ The relationship thereby evolves without the parties having to re-negotiate the whole agreement, with all the procedural pitfalls that such process entails.

It should be recalled that such decision-making power is already conferred upon the association councils established by the Euro-Mediterranean Agreements,⁵⁰ which in itself is an argument in favour of granting a similar power to the future EU-East European

⁴⁴ On Ukraine's reactions to the EU current position: see *EUobserver*, 21 January 2007.

⁴⁵ Further: M. PETITE, "Current Legal Issues in the External Relations of the European Union", *EUI Law Working Papers*, 2006/38.

⁴⁶ GAERC conclusions, 22 January 2007, pt. 2, last indent.

⁴⁷ It remains to be seen whether that option would be positively perceived by the ENP partners, particularly the Ukraine, in view of its membership aspirations.

⁴⁸ Such an organ would most likely be supported by other committees (including parliamentary committees) and sectoral sub-committees.

⁴⁹ Thus, the development of the movement of workers between the Community and Turkey, and the establishment of an EC-Turkey customs union have depended significantly on the decisions adopted by the association council established by the Ankara agreement.

⁵⁰ E.g. Art. 80 EMA Morocco.

organs. Indeed, giving the neighbours the possibility to take part in the development of the *acquis* would contribute to fulfilling the ENP objective of involving them in Community and Union policies,⁵¹ and incidentally give more substance to the ENP ‘joint ownership’ mantra.⁵² The Commission evoked in its legislative and work programme that it would ‘prepare the grounds for a *renewed* institutional arrangement with ... Ukraine’ (emphasis added).⁵³ It however remains to be seen whether such ‘renewal’ entails endowing the new institution with decision-making power.

4. Conclusion

This brief paper has sought to shed some light on the possible scope, nature and durability of the contractual framework which should govern the relationship between the EU and its East-European neighbours. Against the background of the current discussions on the future EU–Ukraine treaty, it has been suggested that the existing relationship could be strengthened in various ways. First, the new agreement is deemed to deepen trade relations by establishing an FTA covering both goods and services (comprehensive FTA), and involving a high degree of regulatory approximation (deep FTA). Second, it is meant to enhance and widen cooperation between the parties to the whole spectrum of EU external dimensions, thereby going above and beyond existing arrangements.

It remains to be seen whether this ambitious agenda is matched by the detailed contents of the agreement. Indeed, if the new agreement is to constitute a genuine enhancement of the relationship, as envisaged by the ENP, such improvement will have to be substantiated by its title, institutional framework, and, more importantly, the rights and obligations foreseen by its provisions.

‘Where there’s a will, there’s a way’!

⁵¹ Moreover, provided they meet certain conditions, the binding decisions adopted by such a body could be guaranteed before Member States’ jurisdictions thereby also involving citizens in the EU rapprochement with its neighbours. See in this regard, the European Court of Justice’s numerous judgments of the EC-Turkey association council; e.g. Case 192/89, *Sevince* [1990] ECR 3461. Note that direct effect of the rules underpinning the new relationship does not depend on the adoption of additional measures by an organ, such as an association council. As well-established, the provisions of the agreement itself may have direct effect (Case C-63/99, *Głoszczuk* [2001] ECR I-6369; Case C-171/01, *Wählergruppe Gemeinsam* [2003] ECR I-4301, and Case C-265/03, *Simutenkov* [2005] ECR I-2579).

⁵² COM(2004)373, p. 8.

⁵³ Communication from the Commission: “Unlocking Europe’s full potential - Commission Legislative and Work Programme 2006”; COM(2005) 531; p. 10.