

news

A review of Transatlantic Relations

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The Transatlantic Agenda comes of age

The European Commission adopted on 20 March 2001 a Communication setting out its ideas for reinforcing the Transatlantic Relationship, assessing progress achieved to date, and exploring ways in which the Transatlantic dialogue could be improved. The ultimate objective is, as the text itself goes, 'to go beyond consultation towards a more action-oriented relationship based on real accomplishments'. The document has triggered a process of reflection and debate within the EU. The US Administration has already provided an initial positive reaction.

The EU and the US conduct their relations within the framework of the 1995 New Transatlantic Agenda (NTA), a comprehensive declaration which led to a qualitative leap in Transatlantic co-operation. The Commission's proposal is based on the experience gained during the five years of NTA existence, taking into account its successful points, but also keeping in mind its perceived shortcomings. It provides an assessment of the current state of play and, at the outset of a new US Administration, makes suggestions on how to establish clear priorities for EU- US co-operation in the years ahead.

In particular, the Commission proposes to define a limited number of strategic themes, and to select a limited number of priority issues within themes where concrete results will be achieved in the short to medium term. The proposed priority-setting mechanism will ensure better focus, continuity of issues, and a result-oriented dialogue. Streamlining current structures is another important element of the Communication.

The process is intended to result in an even closer relationship, with more concrete benefits for the partners

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European Commission



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and increased global progress as well. As President Prodi declared, at his recent encounter with US Secretary of State Powell,

"The European Union and the United States have a unique partnership ... when we work together we can set the agenda on the international scene. Our combined economic and political strengths create a responsibility to co-operate closely in order to find answers to pressing global problems as well as to different threats to regional stability. The two strongest economies of

the world and the largest global trading and investment relationship provide many opportunities for our businesses and citizens as well as a responsibility for both sides to overcome differences".

It is the objective of the new Communication to provide new impetus to this common effort.

The full text of the Commission's Communication on Transatlantic Relations is available on the internet at : http://europa.eu.int/comm/external_relations/us/news/ip_01_421.htm

Highlights from the EU – US Ministerial meeting in Washington

Commissioner Patten, Foreign Minister Lindh, representing the Council Presidency, and the High Representative Javier Solana met US Secretary of State Colin Powell on March 6 to discuss a range of foreign policy matters.

The EU and the US meet in this format twice a year to move forward the EU / US foreign policy agenda. This was the first such meeting with the new US Administration agenda.

At the March 6 Ministerial meeting in Washington a wide range of important topical matters were discussed, from the Middle East to the Western Balkans and Russia.

Secretary Powell took this opportunity to reaffirm the US commitment to Europe, and to a constructive relationship with the EU and stressed the need to remove irritants, in particular trade disputes.

The Secretary of State's words well describe the positive atmosphere of the meeting and the wide scope of transatlantic co-operation:

"We enjoyed a positive and constructive exchange as we addressed some of the most important issues on the United States-European Union agenda...fostering peace and Stability in the Middle East, promoting democracy in the Balkans, combating the spread of weapons for mass destruction, and develop a European security and defence policy that strengthens the NATO alliance".



Some of the points discussed.

At the opening of the meeting, Secretary of State Colin Powell confirmed that President Bush was accepting the invitation to attend an EU-US summit in June in Sweden and gave an indication of some of the issues that the US would like to see on the agenda for the summit discussions.

As regards the **Middle East**, Colin Powell expressed concerns about the current situation and underlined the importance of preventing an economic collapse of the Palestinian Authority. Both sides agreed that enhanced co-operation in the region was necessary with a view to achieving a return to the negotiating table.

Remaining in the same region, Secretary of State Powell indicated that the US would work to target Iraq sanctions against weapons of mass destruction, an approach which was welcomed by the Foreign Minister Lindh.

The United States and the EU reaffirmed their commitment to strengthening democracy and stability in the **Western Balkans**. NATO and the EU will work together with the objective of creating a stable region in the centre of Europe.

As regards **Russia**, the enlargement of the EU and the importance to maintain Russia involved in the developments of the European Security and Defence Policy were discussed. The two parties agreed on the importance of a common EU – US approach vis-à-vis Russia.

Secretary of State Powell welcomed the development of a **European Security and Defence Policy** which would

strengthen NATO and increase Europe's capacity to deter and manage crises.

Finally, Foreign Lindh reiterated EU concerns about the retention of the **death penalty** in the US. Secretary Powell indicated that he understood the arguments, but did not expect the situation to change in the short term.

After the meeting, Commissioner Patten clarified the state of play as regards **communicable diseases** in Africa. Europe aims at making access to drugs easier,

while preserving the interests of the pharmaceutical companies. Working together with the United States on this difficult issue will give better prospects of success in tackling one of the downsides of globalisation.

The good atmosphere of the Ministerial meeting and the reaffirmed environment to closer co-operation have now, we hope, set the tone for a successful EU - US summit, now confirmed to take place on 14 June in Göteborg, Sweden.

Implementation of the Kyoto Protocol, more urgent than ever

US President Bush has just announced his unwillingness to ratify the Kyoto Protocol, signed by the US, the EU and a large number of other countries. This comes as a very unfortunate and strong blow to the current efforts to combat the highly worrying effects of climate change. The climate change talks suspended last November in The Hague were to be resumed from 16 to 27 July in Bonn. The resumed sixth Conference of the Parties to the UN Framework Convention on Climate Change (COP6) should provide a new opportunity to reach final agreement on the best means for implementing the Kyoto protocol. The talks were set for July in order to allow time for Governments to prepare fully for the decisions that will have to be reached. But this work, which is in turn the result of years of continued efforts, is now jeopardised.

The EU has made clear its dismay at this announcement together with its determination to act and explain the urgency of finding global solutions to the climate change problem, which threatens not only today's World population and resources but the future generations as well.

'The US must understand that this is not a marginal issue for the EU [...], and cannot be played down'
(Commissioner Wallstrom)



Immediately after knowing President Bush's decision, a high-level EU team left for the United States, to seek clarification and to reiterate the importance that the EU attaches to this capital issue. Despite intensive work, the team led by Commissioner Wallstrom came back to Brussels without receiving any encouraging signs from the US side. The US position was defined as 'extremely worrying' by Commissioner Wallstrom. 'The US must understand that this is not a marginal issue for the EU [...], and cannot be played down', she said.

Previously, in a letter to Republican senators, President Bush had already stated his opposition to the Kyoto Protocol, questioning the state of scientific knowledge on the causes of climate change. He also reversed a key environmental campaign pledge by indicating that his Administration will not require the US power plants to reduce emissions of carbon dioxide. This stance was already a considerable cause of concern to the EU, but it was far from the abrupt decision in the latest announcements.

The climate is already changing
due to human interference -
latest reports predict a global average
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The EU has consistently stressed commitment to the Kyoto Protocol and the importance of domestic action by the industrialised countries, responsible for the lion's share of greenhouse gas emissions, to achieve the necessary emissions reduction targets. It is for the United States and the European Union to lead by example, whilst at the same time continuing to encourage action from Developing countries to limit their emissions of greenhouse gases.

The EU is anxious that the US should not withdraw from the fight against global warming and is pressing the new Administration to give serious consideration to recent scientific evidence. The findings of the Third Assessment Report of the UN's Intergovernmental Panel on Climate Change point to the potentially devastating effects on the environment caused by the release of greenhouse gases. The Report indicates that the climate is already changing due to human interference and predicts a global average temperature rise by 1.4 - 5.8 degrees centigrade within the next century.

EU Environment Commissioner Margot Wallstrom stated that "Nobody should ignore these warnings".

The EU is still urging the US to stay committed to the international process of tackling global climate change, and hopes that the US will reconsider its position and will join the resumed COP6 negotiations to finalise workable and environmentally sound means to implement the Kyoto protocol as quickly as possible. A EU Ministerial Delegation went to New York on 21 April to undertake new consultations with the US. The EU aims to ratify the Kyoto Protocol in 2002 with or without the United States, Mr Wallstrom explained. But creating a level playing field will of course be much more difficult if this unfortunate decision is not reconsidered.

More information about this issue can be found at:
<http://www.eurunion.org/news/speeches/2001/010403mw.htm>, and
<http://www.eurunion.org/news/press/2001/2001025.htm>

Access to medication for the world's poor

On 18 December 2000, the EU and US Summit leaders reiterated their commitment to join forces to turn the tide on the spread of HIV/AIDS, malaria and tuberculosis in Africa.

The Summit Statement mentioned the co-operation between EU and US diplomats in Africa, who are encouraging local governments to set national priorities, to establish health sector and action plans to strengthen capacity to deliver health services and treatment and to commit resources. Prevention and care are mentioned as priority areas for supporting sub-Saharan African health policies.

The EU and the US agreed that both sides will urge pharmaceutical industry to make drugs for HIV/AIDS, malaria and tuberculosis more affordable for the poor

The Statement also points to the need to advance on research co-operation and to make pharmaceuticals and commodities more accessible and more affordable. The EU and the US agreed that both sides will urge pharmaceutical industry to make drugs for HIV/AIDS, malaria and tuberculosis more affordable for the poor.

Since then, the EC is advancing considerably and has formulated its policy on HIV/AIDS, malaria and tuberculosis in the context of poverty reduction. On 21 February 2001, the European Commission adopted a **Programme for Action** for the next 5 years. The Programme, which was presented by Commissioners

Nielson, Busquin, Liikanen, Byrne, Lamy and Patten, sets out an ambitious agenda in the following three areas:

- improvement of the impact of existing development assistance programmes. There is a need to deliver greater amounts of assistance, more efficiently and in a more co-ordinated way to affected countries. Prevention will remain at the forefront of our policy.
- increase the affordability of key pharmaceuticals in the developing countries and
- increased investment in research and the development of global public goods to confront these diseases in the developing countries.

The main elements of the EC Programme for Action are:

- increase in the money allocated to health, HIV/AIDS and population programmes as delivery capacity improves. For 2000, the EC has committed €800 million under the Health, Aids, and Population programme.
- setting up in developing countries of pharmaceutical policies better adapted to their needs, support for investment in the development of local production capacity.
- A commitment in favour of tiered pricing where developing countries pay the lowest possible price for medicines.
- An acknowledgement of the possibility to explore the best use of compulsory licensing systems.

- A commitment by the Commission to launch a debate in the WTO on reconciling the TRIPS agreements with the objectives of health protection in developing countries.
- In the area of research, launching of a major initiative concerning clinical trials to speed up the process.

Work with developing countries to strengthen pharmaceutical policies will continue, as will efforts to explore and support opportunities for local production of pharmaceuticals and to build their capacity to manage health, research and trade-related issues including the implementation of the TRIPS agreement. Public support for research and development will be reinforced through better co-ordination in Europe, in line with the objectives of the European Research Area, and incentives introduced to encourage private investment, and ensure participation of developing countries at all stages of the research process. Building increased capacity for research in developing countries will also be a particular priority.

The Commission is particularly interested to work with the US Government to lower the prices for key pharmaceuticals for the developing countries

At the beginning of March, Commissioner Patten sent a letter to US Secretary of State Colin Powell to draw his attention to this EC Programme for Action and to invite the US to join forces in implementing measures to turn the tide on the three diseases. The Commissioner indicated that the EC is particularly interested to work with the US Government to lower the prices for key pharmaceuticals for the developing countries, as this seems to be the most realistic and feasible means to deliver results on a short term basis.

In his reply, Secretary Powell expressed interest to remain in close dialogue on all policy questions for combating HIV/AIDS, malaria and tuberculosis.

A differential price system can only work if we avoid product diversion and re-importation.

Industry is a key partner for such a system. Last year, the Accelerating Access Initiative was set up by five research-based pharmaceutical companies (Boehringer Ingelheim, Bristol Myers Squibb, Hoffman La Roche, GlaxoSmithKline and Merck) and five international organisations (UNAIDS, UNICEF, UNFPA, World Bank and WHO) to accelerate access to HIV/AIDS related medicines and care in developing countries. Arrangements on lower prices for developing countries have now been made with Uganda, Senegal and Rwanda, although around 30 countries have expressed interest.

Recently CIPLA, a generic manufacturer in India has announced that it will be offering HIV/AIDS anti retrovirals at heavily discounted prices for Africa. And on 7 March 2001, Merck has announced that it will significantly reduce prices of two antiretroviral medicines for the treatment of HIV infection in order to help speed access for the developing world. Through these actions, industry hopes that governments and other stakeholders will address other related aspects, such as improved healthcare infra structures with trained staff, laboratory support and reliable distribution systems.

Of course, a differential price system can only work if we avoid product diversion and re-importation. This could be done by legislative and regulatory measures, but also other efforts such as labelling could help prevent diversion of cheaper products to higher priced markets. The European Commission has issued a paper on this topic and is actually consulting the Member States on the issue. The Commission has expressed the wish to discuss the issue with the US Government. The Commission also agrees with industry that a differential pricing system can not be seen in isolation: other trade and health related measures such as taxes and tariffs on pharmaceuticals in developing countries, technical assistance on intellectual property issues, strengthening pharmaceutical policies and delivering structures, development of local capacity, training on treatment programmes are examples of the comprehensive policy which the EC is pursuing through its Programme for Action.

The Commission also agrees with industry that a differential pricing system can not be seen in isolation

The Commission cannot do this on its own. It needs partners: we will look to the WHO and the UN, the World Bank, NGO's, the US and other G8 members and –not to forget- EU Member States in order to help setting up a global strategy and promote the reform of the international financial structure, necessary for an increased availability of pharmaceuticals and global public goods and to support greater co-ordination and efficiency of international funding. The new US Administration has indicated not to be able yet to support the EC's policy on a differential pricing system as the White House is undertaking a strategic review of this important area. At the moment, various contacts at the highest level are taking place on which we hope to be able to report the outcome at the 14 June EU-US Summit in Göteborg.

*The Summit Statement on this topic can be found in the Commission's US website pages :
http://europa.eu.int/comm/external_relations/us/summit12_00/africa_diseases.htm
 A fact sheet on 'health, aids and population' is reachable at: http://europa.eu.int/comm/external_relations/us/action_plan/2_global_challenges_release.htm*

The EU and the new Administration



It is still too early to provide a detailed assessment of the new Administration's attitudes towards the European Union, although EU representatives have already engaged key members of President Bush's government through a number of high-level meetings covering a broad agenda, from foreign and security

policies to energy and environment matters. In addition, Washington has witnessed many bilateral visitors from Member States, although it is not clear to what extent these will have reinforced the new Administration's understanding of European Union policies.

The Cabinet of President Bush is clearly composed of a number of highly accomplished individuals. Secretary of State Colin Powell and his colleagues bring impeccable credentials to their work. In many cases, however, they have been out of active political life for eight years during which time many developments have occurred in Europe, including the expanded capabilities of the European Union as a global actor. The new U.S. Trade Representative, Bob Zoellick, however, has extensive knowledge of the EU. Moreover, EU officials who have met with Secretary Powell have been impressed by his confident grasp of international affairs and his general support for European integration. This perspective has also been reflected in the statements of other Cabinet officials and President Bush himself.

We must also have to recognise that the new President has to work with a Congress that plays an increasingly important role in the foreign policy process, and which has unfortunately become less internationalist in its perspective. Senator Jesse Helms (R-North Carolina) continues as Chair of the Senate Foreign Relations Committee, and it is well known that on a number of subjects his views differ from ours. In the House of Representatives, Henry Hyde (R-Illinois) is the new Chair of the International Relations Committee, replacing Ben Gilman (R-New York). Mr. Gilman demonstrated great interest in promoting the 'Transatlantic Legislators Dialogue' and this has been more than slow to restart. A new Subcommittee on Europe chaired by Elton Gallegly (R-California) has also been formed. To date we have not been able to meet with Mr. Gallegly but hope this will be remedied soon.

A broad array of issues will feature in our near-term agenda with the new Administration and the Congress, representing all the policy 'chapters' of the NTA. These include the well known global challenges, such as the environment, transnational crime, and infectious diseases; both bilateral and multilateral trade issues; and foreign and security issues, such as our continued co-operation in the Balkans and the development of the ESDP and its relationship to NATO.

Developing a successful *modus vivendi* for working through multilateral bodies in response to the many

issues raised by globalisation will be challenging. The United States has shown itself uncomfortable in agreeing to multilateral responses to global issues such as the environment, non-proliferation, and the International Criminal Court. Again, it is too early to fairly assess the attitudes of the new Administration, but we would hope, for example, that President Bush will take a more positive stance than indicated by recent statements related to the issue of climate change and implementation of the Kyoto Protocol. A recent visit by Commissioner Wallström on this topic allowed discussion with Administration officials but yielded little progress.

US Ambassador Zoellick and Commissioner Lamy noted the importance of dealing with our list of economic 'irritants' in a constructive manner

We also hope that President Bush and Bob Zoellick will be successful in their promised effort to win fast track or 'trade promotion authority' from the Congress, not only for the Free Trade Agreement of the Americas, but also and most importantly for a new WTO Round. In a joint press conference held at the Delegation, Amb. Zoellick and Commissioner Lamy also noted the importance of dealing with our list of economic 'irritants' in a constructive manner to avoid any collateral damage to the WTO.

There is every reason to expect that the new Administration will appreciate the added value that ESDP as a whole will bring to the transatlantic partnership.

One might add that Amb. Zoellick's decision to make the journey to our offices - not a common event for high-ranking Administration officials - to meet Commissioner Lamy was both a sign of his respect for the Commissioner and a gesture conveying his desire to deal with these issues in an open and frank manner. This positive exchange has recently been confirmed by their ability to strike a deal on bananas, a development that bodes well for future co-operation.

There is every reason to expect that the new Administration will appreciate the added value that ESDP as a whole will bring to the transatlantic partnership. Secretary Powell and others have made positive comments regarding ESDP, provided that it complements NATO, but there are some in Washington and particularly in the Congress who continue to

approach ESDP with a mixture of scepticism and fear. They are sceptical about the EU's ability to produce a Rapid Reaction Force by 2003, and fearful that it will somehow detract from NATO. This point of view is similar to the 'inside the Beltway' perspective that first met the single market program and the Euro. One noted Beltway analyst has been so bold as to predict that ESDP will not be a reality before 2010!

We have much to build on through the NTA process [...] and much to contribute to the international community if we can work well together.

It is my hope that, as Euro notes and coins will be circulated in January 2002, as the enlargement process moves forward, and as our ESDP headline goals are realised, the new Administration and others in the U.S. will develop added appreciation for the EU's capabilities and its increasing role as a global partner. We have much to build on through the NTA process, with the Commission's recent proposal likely to receive a sympathetic hearing in the State Department and elsewhere in the Administration, and much to contribute to the international community if we can work well together. Our task at the Washington Delegation is to help convince the new Administration that it is also in their best interests to do so.

*Dr. Günter Burghardt
Ambassador and Head of Delegation
Delegation of the European Commission
Washington, DC*

In the spotlight

US National Missile Defence and the need to maintain strategic stability

The terms of the debate on the US National Missile Defence system have radically evolved since September last, when President Clinton decided to postpone the decision of an eventual limited National Missile Defence (NMD) deployment. Today, President Bush seems determined to proceed with the deployment of a broader missile defence system, though the nature, extent and timing, of the project remain to be defined.



While the decision on how the US want to defend its territory and protect its people from a possible missile threat is, within the bounds of its international commitments, a sovereign one, the EU legitimately wants to ensure that this will not negatively affect the international stability and our own security. A number of

questions, and concerns, remain, regarding the potential implications of the missile defence project on the global strategic balance, as well as on the multilateral disarmament and non-proliferation framework. The EU expects these will be addressed during the in-depth consultations that both Secretary of State Colin Powell and Defence Secretary Donald Rumsfeld have committed to hold with US Allies, as well as with Russia and China. It is further expected that these will be fully integrated in, and help shape, the ongoing overall Defence policy review and progressive elaboration of the missile defence project.

NMD : A new issue?

As the NMD is often quickly referred to as an offspring of the SDI (or "Star Wars") launched in 1983, it is worth recalling that the first attempt at elaborating an anti-missile defence system, in reaction to the Russian Sputnik launch, dates back to the 1957 BAMBI⁽¹⁾. Of all its successors, the 1991 GPALS, then due for deployment in 1996 and aiming at accidental

(1) Ballistic Anti-Missile Boost Interceptor, envisioning Russian ICBM interception by satellite-based missiles, was abandoned in 1964. It was followed by the 1967 Sentinel programme, projecting an ambitious array of ground-based nuclear-headed interception missiles / radars, followed by the comparable but anti-ballistic Safeguard project, down-sized after the conclusion of the 1972 ABM Treaty. The SDI aimed at defending against a massive Russian intercontinental ballistic attack; along with the end of the Cold War, it gave way to the 1991 GPALS (Global Protection against Limited Strikes : 1000 ground-based interceptors targeting a potential of 200 incoming missiles). The NMD planned a 2-phased deployment (2005/7 and 2010) and comprised summarily: early-warning radars detecting launches, a command and control system activating satellites and an x-band radar in Alaska monitoring missiles flight, 100 + 150 ground-based "hit to kill" interceptors. Cumulated expenditures from 1957 to 2000 are estimated at 120Bn\$.

or unauthorised strikes from an undefined origin, comes the closest to the NMD concept, sketched out in recent years as a protection against a limited missile attack by "rogue States" (25 warheads). The protection of the sole US national territory against such a threat was the initial purpose of the NMD, as envisaged in 1999/2000, whereas Theatre Missile Defence systems were to shield US troops deployed abroad.. As 2 out of 3 intercept tests failed, while the successful one was deemed as only partially conclusive, President Clinton, also taking into account international objections, left the deployment decision to his successor.

MD : as yet an Unidentified but politically Flying Object

The approach taken by President Bush marks a general shift. The deployment decision is presented as irreversible, though the US intends to consult closely with its Allies and international partners on its development. It is purported to encompass a much wider political and geographical scope, while the technical solution(s) remain undefined. As repeatedly stated since January, "the policy is to deploy missile defences that are capable of defending not only the US, but also friends and allies and deployed forces overseas, and to do it based on the best available options at the earliest possible date". NMD has in the meantime lost its 'National', becoming simply Missile Defence (MD). The acronym change may have a variety of different interpretations.

The outcome of the ongoing policy review, due to be announced by end Spring / early Summer, will likely present only general orientations and a set of options to be further explored; any system will not be defined for some time to come.

What Threat?

The perception of the threat is a key issue. Amid a controversy on the CIA assessed extent of the projected or actual ballistic threat, in July 1998, the bipartisan Commission headed by M. Rumsfeld, who became Defence Secretary January last, concluded to the need of developing a NMD, on the basis of an alarmist assessment of the threat emanating from rogue States, notwithstanding the Russian and Chinese arsenals. The DPRK inter-continental Taepo-Dong flight-test, one month later, though it ultimately failed, confirmed to many in the US the validity of the gloomiest scenarios.

While the EU and US, as Members of the MTCR (Missile Technology Control Regime) share serious concerns at the dangers of increasing missile proliferation, and to a large extent share the projection that, if they can afford it, some States (like DPRK, Iran, but also India...) might acquire in the mid-term (2015) an intercontinental ballistic capacity; yet our analysis differ as to the reality and credibility of the threat. While the US assessment is primarily based on the technical capability (here, capabilities in the making), the European approach takes a more global view of the threat, combining the political factor of a hostile intent and the actual technical capability. It is hard to detect /

project such a degree of "rogue States" hostile intent towards the US that would lend credibility to a future ballistic threat. Countries of concern have mainly embarked in missile programmes to address their regional circumstances; despite their blackmailing attempts as well as the rhetoric on their unpredictability, it is unlikely that any of those regimes would risk a US nuclear retaliatory strike that would eliminate their country from the world map.

This has led many to question whether the handy but heavy-loaded concept of "rogue States" was not actually covering China, whose strategic potential matches well the projected NMD initial capabilities? Despite US official assurances to the contrary, yet along with conflicting statements on the emergence of regional / global competitors to the US, both China and Russia view Missile Defence as a means of neutralising early on China's striking capability, and in a much longer term, Russia's, if the system was to reach a much-broader deployment. Both have indicated that they would react to an US deployment, in violation of the ABM Treaty, by increasing their capabilities, thus relaunching the strategic arms race. Against this highly destabilising prospect, we would need to debate further whether the MD is the appropriate response to the perceived / actual threat, and whether diplomatic tools, developing our policy of engagement with potentially hostile States, and consolidating the co-operative approach to ensure due respect for multilateral commitments, would not better serve our purpose.

ABM Treaty – a "post-Cold War relic"?

The ABM (Anti-Ballistic Missile) Treaty, further to the NPT (Non-Proliferation Treaty), is essential to maintain the strategic stability. Though it indeed enshrined the logic of the Cold War², it has been amended since, and its importance and relevance go way beyond the fall of the Berlin Wall, as it is intrinsically linked to bilateral and multilateral disarmament commitments. It was signed on the 26/5/1972 along with the first SALT protocol (Strategic Armaments Limitation Talks) and referred to in ulterior Arms Control Agreements.

The ABM Treaty prohibits the deployment of Anti-Ballistic Missile Systems to cover the whole of the territory of each Party. It then limited the deployment of an Anti-Ballistic Missile system to 2 areas (each capital and one ICBM silo launcher), and limited to 100 the number of ABM launchers and of interceptor missiles, while ceilings were set on the number and capacity of radars allowed (the Alaska radar, on which Pres. Clinton postponed a decision, did not conform to the ABM Treaty). It was later amended by a Protocol of 3/7/74, limiting ABM deployment to one site only (Russia : Moscow, US : Grand Forks, N. Dakota).

The Treaty provided for a five-yearly review, that took place in 1977, 82, 88 and 1993, devising further the definition and scope of the Treaty. Finally, a package of Agreements was signed in New York on 26/9/97, covering 2 issues : the question of Treaty succession after the dissolution of the USSR. Though the designation of successor States is settled by international Law

(²) It was negotiated at US request, to contain the development of Russian ABM systems perceived as undermining the still prevalent MAD doctrine (Mutual Assured Destruction, soon after abandoned); the US then considered ABM systems as being both offensive and defensive, when Russia viewed them as only defensive, and, much as the US today, argued that it allowed it to rely for its defence on its own capacities, rather than on the "goodwill" of the other Party.

(Russia has succeeded to USSR in the UN), an adaptation of the ABM Treaty was needed to encompass those ABM elements deployed in other NIS; thus Russia, Belarus, Kazakhstan and Ukraine have been designated as successor States, collectively limited to a single ABM site. The second issue related to the demarcation between those ABM strategic systems limited by the Treaty, and tactic/non-ABM systems, left outside of the Treaty (missiles carried by bombers, cruise missiles, or "euro-missiles" stationed outside one Party's territory...). The 1997 package provided for technical specifications that, roughly summarised, aimed at delineating possible Theatre Missile Defence against missiles "other than strategic ballistic missiles", and a set of Confidence Building Measures (notification of tests, exchange of information). These agreements thus enabled the US to deploy the PAC-3, THAAD and Navy's Theater-Wide Defence systems.

These successive amendments and interpretations of the Treaty have proven the ability of both (and later, 5) Parties to negotiate and agree to appropriate changes, in line with the political and technological evolutions. Given the time-frame envisaged for the definition of the MD project, we thus see further scope for the Parties to negotiate the necessary amendments. For what has transpired, the negotiations held with Russia by the Clinton Administration did not appear to foreclose further compromise and co-operation. Therefore, it is highly questionable to consider that the ABM Treaty is nowadays deemed as "a relic of the Cold War". The Treaty has withstood the trial of time and succession of States. An unilateral withdrawal³ from the ABM would doubtless send to the world an implicit message: the US does not consider itself bound by its international commitments and an outdated parity based on mutual deterrence (thus equally mutual engagement), in a situation where unmatched technological and financial means might eventually one day allow for a defence of its territory, that both pre-empts others' strategic striking capability, while consolidating its own offensive capability? If this was to become US doctrine, this would radically alter the current geo-strategic balance.

Pacta sunt servanda

Europe, having been directly exposed at the heart of the Cold War, cannot but view with concern the consequences of such a move, and calls on the US to abide by its international obligations, while negotiating amendments to the ABM Treaty with Russia, to avoid upsetting the strategic equilibrium and prevent a renewed arms race.

"Pacta sunt servanda" is the principle that has governed for centuries international relations, upsetting it is risking to unravel not only the ABM Treaty, but the set of interrelated successive arms limitation and reduction agreements (SALT I/II, START I/II, INF...). Such a move, following the rejection by Congress, 2 years ago, of the ratification of the CTBT (Comprehensive Test Ban Treaty), whose negotiation had been initiated by the US, would be a very negative signal for the international community. A second US disengagement would risk to upset the whole set of Arms Control and Non-

Proliferation Treaties, developed over the 40 last years, thereby transforming the global strategic balance. Our efforts at consolidating the strategic stability through a co-operative approach based on multilateral commitments (accepting constraints as a result of reciprocal concessions from others), should not be discarded without making a proper assessment of the wider consequences for the global stability, which indeed would affect as much the US, as our long-term security interests in their broadest sense.

The risk of belief in absolute security

The idea underlying MD, as a much broader concept than TMD, is a quest for an absolute security, as an evidently preferable option to exposing one's population to the threat underlying the concept of mutual deterrence. The shift from deterrence to defence, or protecting the national territory by relying on one's own capacity, is indeed highly attractive; it can however not be separated from the fact that the international strategic balance cannot be unilaterally defined, nor can technological and military superiority ensure absolute security.

On the technical side, while downplaying the succession of abandoned missile defence programmes mentioned above, we can project that the amount of R/D involved will indeed produce some technological breakthroughs, given the financial and technological means the Defence industries have been so convincingly lobbying for (at least 4Bn\$/Y). But will they suffice to develop an operable integrated system?

On the strategic scene, there could be more negative consequences: Will the high profile given to MD actually entice 'rogue states' to develop missile programmes in order to enhance however limited their deterrence capacity is? Will the US security be reinforced if, as they already indicated, Russia and China view the MD as effectively neutralising their deterrence capacity and adapt the means to restore it?

As for Europe itself, its geopolitical position forces it to assess the impact of an MD deployment on its relationship with neighbouring Russia, who has already hinted at its possible reaction to a changed arms limitation framework, as well as on, as a result from a sole domestic decision, the possible induced decoupling effect on the NATO Alliance.

These are but only some of the questions one might expect Europe will want to raise with its US Ally, when the needed in-depth consultations will take place.

The EU remains committed to work for a safer World, and this context hopes that this matter will continue to be debated and negotiated under the current mechanisms for transatlantic co-operation, including the NTA. Any proposed departure from previous commitments should be carefully assessed by all the parties concerned. Action should serve to make the World safer, avoiding creating concerns within other Countries which might in turn increase instability and fuel an escalation of defensive responses towards perceived threats.

(³) Of unlimited duration, the Treaty foresees a 6 month prior notification of a decision to withdraw, with a "statement of the extraordinary events ...considered as having jeopardised the Party's supreme interests".

EU-US Trade Disputes: managing conflicts

Significant breakthrough was achieved on one of the longest running disputes between the two sides: In April 2001, an understanding was reached on resolving the dispute over banana imports into the EU.

The Commission continues to believe that preventing new disputes and managing ongoing conflicts remain essential to maintain a valuable trade and investment partnership and avoid escalation.

The understandings reached with the US on Foreign Sales Corporations, at the end of last year, and now on the EU banana import regime demonstrate the EU's willingness to actively engage in a dialogue to solve the major outstanding disputes.

The Community has presently 15 active WTO disputes underway with the United States. In 11 out of these 15 disputes, it is the Community which is the complaining party: 7 in the area of US misuse of trade defence mechanisms and subsidies, notably in the steel sector, three in the area of intellectual property rights and one concerning the so-called Carousel legislation allowing the US to rotate sanctions. The US is the complaining party in four cases in the agricultural sector: imports of bananas, imports of hormone treated beef, customs duties for rice imported into Belgium and imports of corn gluten feed.

Current major cases launched by the Community

Cases on US trade defence instruments and subsidies

US 1916 Anti-Dumping Act: In August 2000, the WTO Appellate Body condemned the 1916 US Anti-Dumping Act. Two European companies are still facing a judicial challenge before US courts on the basis of the 1916 Act. There is a possibility that those firms be condemned and that new cases be brought before the law is repealed. A WTO Arbitrator ruled on 28 February 2001 that the reasonable period of time for the US to implement the WTO Appellate Body ruling ends on 26 July 2001. The Community will closely monitor US implementation.

US safeguards on imports of wheat gluten: In December 2000, the WTO Appellate Body condemned the US safeguard measures on imports of wheat gluten in the form of quantitative restrictions. The US did not commit itself to implement the ruling, but adopted, on 31 May 2001, an even more restrictive system and is considering a two year extension of the measures. On 24 January 2001, the EC introduced a re-balancing measure (different from sanctions, i.e. suspension of equivalent concessions on corn gluten feed) which was challenged by the US. The EC continues to expect that the US fully comply with the WTO ruling.

'Byrd amendment': The 'Byrd amendment' signed into law last October provides that the proceeds from anti-dumping and countervailing duty cases be paid to the US companies responsible for bringing the cases. This provision appears incompatible with several WTO provisions. On 22 December 2000, the Community and eight other WTO Members requested WTO consultations with the US which were held on 6 February 2001, but which did not lead to any result.

US countervailing measures on privatised EU companies (follow-up to the 'British Steel' case): In May

2000, the WTO Appellate Body condemned the countervailing duties imposed by the US on **British Steel's** exports of lead and bismuth steel from the UK. The US had wrongly presumed that British Steel plc. had benefited from subsidies granted to its predecessor, the state-owned British Steel Corporation, before its privatisation. The Community requested WTO consultations in 14 other cases where the US had applied the condemned methodology against EU companies and these were held in December 2000. Although the US is forced to review this methodology, it still refuses to take account of the WTO ruling. Following the application by the US of a new methodology, which also appears to violate WTO provisions, the Community requested WTO consultations on this new methodology and these were held in April 2001. The Community sees WTO consultations as a further attempt to resolve this question in a speedy and satisfactory manner and continues to hope that a successful conclusion to these consultations will avoid the need to launch a number of new dispute settlement cases although, as yet, no agreement has been reached.

US application of de-minimis rules in anti-dumping and counter-veiling duty (AD/CVD) sunset reviews: In two cases, the US recommended continuation of AD/CVD measures, in spite of the amounts of dumping and subsidy being below the current de-minimis levels. In December 2000 and March 2001, WTO consultations were held with the US on these cases without achieving any progress.

US safeguard measures on imports of steel wire rod and welded line pipe: In March 2000, the US introduced two safeguard measures on imports of steel wire rod and imports of welded line pipe in the form of a tariff increase above a tariff quota. The Community requested formal WTO consultations, which took place on 26 January 2001.

Foreign Sales Corporations (FSC): This case is by far the largest in economic terms. In February 2000, the WTO Appellate Body condemned the income tax exemption afforded to US exporters by means of FSCs as an export subsidy inconsistent with WTO provisions. On 15 November 2000, the US adopted a new system, which, in the Community's view, remains WTO incompatible. Both sides agreed in September 2000 that a new WTO Panel would review this new US system. This WTO Panel was requested on 17 November 2000 and should complete its work in mid 2001. Furthermore, at the end of November 2000, the EC requested authorisation from the WTO to adopt countermeasures against the US in order to preserve its rights. However, these countermeasures will not be in

place earlier than spring-summer next year and only if the WTO has concluded that the new legislation is still a prohibited export subsidy. A consultation process with industry and Member States is under consideration in order to define the list of products subject to possible sanctions in order to minimise any possible impact on EU industry.

Cases on intellectual property rights

Section 110 of the US Copyright Act: On 15 June 2000, a WTO Panel condemned Section 110 of the US Copyright Act containing an exemption to the exclusive rights of authors when their music is played in bars, restaurants or shops via a radio or TV. On 15 January 2001, a WTO Arbitrator ruled that the reasonable time for the US to implement the ruling ends on 27 July 2001. The Community expects the US to adopt the necessary legislative change by the due date.

Section 211 of the U.S. Omnibus Appropriations Act: In June 2000, the Community requested the establishment of a WTO Panel concerning Section 211 which is designed to diminish the rights under the WTO TRIPs Agreement of owners of US trademarks which are identical or similar to trademarks which previously belonged to a Cuban national or company which was expropriated in the course of the Cuban revolution. In January and March 2001, WTO Panel hearings took place and a ruling is expected by summer 2001.

Section 337 of the 1930 Tariff Act: Under Section 337, the US International Trade Commission (ITC) may declare the importation into the US of articles infringing US intellectual property rights illegal. In a number of ways, foreign respondents under Section 337 investigations receive less favourable treatment than US respondents in comparable cases thus violating the national treatment principle of the GATT and certain procedural requirements contained in the TRIPs Agreement. In 1989, Section 337 was already condemned by a GATT panel, but despite certain amendments by the US in 1994 the US appears not to have brought the statute into conformity with the GATT Panel's findings. The Community requested WTO consultations, which took place in February 2000. The Commission is currently reviewing the results of these consultations.

Cases dealing with US unilateralism

'Carousel': The 'Carousel legislation provides for a mandatory and unilateral revision of the list of products subject to sanctions against imports from WTO Members which have been determined not to have implemented WTO rulings. The Community requested WTO consultations, which were held on 5 July 2000. The Community will request the establishment of a WTO panel should the legislation be applied and sanctions rotated.

Current major cases launched against the Community

'Bananas': In the past, two European Union banana regimes were challenged successfully in the WTO, prompting US retaliation against EU products. On 11 April 2001, the US Government and the European Commission reached an understanding to resolve this long-standing dispute. A new EU regime will provide a transition to a tariff-

only system by 2006. During the transition, bananas will be imported into the EU through import licences distributed on the basis of past trade. The new system is scheduled to take effect on 1 July 2001 on which date the US will suspend the sanctions imposed against EU imports since 1999. After the transition, a tariff-only system is scheduled to take effect on 1 January 2006.

The understanding marks a significant breakthrough. It demonstrates the commitment of the Bush Administration and the European Commission to work together closely and effectively on trade issues. Most important, both parties agreed that the time had come to end a dispute which had led to prolonged conflict in the world trading system.

The European Commission will shortly table the necessary proposals to the Council and the European Parliament in order to fully implement the agreement.

'Hormones': In February 1998, the WTO condemned the EU ban on imports of beef produced with growth promoting hormones since it was not based on a sufficiently specific risk assessment. The Commission, therefore, decided to carry out such an assessment, in line with indications given by the WTO. While awaiting the results of the ongoing assessment, the US was authorised by the WTO to suspend concessions equivalent to the losses to their industries caused by the maintenance of the Community import ban. On 5 May 2000, the Commission adopted a proposal to amend the 'hormones directive'. In addition, further studies will be launched with the objective of obtaining more complete scientific information. The Commission proposal is not yet adopted. In the meantime, the Community still has every interest to convert present US sanctions into compensatory tariff reductions. The US has showed some interest in increased market access for non-hormone treated beef and both sides are engaged in negotiating a possible trade-enhancing compensation package. However, the drop in the EU market following the BSE crisis and the long lead time needed by the US industry to gear up hormone free production recently diminished the prospects for an amicable solution.

Customs duties for rice imported into Belgium: The US requested WTO consultations with Belgium over the establishment of customs duties for the importation of rice under the cumulative recovery system. These consultations were held in November 2000 and the US subsequently requested the establishment of the WTO Panel. However, it appeared that the purpose of the US complaint was rather to strengthen the position of a US company currently involved in a court case before a Belgian Court.

Tariff-rate quota on corn gluten feed imported from the US: On 24 January 2001, the Community adopted a tariff-rate quota in accordance with the specific provisions of the WTO Safeguard Agreement further to the adoption of the WTO rulings on the US Wheat Gluten safeguard measures (see above). This quota aims at re-balancing WTO concessions and has nothing to do with retaliation. It will obviously cease to be applied as soon as the US safeguard measure on wheat gluten is withdrawn. On 25 January 2001, the US requested WTO consultations, which it justified mainly on alleged procedural violations by the EC.

More information on this subject can be found at:
<http://europa.eu.int/comm/trade/bilateral/usa/usa.htm>



UN financial reform and US arrears

Shorts

The end of last year has shown some successes in the relation of the US to the UN, which will have an impact on Americans leadership role in the organisation and on EU-US relations in general. On behalf of the US Government, President Clinton signed the 1998 Rome Treaty on the International Criminal Court. By doing so, the US joined more than 130 other countries that have signed by December 31 2000, the deadline established in the treaty. The European Union has welcomed the US signature to this important UN Treaty and indicated its readiness to further co-operate with the US to find mutually acceptable solutions to those outstanding issues, which could be hampering ratification by US Congress.

Secondly, a solution has been found in the UN General Assembly's finance committee on the problems in relation to UN financial reform and payments of US arrears to the UN budget. Before this major breakthrough, the picture was rather bleak: the US owed more than \$1 billion to the UN*, had lost its seat in the UN budget's committee and was on the verge of being suspended of its voting rights in the UN General Assembly. The main problem was the so called Helms-Biden bill (November 1999) linking the repayment of US arrears to the UN to UN financial reform – i.a. zero growth of the UN budget- and to the reduction of US contributions to the world organisation (from 25% to 22% on the regular budget and from 31% to

25% on peacekeeping contributions).

The final agreement indeed lower the US contributions to the regular budget to 22% and for the peace keeping budget to about 27 % this year and 26.5 % by 2003. Although discussions on the cap for the US contribution to the peace keeping budget will continue in the US Senate, it has agreed to release \$582 million dollars to be paid to the UN this year. Part of the arrears had been paid last year and another part will be released next year. A final agreement on some outstanding questions between the US and the UN, among which are contested arrears* need to be solved by 2003.

The EU has shown relative satisfaction with the solution. In total the 15 EU countries count for more than a third of the contributions to the UN regular budget (around 36/37 %) and to the peace keeping budget (a slight increase is foreseen to 40% this year). But, the main objective that the scale of contributions should be linked to UN Member States capacity to pay has been achieved. The EU will continue to monitor this complex issue, including in relation to contributions to the UN specialised agencies.

** According to the UN, the US owed \$ 1,568 billion to the UN, however according to Washington the amount of arrears was \$926 million.*

The EU Centres extend their reach

Shorts

The call for applications for selecting the Centres which will be part of the EU Centres newtwork 2nd cycle was closed on 5 April. Among the large number of applications received, the Commission will have to determine, with the help of an independent advisory committee, which are the most cost-effective in the implementation of activities proposed, having at the same time the capacity to mobilise resources to complement the Commission's grant; demonstrating their capacity to achieve the fundamental goals of the initiative, and adding value to existing activities, and achieving a far-reaching impact. Interviews with potential future Centres will be held between May and June 2001.

One of the features of this second cycle is an increased focus on outreach activities which, to the greatest pos-

sible extent, should be emphasised in the Centres' programmes, without prejudice of other activities. In accordance with EU principles, an explicit focus on less-favoured groups was also suggested in the request for proposals. Publication of texts or implementation of activities in other languages of EU origin were also advised.

As in the past, the network will be co-ordinated, promoted and evaluated by an independent institution. The Commission is actively working in preparing another call for proposals to this end, which will hopefully see the light in the coming weeks.

More information about the EU Centres can be found at : <http://eucenters.org/>

On 3 April 2001 the European Parliament approved a European-wide ban on all cosmetic products tested on animals and the preservation of a marketing ban. This legislation would come into effect immediately for ingredients where other validated testing methods exist, and in any case five years after the adoption of the directive. The ban will prevent the import into the EU of products tested on animals in third countries. This will have a significant impact on the cosmetics trade between the EU and US where there is a legal requirement for safety tests to be carried out on animals.

A *marketing* ban on cosmetics ingredients tested on animals was originally passed in 1998 (when the sixth amendment to Directive 76/17688/EEC was adopted). However the ban never came into effect due to the lack of alternative testing methods. At present only three such methods have been validated. There were also problems with the marketing ban contravening World Trade Organisation (WTO) rules.

The ban now approved by the European Parliament encompasses this marketing ban and a new ban on testing. It is more ambitious than the initial proposal, since the Parliament wants to avoid *exporting testing* to other countries.

The US had previously suggested that a ban of this nature could see the EU neglecting its WTO obligations. The ban could also raise trade problems between the EU and Japan where there is no ban on animal testing. However, within Europe representatives of the European Cosmetics, Toiletries and Perfumery Association (Colipa) claim the legislation will put them at a disadvantage compared to their competitors in the US and Japan. The European Parliament believes WTO compliance will be ensured if producers in third countries are handled in an equivalent way to Community producers, with no discriminatory treatment. In this respect, a spokesman for the WTO has said they will not object to legislation while a level playing field is maintained between EU and third country producers.

The Commission has long supported alternatives to animal testing. It has sought to achieve a balance between animal welfare concerns, consumer protection, industrial innovation, and the need to meet international obligations. It is hoped that the ban approved by the European Parliament will succeed in making a positive contribution to animal welfare.

EP adopts Resolution on Colombia

On 1 February 2001, the European Parliament passed a Resolution on Plan Colombia and support for the peace process in Colombia. The Plan has been the object of some controversy across the Atlantic.

Recalling the undertaking given by the Clinton administration and President Pastrana in September 1999 on the joint implementation of a 'plan for peace, prosperity and the strengthening of the state', the Resolution reiterated the Parliament's firm support for the peace process initiated by Colombian President Pastrana and urged the parties to pursue their efforts in this regard. At the same time, and in contrast with the positions adopted by the US Administration and Legislators, the Resolution was highly critical of Plan Colombia. Efforts to bring Peace in Colombia should involve social development. Aerial crop-spraying and the use of biological agents are negative for people and for the environment. The lack of civil society involvement was also criticised. Even more importantly, stepping up military involvement in the fight against drugs involves the risk of an escalation of the conflict in the region. Plan Colombia contains aspects that run counter to the co-operation strategies and projects to which the EU

has already committed itself and jeopardise its co-operation programmes.

According to the EP, the European Union must support the aspects of the peace process which involve the strengthening of institutions, alternative development, humanitarian aid and social development, since these are the ones which are most in accordance with its co-operation strategy. The European Union action should pursue its own, non-military strategy combining neutrality, transparency, the participation of civil society and undertakings from the parties of the negotiations.

The EP welcomed the proposal by Commissioners Patten and Nielson to grant substantial support for the peace efforts in Colombia and stressed that initial measures contributing to the peace process should be introduced without delay and be aimed at promoting respect for human rights, humanitarian law and fundamental freedoms, improving the living conditions of the local populations, using civil society organisations and social movements as channels and bearing in mind the forced displacement of a section of the rural population, of which women and children form the vast majority.

On 23 April 2001, the European Commission informed the US Administration about the terms of government support for the Airbus' A380 programme. The information supplied to the US side confirms that these aids fully respect the terms and criteria established by the EU-US Bilateral Agreement on large commercial aircraft for the development of this type of planes. The announcement follows the EU-US consul-

tations held last January, and fulfils the commitment made by Commissioner Lamy during his recent visit to the USA, where he undertook to provide information about the A380 financing terms as soon as they were available. Reimbursement of aids and equal treatment are some of the principles on which the EU-US agreement is based.

Continental drifts - but less

The upcoming, devastating Transatlantic Trade War which is just about to happen makes regular headlines. The media seems to have a predilection for Transatlantic disputes. And yet the much-announced Trade War *never* happens. The EU and the US remain the most reliable global allies, sharing not only economic and trade interests but, more importantly, common values and beliefs.

Then, what is all this noise about? To a large extent the explanation is, undoubtedly, that good news is no news. The transatlantic partnership involves trade flows of many hundred billion Euros. Our mutual Foreign Direct investment reaches similar figures. Hundreds of thousands of jobs both sides are a direct creation of this unique, rich relationship. Unprecedented wealth and progress have resulted from this. So, things go well between the transatlantic allies. But try to make a headline from this!

However, that is only part of the explanation. The problems, *helas*, do exist. Trade disputes, involving a very small percentage of the overall figures (between 0.2 and 2%), recur with regularity. Other non-trade based controversies have a potentially

The last word

more damaging effect, for example differences on climate change after the US decision not to ratify the Kyoto protocol. But serious as they are, none of these compromise, by far, the overall relationship. Some disagreement is only natural in a healthy relationship, and the dialogue mechanisms to solve problems are getting more and more established.

But constant rumours and exaggerate worries continue, and they have a perverse effect. Regular statements about an impending trade war are void of content, but do carry a certain danger – not the danger of fulfilling themselves (the relationship is too solid for that), but the risk of losing in credibility and public interest. You can almost visualise the newspaper reader exclaiming, 'oh yes, right, trade war again'... A certain degree of restraint, or rather accurateness in describing reality from both sides, is essential for a healthy relationship. And putting things into perspective, too. If one was to take seriously the constant rumours about the continental drifts between Europe and the US, both sides should have already met on the antipodes – metaphorically speaking.

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Your comments, questions and other input are most welcome.
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