

ALLIANCE TREATY OBLIGATIONS AND PROVISIONS (ATOP)
CODING SHEET

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SECTION I: FORMATION, MEMBERS, AND DURATION

1. ATOP ID: 4175 Phase 2

2. COW Alliance # (if applicable): N/A

3. Signature date(s) (may vary for members in multilateral alliances):
November 13, 2007

4. Members of alliance (use COW country codes):

| | |
|------------|------------------------------------|
| 305 | Austria |
| 211 | Belgium |
| 355 | Bulgaria |
| 352 | Cyprus |
| 316 | Czech Republic |
| 390 | Denmark |
| 366 | Estonia |
| 375 | Finland |
| 220 | France |
| 255 | Germany |
| 350 | Greece |
| 310 | Hungary |
| 205 | Ireland |
| 325 | Italy |
| 367 | Latvia |
| 368 | Lithuania |
| 212 | Luxembourg |
| 338 | Malta |
| 210 | Netherlands |
| 290 | Poland |
| 235 | Portugal |
| 360 | Romania |
| 317 | Slovakia |
| 349 | Slovenia |
| 230 | Spain |
| 380 | Sweden |
| 200 | United Kingdom |
| <u>344</u> | <u>Croatia</u> (joins 1/7/2013) |

(Note: All the countries listed above signed and ratified the Treaty of Lisbon and the amended treaty entered into force from 1 December 2009: Source UNTS website: <http://treaties.un.org/pages/UNTSOnline.aspx?id=2>: accessed on ~~13 August 2012~~ July 20, 2018)

5. Was the alliance signed during war? If so, which war, and which member(s) was at war? (check COW data)
No.

6. Means by which alliance was established (e.g., treaty, executive agreement, diplomatic notes, etc.): (Only select "treaty" if the agreement requires ratification.)
Treaty.

7. Was the treaty public, public but with secret articles, or secret? If secret articles, describe the content of secret articles.
Public.

8. Are there provisions for adding additional members mentioned in the treaty? (Yes, No) If Yes, describe these provisions.
Yes. Article O states that any European State may apply to become a Member of the Union. And explains the procedure.

Phase 2: Article 49 states to the same effect.

9. Are specific state(s) mentioned as possible future members of the alliance? (Yes, No) If Yes, which state(s)?
No- but Article O allows European states to apply.

10. Are there specific provisions in the treaty concerning the length of time the treaty is to last? (Yes, No) If Yes, describe.
Yes. The Treaty is concluded for an unlimited period.(Art. Q)

11. Are there conditions under which members may renounce the treaty? If Yes, describe these conditions.

Yes. Phase 2: Article 50 provides for the procedures for withdrawal from the treaty:

“A Member State which decides to withdraw shall notify the European Council of its intention. In the light of the guidelines provided by the European Council, the Union shall negotiate and conclude an agreement with that State, setting out the arrangements for its withdrawal, taking account of the framework for its future relationship with the Union. That agreement shall be negotiated in accordance with Article 218(3) of the Treaty on the Functioning of the European Union. It shall be concluded by the Council, acting by a qualified majority, after obtaining the consent of the European Parliament.” (Art. 50(2))

12. Are there specific provisions in the treaty concerning renewal of the treaty? (Yes, No) If Yes, describe these provisions.
No.

13. Number of times alliance renewed, dates of renewal, and means by which alliance was renewed (Do not include automatic renewals):
Renewed once (Phase 1)

14. Termination date(s) (may vary for members in multilateral alliances) and source(s) for termination dates(s):
Still in effect (See #4)

15. Describe what caused the alliance to terminate.
N/A.

SECTION II: OBLIGATIONS

16. Type of alliance (defense pact, neutrality pact, nonaggression pact, consultation pact, offense pact): (List all that apply to any member of the alliance.)
Consultation Pact
Phase 2: Defense Pact

17. Type of alliance as coded in COW data (if applicable): N/A

18. Describe the obligations of the alliance partners.
Article B: “The Union shall set itself the following objectives:

-to assert its identity on the international scene, in particular through the implementation of a common foreign and security policy including the eventual framing of a common defense policy, which might in time lead to a common defense.”

Article J discusses provisions about a common foreign and security policy.

J.2.1 Member states shall inform and consult one another within the Council on any matter of foreign and security policy of general interest in order to ensure that their combined influence is exerted as effectively as possible by means of concerted and convergent action

J.2.2. Whenever it deems necessary, the Council shall define a common position. Member states shall ensure that their national policies confirm to the common positions.

J.3 explains the procedure.

J.4. 1. The common foreign and security policy shall include all questions related to the security of the Union, including the eventual framing of a common defense policy, which might in time lead to a common defense.

Phase 2:

“If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter. This shall not prejudice the specific character of the security and defence policy of certain Member States. Commitments and cooperation in this area shall be consistent with commitments under the North Atlantic Treaty Organisation, which, for those States which are members of it, remains the foundation of their collective defence and the forum for its implementation.”(Art. 42(7))[Defense]

19. Are any of the obligations contingent upon any of the following: specific adversary, specific location, specific ongoing conflict,

number of adversaries, noncompliance with a specific demand, attack, nonprovocation of enemy, or prior agreement among partners?
(List all that apply)

No.

20. Describe the nature of the limits to obligations listed in #19.

N/A.

21. Are there any additional provisions for assistance in the event of war? (e.g., promise not to participate in economic sanctions against partner, promise not to aid internal or external enemies, etc.) (Yes, No) If Yes, describe.

No.

22. Are there any additional limits to the alliance obligations or conditions under which treaty obligations do not apply that were not listed in #19? (Yes, No) If Yes, describe.

No.

23. Is a specific target/threat mentioned as the object of the treaty? (Yes, No) (Answering Yes to this question does not necessarily mean that obligations are limited only to this adversary.) If Yes, list the target nation(s) (using COW country codes if possible) and describe the general nature of the reference to the target of the treaty.

No.

24. Are the treaty obligations symmetric? (That is, do all members commit to the same obligations?) (Yes, No) If No, describe.

Yes.

25. Does the treaty prohibit members from settling conflicts independently (no separate peace)? (Yes, No) If Yes, describe.

No.

26. Does the treaty have provisions requiring that the contracting parties consult before making commitments to third parties (excluding no separate peace provisions discussed above)? (Yes, No) If Yes, describe these provisions.

Yes. "Member States shall consult one another within the European Council and the Council on any matter of foreign and security policy of general interest in order to determine a common approach. Before undertaking any action on the international scene or entering into any commitment which could affect the Union's interests, each Member State shall consult the others within the European Council or the Council." (Art. 32)

27. Does the treaty specify that the contracting parties must not enter into any other alliances that are directed against the alliance in question? (Yes, No) If Yes, describe.

No.

28. Additional coder comments regarding treaty obligations:

Phase 2: "The Member States shall facilitate the achievement of the Union's tasks and refrain from any measure which could jeopardise the attainment of the Union's objectives." (Art. 4(3))

"The Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations." (Art. 24(3))

"Member States shall coordinate their action in international organizations and at international conferences. They shall uphold the Union's positions in such forums." (Art. 34(1))

SECTION III: INSTITUTIONALIZATION OF THE ALLIANCE

29. Does the treaty make reference to the potential for conflict among members of the alliance? (Yes, No) If Yes, describe.

No.

30. Does the treaty discuss mediation/arbitration or other means of settling disputes among the signatories? (Yes, No) If Yes, describe.

No.

31. Does the treaty require official contact among the military forces of the participating states? (Yes, No) If Yes, describe. (Note whether official contact is required only in the event of hostilities or also during peacetime.)

Yes. Phase 2: Section 2 describes the common security and defense policy of the EU.

32. Does the treaty include provisions for military aid? (e.g., grants, loans, transfer of technology, training) (Yes, No) If Yes, describe these provisions.

No.

33. Does the treaty provide for integrated command of military forces while the alliance is in effect (peacetime as well as wartime)? (Yes, No) If Yes, describe.

No.

34. Does the treaty require subordination of the forces of one or more member states to another in the event of hostilities? (Yes, No) If Yes, describe.

No.

35. Does the treaty establish any organizations? (include provisions for regularly scheduled meetings) (Yes, No) If Yes, describe.

Yes. This treaty establishes the European Union from the European Community.

The Union shall be served by a single institutional framework which shall ensure the consistency and continuity of the activities carried out in order to attain its objectives while respecting and building upon the *acquis communautaire* (Article C, paragraph 1)

See articles D and F for brief description of administrative structure.

Phase 2:

General Affairs Council and Foreign Affairs Council(Art. 16(6))

High Representative of the Union of Foreign Affairs and Security Policy (Art. 18; Art. 27)

European External Action Service: "In fulfilling his mandate, the High Representative [of the Union for Foreign Affairs and Security Policy] shall be assisted by a European External Action Service. This service shall work in cooperation with the diplomatic services of the Member States and shall comprise officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States. The organisation and functioning of the European External Action Service shall be established by a decision of the Council."(Art. 27(3))

Permanent structured cooperation: "Those Member States whose military capabilities fulfil higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions shall establish permanent structured cooperation within the Union framework."(Art. 42(6)). Article 46 describes in detail about the permanent structured cooperation.

European Defense Agency: Article 45 describes the tasks of the European Defense Agency. Any member state can join the Agency.(Art. 45(2)).

European Central Bank(Art. 13)

36. Does the treaty provide for joint military bases, or for one or more states to place troops in the territory of one or more other states? (Yes, No) If Yes, describe.

No.

37. Does the treaty specify contribution levels (funds, troops, etc.)? (Yes, No) If Yes, describe.

No. But European Union has specific rules regarding contributions to Union.

Phase 2: A similar clause in Art. 41.

38. Does the treaty contain any provisions regarding coordinated increase of armaments, reduction of armaments, prohibition of weapons, or rules of warfare? (Yes, No) If Yes, describe such provisions.

Yes. Phase 2: "Member States shall undertake progressively to improve their military capabilities. The Agency in the field of defence capabilities development, research, acquisition and armaments (hereinafter referred to as 'the European Defence Agency') shall identify operational requirements, shall promote measures to satisfy those requirements, shall contribute to identifying and, where appropriate, implementing any measure needed to strengthen the industrial and technological base of the defence sector, shall participate in defining a European capabilities and armaments policy, and shall assist the Council in evaluating the improvement of military capabilities."(Art. 42(3))

Article 45 also describes military cooperation in relation to the functioning of the European Defence Agency.

39. Does the treaty explicitly permit or prohibit the acquisition of territory not currently held by either ally? (Yes, No) If Yes, describe reference.

No.

40. Does the treaty include discussion of the division of gains from any future conflict? (Yes, No) If Yes, describe.

No.

41. Does the treaty include discussion of demobilization/withdrawal following conflict? (Yes, No) If Yes, describe.

No.

42. Are there any other provisions in the treaty that describe the means through which the states will coordinate their military efforts and policies? (Yes, No) If Yes, describe.

Article J contains many more details regarding procedure.

Phase 2: Article 28 is almost similar to Article J.

43. Additional coder comments regarding references to alliance institutionalization:

SECTION IV: TREATY CONTEXT

44. Does the treaty state that it nullifies any existing treaties signed by one or more of the contracting parties? (Yes, No) If Yes, list the treaties/agreements that are nullified and describe the treaty reference.

No. (Phase 2)

45. Does the treaty state that it modifies any existing treaties signed by one or more of the contracting parties? (Yes, No) If Yes, list the treaties/agreements that are modified and describe the treaty reference.

Yes. Phase 2: The present treaty amends the Treaty on European Union (TEU) and the Treaty on European Community (TEC).

46. Does the treaty state that it includes any existing treaties signed by one or more of the contracting parties? (Yes, No) If Yes, list the treaties/agreements that are included and describe the treaty reference.

No. (Phase 2)

47. Does the treaty make any references to international organizations? (Yes, No) If Yes, list the international organization and describe the nature of the reference.

Yes. Phase 2: UN (UN Charter) as a framework of peace (Art 3(5); Art. 21(c)) and NATO regarding commitment compatibility with the EU foreign and security policy (Art. 42(2); 42(7))

48. Does the treaty make any references to other existing alliances? (Yes, No) If Yes, list the alliance and describe the nature of the reference.

NATO (Article J4) – compatibility

Western European Union : J.4.2. The Union requests the Western European Union (WEU), which is an integral part of the development of the Union, to elaborate and implement decisions and actions of the Union which have defense implications. The Council shall, in agreement with the institutions of the WEU, adopt necessary practical arrangements.

Phase 2: Only NATO is mentioned. See #47.

49. Are there any companion agreements referenced in the treaty? (Yes, No) If Yes, describe the agreements.

No.

50. Does the treaty include statements regarding non-military cooperation (e.g., economic, cultural, scientific exchange)? (Yes, No) If Yes, describe.

Yes.

Article B states members' desire to promote economic and social progress through the establishment of economic and monetary union. Article K has provisions governing cooperation in the fields of justice and home affairs.

Phase 2:

"It (the Union) shall promote economic, social and territorial cohesion, and solidarity among Member States." (Art. 3(3)).

Inter-parliamentary cooperation (Art. 12(f))

"The Union shall establish an economic and monetary union whose currency is the euro." (Art. 3(4))

51. Does the treaty resolve other conflicts among the parties to the alliance? (Yes, No) If Yes, describe.

No.

52. Does the treaty propose/enforce settlement of a conflict not involving parties to the alliance? (Yes, No) If Yes, describe.

No.

53. Does the treaty propose other agreements among the contracting parties? (Yes, No) If Yes, describe.

No.

54. Does the treaty mention unresolved conflicts among the contracting parties? (Yes, No) If Yes, describe.

No.

55. Does the treaty include provisions for economic aid or other enticements (include trade concessions, post war recovery, etc.)? (Yes, No) If Yes, describe these provisions.
No.

56. Does the treaty describe circumstances under which one party may intervene in the internal politics of another party or specifically commit the states to non-intervention? (Yes, No) If Yes, describe.

Yes. Phase 2: Article 7 provides for the procedures by which member states can intervene in internal affairs of other member states when there is a serious breach by the member states referred to in Article 2, which stresses the values of respect for human dignity, freedom, democracy, etc.

SECTION V: DOCUMENTATION

57. Additional coder comments on this alliance treaty:

58. Source of coding information (e.g., treaty, treaty and secondary sources, secondary sources only, etc.):

Treaty: Consolidated Version of the Treaty of European Union(as amended by the Treaty of Lisbon)

59. Treaty citation: Consolidated Version of the Treaty on European Union. May 5, 2008. C115/13 (Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:FULL:EN:PDF> : accessed on 9 August 2012).

60. Date of last revision of this coding sheet: June 26, 2013

61. Coder: Jaewook Chung and Ashley Leeds