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From :	Secretariat
To :	Delegations
No. prev. doc.:	14614/01 COSDP 309
Subject :	<b>Suggestions for procedures for coherent, comprehensive EU crisis management</b>

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Delegations will find attached a revised version of the suggestions for procedures for coherent, comprehensive EU crisis management. This version has been established on the basis of the work conducted in the Politico-Military Group.

The suggestions for procedures for coherent, comprehensive, EU crisis management are a "living document", reflecting the current state of agreement on issues as laid down in agreed texts, and should continue to be reviewed and up-dated in light of developments.



**SUGGESTIONS FOR  
PROCEDURES  
FOR  
COHERENT, COMPREHENSIVE EU CRISIS MANAGEMENT**

## INTRODUCTION

The paper has been drawn up to include crises of the highest degree of complexity. Although the widest range of activities during the crisis cycle are described and appear sequentially, this is only for ease of reference. Therefore, the paper does not constrain the EU to develop its approach to a crisis in the sequence set down here. On the one hand, many instruments and processes mentioned might be relevant in several or all phases of a crisis, on the other hand, some of the processes mentioned may be skipped altogether.

Furthermore, many of these processes, such as the development of a crisis management concept, are iterative in nature. Stability promotion and post-conflict reconstruction are mentioned as a separate phase 7, however, this is a matter of presentation and it is being understood that these may be present in all phases.

The approach adopted since Helsinki makes the PSC the linchpin of the European security and defence policy (ESDP) and of the common foreign and security policy (CFSP):

- The PSC will deal with all aspects of the CFSP, including the ESDP.
- Without prejudice to Article 207 of the Treaty establishing the European Community, the PSC has a central role to play in the definition of and follow-up to the EU's response to a crisis.
- Within the scope of Title V (TEU), PSC shall exercise, under the responsibility of the Council, political control and strategic direction of crisis management operations.

Naturally, the PSC plays this central role throughout a crisis; this is a principle underpinning this document.

Coreper exercises the role conferred on it by Article 207 of the Treaty establishing the European Community and by Article 19 of the Council's Rules of Procedure. To this end, it will be informed in good time by the PSC.

The present suggestions are based on current Treaty provisions. After the entry into force of the Treaty of Nice these suggestions will need to be amended accordingly. They should also reflect developments in the EU-NATO arrangements for the implementation of Berlin Plus.

Police aspects, following from the Police Action Plan adopted by the Göteborg European Council, have been introduced in the paper. These will be developed as appropriate as further work on and

consideration of these requirements will be taken forward in the appropriate Council bodies by the Presidency, assisted by the Secretary General/High Representative.

The on-going development of civilian crisis management capacities other than police (i.e. in the area of rule of law, civil administration and civil protection) will be reflected in the document as they evolve as foreseen in Annex III "New concrete targets for civilian aspects of crisis management" of the Presidency ESDP Report to the Göteborg European Council.

The European Council has also invited the Presidency, together with the Secretary-General/High Representative, to continue work within the General Affairs Council to work out the practical modalities related to the implementation of the military and civilian aspects of crisis management, including civil-military co-ordination. Once these have been developed, they will be reflected in the procedures.

It has been widely recognised that the establishment and implementation of a co-ordinated information policy is of paramount importance in time of crisis. Information policy is mentioned in each phase as a separate section that will need to be developed subsequently.

A comprehensive exercise policy allows the testing of crisis management procedures and contributes to its further development. All relevant Council Secretariat services, the SATCEN, the Commission and the Member States participate in the crisis management exercises. Appropriate external actors may also participate<sup>1</sup>

It is noted that Denmark recalled the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community.

NB. References in the paper to the Council Secretariat include in particular the Directorate General E External Relations and its Police Unit, the EU Military Staff, the Policy Unit, the Legal Service, but can also include other Directorates General as appropriate.

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<sup>1</sup> Principles regarding participation and observation in EU exercises are set out in the Exercise Policy of the European Union (Doc. 8373/1/01 REV 1, p. 8, §18-20).

# TABLE OF CONTENTS

<b>PHASE 1 ROUTINE PHASE .....</b>	<b>9</b>
A. STABILITY PROMOTION AND CONFLICT PREVENTION.....	9
B. MONITORING AND ANALYSIS OF THE SITUATION, EARLY WARNING .....	9
- <i>Consultations and contacts</i> .....	11
C. ADVANCE PLANNING AND PREPARATORY ACTIONS, INCLUDING CIVILIAN ASPECTS AND CIVIL-MILITARY CO-ORDINATION .....	13
D. INFORMATION POLICY .....	14
<b>PHASE 2 CRISIS BUILD-UP.....</b>	<b>15</b>
A. DETECTION OF THE CRISIS .....	15
- <i>Work within the EU: analyses, policy options, first measures taken</i> .....	15
- <i>Co-ordination, including civil-military co-ordination</i> .....	17
- <i>Consultations and contacts</i> .....	18
B. CONSIDERATION THAT EU ACTION IS APPROPRIATE: IDENTIFICATION OF AVAILABLE INSTRUMENTS, CAPABILITIES AND RESOURCES WITH A VIEW TO AN OVERALL APPROACH (HEREINAFTER CRISIS MANAGEMENT CONCEPT) .....	19
- <i>Work within the EU, including civilian aspects and civil-military co-ordination</i> .....	19
- <i>Consultations and contacts</i> .....	23
C. INFORMATION POLICY .....	23
<b>PHASE 3 APPROVAL OF THE CRISIS MANAGEMENT CONCEPT.....</b>	<b>24</b>
A. APPROVAL OF THE CRISIS MANAGEMENT CONCEPT .....	24
- <i>Work within the EU</i> .....	24
- <i>Consultations and contacts</i> .....	25
B. DEVELOPMENT OF THE MILITARY ELEMENTS OF THE EU APPROACH .....	26
C. DEVELOPMENT OF CIVILIAN ASPECTS OF THE EU APPROACH.....	28
D. CO-ORDINATION INCLUDING CIVIL-MILITARY CO-ORDINATION .....	30
E. INFORMATION POLICY .....	30
<b>PHASE 4 FORMAL DECISION TO TAKE ACTION .....</b>	<b>31</b>
A. COUNCIL DECISION TO TAKE ACTION .....	31
B. SELECTION OF A MILITARY STRATEGIC OPTION .....	32
- <i>Case 1: EU military operation without use of NATO assets and capabilities</i> .....	33
- <i>Case 2: EU military operation with recourse to NATO assets and capabilities</i> .....	33
- <i>For case 1 and case 2</i> .....	34
C. DEVELOPMENT OF THE CIVILIAN ASPECTS .....	37
- <i>Police</i> .....	37
- <i>CFSP</i> .....	39
- <i>Community elements</i> .....	39
D. CO-ORDINATION, INCLUDING CIVIL-MILITARY CO-ORDINATION.....	39

E.	CONSULTATIONS AND CONTACTS.....	40
F.	INFORMATION POLICY .....	41
<b>PHASE 5</b>	<b>IMPLEMENTATION .....</b>	<b>42</b>
A.	GENERAL IMPLEMENTATION, CIVILIAN ASPECTS AND CIVIL-MILITARY CO-ORDINATION .....	42
-	<i>Work within the EU</i> .....	42
-	<i>Consultations and contacts</i> .....	43
B.	CONDUCT OF THE MILITARY OPERATION .....	44
C.	CONDUCT OF THE POLICE OPERATION AND OTHER TITLE V CIVILIAN INSTRUMENTS .....	46
D.	CO-ORDINATION, INCLUDING CIVIL-MILITARY CO-ORDINATION.....	46
E.	INFORMATION POLICY .....	48
<b>PHASE 6</b>	<b>REFOCUSING OF EU ACTION.....</b>	<b>49</b>
A.	REFOCUSING OF EU ACTION.....	49
-	<i>Work within the EU</i> .....	49
-	<i>Consultations and contacts</i> .....	50
B.	TERMINATION OF THE CURRENT MILITARY OPERATION WHERE APPROPRIATE .....	51
C.	TERMINATION OF THE POLICE OPERATIONS AND OPERATIONS RELATED TO OTHER CIVILIAN INSTRUMENTS .....	51
D.	COUNCIL DECISION.....	52
E.	INFORMATION POLICY .....	52
F.	DOCUMENTATION .....	53
G.	LESSONS LEARNED .....	53
<b>PHASE 7</b>	<b>STABILITY PROMOTION, POST CONFLICT RECONSTRUCTION.....</b>	<b>54</b>
<b>ANNEX 1:</b>	<b>ILLUSTRATIVE LIST OF CIVILIAN INSTRUMENTS .....</b>	<b>55</b>
<b>ANNEX 2:</b>	<b>TEMPLATE CRISIS MANAGEMENT CONCEPT .....</b>	<b>99</b>



<b>PHASE 1 ROUTINE PHASE</b>
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The procedures outlined in the following are implemented in full compliance with the competencies attributed to Coreper by virtue of TEC Article 207.

- **Pre-crisis, support to stability and conflict prevention**
- **Monitoring and analysis, early warning and advance planning**

**A. Stability promotion and conflict prevention**

1. Following up the principles of the UN Charter and of the OSCE Charter for European Security as well as the objectives of the EU, as outlined in TEU, the Union is active in stability promotion, early warning and conflict prevention and cooperates with the UN, the OSCE, NATO, the Council of Europe and other international organisations in a mutually reinforcing manner. The EU contributes to these objectives for example through projects to combat the destabilising accumulation of small arms, and through a broad range of programmes in support of human rights, democracy, institution building and market economy, and with the full range of EU instruments including Community action and individual Member States' initiatives. The EU Programme for the Prevention of Violent Conflicts is being implemented.

N.B. The instruments mentioned above can be used in all subsequent phases of a crisis.

**B. Monitoring and analysis of the situation, early warning**

- *Work within the EU*
2. The Member States and the Commission carry out routine monitoring and exchanges of information within the Political and Security Committee (PSC), as well as within the relevant geographic and thematic Council working groups.
  3. The EU joint Situation Centre (EU SITCEN), operating on a permanent basis, monitors international developments, provides early warning, receives and evaluates information and disseminates information and evaluation to competent bodies, and acts as point of operational contact for the SG/HR.

4. The EU Satellite Centre (SatCen), as directed by the SG/HR in accordance with the Joint Action, contributes to early warning.
5. The Policy Unit provides the PSC with timely assessment and early warning of events or situations which may have significant repercussions for the EU's foreign and security policy. The Policy Unit produces policy options papers.
6. Within the General Secretariat of the Council, the Police Unit <sup>2</sup> assists the SITCEN in collecting and evaluating information, in particular regarding public security and criminal issues related to potential crises, and thus contributes to early warning and situation assessment.<sup>3</sup>
7. The Military Staff monitors potential crises inter alia by relying on appropriate national and multinational intelligence capabilities and performs early warning and situation assessment.
8. The Military Committee provides the forum for military consultation and cooperation between the EU Member States in the field of conflict prevention and crisis management. Its Chairman participates as appropriate in the PSC. The military representatives of the Member States are encouraged to do likewise. The Military Committee assesses the risks of potential crises and provides military advice and makes recommendations to the PSC, at the latter's request or on its own initiative, acting within guidelines forwarded by the PSC.

At the request of the PSC, the Committee for civilian aspects of crisis management (CIVCOM) may give advice, as appropriate, on civilian aspects related to potential crises.

<sup>2</sup> Co-ordinating and co-operating with their DG H (Justice and Home Affairs) counterparts, as required.

<sup>3</sup> The "Police Action Plan", contained in the Presidency report to Göteborg, points to the integration of police expertise and input into EU structures for early warning and timely assessment as an aspect deserving particular attention.

- Consultations and contacts

9. The development of the ESDP will also lead to a genuine strategic partnership between the EU and NATO in the management of crisis with due regard for the two organisations' decision-making autonomy.

Accordingly, in this phase the EU consults and cooperates with NATO in accordance with the provisions of the standing arrangements for consultation outside times of crisis <sup>4</sup>. The Presidency, the SG/HR and the Council Secretariat including the Military Staff maintain regular contacts with NATO at the appropriate level.

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<sup>4</sup> Meetings between the PSC and the NAC will be held not less than three times, and EU-NATO ministerial meetings not less than once, per EU Presidency. Either organisation may request additional meetings as necessary. Meetings between the EU and the NATO Military Committees may be held as required, at the request of either organisation with at least one such meeting during each Presidency. There may also be:

- meetings between subsidiary groups (e.g. PMG/PCG or Military Committee working groups);
- meetings in the form of ad hoc EU/NATO groups;
- expert groups along HTF Plus lines.

When necessary, and in particular where NATO capabilities and expertise are concerned, NATO representatives will be invited to meetings, in accordance with the provisions of the TEU and on a basis of reciprocity. This will apply to:

- the Secretary General of NATO for ministerial meetings, in particular those attended by Defence Ministers;
- the Chairman of the NATO Military Committee for meetings of the Military Committee;
- DSACEUR for meetings of the Military Committee, in view of his responsibilities for the European pillar of NATO and his potential role in EU-led operations.

10. The EU consults with non-EU European NATO members and other countries which are candidates for accession to the EU in accordance with the provisions of the permanent consultation arrangements during non-crisis periods on involvement in crisis management operations with military and/or police forces.<sup>5 6</sup>
11. The EU conducts exchanges of information with third countries on ESDP and military crisis management within the framework of political dialogue. Contacts with other third countries are maintained as necessary.
12. Contacts and appropriate cooperation as necessary with the UN and other international<sup>7</sup> and regional organisations (e.g. OSCE, Council of Europe), as well as with NGOs etc. are maintained.

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<sup>5</sup> The PSC plays a leading role in the implementation of these arrangements, which include notably during each Presidency:

- a minimum of two meetings in EU+15 format and of two meetings in EU+6 format;
- one ministerial meeting bringing together the 15 and the 6 countries;
- a minimum of two meetings at Military Committee representative level, as well as exchanges at military experts level (in particular concerning the establishment of capability objectives).

Each third country may appoint from its mission an ESDP interlocutor with regard to the PSC. To facilitate the association of third countries wishing to be involved in EU military activities, they may appoint an officer accredited to the EU Military Staff who will serve as a contact. A minimum of two information meetings will be held during each Presidency for these officers from the 15 and the 6 countries.

<sup>6</sup> The Presidency report to the Göteborg European Council contains provisions on contributions of non-EU states to EU police missions in civilian crisis management (Annex II), the specific modalities of which are to be further elaborated as well as considered by the PSC. The Presidency report states that contributions by non-EU states to EU police missions will be given favourable consideration, in accordance with modalities to be determined with full respect for the decision-making autonomy of the EU and the single institutional framework of the Union. It suggests that dialogue and information in issues related to police could also take place within the EU+15 format. In the event of a crisis, this structure could also serve for consultation, in view of possible contributions to a mission, in the period leading up to a decision of the Council to launch a police operation.

<sup>7</sup> See document "EU Cooperation with International Organisations in Civilian Aspects of Crisis Management" (Annex V to Presidency ESDP Report to the Göteborg European Council).

**C. Advance planning and preparatory actions, including civilian aspects and civil-military co-ordination**

13. The PSC continues to monitor and assess potential crises.
14. The Military Committee continues to provide military advice and make recommendations to the PSC, at the latter's request or on its own initiative, acting within the guidelines forwarded by the PSC.
15. The Committee for Civilian Aspects of Crisis Management provides information, formulates recommendations and gives advice on civilian aspects of crisis management to the PSC and to the other appropriate Council bodies in accordance with their respective competencies. It helps to ensure a higher degree of inter-pillar coherence in the civilian aspects of EU crisis management, and promotes improvements in the crisis response capabilities of the EU. It contributes to the setting-up of mechanisms for the exchange of information, co-ordination, and rapid reaction between the Union and the Member States. It assists the PSC and other appropriate Council bodies to acquire a comprehensive view of the means available to the EU and to Member States.
16. The Member States provide the Co-ordinating Mechanism for civilian aspects of crisis management <sup>8</sup>, set up at the Council Secretariat and fully interacting with the Commission services (hereafter the "Co-ordinating Mechanism"), with information on Member States' civilian crisis management assets available, including their state of readiness or deployment and any bilateral contributions. This information will be made available to Committee for Civilian Aspects of Crisis Management in order to ensure the necessary exchange of information and co-ordination between the EU and the Member States.

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<sup>8</sup> "A co-ordinating mechanism, fully interacting with the Commission services, should be set up at the Council Secretariat. It would run the database project and the different capabilities initiatives. In particular crises, depending on the EU's role, it may set up an ad hoc centre to co-ordinate the effectiveness of EU Member States' contributions. This should be a lean, efficient, non-bureaucratic structure permitting close interaction with the Commission ." (Presidency conclusions Helsinki, Annex 2 to Annex IV).

17. The Military Staff carries out the military aspects of strategic advance planning for the missions set out in Article 17(2) TEU. It also regularly reviews existing plans. As appropriate, it co-ordinates its planning activities with those of other General Secretariat or Commission services involved in crisis management.
18. The Police Unit conducts advance planning in close co-ordination with the Military Staff, as well as with other services of the General Secretariat and the Commission, as appropriate.
19. Close co-ordination takes place between the Council Secretariat and the Commission. This includes the possibility of co-ordinated advance planning.

**D. Information policy**

20. The Presidency, SG/HR, Member States and the Commission implement a coherent information policy during the routine phase.
21. Co-ordination with a view to a coherent information strategy in response to crises takes place in the PSC.

## PHASE 2 CRISIS BUILD-UP

### – Detection of the crisis, analysis, policy options, first measures taken

The procedures outlined in the following are implemented in full compliance with the competencies attributed to Coreper by virtue of TEC Article 207.

#### A. Detection of the crisis

- *Work within the EU: analyses, policy options, first measures taken*
- 22. The PSC monitors and assesses crises. The SG/HR, the Presidency, the Military Committee, a Member State and/or the Commission draw the attention of the PSC to a mounting crisis.
- 23. The provision of information, including intelligence, from Member States and the Commission is intensified. If necessary, the PSC identifies specific areas or subjects on which additional information is required. The PSC should have access to all necessary information processed through agreed channels (including from NATO, UN, OSCE and other international organisations) and to all proposals and initiatives relating to the crisis.
- 24. The EU SITCEN steps up the collection of information, processes it, and reports on the situation to the SG/HR and to the competent bodies for crisis management (in particular the PSC and the Military Committee).
- 25. The Council Secretariat provides analysis papers and policy options. To this end, Member States will provide classified information. The Commission provides policy analysis and policy options. Where relevant, analysis and policy option papers are prepared by the Commission and the Council Secretariat working together.

26. The SG/HR plays an important role in providing impetus in the definition and follow-up to the EU's response to a crisis. As part of his contribution to policy formulation under Article 26 TEU, he may draw on on-going work to present to the PSC his views on the crisis.
27. The Military Committee provides military advice and makes recommendations to the PSC, on the latter's request or on its own initiative, acting within guidelines forwarded by the PSC, with regard to the military dimension of a crisis and its implications.
28. Relevant geographical working groups examine particular aspects of the situation in greater detail, as appropriate, and report to the PSC.
29. The PSC meets to assess the causes and consequences of the crisis, on the basis of the information, policy options papers, advice and reports presented to it, and with a view to reaching a common political understanding of the crisis.
30. The Commission, which participates fully in the work of the PSC, informs the PSC on measures taken or under preparation and starts reflecting on the possible use of other instruments. Member States do likewise, informing the PSC on measures taken on a national basis.
31. In accordance with its preliminary political assessment, the PSC may review its information requirements and request specific information or types of reports from the EU SITCEN, the Commission and from Member States. The PSC may ask competent bodies to provide further analysis of the crisis. The SG/HR gives operational direction to the SATCEN to ensure that it will act in accordance with the PSC guidance and support as effectively as possible the decision-making of the Council and he reports as appropriate to the PSC.

32. The Committee for Civilian Aspects of Crisis Management provides information, formulates recommendations and gives advice on civilian aspects of crisis management to the PSC and to the other appropriate Council bodies in accordance with their respective competencies. The Committee assists these bodies in acquiring a comprehensive view of the means available to the EU and the Member States to respond to a crisis. To this effect, the Committee will use the relevant information from the Co-ordinating Mechanism and the Police Unit as described below in paragraphs 43 and 44.
33. The SG/HR alerts other Council instances that might be called upon to participate in the crisis management.
34. The Council, either in a regular session or in an ad hoc session, may proceed to assess the situation and provide guidance to the PSC.
35. The PSC may agree that fact-finding missions (FFM) be dispatched to verify facts and assess the needs for further EU action.
- Co-ordination, including civil-military co-ordination
36. The Council Secretariat, including Military Staff and the Police Unit, and the Commission continue co-ordinated planning acting within their respective spheres of responsibility.

- Consultations and contacts

37. Contacts and meetings between EU and NATO are stepped up, from the level of relevant services (including military staffs) and bodies, to Ministers if appropriate, so that, in the interest of transparency, consultation and cooperation, the two organisations can discuss their assessments of the crisis and how it may develop, together with any related security problems.
38. Dialogue and consultation with the non-EU European NATO members and other countries which are candidates for accession <sup>9</sup> to the EU are intensified at all levels, including ministerial level, in the period leading up to the Council decision. When a crisis develops, these intensified consultations will provide an opportunity for exchanges of views on situation assessment and discussion of the concerns raised by the countries affected, particularly when they consider their security interests to be involved.
39. Exchanges of information with other potential partners take place within the framework of political dialogue. Additional meetings are organised if the Council deems it necessary. Contacts with other third countries are intensified where necessary.
40. Contacts and appropriate cooperation as necessary with the UN and other international <sup>10</sup> and regional organisations (e.g. OSCE, Council of Europe), as well as with NGOs etc. are intensified.

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<sup>9</sup> For police, see footnote 6.

<sup>10</sup> See document "EU Cooperation with International Organisations in Civilian Aspects of Crisis Management" (Annex V to Presidency ESDP Report to the Göteborg European Council).

**B. Consideration that EU action is appropriate: identification of available instruments, capabilities and resources with a view to an overall approach (hereinafter crisis management concept)**

- Work within the EU, including civilian aspects and civil-military co-ordination

41. The PSC, possibly in the light of Council guidance, analyses the situation and considers that EU action is appropriate (possibly on request from an international organisation, e.g. the UN or the OSCE.), triggering the development of a crisis management concept<sup>11</sup>. To this end, it may provide guidance as appropriate. For this purpose, the PSC should have access to all necessary information processed through agreed channels (including from NATO, UN, OSCE and other international organisations), proposals and initiatives relating to the crisis in order to make a comprehensive assessment. After consulting the Presidency and without prejudice to Article 18 of the TEU, the SG/HR may chair the PSC.

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<sup>11</sup> Crisis management concept: a conceptual framework describing the EU's overall approach to the management of a particular crisis, addressing the full range of activities. (See Annex 2 for a draft template crisis management concept.) The crisis management concept is an important tool to ensure the coherence and comprehensiveness of possible EU actions by taking account of the range and scale of the different instruments available to the Union.

However, the structure of CMC will need to remain flexible and adaptable, as the actual shape of each CMC will be determined by a number of variables, such as the stage of a crisis at which a draft CMC is developed and presented to the PSC and the nature and location of the crisis. It is likely, for example, that at the beginning of a crisis a CMC might consider a broader range of options reflecting the early stage of internal EU deliberations on that crisis. By contrast, a CMC that was designed to address a crisis that had been extant for some time might focus on a much narrower range of options, reflecting the more developed understanding within the EU about what type of action would be appropriate.

42. An ad hoc crisis response co-ordinating team, consisting of Council Secretariat and Commission officials, is pulled together <sup>12</sup>. It will prepare the draft crisis management concept. The SG/HR can draw on its work so that the draft crisis management concept presented to the PSC is both coherent and comprehensive and encompasses all relevant civilian and military instruments.
43. The EUMS, under the direction of the Military Committee acting within guidelines forwarded by PSC, contributes to the elaboration of the crisis management concept, in particular the definition of politico-military objectives for any possible military activities, the objectives and end-state that form the basis of the work on military strategic options.
44. The Member States provide the Co-ordinating Mechanism with information on civilian management assets available, including their state of readiness or deployment and any bilateral contributions (see paragraph 32).

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<sup>12</sup> The ad hoc crisis response co-ordinating team is a vehicle for inter-service co-ordination in response to a given crisis. It will consist of officials from the relevant services in the Council Secretariat and the Commission. It will not be a standing structure but will be pulled together when a particular crisis occurs. As far as the Council Secretariat is concerned, the SG/HR will instruct the relevant services to participate in the team.

The ad hoc team is a practical and effective way of ensuring at the working level that the Council and the Commission are in the position to ensure consistency in the external activities of the Union, in accordance with Article 3 second subparagraph TEU. The relevant co-ordination is between services, and is without prejudice to the prerogatives and obligations of the Institutions themselves. The team would thus help to ensure close two-way co-ordination in the planning of military and civilian measures.

The team is not a Council working group. *A fortiori*, it does not take decisions. The SG can draw on its work so that the draft crisis management concept presented to the PSC is both coherent and comprehensive and encompasses all relevant civilian and military instruments. In addition, through the participation of Commission officials, the Commission can also use this work as a reference point when taking initiatives within its area of responsibility. This team would continue to work on planning as required in the light of the outcome of PSC meetings. The team would also assist in ensuring full coherence between the civilian and military aspects of the EU action in the implementation phase.

For information aspects, the CRCT is supported by an Information Strategy Team consisting of Secretariat and Commission officials working in close contact with the Presidency.

45. Under the guidance of the PSC, the Police Unit produces analyses and general police options in order to contribute to the development of the draft crisis management concept, in particular by identifying police objectives, requirements for any possible police activity and available police capabilities and capacities (see paragraph 32).
46. Close contacts are maintained between the SG/HR and the Commission throughout the process.
47. The SG/HR presents the draft crisis management concept to the PSC. The Commission for its part will present the elements of the draft CMC which pertain to its competence. The PSC:
- gives guidance for the further development of the draft CMC, including for the coherent development of the different civilian and military elements;
  - as appropriate, requests military advice from the EUMC for the military aspects of the draft CMC and requests CIVCOM to give the PSC a comprehensive overview of the civilian means available to the EU and to the Member States.
48. The Military Committee provides military advice to the PSC on the military aspects of the draft crisis management concept, on possible military strategic objectives including an assessment of the potential availability of military capabilities and capacities including in support of civilian instruments. Its Chairman participates in the PSC. The military representatives of the Member States are encouraged to do likewise.
49. Upon request from PSC, CIVCOM will give advice on all civilian aspects of the draft crisis management concept.

- 50.** The PSC examines all the options that might be considered as the Union's response within the single institutional framework and without prejudice to the decision-making and implementation procedures established in the Treaties. To this end, the PSC:
- makes the general political assessment, keeping in mind the totality of measures applicable, and,
  - after further discussion, if needed in an iterative process, finalises the draft crisis management concept and prepares an opinion to Council identifying the political objectives to be pursued by the Union and suggesting a cohesive set of options aimed at contributing to the settlement of the crisis.

The Commission, which participates fully in the work of PSC, informs the PSC on measures taken or under preparation. Each measure will be dealt with by the competent body according to the applicable procedures: for Community measures, Coreper exercises fully its role. Member States inform the PSC about measures taken or that they intend to take at national level.

- 51.** Meanwhile, monitoring of the developing crisis continues, information gathering is strengthened from all available sources such as missions of the Member States, Commission delegations, international organisations and NGOs on the ground, exploitation of SATCEN products, etc.

- Consultations and contacts

52. The EU maintains intensified dialogue and consultations with NATO (see § 37).
53. The EU maintains intensified consultations with the non-EU European NATO members and other countries which are candidates for accession to the EU <sup>13</sup> (see § 38), in particular:
- a) possibility of extra meetings if circumstances require;
  - b) Military Staff holds information meetings for officers from the 15 and the 6 serving as point of contact to the Military Staff.
54. Contacts with other third countries (see § 39) that are envisaging contributing to the management of the crisis are further intensified.
55. Contacts and appropriate cooperation as necessary with the UN and other international and regional organisations (e.g. OSCE, Council of Europe), NGOs etc. that are envisaging contributing to the management of the crisis are further intensified.

**C. Information policy**

56. The PSC ensures co-ordination of a preliminary EU information strategy in relation to the crisis in the build-up phase. The Presidency, SG/HR, Member States and the Commission implement this preliminary coherent information strategy. For the possible EU response to the crisis, the draft crisis management concept presented by the SG/HR to the PSC includes a draft information strategy in support of the proposed options.

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<sup>13</sup> For police, see footnote 6.

**PHASE 3 APPROVAL OF THE CRISIS MANAGEMENT CONCEPT**

The procedures outlined in the following are implemented in full compliance with the competencies attributed to Coreper by virtue of TEC Article 207.

**A. Approval of the crisis management concept**

- Work within the EU

**57.** The Council approves, on the basis of an opinion by the PSC, the general political assessment and a cohesive set of options. In particular, the Council:

- a) if European Council conclusions exist, further specifies the EU political objectives; otherwise, the Council may define such objectives;
- b) agrees the CMC<sup>14</sup>, including civilian and military aspects as appropriate;
- c) invites the Commission to submit appropriate proposals or adopt the measures which pertains to its competence in order to pursue the political objectives thus selected;
- d) invites Member States to orient their action in accordance with the crisis management concept.

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<sup>14</sup> The crisis management concept will evolve as a function of developments of the situation. It might be modified as required.

**58.** The PSC requests the Military Committee to issue an MSOD and gives guidance for the further development of the civilian instruments, including the possible police mission, on the basis of the crisis management concept with a view to ensuring that they are coherent with the development of the MSOs. The EU SITCEN continues to produce comprehensive and timely situation reports and assessments, especially to the SG/HR, the PSC and other competent bodies for crisis management.

- Consultations and contacts

**59.** The EU maintains intensified dialogue and consultations with NATO (see § 37 and §71).

**60.** The EU intensifies dialogue and consultation with the 15 and with the 6 at all levels,<sup>15</sup> including ministerial level, to exchange views on situation assessment and discusses the concerns raised by the countries affected, particularly when they consider their security interests to be involved (see also § 70 and § 71, second sub-paragraph).

**61.** Consultations with other potential partners:

- a) take place in the framework of political dialogue; if the Council deems it necessary, additional meetings in the PSC Troika format are organised.
- b) when a military operation is being considered, the Troika or the SG/HR assisted by the Chairman of the EUMC in his capacity as his military adviser, as appropriate conduct such consultations, which constitute the framework for exchanges of views and discussions on possible participation by potential partners (see also §71, second sub-paragraph for Canada).
- c) Police issues could be included in the dialogue, co-operation and consultation on ESDP issues with potential partners.

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<sup>15</sup>

For police, see footnote 6.

- 62. Contacts with other third countries are maintained as necessary.
- 63. Intensive contacts and appropriate cooperation as necessary with the UN and other international <sup>16</sup> and regional organisations (e.g. OSCE, Council of Europe), as well as with NGOs etc. are maintained.

**B. Development of the military elements of the EU approach**

- 64. Upon the PSC's request (including guidance as appropriate), the Military Committee issues a Military Strategic Option Directive to the Director General of the Military Staff to draw up and present prioritised military strategic option(s). This military directive will translate the PSC request, including such guidance as the PSC considers appropriate, into military terms.
- 65. In support of initial planning Member States give preliminary indications to the Military Staff of their intention to contribute to an EU-led operation.
- 66. As appropriate, building on previous contacts and without prejudice to a decision by Council (§ 76 f), in support of initial planning, interested third countries give preliminary indications to the Military Staff of their intention to contribute to an EU-led operation.
- 67. Having received the Military Strategic Option Directive from the Military Committee, the Military Staff develops and prioritises military strategic options as the basis for the military advice of the Military Committee to the PSC by:
  - a) defining initial broad options;

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<sup>16</sup> See document "EU Cooperation with International Organisations in Civilian Aspects of Crisis Management" (Annex V to Presidency ESDP Report to the Goteborg European Council).

- b) drawing as appropriate on planning support from external sources either using the assured access to NATO <sup>17</sup> or national planning capabilities or multinational HQs available to the EU which will analyse and further develop those options in more detail;
- c) evaluating the results of this more detailed work and commissioning any further work that might be necessary;
- d) presenting an overall assessment, with an indication of priorities and recommendations as appropriate, to the EUMC.

Developed and prioritised military strategic options should include an assessment of feasibility and risk, a C2 structure including recommendations regarding an Operation Commander, an Operation Headquarters, a Force Commander, a Force Headquarters, Force capability requirements and an indication of forces that might be made available by contributing states;

- 68.** The Military Committee evaluates the prioritised military strategic options developed by the Military Staff and forwards them to the PSC, together with its evaluation and military advice.
- 69.** The PSC, based on the advice by the Military Committee, evaluates the military strategic option(s), and prepares an opinion to Council recommending the preferred military strategic option(s).

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<sup>17</sup> Bearing in mind the potential role of DSACEUR.

70. Consultations with the 15 and with the 6 (which could be held at politico-military experts level)<sup>18</sup> take place with the aim of ensuring that the countries potentially contributing to an EU-led military crisis management operation are informed of the EU's intentions, particularly with regard to the military strategic options being envisaged.
71. Should the Union intend to look more closely at an option calling for pre-identified NATO assets and capabilities the PSC will so inform the NAC.

Once the EU begins to examine in depth an option requiring the use of NATO assets and capabilities, particular attention will be paid to consultation of the six non-EU European NATO members and with Canada.

### C. **Development of civilian aspects of the EU approach**

72. The Member States provide the Co-ordinating Mechanism with information on civilian crisis management assets available, including their state of readiness or deployment and any bilateral contributions. The Committee for Civilian Aspects of Crisis Management and the Commission assists the PSC and other appropriate Council bodies to acquire a comprehensive view of the means available to the EU and to the Member States in order to improve co-ordination of resources of the Union and Member States through exchange of information.

Work of the co-ordinating mechanism continues.

73. The PSC examines the full range of civilian instruments, including possible police options, that may be employed in the context of the response to the crisis, within the single institutional framework and without prejudice to the decision making and implementation procedures established in the Treaties, and for their coherence with the MSOs. In this process, the Commission presents the measures it has adopted or is envisaging. In accordance with § 57 (c), the Commission may as appropriate alter existing measures and/or develop additional envisaged measures and inform the PSC accordingly.

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<sup>18</sup> For police, see footnote 6.

a) Planning for police options.

If a possible police option is envisaged, the PSC will request the Police Unit, through the SG/HR, to develop and prioritise police strategic options as the basis for the advice by CIVCOM to the PSC. The police strategic options should include an assessment of feasibility and risk, a C2 structure (including recommendations regarding a Police head of Mission (PHM), an Operation Headquarters and Force requirements). It should describe the desired end-state and the general objective of police activities.

CIVCOM evaluates, if instructed to do so by the PSC, the Police strategic options elaborated by the Police Unit and presents its advice on these options to the PSC.

The PSC evaluates the police strategic options and makes the appropriate recommendations to the Council, including the preferred Police strategic option(s).

**D. Co-ordination, including civil-military co-ordination**

74. In order to ensure coherence at the planning stage in the context of a possible Joint Action or where a Joint Action is initiated in parallel to existing or imminent Community measures, the crisis response co-ordinating team will:

- a) work to ensure good co-ordination of plans involving civilian instruments from the first and second pillar, particularly but not exclusively in the areas of police, strengthening the Rule of Law, Civil Administration and Civil Protection;
- b) contribute to the coherence between measures regarding Title V civilian instruments and measures taken or arranged by the Commission within the option for overall response approved by the Council, and the development of Military Strategic Options;
- c) develop the appropriate sequence of military and civilian instruments.

**E. Information policy**

75. On the basis of the elements contained in the crisis management concept, the PSC ensures co-ordination of the EU information strategy in relation to the crisis and to the possible EU response to the crisis. The Presidency, SG/HR, Member States and the Commission implement this coherent information strategy.

The information strategy is taken into account in the development of the military elements (MSOs) and of the civilian aspects of the EU approach to the crisis.

<b>PHASE 4 FORMAL DECISION TO TAKE ACTION</b>
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The procedures outlined in the following are implemented in full compliance with the competencies attributed to Coreper by virtue of TEC Article 207.

**A. Council decision to take action**

**76.** The PSC submits an opinion to the Council recommending the adoption of a decision to take action. The Council adopts the decision to take action to tackle the crisis (this decision could, where appropriate, take the form of a Joint Action in full respect of the single institutional framework and of Article 47 of the TEU). Within that decision, the Council inter alia:

- a) defines the political context in which the Joint Action is to be carried out;
- b) takes the necessary measures to that end including when appropriate the selection of a military strategic option.;
- c) defines the conditions under which the SG/HR will be responsible for implementing, within the framework established in Title V TEU, political, police, military and other aspects of the crisis management operation. For such measures, SG/HR acts with the assent of the PSC, which exercises the political control and strategic direction of crisis management operations.
- d) invites the Commission to direct its action towards achieving the objectives and priorities of the Joint Action, where appropriate by pertinent Community measures or notes that the Commission intends to do so;

- e) invites Member States to direct their action in support of the Joint Action.
- f) decides whether third countries will be invited to contribute.

In parallel the Council may adopt any new Commission proposals for additional measures falling under the EC Treaty. Such measures will be agreed following normal procedures and in full respect of the role of Coreper.

**B. Selection of a military strategic option**

77. The Council, in the light of the opinion delivered by the PSC based on the advice from the Military Committee, selects a military strategic option including a proposed chain of command (cf. § 67), and invites Member States to confirm, subject to national procedures, their readiness to support the selected option.

The Chairman of the Military Committee attends the Council meeting acting as the spokesman of the Military Committee.

78. The military strategic option selected by the Council implies either an EU military operation without use of NATO assets and capabilities or an EU military operation with recourse to NATO assets and capabilities. (NB. The order of the cases does not imply a priority choice.)

- Case 1: EU military operation without use of NATO assets and capabilities

a) The Council:

- appoints the Operation Commander and designates the Operation Headquarters;
- designates the Force Commander, (the Force Headquarters and the Component Commands, if appropriate)

b) Non-EU European NATO members and other candidates for accession to the EU having, upon invitation to give such indication, expressed a clear intention to participate in the operation, may deploy liaison officers to European operation headquarters, in order to enable the exchange of information on the operational planning and on the foreseen contribution.

c) EU keeps NATO informed of the general progress in preparations.

- Case 2: EU military operation with recourse to NATO assets and capabilities

- a) Staffs of the two organisations, in close contact with DSACEUR as strategic co-ordinator, meet in order to specify the pre-identified NATO assets and capabilities considered for this option.
- b) The EU addresses a formal request to NATO for the use of its assets and capabilities.

- c) NATO assets and capabilities needed for the EU operation, as well as the modalities for their release, including the possible conditions for their recall, are identified at a PSC/NAC meeting.
- d) The Council, on the basis of responses from NATO and the Member States:
  - appoints the Operation Commander and designates the Operation Headquarters;
  - designates the Force Commander, (the Force Headquarters and the Component Commands, if appropriate);
  - approves on the basis of the "Berlin Plus" agreement the arrangements for hand-over and any recall conditions.
- e) The non-EU European allies will be involved in the planning according to the procedures laid down within NATO.

- For case 1 and case 2

- 79.** On the basis of the military strategic option selected by the Council, the PSC sends such guidance to the EUMC as is necessary for EUMC to direct to the EUMS to draft the Initiating Military Directive. The Initiating Military Directive will include those directives required by the Operation Commander to enable him to draw up the necessary planning documents (CONOPS, Statement of Requirements (SOR), OPLAN). The PSC will approve the Initiating Military Directive before its release is authorised by the EUMC.

- 80.** On the basis of the Initiating Military Directive, the Operation Commander prepares a "Concept of operations" (CONOPS), including guidelines on the use of force and a Statement of Requirements (SOR).
- 81.** Upon request of the PSC, the Military Committee tasks the Operation Commander, assisted by the Military Staff, to hold technical exchanges in order to present operational planning work to the non-EU European NATO members and the other candidates for accession to the EU, invited to take part in the operation by the Council, that have expressed their intention in principle of taking part in the operation, so as to enable those countries to determine the nature and volume of the contributions they could make to the EU-led operation. These countries, and other third countries, which have expressed their intention, will provide the Operation Commander with an initial indication of their contribution.

[Alternative A:

- 82.** The PSC submits to the Council its opinion on CONOPS based on the advice and recommendations of the Military Committee supported by an evaluation from the Military Staff. The Council, possibly convened in an extraordinary session, approves CONOPS including guidelines on the use of force and formally invites third countries to participate in the operation.]

**OR**

[Alternative B:

Based on the advice and recommendations of the Military Committee supported by an evaluation from the Military Staff, the PSC reaches agreement on the CONOPS including guidelines on the use of force and suggests that the Council by simplified written procedure agree to formally invite third countries to participate in the operation.]

83. Subsequently, the Operation Commander prepares a "Operation Plan" (OPLAN) with guidelines on the use of force, which will include the Rules of Engagement (RoE).
84. Upon request of the PSC, the Military Committee tasks the Operation Commander, in co-ordination with the Military Staff, to conduct the Force Generation process.
85. Member States, NATO when appropriate, and other troop contributors confirm the level and quality of their contributions at the Force Generation Conferences.
86. When appropriate, the Council Secretariat will prepare a draft Status of Forces (SOFA). The draft SOFA will be submitted to the Council by the PSC on the basis of the Military Committee's military advice (given after consultation with the Operation Commander).
87. A PSC/NAC meeting will confirm, if appropriate, the availability of pre-identified assets and capabilities and all the practical arrangements, including hand-over and recall.
88. The PSC submits to the Council its opinion on the OPLAN with the advice and recommendations of the Military Committee, supported by an evaluation from the Military Staff.
89. Following the Force Generation Conferences, the Council, possibly convened in an extraordinary session, on the basis of the opinion of the PSC:
  - a) approves the OPLAN and the guidelines on the use of force, which will include the RoE;

- b) decides to launch the operation once all preconditions such as the force generation are complete;
- c) approves, where appropriate, the SOFA;
- d) adopts the decision setting up the Committee of Contributors;

The Chairman of the Military Committee, supported by the Operation Commander, attends the Council meeting acting as the spokesman of the Military Committee.

### C. **Development of the civilian aspects**

#### - Police

- 90.** The Council, in the light of the recommendations from the PSC, selects a Police strategic option. The Council will also appoint the PHM.

As appropriate on the basis of the Police strategic option, the PSC, through the SG/HR, requests the Police Unit to start operational planning through the development of a CONOPS and the elaboration of the Statement of Forces requirement (SOR, which is the Police Unit assessment of the forces required to execute the mission). Upon this appointment, the PHM will have the possibility to assist the Police Unit in drafting the CONOPS.

The CONOPS and the SOR are submitted to CIVCOM for consideration and advice before being presented to the PSC.

In the light of advice and recommendations of CIVCOM, the PSC [agrees the CONOPS] [evaluates the CONOPS which is then submitted to the Council for approval].

Once the CONOPS is approved, the PHM, assisted by the appropriate staff (after his appointment, a planning team may be established for this purpose), and as necessary by the Police Unit will be responsible for the production of the Operation Plan (OPLAN). Furthermore, the Police Unit will contribute in support of the PHM to the elaboration of the appropriate Rules of Engagement (ROEs) and the Force Generation Process.

CIVCOM provides advice and recommendations to the PSC on the OPLAN, including an annex on ROEs.

In the light of advice and recommendations of CIVCOM, the PSC evaluates the OPLAN which is then submitted to the Council for approval.

- 91.** Upon decision by the Council to launch a police operation or an integrated operation with police components:
- the full strength of Member States' pledges is assessed on the basis of the Coordinating Mechanism's work <sup>19</sup> and according to modalities to be established;
  - non-EU states that are willing and capable of contributing to a particular operation may be invited, by a decision by the Council, to take part in the operation.

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<sup>19</sup> Additional modalities to generate the full requirement of a police element may need to be addressed. Reference to Annex II of the Göteborg ESDP report.

- CFSP

92. The Council Secretariat undertakes all the preparatory work, in cooperation with the Commission as appropriate, for presentation to the PSC with a view to implementation of CFSP elements.

- Community elements

93. All Community measures are put forward by the Commission, and adopted and implemented in accordance with the relevant procedures.

**D. Co-ordination, including civil-military co-ordination**

94. Within the PSC, the Member States and the Commission confirm information on the civilian crisis management assets that they have committed for the implementation of the Council decision as well as their state of readiness or deployment and any bilateral contributions.
95. The Commission completes plans for the measures falling within its area of responsibility.

The Council Secretariat including the Police Unit, in consultation with the Commission as appropriate, completes plans for police (Title V) and for other CFSP instruments. The planning capacity of the Council Secretariat could be reinforced by the addition, on an ad hoc basis, of national experts.

The parallel development of the military and the police planning processes will facilitate their co-ordination and synchronisation mainly through joint meetings of the respective planning staffs at different stages.

96. The crisis response co-ordinating team supports (cf. § 74) the completion of the co-ordination of the planning.
97. The EU SITCEN continues to produce comprehensive and timely situation reports and assessments, especially to the SG/HR, the PSC and other competent bodies for crisis management.

**E. Consultations and contacts**

98. The EU maintains:
- a) intensified dialogue and consultations with NATO (see in particular § 78, Case 1. c) and Case 2;
  - b) dialogue and consultations with the 15 and the 6 countries (see also § 78, Case 1. b) and Case 2. e));
  - c) contacts with third countries in the framework of political dialogue;
  - d) contacts with other third countries concerned where necessary;
  - e) contacts and appropriate cooperation as necessary with the UN and other international <sup>20</sup> and regional organisations (e.g. OSCE, Council of Europe), as well as with NGOs etc.

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<sup>20</sup> See document "EU Cooperation with International Organisations in Civilian Aspects of Crisis Management" (Annex V to Presidency ESDP Report to the Göteborg European Council).

**F. Information policy**

- 99.** The PSC ensures co-ordination of the EU information strategy in relation to the crisis and to the EU response to the crisis. The Presidency, SG/HR, Member States and the Commission implement this coherent information strategy.

The information strategy is taken into account in the development of military elements (MSOs) and the civilian aspects of the EU approach to the crisis.

<b>PHASE 5 IMPLEMENTATION</b>
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The procedures outlined in the following are implemented in full compliance with the competencies attributed to Coreper by virtue of TEC Article 207.

**A. General implementation, civilian aspects and civil-military co-ordination**

- Work within the EU

**100.** The Council exercises the overall responsibility for the conduct of the action.

The Council:

- a) receives reports and updates from the SG/HR in his role as PSC Chairman on the follow-up measures (Title V TEU political, police, military and other aspects) it entrusted to him and gives the necessary direction. The Chairman of the Military Committee represents the Military Committee at the Council meetings, as appropriate;
- b) considers the adoption of further proposals that may be presented meanwhile by the Commission, taking into account the need to ensure coherence of the EU crisis management action;
- c) receives reports from the Commission on the implementation of measures within its area or responsibility;
- d) receives reports from Member States on national measures.

**101.** Throughout the implementation:

- a) the SG/HR takes the necessary follow-up measures as entrusted to him by the Council according to the conditions defined in the Joint Action;

- b) the Commission keeps the PSC informed about the measures it has taken or envisages. The Commission ensures the proper implementation of Community measures according to the applicable procedures;
- c) in accordance with the provisions set in the Joint Action, without prejudice to the role of the Commission, the PSC:
  - under the authority of the Council, and within the scope of Title V (TEU), exercises political control and strategic direction of the crisis management operation, including, of the military and police operations (see §106 and 113);
  - oversees the implementation of all the measures taken and assesses their effect, recommending adjustments as necessary;
- d) the EU SITCEN continues to produce comprehensive and timely situation reports and assessments, especially to the SG/HR, the PSC and other competent bodies for crisis management.

- Consultations and contacts

**102.** The EU maintains contacts with NATO, the 15 and the 6 countries.

**103.** Contacts with other third countries concerned are maintained as necessary.

**104.** Contacts and appropriate cooperation as necessary with the UN and other relevant international <sup>21</sup> and regional organisations (e.g. OSCE, Council of Europe), as well as with NGOs etc. dealing with the crisis are maintained.

**105.** For the Committee of Contributors, see § 112 below.

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<sup>21</sup> See document "EU Cooperation with International Organisations in Civilian Aspects of Crisis Management" (Annex V to Presidency ESDP Report to the Göteborg European Council).

**B. Conduct of the military operation**

- 106.** The PSC exercises, under the authority of the Council, the political control and strategic direction of the military operation (see also § 101 c)) throughout its duration.
- 107.** Throughout the operation, the Chairman of the Military Committee acts as the primary point of contact with the Operation Commander.
- 108.** The Military Committee, supported by the Military Staff, monitors the proper execution of military operations conducted under the responsibility of the Operation Commander by:
- a) reporting regularly to the PSC on the military implementation of the operation; to that end, the Chairman of the Military Committee participates in the PSC.
  - b) providing, in co-ordination with the Operation Commander, information and assessments to the PSC;
  - c) elaborating as necessary, in the light of political and operational developments and in accordance with guidance set by the PSC, new military strategic options (cf. § 67);
  - d) advising the PSC on the merits of carrying on, changing or terminating the operation.
- 109.** In case of an EU operation without the use of NATO assets and capabilities, the EU keeps NATO informed of the general progress of the operation.

- 110.** In the event of an operation calling on NATO assets and capabilities, NATO will be kept informed of the use of its assets and capabilities throughout the operation, if necessary by convening a meeting of the PSC and the NAC. When NATO command options are being used, NATO will be informed of the development in the situation by appropriate EU bodies, in particular the PSC and the Chair of the Military Committee.<sup>22</sup>
- 111.** The Military Committee monitors the proper execution of military operations conducted under the responsibility of the Operation Commander. To this effect, the Military Committee may invite the Operation Commander to report on the progress of the operation. The President of the Council and the Chairman of the PSC respectively may invite the Operation Commander to the GAC and the PSC.
- 112.** The Committee of Contributors meets regularly during the operation. It will be supplied with detailed information regarding the operation on the ground via the EU bodies responsible for follow-up. It receives regular information from the Operation Commander who may be heard by the Committee. It deals with the various problems concerning the implementation of the military operation, the use of forces, and all day to day management matters which are not exclusively, under the instructions he will have received, the responsibility of the Operation Commander. The Committee provides opinions and recommendations on possible adjustments to operational planning, including possible adjustments to objectives, which may affect the situation of the forces. In these areas, the PSC, which exercises the political control and strategic direction of the operation, will take account of the views expressed by the Committee of Contributors. Depending on the nature of its tasks, the Committee may meet in the appropriate format. For Member States, it may be comprised of representatives on the PSC and on the Military Committee.

<sup>22</sup> In the case of an EU-led operation calling for a NATO command option, the entire chain of command must remain under the political control and strategic direction of the EU throughout the operation, after consultation between the EU and NATO. In that framework the operation commander will report on the conduct of the operation to EU bodies only.

The Committee of Contributors will usually be chaired by a representative of the SG/HR or the Presidency, assisted by the Chairman of the Military Committee or his Deputy. The Director General of the Military Staff and the Operation Commander may also attend or be represented in the Committee. The Chairman of the Committee of Contributors will be responsible for conveying the outcome of the Committee's discussions to the PSC and to the Military Committee.

**C. Conduct of the police operation and other Title V civilian instruments**

- 113.** The PSC exercises, under the authority of the Council, the political control and strategic direction of the police operation.

*Police*

The SG/HR shall, in accordance with the terms of the Joint Action, give guidance to the PHM, through the EU Special Representative (EUSR) if such a representative has been appointed.

The PHM will be responsible to the PSC, via the EUSR if such a representative has been appointed, and the SG/HR. The Police Unit will provide technical support to the PHM notably by acting as first point of contact for such issues.

**D. Co-ordination, including civil-military co-ordination**

(see also § 94-956)

- 114.** The crisis response co-ordinating team will assist in ensuring full coherence between the civilian and military aspects of the EU action;
- 115.** The Council Secretariat, where appropriate, reinforced as foreseen in § 95, prepares plans as regards other CFSP instruments.
- 116.** On an ad hoc basis, the Council might appoint a Special Representative in order to ensure the coherence of all EU actors deployed in the field in the context of an EU crisis management operation.

PM Modalities for co-ordination between the EU actors in the field as well as between the field

and Brussels need to be developed. In addition, modalities for co-ordination in the field between the EU and international organisations, local authorities and NGOs need to be developed.

**E. Information policy**

- 117.** The PSC ensures co-ordination of the EU information strategy in support of the EU response to the crisis. The Presidency, SG/HR, Member States and the Commission implement this coherent information strategy.

The information strategy is implemented and co-ordinated throughout the conduct of the military operation and/or the police operation and/or other civilian actions.

## PHASE 6 REFOCUSING OF EU ACTION

The procedures outlined in the following are implemented in full compliance with the competencies attributed to Coreper by virtue of TEC Article 207.

### **A. Refocusing of EU Action**

**NB.** Activities are described here for ease of reference but may take place in earlier or subsequent phases.

#### **- Work within the EU**

**118.** The PSC, as part of its continuous political assessment of the situation, as appropriate on the basis of new information, policy options papers, advice and reports presented to it, evaluates the political appropriateness of refocusing EU action and in particular of discontinuing some actions employed to resolve the crisis, including the military operation. The termination of the current military operation may or may not be accompanied by a transition to other military measures or to civilian measures. The refocusing of EU action may trigger a revised crisis management concept, which would be developed following the procedures outlined in the previous phases.

**119.** The crisis response co-ordinating team as appropriate:

- a) works to prepare co-ordinated plans necessary for the refocused EU action involving civilian instruments from the first and second pillar, particularly but not exclusively in the areas of police, strengthening the Rule of Law, Civil Administration and Civil Protection;
- b) contributes to ensure consistency and develops the appropriate sequence of military and civilian instruments.

- 120.** The Member States provide the Co-ordinating Mechanism with information on civilian crisis management assets available, including their state of readiness or deployment and any bilateral contributions.
- 121.** The SG/HR contributes a view to the PSC deliberations on a set of measures aimed at refocusing the EU action. The Commission for its part will present the elements of a refocused/revised EU action which pertain to its competence. The SG/HR prepares his contributions in the light of advice of the EUSR if such a representative has been appointed as well as information, including classified, provided by Member States and other parties concerned, and drawing on the work of the crisis response co-ordinating team.
- 122.** The Commission provides the Council, including the PSC, with a policy analysis and policy options for actions within its competence. It informs them of the nature and details of these plans as concerns those Community measures.
- 123.** The PSC prepares its opinion to the Council on the refocusing of EU action with a cohesive set of options. For the development of these options the procedures outlined in the preceding phases apply.
- 124.** Consultations and contacts The EU maintains contacts with NATO (see in particular § 128).
- 125.** The EU maintains contacts with the 15 and the 6 countries.

126. The EU maintains contacts with other third countries concerned where necessary.
127. Intensive contacts and appropriate cooperation where necessary with the UN and other relevant international <sup>23</sup> and regional organisations (e.g. OSCE, Council of Europe), as well as with NGOs etc. are maintained.

**B. Termination of the current military operation where appropriate**

128. If NATO assets and capabilities are being used in the operation, the PSC informs the NAC of the plans to terminate the operation.
129. The Committee of Contributors is consulted on matters related to planning the end of the operation and the withdrawal of forces.

The PSC, which exercises the political control and strategic direction of the operation, will take into account the views expressed by the Committee of Contributors.

The PSC in the light of the advice of the Military Committee prepares its opinion to the Council on the termination of the military operation.

**C. Termination of the police operations and operations related to other civilian instruments**

The SG/HR together with the Commission and, as far as police aspects are concerned, drawing on the input from the Police Unit, may call the attention of the PSC to the possible need to terminate police operations and operations related to other civilian instruments.

The PSC, in the light of advice from CIVCOM, makes recommendations to the Council on the termination of the police operations and operations related to other civilian instruments.

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<sup>23</sup> See document "EU Cooperation with International Organisations in Civilian Aspects of Crisis Management" (Annex V to Presidency ESDP Report to the Göteborg European Council).

**D. Council decision**

**129.** The Council upon recommendation by the PSC, when appropriate advised by the Military Committee and CIVCOM:

- a) decides to terminate the current military operation. The Chairman of the Military Committee represents the Military Committee at the Council;
- b) decides to terminate the current police operation and the other measures that are no longer needed;
- c) decides about the launching of further actions needed at this stage;
- d) may invite the Commission to re-examine the measures falling under its responsibility, or to make the necessary proposals to that end;
- e) invites Member States to re-examine actions taken at national level, and if necessary, to adapt them.

**E. Information policy**

**130.** The PSC ensures co-ordination of the EU information strategy in support of the EU response to the crisis. The Presidency, SG/HR, Member States and the Commission implement this coherent information strategy, concentrating on termination of the military operation and/or the police operation and on any transition and follow-up measures.

**F. Documentation****G. Lessons learned**

**131.** Once the military and/or police operation are terminated, and when other civilian aspects of the operation are wound down, the PSC:

- a) requests the Military Committee to evaluate lessons learned on the basis of the reports by the Operation Commander and the Military Staff;
- b) requests CIVCOM to evaluate lessons learned. In particular, this Committee will evaluate lessons learned for police operations on the basis of reports by the Police Unit and the PHM;
- c) may request the Committee of Contributors to provide its assessment of the lessons drawn from the operation;

The Commission provides information to Council, including the PSC on lessons learned within its area of responsibility.

The PSC proceeds to an overall assessment.

**PHASE 7 STABILITY PROMOTION, POST CONFLICT RECONSTRUCTION**

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<b>ANNEX 1: ILLUSTRATIVE LIST OF CIVILIAN INSTRUMENTS</b>
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## **CRISIS MANAGEMENT PROCEDURES**

### **CIVILIAN INSTRUMENTS**

**FOREWORD**

This addendum contains a series of descriptive notes on civilian instruments of crisis management. Each of them details, for each instrument, the appropriate legal basis, the financing, the procedures to be followed, as well as additional remarks and selected precedents. This addendum is a living document which, as for the main document, needs to be studied in detail and evaluated by experts, namely from the Commission.

The list of instruments is not exhaustive. The work to be undertaken on the document, besides improving and perfecting it, should also lead to the inclusion of additional descriptive notes on other instruments which are deemed relevant in civilian crisis management.

## CONTENTS

1. Declarations
2. Demarches
3. Political dialogue
4. Fact-finding mission
5. EU Special representatives
6. Troika, Presidency or SG/HR missions  
(for mediation, arbitration, confidence-building)
7. Revision of existing arrangements
8. Revision of assistance programmes
- 9a. Sanctions - General trade embargo
- 9b. Sanctions - Arms embargo
- 9c. Sanctions - Visa/Visits ban, diplomatic staff reduction
- 9d. Sanctions - Ban on imports of specific products
- 9e. Sanctions - Flights ban
- 9f. Sanctions - Freeze of assets/funds
- 9g. Sanctions - Ban on investment
10. Financial assistance
11. Humanitarian aid
12. Support to electoral process
13. Dispatch human rights observers
14. Dispatch mission to strengthen rule of law
15. Dispatch police forces

(to secure law and order, to train local police, to monitor local police)

16. Demining assistance

(via other International Organisations or by the EU autonomously)

17. Dispatch border control team

18. Control of migration flows, refugees

19. Evacuation operations including search & rescue

## 1. DECLARATIONS

**Legal basis:** Article 23 TEU

**Financing:** None

A. Procedure:

- Declarations are adopted throughout all phases of the crisis
- Council Secretariat or Presidency prepares initial draft
- Draft text is
  - a. discussed and finalised at PSC for approval by the Council, (I/A Item Note via Coreper); in this case the Declaration is issued as "EU Declaration"; or
  - b. discussed and finalised via Coreu; in this case the Declaration is issued simultaneously in Brussels and Presidency capital as "Presidency Declaration on behalf of EU"; exceptionally, it can be agreed by Coreu that the Declaration is issued as "EU Declaration"; or
  - c. prepared by PSC for adoption by forthcoming European Council, which will finalise the text during session; in this case the Declaration is issued as "Declaration by the European Council".

**Remarks:**

- Association of Associates and EFTA/EEA countries to Declarations adopted under a. and b. above, is automatically launched by Secretariat in consultation with Presidency.
- Exceptionally, due to lack of time, Presidency issues its own Declaration as first immediate response to unforeseen events. In this case, the Presidency speaks on its own behalf.
- SG/HR issues statements on his own behalf.

**Selected precedents:**

All declarations in Council website under <http://domus/News/PressOffice/CFSPStatements>

## 2. DEMARCHES

**Legal basis:** Article 23 TEU

**Financing:** None

**Procedure:**

- Demarches can be carved out throughout all phases of the crisis
- **PRESIDENCY PREPARES INITIAL DRAFT, WHICH CAN BE IN THE FORM OF "TERMS OF REFERENCE"; HOW INPUT MAY BE REQUESTED**
- Draft text is discussed and finalised via Coreu, including modalities (SG/HR, Presidency and Commission, Presidency alone, Troika) and level of receiving authority and of EU representation (HOM, Regional Directors, etc.), or
- Draft text is discussed/finalised by PSC.

**Remarks:**

-Association of Associates to be decided in negotiation by Coreu or by PSC

**Selected precedents:**

See current list kept up-to-date by Council Secretariat (General Affairs) in designated directory [j/listes/demarches](#).

### 3. POLITICAL DIALOGUE

**Legal Basis:** Bilateral agreement with the country concerned or ad-hoc arrangements.

**Financing:** If needed, for travel expenses Council administrative budget (See SG decision 1997)

**Procedure:**

- Established with like-minded countries but also with countries with which the Union may have divergence of views on major issues. In the latter cases such meetings can be employed as a means to defuse potential crises or seek solutions for on-going crises.
- Political dialogue meetings can be organised and take place throughout all phases of a crisis.
- Generally conducted by the Troika. TEU Article 26 provides for the possibility of political dialogue being conducted by the SG/HR.
- Agreement of counterpart for each meeting always necessary.
- The PSC can agree on an ad hoc basis, in relation to a specific crisis, to hold a meeting, and at the same time, agree on the level and composition of the EU delegation, as well as on the Terms of Reference. All this can also be done by Coreu.

**Selected precedents:**

See political dialogue commitments on the collection of acts applicable to CFSP (j/listes/dialpolit).

#### 4. FACT-FINDING MISSION

**Legal basis:** Council request and Commission Decision on financing

**Financing:** Commission Decision authorising utilisation of Budget line B8-0151 (Preparatory Actions and Common Strategies, New Actions), including financial statement.

**Procedure:**

- This measure is normally used during crisis build-up, i.e., when PSC deems, after Coreu exchanges, that before considering self-initiated or requested EU intervention, more knowledge of situation on the ground is needed, (i.e.; facts need to be verified, mediation and/or arbitration tried, confidence built). PSC examines possible composition of the team, in particular the appointment of its Head and the presence of relevant experts, i.e., from the Commission, the Member States, military and/or police, involved IOs, etc.
- During Pre-decisional planning/definition of action, Council Secretariat prepares draft Presidency proposal on mission's tasks, composition, financing, reporting 'modalities, which is discussed by Foreign Relations Counsellors and agreed by PSC. Commission adopts internal Decision on the basis of Presidency proposal, authorising utilisation of CFSP budget line on preparatory actions (B8-0151) and establishing modalities to conclude contracts with missions' members.

**Selected Precedents:**

Mission led by General Sir Garry Johnson in Georgia to assess needs for potential EU measures in support of the authorities of Georgia to ensure the protection of its borders. Commission Decision of May 2000. Fact-finding mission followed by Joint Action 2000/456/CFSP, L 183/22.7.00.

## 5. EU SPECIAL REPRESENTATIVES

**Legal basis:** Art. 18.5 TEU via Joint Action (art. 14 TEU: unanimity, except if in implementation of a Common Strategy)

**Financing:** Administrative expenditure (salaries and travel expenses) charged to Council administrative budget (line 1113: Special Advisers and other persons authorised by the Council); Operational expenditure, if any, charged to CFSP budget lines B8-0130 or B8-0131 (Special Representatives, existing and new ones). Financial statements required from Council Secretariat and Commission.

**Procedure:**

- The appointment of EUSRs is normally used during Crisis Build-up, i.e., when the Council agrees on the advisability of appointing an EUSR and may call upon candidates, possibly via Council conclusions. PSC considers candidates put forward by Member States and EU Institutions at PSC or via Coreu. PSC also discusses objectives and mandate of EUSR.
- During Pre-decisional planning/definition of action, Council Secretariat prepares draft Joint Action which indicates mandate, duration, terms of reference, criteria for constituting EUSR's team, criteria and modalities for reporting, financing arrangements including co-operation with the Commission, provisions on immunities and privileges. Foreign Relations Counsellors discuss draft Joint Action and related financial statements, i.e., one from the Council Secretariat, also prepared by Council Secretariat, on salaries and travel expenses, and one from the Commission, if necessary, on operational expenditure. Draft Joint Action is agreed by PSC and submitted to Coreper/Council for approval.
- Once appointed, EUSR selects his team whose salaries and travel allowances are also charged to the Council administrative budget, except for secondees. The team is constituted in consultation with the Presidency, assisted by the SGIHR and in full association with the Commission.
- During all phases of the crisis, EUSRs co-operate with MS' and Commission's missions in the crisis country. With HOMs, they provide information and assessments to PSC.

**Remarks:**

- Title of appointee (envoy, co-ordinator, etc.) has no bearing on nomination. Any person

whose nomination is not based on Axt.18(5) will be deemed to be a Presidency Representative (art. 18.2)

- Refer to Guidelines on appointing procedure (doc. 7089/00) approved by Council on 30.3.2000

**Selected precedents:**

African Great Lakes region, Joint Action 2000/347/CFSP, L122/24.05.00.

See also "I/A" Item Note in doc. 8298/00.

**6. TROIKA, PRESIDENCY OR SG/HR MISSIONS (for mediation, arbitration, confidence, building)**

**Legal basis:** Articles 23 (Troika), 18 TEU (Presidency, High Representative).

**Financing:** Council administrative budget for Troika travel (see SG Decision 1997) CFSP budget (B8-0151 budget line - preparatory action). No need for a formal Council decision, but need for Commission Decision (see fiche on fact-finding mission) preceded by a Letter of Intent from Commission.

**Procedure:**

- These missions can be organised and take place throughout all phases of a crisis;
- Consent of the "host" country necessary;
- Council Secretariat drafts terms of reference, to be approved by PSC or by Coreu;
- When politically advisable, Council conclusions.

**Remarks:**

Difficulty may reside in availability of Ministers.

## 7. REVISION OF EXISTING ARRANGEMENTS

**Legal basis:** Agreement(s) concerned, and in particular, suspension clause contained therein. Otherwise appropriate provision under public international law (Rebus Sic stantibus etc). Commission proposal always necessary (Unanimity or QMV depending on the legal basis of the decision of conclusion, or on the suspension clause)

**Financing:** None

- Arrangements in question are usually Community or mixed agreements with the country concerned. Most of them contain a suspension or a revision clause, allowing for the revision, suspension or termination of the agreement in its totality or in part if certain conditions are met and setting forth the procedure to that end (e.g. Articles 1 and 58 of the agreement with Mexico, Doc. 11618/97). Commission proposal always necessary.
- During crisis build-up: Commission assesses the consequences of such revision and presents to the Council (PSC) various options.
- During pre-decisional planning/definition of action: Council invites the Commission to present a proposal (in accordance with the revision clause applicable) for the revision of the arrangement(s) in question. The proposal could be discussed and adopted, but its actual entry into force postponed to the moment when the Union decides to act.
- During operational phase: Council adopts the Commission proposal or triggers the measures envisaged. Throughout the crisis the Commission reports on the effects of the measures taken.
- During transition period: Council adopts Commission proposals for the termination/re-entry into force/modification of the agreement(s) concerned.

**Remarks:**

- The SG/HR and the Commission might - as a means to positively influence the situation - notify the country concerned that such a revision is under consideration.
- If revision/suspension requires the same procedure as for conclusion of the agreement,

the European Parliament might have to be consulted or give its assent.

- For ACP countries, see art. 96 Cotonou agreement procedure.

**Precedents:**

Niger, July 1999 (doc. 10390/99)

Fiji, Declaration 10578/00, (Presse 272), P 108/00

Ivory Coast, Declaration 14234/1/99 Rev 1, (Presse 422), P 129/99

## 8. REVISION OF ASSISTANCE PROGRAMMES

**Legal basis:** Regulation establishing the programmes, and specifically, clauses contained therein providing for revision or suspension (QMV on a proposal from the Commission). Comitology procedure for Commission initiatives within the programme.

**Financing:** EC budget (funds allocated to the programme(s) in question)

**Procedure:**

- Programmes usually contained in ad-hoc Council regulations. Implemented by the Commission through a comitology procedure. May contain revision/suspension clauses, permitting the adoption of urgent measures by simplified procedure (e. g. Article 16 of Reg. 99/2000 - Tacis).
- During crisis build-up: The Commission informs the PSC of possible measures within the framework of existing assistance programmes to tackle the crisis, which could either be taken autonomously, or by the Council upon Commission proposal. The Commission identifies the measures to be taken autonomously and/or announces the necessary proposals to the Council.
- During pre-decisional planning/definition of action: the Council invites the Commission to take the measures falling under its responsibilities and/or to present the necessary proposals.'
- During Operational phase - formal decision to take action: The Commission adopts the measures falling under its responsibility. If needed, the Council adopts the Commission proposals on revision of assistance programmes.
- During Operational phase - implementation: The Commission reports regularly to the Council on the implementation of the measures adopted and their impact on the on-going crisis.
- During transition period: The Commission, informs the Council of the reexamination of the measures so far taken, the interruption or resumption of some of them, and announces the necessary proposals for the resumption of the assistance programmes and/or new measures or programmes to tackle the transition.

**9a. SANCTIONS - GENERAL TRADE EMBARGO**

**Legal basis:** Art. 15 TEU (unanimity) for Common Position

1. Art. 301 TEC for Regulation (QMV) with Commission proposal

**Financing:** None

**Procedure:**

- It is usually decided in implementation of UN Security Council Resolution (UNSCR).
- During Crisis build-up, PSC keeps close track of UNSC development. The Commission starts preparing implementation modalities.
- During Pre-decisional planning/definition of action, Council Secretariat prepares draft Common Position that is finalised by Foreign Relations Counsellors and agreed at PSC level. To speed up the possible adoption of the Regulation, the Commission could present informal drafts of the Regulation for discussion by the Foreign Relations Counsellors.
- During Operational Phase - formal decision to take action, Commission formally, adopts the Regulation proposal. Common Position is approved either by Council via Coreper, or by written procedure<sup>24</sup>. The Community Regulation is adopted simultaneously with the Common Position, to ensure practical execution of embargo, i.e., avoid that ban is announced but not immediately implemented.
- During Operational Phase - Implementation, PSC monitors effects of embargo. Commission informs on compliance and proposes adjustments (i.e. "holes" in the embargo) as appropriate.
- Repealing Common Position and Regulation are adopted by Council when appropriate.

**Remarks:**

- Simultaneity of adoption of Common Position and Regulation is essential to ensure compliance with UNSCR.
- In case of autonomous EU sanctions, verify compatibility with international law.
- Specific article on association of Associates and EFTA/EEA countries may be inserted in Common Position. Standard Declaration of alignment applicable.

**Selected precedents:**

Iraq: Council Regulation 2465/96, L 337/27.12.96; Common Position 96/741/CE, L 337/27.12.96

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<sup>24</sup> If it is necessary to ensure entry into force by date either prescribed in UNSCR or by expiry of deadline given to crisis country for compliance with EU conditions

**9b. SANCTIONS - ARMS EMBARGO**

**Legal basis:** Art. 15 TEU for Common Position (unanimity)

Art. 301 TEC for embargo on repressive equipment (QMV), with Commission proposal

**Financing:** None

**Procedure:**

- It is decided either in implementation of UNSCR or as EU autonomous measure.
- During Crisis build-up, PSC discusses flow of arms into crisis country as contributing to destabilisation or monitors UNSC's discussions on possible embargo. It discusses advisability of including equipment used for repressive purposes or terrorism' in possible embargo.
- During Pre-decisional planning/definition of action, Council Secretariat prepares draft Common Position that is finalised by Foreign Relations Counsellors and agreed at PSC level. If equipment for repression and terrorism<sup>25</sup> is to be included, the Commission could present informal drafts of the Regulation for discussions by Foreign Relations Counsellors to speed up the possible adoption of the Regulation.
- During Operational Phase - formal decision to take action, Commission formally adopts the Regulation proposal. Common Position is adopted either by Council via Coreper or by written procedure<sup>26</sup>. The Regulation is adopted simultaneously with the Common Position.
- During Operational Phase - Implementation, PSC monitors compliance.
- Repealing decisions (Common Position and Regulation) are adopted by Council when appropriate, unless expiry is provided for in initial acts.

**Remarks:**

- This measure can be part of a Common Position encompassing additional sanctions. EU definition of arms is used also in case of transposition of UN embargo.
- Specific article on association of Associates and EFTA/EEA countries may be inserted

<sup>25</sup> This equipment falls under Community competence

<sup>26</sup> If it is necessary to ensure entry into force by date either prescribed in UNSCR or by expiry of deadline given to crisis country for compliance with EU conditions.

in Common Position. Association crucial if autonomous EU embargo. Standard Declaration of alignment applicable.

**Selected Precedents:**

Indonesia: Common Position 99/624/CFSP, L 245/17.9.99; Regulation 2158/99, L 265/13.10.99

Libya: Common Position 99/261/CFSP, L 103/20.4.99 amended by Common Position 99/611/CFSP, L 242/14.9.99

**9c. SANCTIONS – VISA/VISITS BAN, DIPLOMATIC STAFF REDUCTION<sup>27</sup>**

**Legal basis:** Art 15, TEU for Common Position (unanimity, except if in implementation of a Common Strategy)

**Financing:** None

**Procedure:**

- This measure is decided either in implementation of UNSCR or autonomously by EU.
- During Crisis build-up, PSC discusses possible impact of measures.
- During Pre-decisional planning/definition of action, Council Secretariat prepares draft Common Position that is finalised by Foreign Relations Counsellors and agreed at PSC level. HOMs are asked to prepare lists of persons, i.e., close to regime in crisis country, whose names and details (e.g. date of birth, transport No, etc.) may be included in the Common Position as subject to a visa ban. The list of names can be included in a Decision implementing the Common Position. This Decision is adopted and can be amended by QMV.
- During Operational Phase - formal decision to take action, Common Position is, approved either by Council via Coreper or by written procedure. <sup>28</sup>
- During Operational Phase - Implementation, HOMs are asked to monitor effects of measures and contribute to their assessment.
- Amending Decisions are required frequently to take account updates/improvements to lists of individuals.
- Repealing Common Position is adopted by Council when appropriate.

**Remarks:**

- This measure can be part of a wider Common Position including additional sanctions.
- Take account of technical time needed for compilation/verification of lists, persons' titles, acquisition of specific info, i.e., dates and places of birth.
- For reduction of diplomatic personnel, categories of diplomatic staff to be withdrawn are indicated, i.e., military attaches (see model).
- Specific article on association of Associates and EFTA/EEA countries may be inserted in Common Position. Standard Declaration of alignment applicable.

<sup>27</sup> Refer to Fiches on "Dispatch Border Control Team" and "Control of Migration Flows Refugees".

<sup>28</sup> If it is necessary to ensure entry into force by date either prescribed in UNSCR or by expiry of deadline given to crisis country for compliance with EU conditions.

**Selected precedents:**

Burma: Common Position 2000/346/CFSP, L 122/24.5.2000

*FRY: Common Position 2000/56/CFSP, L 21/26.1.00; Common Position 2000/176/CFSP, L 56/1.3.00 (repealed by Common Position 2000/454/CFSP, L 183/22.7.00)*

**9d. SANCTIONS - BAN ON IMPORTS OF SPECIFIC PRODUCTS**

**Legal basis:** Art. 15 TEU (unanimity) for Common Position

Art. 301 TEC for Regulation (QMV) with Commission proposal

**Financing:** None

**Procedure:**

- It is usually decided in implementation of UNSCR.
- During Crisis build-up, PSC discusses if ban on imports of products whose revenue contributes to financing targeted regime could force the latter towards desired solution (end of repression or aggression). Examples: oil and related products, diamonds. Ban is also considered to "isolate" crisis country and impede fuelling of repression/aggression machinery. Examples: oil and related products. The Commission starts assessing the feasibility of the ban. HOMs are alerted.
- During Pre-decisional planning/definition of action, Council Secretariat prepares draft Common Position that is finalised by Foreign Relations Counsellors and agreed at PSC level. To speed up the possible adoption of the Regulation, the Commission could present informal drafts of the Regulation for discussion by the Foreign Relations Counsellors.
- During Operational Phase - formal decision to take action, Commission formally, adopts the Regulation proposal. Common Position is adopted either by Council via Coreper, or by written procedure<sup>29</sup>. The Regulation is adopted simultaneously with the Common Position, to ensure practical execution of ban, i.e., avoid that ban is announced but not immediately implemented.
- During Operational Phase - Implementation, PSC monitors effects of ban. HOMs are closely associated. Commission informs on compliance and proposes adjustments (i.e. "holes" in the ban) as appropriate, via comitology if provided for by Regulation.

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<sup>29</sup> If it is necessary to ensure entry into force by date either prescribed in UNSCR or by expiry of deadline given to crisis country for compliance with EU conditions

- Repealing Common Position and Regulation are adopted by Council when appropriate.

**Remarks:**

- This measure can be part of a wider Common Position including additional sanctions.
- Simultaneity of adoption of Common Position and implementing Regulation is essential to ensure credibility of measures and/or compliance with UNSCR's deadline.
- For autonomous EU sanctions, verify compatibility with international law.
- Specific article on association of Associates and EFTA/EEA countries may be inserted in Common Position. Standard Declaration of alignment applicable.

**Selected Precedents:**

Sierra Leone: 2000/455/CFSP, L 183/22.7.00 (diamonds)

***FRY: 99/273/CFSP, L 108/27.4.99 + Regulation 900/99, L 114/1.5.99 repealed by 2111/99, L 258/5.10.99 (oil + oil products)***

## 9e. SANCTIONS - FLIGHTS BAN

**Legal basis:** Art. 15 TEU(unanimity) for Common Position

(a) Art. 301 TEC for Regulation (QMV) with Commission proposal

**Financing:** None

**Procedure:**

- It is decided either in implementation of UNSCR or as EU autonomous measure.
- During Crisis build-up, PSC discusses if flights ban could force targeted regime towards the desired solution (end of repression or aggression). The Commission starts assessing the feasibility of the ban, including an assessment of airlines' bilateral agreements if ban is not in implementation of UNSCR.
- During Pre-decisional planning/definition of action, Council Secretariat prepares draft Common Position that is finalised by Foreign Relations Counsellors and agreed at PSC level. To speed up the possible adoption of the Regulation, the Commission could present informal drafts of the Regulation for discussion by the Foreign Relations Counsellors.
- During Operational Phase - formal decision to take action, Commission has formally adopted the Regulation proposal. Common Position is approved either by Council via Coreper, or by written procedure<sup>30</sup>. The implementing Regulation is adopted simultaneously with the Common Position, to ensure practical execution of ban, i.e., avoid that ban is announced but not immediately implemented, with the same modalities as for the Common Position.
- During Operational Phase - implementation, PSC monitors effects of ban. Commission informs on compliance and difficulties in implementation on the ground. It proposes adjustments (i.e. "holes" in the ban) as appropriate.
- Repealing Common Position and Regulation are adopted by Council when appropriate.

**Remarks:**

- This measure can be part of a wider Common Position including additional sanctions.
- Simultaneity of adoption of Common Position and implementing Regulation is essential to

<sup>30</sup> If it is necessary to ensure entry into force by date either prescribed in UNSCR or by expiry of deadline given to crisis country for compliance with EU conditions

ensure credibility of measures.

- Compliance could be monitored by military means.
- Specific article on association of Associates and EFTA/EEA countries may be inserted in Common Position. Standard Declaration of alignment applicable.

(i) Selected precedents:

Afghanistan: Common Position 1999/727/CFSP, L 294/16.11.99 and Regulation 337/00, L 43/16.2.00

FRY: Common Position 99/318/CFSP, L 123/13.5.99, Regulation 2151/99, L 264/12.10.99  
suspended by Regulation 607/00, L 73/22.3.00

<b>9f. SANCTIONS - FREEZE OF ASSETS/FUNDS</b>
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**Legal basis:** Art. 15 TEU (unanimity) for Common Position  
 Art. 301 and, if required for capital movements, art. 60 TEC for  
 Regulation (QMV) with Commission proposal

**Financing:** None

**Procedure:**

- It is decided either in implementation of UNSCR or as EU autonomous measure.
- During Crisis build-up, PSC discusses if freezing assets and/or funds of State or State-related enterprises as well as of individuals close to targeted regime could force the latter towards the desired solution (end of repression or aggression) The Commission starts assessing the feasibility of the freeze. HOMs are alerted since their input on targeted firms and individuals will be crucial to ensure "fairness" of freeze.
- During Pre-decisional planning/definition of action, Council Secretariat prepares draft Common Position that is finalised by Foreign Relations Counsellors and agreed at PSC level. To speed up the possible adoption of the Regulation, the Commission could present informal drafts of the Regulation for discussion by Foreign Relations Counsellors.
- During Operational Phase - formal decision to take action, Commission formally adopts the Regulation proposal. Common Position is approved either by Council via Coreper, or by written procedure<sup>31</sup>. The Regulation is adopted simultaneously with the Common Position, to ensure execution of freeze by public and private operators.
- During Operational Phase - Implementation, PSC monitors effects of freeze. HOMs participate closely. Commission informs on compliance and proposes adjustments (i.e. "holes" in the freeze) via comitology procedure if provided for in the Regulation.
- Repealing Common Position and Regulation are adopted by Council when appropriate.

**Remarks:**

- This measure can be part of a wider Common Position including additional sanctions.
- Simultaneity of adoption of Common Position and implementing Regulation is essential to ensure credibility of measures and/or compliance with UNSCR's deadline.

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<sup>31</sup> If it is necessary to ensure entry into force by date either prescribed in UNSCR or by expiry of deadline given to crisis country for compliance with EU conditions

- Specific article on association of Associates and EFTA/EEA countries may be inserted in Common Position. Standard Declaration of alignment applicable.

**Selected precedents:**

Afghanistan: [C.P. 1999/727/CFSP](#), L 294/16.11.99 and Reg. 337/00, L 43/16.2.00

FRY: [C.P. 99/318/CFSP](#), L 123/13.5.99, Reg. 1294/99, L 153/19.6.99

Burma: [C.P. 2000/346/CFSP](#), L 122/24.5.00 and Reg. 1081/L 122/24.5.00

**9g. SANCTIONS: - BAN ON INVESTMENT**

**Legal basis:** Art. 15 TEU(unanimity) for Common Position  
 Art. 301 and if required for capital movements, art. 60 TEC, for  
 Regulation (QMV) with Commission proposal

**Financing:** None

**Procedure:**

- It is decided either in implementation of UNSCR or as EU autonomous measure.
- During Crisis build-up, PSC discusses if ban on investments (existing and/or new) of State or State-related enterprises as well as of firms and individuals close to targeted regime could force the latter towards the desired solution (end of repression or aggression). The Commission starts assessing the feasibility of the ban. HOMs are alerted since their input on targeted firms and individuals will be crucial.
- During Pre-decisional planning/definition of action, Council Secretariat prepares draft Common Position that is finalised by Foreign Relations Counsellors and agreed at PSC level. To speed up the possible adoption of the Regulation, the Commission could present informal drafts of the Regulation for discussion by Foreign Relations Counsellors.
- During Operational Phase - formal decision to take action, Commission has formally adopted the Regulation proposal. Common Position is approved either by Council via Coreper, or by written procedure<sup>32</sup>. The Regulation is adopted simultaneously with the Common Position to ensure execution of ban by public and private operators, with the same modalities as for the Common Position.
- During Operational Phase - Implementation, PSC monitors effects of ban. HOMs participate closely. Commission informs on compliance and proposes adjustments (i.e. "holes" in the ban) via comitology procedure if provided for in the Regulation.
- Repealing Common Position and Regulation are adopted by Council when appropriate.

**Remarks:**

- This measure can be part of a wider Common Position including additional sanctions.
- Simultaneity of adoption of Common Position and implementing Regulation is essential to ensure credibility of measures and/or compliance with UNSCR's deadline.
- Specific article on association of Associates and EFTA/EEA countries may be inserted

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<sup>32</sup> If it is necessary to ensure entry into force by date either prescribed in UNSCR or by expiry of deadline given to crisis country for compliance with EU conditions

in Common Position. Standard Declaration of alignment applicable.

**Selected precedents:**

FRY: Common Position 98/374/CFSP, L 165/10.6.98, Regulation 1294/99, L 153/19.6.99

## 10. FINANCIAL ASSISTANCE

**Legal basis:**     CFSP emergency measures - Joint Action  
                          Macro-financial assistance - Art. 308 (unanimity) - Council Decision  
                          Use of existing programmes - Regulation establishing the programme

**Financing:**     Emergency measures - B8-014 Macro-financial assistance BO-20 or B7  
                          Existing programmes (several)

**Procedure:**

– Emergency measures

- The decision to provide financial assistance can be adopted throughout all phases of the crisis.
- Used for immediate and limited assistance.
- PSC examines the advisability of the measures.
- Council Secretariat prepares draft Joint Action, which is finalised by Foreign Relations Counsellors and agreed by COREPER/Council.

– Macro-financial assistance

- Suitable during the Routine phase or during the Transition period.
- PSC examines the advisability of the measures.
- The Commission consults the Economic and Financial Committee before submitting its proposal to the Council.
- The Commission proposal is finalised by the Financial Counsellors and agreed by COREPER/Council (ECOFIN) after the consultation of European Parliament<sup>33</sup>
- The assistance can be in the form of loans or grants.
- The Commission manages the assistance in close consultation with the Economic and Financial Committee.

– Use of existing programmes

- *The Commission informs the PSC on the measures taken and under consideration.*
- *Comitology procedure.*

<sup>33</sup> In relation to the consultation of the European Parliament it should be noted that unless an urgency procedure is used, the Council might have to wait for the EP opinion for several months.

**Remarks:**

- In case of macro-financial assistance, the Council generally requires that the recipient has agreed with the IMF on a macroeconomic programme.
- Co-ordination with the Member States financial aid measures essential.

(ii) Selected precedents

Montenegro: Joint Action 98/301/CFSP, L 138/9.5.98

Montenegro: Council Decision 2000/355/EC of [22.5.00/L](#) 127/27.5.00

Kosovo: Council Decision 2000/140/EC of [14.2.00/L](#) 47/19.2.00

## 11. HUMANITARIAN AID

**Legal basis:** Reg. 1257/96. Implementation by Commission (in particular ECHO) via comitology procedure, or  
Cotonou Agreement for ACP countries, or  
CFSP legal instruments to support conveying of humanitarian aid

**Financing:** EC budget lines provided for Reg. 1257/96  
European Development Fund (EDF) in case of ACP countries  
CFSP budget lines to support conveying of humanitarian aid

**Procedure:**

- The need for supplying humanitarian aid can intervene in all phases of the crisis.
- During crisis build-up, especially at early-warning phase, PSC asks Commission for information on humanitarian aid operations either planned, decided or in the course of implementation in crisis country. Special attention is given to coordination of international efforts, i.e., with UN.
- Commission keeps PSC informed throughout crisis, giving particular ; consideration to possible support needed for distribution and protection of convoys. This may require Council Decisions, i.e., Joint Actions, at later phases of crisis.
- During Pre-decisional planning/definition of action, if so required, Council Secretariat prepares draft Joint Action, in close association with Commission services, on supporting the conveying of EU/international aid (for example, for the identification, restoration and preservation of priority routes). The draft Joint Action is finalised by Foreign Relations Counsellors and agreed by PSC. The Joint Action can be financed either from CFSP budget lines (chapter B8) or by MS' contributions or by a combination of both. Financing modalities will be specified in the financial statement, to be provided by the Commission and attached to the draft Joint Action.
- During Operational Phase - formal decision to take action, Joint Action or Decision implementing Common Position is approved either by Council via Coreper or by written procedure, depending on urgency.
- During Operational Phase - Implementation, PSC monitors implementation with close involvement by Commission. HOMs are closely associated.
- After end of military operation and during transitional phase, measures are likely to

continue. PSC continues to monitor and HOMs continue to be closely associated.

**Remarks:**

- Urgency procedure at art. 17.3 of Reg. 1257/96.

**Selected precedents:**

Convoying of humanitarian aid in Bosnia- Herzegovina

Council Decision 93/603/CFSP, L 286/20.11.93 as amended.

N.B.: Decision should be "Joint Action".

## 12. SUPPORT TO ELECTORAL PROCESS

**Legal basis:** Regulations 975/99 and 976/99 on laying down the requirements for the implementation of Community operations in relation to developing and consolidating democracy and the

- rule of law and to that of respecting human rights and fundamental freedoms
  - Comitology
- Joint Action if Community has not acted (Article 14)

**Financing:** Community financing based on Regulations 975/99 and 976/99

**Procedure:**

The decision to provide support for the supervision of an electoral process is likely to be taken as part of EU's contribution to stability and conflict prevention and hence used during the Routine phase or during the Transition period after the operation has been terminated.

- EU can act out of its own initiative or at the request of an outside body (e.g. UN, OSCE).
- The Commission gives concrete indications to the PSC on the action it intends to pursue and keeps the PSC regularly informed.
- The Commission shall adopt the measures under the comitology procedure.
- If CFSP measures are envisaged, Council Secretariat prepares draft Joint Action, in close association with Commission services. The draft Joint Action is finalised by Foreign Relations Counsellors and agreed by PSC. The Joint Action can be financed either from CFSP budget lines (chapter B8) or by MS<sup>34</sup> contributions or by a combination of both. Financing modalities will be specified in the financial statement, to be provided by the Commission and attached to the draft Joint Action.

<sup>34</sup> If the measures are not in accordance with the opinion of the committee the Commission shall submit to the Council a proposal relating to the measures to be taken. The Council must act by a qualified majority before three months from the date of referral to the Council or the measures shall be adopted by the Commission.

**Remarks:**

- The comitology procedure is used for decisions on operations for which financing exceeds EUR 1 mio or any modification so such operations leading to an increase of more than 20 % in the sum initially agreed as well as for programmes intended to provide a coherent framework for action where the scale and complexity of the needs identified are such that they seem likely to continue.
- The Commission may finance emergency measures up to a maximum of EUR 2 mio. In these cases the Commission shall act after consulting the Member States.
- Co-ordination with the NGOs of the MSs, the EP and national parliaments essential.
- Gradual decline in use of CFSP legal instruments after entry into force of Regulations 975/99 and 976/99.

P.M. 'Co-ordinating mechanism' database.

### 13. DISPATCH HUMAN RIGHTS OBSERVERS

**Legal basis:** Based on regulations 975/99 and 976/99 on laying down the requirements for the implementation of Community operations in relation to developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms

- Comitology

Joint Action if Community has not acted.

**Financing** Community financing based on Regulations 975/99 and 976/99

**Procedure:**

- The decision to dispatch Human Rights Observers can be taken throughout all phases of the crisis.
- EU can act out of its own initiative or at the request of an outside body (e.g. UN, OSCE).
- The Commission gives concrete indications to the PSC on the action it intends to pursue and keeps the PSC regularly informed.
- The Commission shall adopt the measures under the comitology procedure.<sup>35</sup>
- If CFSP measures are envisaged, Council Secretariat prepares draft Joint Action, in close association with Commission services. The draft Joint Action is finalised by Foreign Relations Counsellors and agreed by PSC. The Joint Action can be financed either from CFSP budget lines (chapter B8) or by MS' contributions or by a combination of both. Financing modalities will be specified in the financial statement, to be provided by the Commission and attached to the draft Joint Action.

**Remarks:**

- The comitology procedure is used for decisions on operations for which financing exceeds EUR 1 mio or any modification so such operations leading to an increase of more than 20 % in the sum initially agreed as well as for programmes intended to provide a coherent framework for action where the scale and complexity of the needs identified are such that they seem likely to continue.

<sup>35</sup> If the measures are not in accordance with the opinion of the committee the Commission shall submit to the Council a proposal relating to the measures to be taken. The Council must act by a qualified majority before three months from the date of referral to the Council or the measures shall be adopted by the Commission.

- The Commission may finance emergency measures up to a maximum of EUR 2 mio. In these cases the Commission shall act after consulting the Member States.
- Co-ordination with the NGOs of the MSs, the EP and national parliaments essential.
- Gradual decline in use of CFSP legal instruments after entry into force of Regulations 975/99 and 976/99.

P.M. 'Co-ordinating mechanism' database

## 14. DISPATCH MISSION TO STRENGTHEN RULE OF LAW

**Legal basis:** Based on regulations 975/99 and 976/99 on laying down the requirements for the implementation of Community operations in relation to developing and consolidating democracy and the - rule of law and to that of respecting human rights and fundamental freedoms

- Comitology

Joint Action if Community has not acted.

**Financing:** Community financing based on Regulations 975/99 and 976/99

**Procedure:**

- The decision to dispatch mission to strengthen rule of law can be taken throughout all phases of the crisis.
- EU can act out of its own initiative or at the request of an outside body (e.g. UN, OSCE).
- The Commission gives concrete indications to the PSC on the action it intends to pursue and keeps the PSC regularly informed.
- The Commission shall adopt the measures under the comitology procedure.<sup>36</sup>

**Remarks:**

- The comitology procedure is used for decisions on operations for which financing exceeds EUR 1 mio or any modification so such operations leading to an increase of more than 20 % in the sum initially agreed as well as for programmes intended to provide a coherent framework for action where the scale and complexity of the needs identified are such that they seem likely to continue.
- The Commission may finance emergency measures up to a maximum of EUR 2 mio. In these cases the Commission shall act after consulting the Member States.
- Co-ordination with the NGOs of the MSs, the EP and national parliaments essential.
- Gradual decline in use of CFSP legal instruments after entry into force of Regulations 975/99 and 976/99.

<sup>36</sup> If the measures are not in accordance with the opinion of the committee the Commission shall submit to the Council a proposal relating to the measures to be taken. The Council must act by a qualified majority before three months from the date of referral to the Council or the measures shall be adopted by the Commission.

**15. DISPATCH POLICE FORCES (to secure law and order, to train local police, to monitor local police)**

**Legal basis:** Joint Action based on Article 14 TEU (Unanimity, except if adopted in implementation of a Common Strategy)  
Regulations 975/99 and 976/99 for training operations (Commission in the lead with a comitology procedure)

**Financing:** CFSP budget lines for operations of limited importance (financial statement required from Commission), otherwise MS direct contribution. EC budget for operations undertaken under Commission responsibility (budget line corresponding to the legal instrument selected).

**Procedure:**

- During Crisis-build-up: PSC, with input from the "Co-ordinating Mechanism", JHA Working Groups (e.g. Police Co-operation, or Article 36 Committee) and the Committee for Civilian aspects of Crisis management discusses implications of such dispatch in the light of the police available; the Commission is fully associated to the exercise and provides information on possible actions it can take autonomously.
- During Pre-decisional planning/definition of action: Member States (in all likelihood within the Article 36 Committee) make commitments on the number of police they can provide. Council Secretariat prepares draft Joint Action which is finalised by Foreign Relations Counsellors and agreed at PSC level. Commission prepares financial statement if funding in through CFSP budget. The Commission informs the PSC on the measures it envisages to take under its responsibility.
- During Operational Phase-formal decision to take action: Council, via Coreper or by written procedure) adopts Joint Action. It appoints, if needed, a "Head of the Operation".
- During Operational Phase - implementation: Council (PSC) monitors the situation by receiving reports by the Head of Operation, HOMs, Commission, Joint Sitcen.
- During the Transition period: Need to amend or revise Joint Action in the light of evolution of the situation.

**Remarks:**

- Joint Action must contain detailed reporting and supervisory provisions.
- Need to define a precise mandate for operation.
- Need to agree with receiving country on status of operation and of personnel to be sent.
- Need for detailed information from the crisis theatre, in particular on the conditions of local police, and on the possible effect on the local population of the dispatch of foreign police is paramount.
- Strong co-ordination with the military element of the operation (when there is one) to secure law and order.
- Contacts with lead-agency (if EU operation is not autonomous) or in any case with organisations active on the ground paramount throughout the crisis.
- PM: Co-ordinating Mechanism Data base.

**Selected precedents:**

Albania (MAPE): Joint Action 99/189/CFSP, L 63/12.3.99 and Council Decision 99/190/CFSP, L 63/12.3.99 as amended.

N.B.: ex art. J.4.2. no longer suitable (e.g. for Council Decision above)

**16. DEMINING ASSISTANCE (via other International Organisations or by the EU autonomously)**

**Legal basis:** Regulations 975/99 and 976/99 or technical assistance regulations (MEDA, TACIS etc.) (Commission in the lead with a comitology procedure), pending the adoption of a general demining EC Regulation.  
Article 14 TEU for "military" demining (unanimity).

**Financing:** EC budget (funds allocated to the programme(s) in question) CFSP budget line for operations based on Article 14 TEU.

**Procedure:**

- Although demining assistance may be provided throughout all phases of the crisis, it is most likely to occur during the transition period.
- The Commission informs the PSC on the measures it envisages to take under its responsibility and, once the measures have been taken, provides regular reports to PSC and Council.
- Council Secretariat prepares draft Joint Action which is finalised by Foreign Relations Counsellors and agreed at PSC level.

**Remarks:**

- Member States should co-ordinate in the appropriate Working Group and the CivCom exchange information about their bilateral assistance programmes.
- Co-ordination with other International organisations involved is paramount.
- PM. "Co-ordinating Mechanism" co-ordinates with other international agencies, and receives information from databases on mine action programmes (i.e. UN Mine action service).
- Gradual decline in use of CFSP legal instruments after entry into force of Regulations 975/99 and 976/99.

17. DISPATCH BORDER CONTROL TEAM<sup>37</sup>

**Legal basis:** - Art. 14 TEU for Joint Action, art. 15 TEU for Common Position: unanimity; if in implementation of Common Strategies or in case of Decision implementing Common Position or Joint Action: QMV; or  
 - Regs 975/99 & 976/99, TACIS, PHARE, Obnova, MEDA, etc.:  
 Implementation by Commission via comitology

**Financing:** From CFSP budget lines (chapter B8) (financial statement required from Commission), or under budget lines designated for above Regulations

**Procedure:**

- This measure aims at preventing illegal activities at borders where such activities contribute to escalation of potential conflict. It is likely to be used during crisis build-up, i.e., if EU considers that escalation of potential conflict can be avoided through appropriate border-monitoring, or after ending military operation and during transitional phase, if EU considers border-monitoring as contributing to stabilisation. PSC examines merit of proposed measure in close association with Commission, which keeps PSC informed of its analysis, plans and actions under, Community programmes (Regs 975 & 976/99, TACIS, PHARE, etc.). PSC examines suitable composition of team, in particular the appointment of its Head and the presence of relevant experts, i.e., from the Commission, the Member States, military and/or police, involved IOs, etc. HOMs are closely associated and provide input on needs.
- Council Secretariat prepares draft CFSP instrument (Joint Action or Decision implementing Common Position) on team's tasks, composition, financing, reporting modalities. Draft, including related financial statement on financing of team, is discussed by Foreign Relations Counsellors. SCIFA (Strategic Committee on Immigration Frontiers and Asylum), the Frontiers and CIREFI Working Parties are kept informed and are asked to provide technical expertise in identifying needs and human resources, i.e., experts from Member States. The draft CFSP instrument is agreed by PSC. If there is orientation towards using 15<sup>th</sup> pillar instruments, Commission informs PSC of proceedings.
- Joint Action or Decision implementing Common Position is submitted to Coreper/Council for approval, if urgent, by written procedure. In case of EC instruments, Commission ensures timeliness of relevant decisions via comitology, if necessary via urgency procedures provided for in specific Regulations.

<sup>37</sup> Refer to Fiches on "Control of Migration Flows Refugees" and "Sanctions - Visa/Visits Ban, Diplomatic Staff Reduction"

- PSC receives assessments from team. HOMs continue to be closely associated.

**Remarks:**

- EU may act autonomously or contribute to lead IO organising monitoring activity, e.g., UN, OSCE
- Strong need to co-ordinate EC and CFSP instruments at all phases
- Controversial financing under EC instruments other than Regs 975/99-976/99
- This measure may be in implementation of an all-encompassing Common Position

**Selected precedents:**

Georgia: Joint Action 2000/456/CFSP, L 183/22.7.00

**18. CONTROL OF MIGRATION FLOWS, REFUGEES<sup>38</sup>**

**Legal basis:** EC (ex JHA): Art. 62 and 63 TEC for new Community measures (unanimity, Member States share the right of initiative with the Community for 5 years after entry into force of the Amsterdam Treaty) as well as for developing existing Schengen acquis.

Art. 64.2 TEC for emergency measures (QMV with Commission ,proposal).

N.B.: crucial instrument in case of urgent situation.

CFSP: On items where there is no Community Competence, art. 14 for Joint Action art. 15 for Common Position: unanimity; if in implementation of Common Strategies or in case of Decision implementing Common Position or Joint Action: QMV

**Financing :** In case of CFSP instruments, financial statement required from Commission.

**Procedure:**

- This measure may be needed at all phases of crisis.
- PSC examines feasibility of proposed measures in close association with the Commission. It seeks the advice of SCIFA (Strategic Committee on Immigration, Frontiers and Asylum) and High level working party on Asylum and Migration, as well as subordinate bodies, such as Working Party on Migration and Expulsion, Frontiers Group and CIREFI, (early warning mechanism). HOMs are closely associated and provide input on needs. Co-ordination with involved IOs is crucial.
- If financing of measures is required, on the CFSP budget line Council Secretariat prepares draft CFSP instrument (Joint Action or Decision implementing Common Position), including related financial statement, which are discussed by Foreign Relations Counsellors. SCIFA and other involved JHA instances are kept informed. Joint Action or Decision implementing Common Position is agreed by PSC. Otherwise standard Community procedures apply.
- Joint Action or Decision implementing Common Position is submitted to Coreper/Council for approval, if urgent, by written procedure.
- PSC/Commission monitor implementation and examine possible modifications of EU/EC action. HOMs continue to be closely associated.

**Remarks:**

- EU may act autonomously or contribute to lead IO organising control activity, e.g., UN, OSCE
- N.B.: EC instruments (ex JHA) which may be used: Reg.574/1999<sup>39</sup> determining third countries whose nationals must be in possession of visas when crossing EU external borders (QMV and Commission proposal); Schengen Convention, art.2 (and its application procedure for art. 2.2 of 20.12.1995) (possibility for individual Member States to reinstate checks at internal borders, e.g. for German/Austrian border in case of influx from Balkans); Council Resolution 11.5.1999 on early warning system for transmission of information on illegal immigration and facilitation networks (doc. 7965/99) (via CIREFI and in pre-crisis stage); Council Recommendations of 28.5.1998 and 29.4.1999 and Decision of 27.3.2000<sup>40</sup> on detection of false/falsified documents (during crisis build-up); Odysseus programme<sup>41</sup> for training/exchange in fields of asylum, immigration and crossing of external borders (crisis build-up).
- Need for reliable assessment from crisis theatre is crucial. Possibly, need for satellite images (acquisition via CFSP instrument and financing).

PM. Refugee Fund to be adopted shortly

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<sup>38</sup> Refer to Fiches on "Dispatch Border Control team" and "Sanctions - Visa/Visits Ban, Diplomatic Staff Reduction"

<sup>39</sup> OJ L72 of 18.3.99

<sup>40</sup> Ojs C 189 of 17.6.98 and C140 of 20.5.99 and L 81 of 1.4. 2000

<sup>41</sup> 98/244/JHA, OJ L 99, of 31.3.98

**19. EVACUATION OPERATIONS INCLUDING SEARCH & RESCUE**

**Legal basis:** art. 14 TEU for Joint Action (unanimity)

1985-1991 Guidelines on protection of Member States nationals  
in case of political crisis or natural catastrophe

Voluntary co-operation by Member States via lead  
nation

N.B. Art 20 TEU and art. 20 TEC

**Financing:** CFSP budget lines for Joint Action (except for expenditure  
arising from operations having military or defence implications)  
(financial statement required from Commission, or  
Member States (see Art. 28.3 TEU). Financial statement required  
for Joint Action

**Procedure:**

- During Crisis build-up, PSC monitors developments in crisis spot. Continuous HOMs' reporting essential.
- During Pre-decisional planning/definition of action, Council Secretariat prepares draft Joint Action which is finalised by Foreign Relations Counsellors and agreed at PSC level. Text includes financial provisions, i.e., which parts of the evacuation operation, if any, are financed from CFSP budget lines and which ones are charged to Member States budgets (GNP scale unless Council unanimously decides otherwise). Draft Joint Action includes mandate to "lead nation(s)", specifies evacuation criteria (i.e., humanitarian basis including non EU-nationals), indicates contribution(s) by military means and from civil protection resources for possible search and rescue operations. The "Civil Protection" Working Group may be called to contribute its expertise. Co-operation with Commission essential for civil protection part, including possibility of Community financing for parts of the operation. Commission provides Financial Statement related to Joint Action. HOMs' role essential.
- During Operational Phase - formal decision to take action, Joint Action is adopted either by Council via Coreper or by written procedure.
- During Operational Phase - Implementation, PSC monitors implementation via HOMs who are directly involved with the operation.

**Remarks:**

- Association of Associates and EFTA/EEA countries to be assessed on a case by-case basis for possible participation
- Routine consular protection available to EU citizens on basis of Decision 95/553/EC (OJ L 314 of 28.12.95, P.73) in particular under "relief and repatriation of distressed citizens of the Union"
- Draft Guidelines on "consular protection of EU citizens in emergency situations in third countries" under discussion at COCON (see Coreu PAR/0267/00 on "Dispositif mis en place pour sécurité des ressortissants à l'étranger").

**Selected Precedents:**

N.B.: ex art. J.4.2 no longer suitable (e.g. as in Council Decision of 27.6.96, doc. 8386/96)

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## ANNEX 2: TEMPLATE CRISIS MANAGEMENT CONCEPT

**EU CRISIS MANAGEMENT CONCEPT – DRAFT STRUCTURE**

**I. Executive Summary.** *This should set down the broad options for an overall EU response to a crisis and highlight which option is recommended.*

**II. General**

**A. Situation.** *This should set down only those facts that are relevant to the development of options for an overall EU response to the crisis. This would focus on recent developments with regard to the positions taken towards the crisis by the local parties, neighbouring countries, relevant organisations – such as NATO, the UN and the OSCE - , by the '15' and the '6', and by other close partners of the EU.*

**B. EU Political Context.**

(a) Existing EU Engagement. *This should set down an outline of existing EU engagement in the crisis location that would include relevant factors such as formal agreements with the EU, the level of EU assistance and trade relations.*

- (b) EU Political Interest, Political Objectives and Politico-Military Objectives. *This should set down, in so far as is possible at an early stage of a crisis, the how the EU political interest is affected by the crisis, and how the EU political interest might be affected by or by not contributing more actively in the resolution of the crisis. This EU political interest should also be translated into EU political objectives, again in so far as this is possible at an early stage of a crisis, which should then guide development of the 'Desired Endstate'. Should a military role be identified in one or more of the options for an overall EU response, politico-military objectives may start being defined on the basis of the EU political objectives.*
- (c) Desired Endstate. *The desired endstate should set down the specific objectives to be achieved by the overall EU response to the crisis.*

C. Assumptions. *This should set down those assumptions that are needed to enable options for an overall EU response to be developed. Assumptions temporarily replace facts for issues where there is incomplete information, for situations that are continually changing or for situations in which the EU does not have exclusive control over an outcome or for when it cannot predict an outcome.*

D. Limitations. *This should set down those practical, legal and political factors that limit what may be done.*

III. Description of Different Options for an Overall EU Response. *This should set down a brief overview of the different options and should explain the rationale for the differences between each option.*

A. **Option 1:**

1. Achieving the Endstate. *This should explain how this option can meet the 'Desired Endstate'. It should provide a rationale for the selection of the range and scale of measures and instruments by explaining the role to be played by each measure within the overall approach. It should also explain the interaction required between various measures and the possible sequence in which these measures should be employed within the overall scheme. It may also make an initial, early evaluation of the overall duration of a possible operation and may indicate how long the various measures should be employed for.*
2. Cooperation Envisaged With Other International Organisations, The '15', The '6' And Other Close Partners of the EU. *This should set down those elements of cooperation that is envisaged or required.*
3. Information Strategy. *This should set down the broad outline of an information strategy tailored to Option 1.*
4. Financial Considerations. *This should set down, in so far as is possible at an early stage of a crisis, relevant financial considerations for Option 1.*
5. Considerations Related To A Legal Basis. *This should set down, in so far as is possible at an early stage of a crisis, considerations related to a legal basis for actions within Option 1.*

6. Measures Envisaged In Option 1. *This should set down, possibly in a table format, the diplomatic, economic, humanitarian <sup>42</sup>, other civilian measures such as rule of law, civilian administration and civil protection, and the police and military measures envisaged in Option 1: these measures would include both the alteration of existing Community and Member States' bilateral measures and the addition of new Community and Member States' bilateral measures. These measures may also be separated into those envisaged in the short-term and those envisaged in the medium to long-term. <sup>43 44</sup>*
- B. Option 2. *(additional options for an overall EU response following the same structure as for Option 1).*
- C. Option 3. *(additional options for an overall EU response following the same structure as for Option 1).*

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<sup>42</sup> In accordance with Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid, humanitarian aid "the sole aim of which is to prevent or relieve human suffering, is accorded to victims without discrimination on the grounds of race, ethnic group, religion, sex, age, nationality or political affiliation and must not be guided by, or subject to, political considerations" (preamble), and is provided on a "non-discriminatory basis" (Article 1).

<sup>43</sup> The broad options relate to planning for a possible overall EU response to a crisis and should not be seen as an obstacle to those actions, particularly such as humanitarian aid or as could be triggered by the Rapid Response Mechanism, which the Commission could decide to deploy as and when required. Furthermore, the structure as suggested in this template CMC is indicative to show that co-ordination of these different elements will be required for a coherent and comprehensive EU response to a crisis and should not be seen to constrain either the development or the deployment of Community instruments in response to a crisis.

<sup>44</sup> Member States' bilateral measures would be included in the Crisis Management Concept after consultation with Member States.

**IV. Comparison of Options, Cost, Effectiveness, Risk and Feasibility Assessment.**

*This should explain, in so far as is possible at an early stage in the planning process, the pros and cons of the options in relation to each other, and should evaluate the differences in cost, effectiveness and risk between the options. It should also set down a feasibility assessment.*

**V. Recommendation to the Council.** *This should set down which Option should be recommended by the PSC to the Council. It will also provide a rationale for this recommendation. ]*

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