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FORWARDING NOTE

from :	Secretariat
to :	Delegations
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Subject :	Suggestions for procedures for coherent, comprehensive EU crisis management

Delegations will find attached the document containing suggestions for procedures for coherent, comprehensive EU crisis management drawn up by the Secretariat in the light of the documents approved by the European Council in Nice.

SUGGESTIONS FOR
PROCEDURES
FOR
COHERENT, COMPREHENSIVE EU CRISIS MANAGEMENT

Introduction

The "reference framework" presented by the Secretary General/High Representative on procedures for coherent, comprehensive crisis management refers to more detailed suggestions for procedures. The present working paper contains these suggestions, as revised following the first discussion at iPSC and Pol-Mil WG level.

This document is intended to be a living document to be studied in detail and evaluated by civilian and military experts. The procedures should not be validated until they have been tested and revised accordingly in the light of experience and exercise. The working paper thus forms an evolving whole which will be constantly reviewed and up-dated.

The working paper is not exhaustive. Elements such as standard operating procedures (SOP) and the Civil-Military co-operation (CIMIC) concept might be further developed. Moreover, the objective of the present paper being to address EU crisis management procedures, it only briefly refers to the post-conflict phase, a subject that might however be developed at a later stage.

The working paper is composed of five sections:

- Suggestions for procedures for comprehensive, coherent crisis management;
- Annex I: Civilian instruments of crisis management
- Annex II: Options for the financing of military operations
- Annex III: Questions relating to the Council's rules of procedure
- Annex IV: The SG/HR's approach on the EU situation Centre.

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.

Phase 1 Routine phase - Pre-crisis, support to stability and conflict prevention

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

1. 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. The Military Committee carries out routine monitoring and exchange of information within its area of competence.
2. The EU Sitcen, operating on a permanent basis, monitors international developments, provides early warning, receives and evaluates information and disseminates information and evaluation to concerned users, and acts as point of operational contact for the SG/HR.
3. 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.
4. Following up the principles and objectives of the OSCE Charter for European Security, the Union co-operates with the UN, the OSCE, the Council of Europe and other international organisations in a mutually reinforcing manner in stability promotion, early warning and conflict prevention. 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, through EU instruments, Community action and individual Member States' initiatives (see Annex I for procedures for civilian instruments). NB. The EU can also use these instruments in all subsequent phases of a crisis.

5. The EU maintains contacts with third countries within the framework of political dialogue.
6. The EU implements the provisions for the routine phase, of the arrangements with non-EU European NATO members and other candidates for accession to the EU, on involvement in military crisis management.
7. The EU implements the provisions of the permanent arrangements on consultation and co-operation with NATO for the routine phase.
8. The SG/HR maintains contacts with a large number of third countries, the UN and other international and regional organisations (e.g. OSCE, Council of Europe), NGOs, etc.
9. The Military Staff performs military advance planning and regularly reviews existing plans. EU implements provisions for permanent arrangements with third countries wishing to accredit officers to the Military Staff.
10. The Commission performs activities within its field of responsibility, including planning. It ensures relevant international contacts within its area of responsibility.
11. Close co-ordination takes place between the Council Secretariat and the Commission.

- 12.** Procedures are tested and further developed within a comprehensive exercise policy. All Council Secretariat services, the Commission, Member States and, possibly, relevant external actors will participate in the exercises.
- 13.** The Council Press Service on a regular basis keeps the media informed of EU routine activities for example to support stability and conflict prevention.

Phase 2 Crisis build-up

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

A.) Early Warning

1. The SG/HR, the Presidency, a Member State and/or the Commission draw the PSC's attention to a mounting crisis.
2. The provision of information, including intelligence, from Member States is intensified.

B.) Detection of a crisis

1. The PSC makes a political assessment of the situation, the danger for escalation and its consequences. Moreover, the PSC considers measures and instruments, which might be used to seek to positively influence the situation. The Commission, which fully participates in the work of the PSC, starts reflecting on the possible use of instruments falling within its responsibility, and informs the PSC on measures already taken or intended to be taken (see Annex I). Member States do likewise, informing the PSC on measures taken.
2. The PSC may agree to dispatch a fact-finding mission (FFM), possibly civil and military, to verify facts and assess the needs for further EU action.

3. The PSC may ask competent bodies (Military Committee, geographical working groups etc.) to provide further analysis of the crisis. 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 SG/HR informs the Council instances that might be called upon to participate in the crisis management.
4. Consultations with third countries within the framework of political dialogue.
5. Intensification of dialogue and consultation, including at ministerial level, with the non-EU European NATO members and other candidates for accession to the EU.
6. Intensification of contacts and meetings, including at ministerial level, between EU and NATO.
7. The EU Sitcen steps up the collection of information, processes it, and reports on the situation to the SG/HR and to the bodies concerned. The Council Secretariat, including the Military Staff, provides analysis papers and policy options. Provision of classified information by the Member States is paramount.
8. SG/HR intensifies contacts with a large number of third countries, the UN and other international and regional organisations (e.g. OSCE, Council of Europe), providing and soliciting relevant information.
9. The Commission prepares, as appropriate, proposals within its area of responsibility (See Annex I).

C) EU action is considered appropriate: identification of available instruments, capabilities and resources

1. The PSC analyses the situation and establishes that EU action is appropriate (possibly on request from an international lead agency). The PSC should have access to all information processed through agreed channels, proposals and initiatives relating to the crisis in order to make a global assessment. The SG/HR, after consultation with the Presidency, may chair the PSC.
2. The Military Committee provides military advice on the military dimension of a crisis situation, on possible military strategic objectives and available military capabilities and capacities. Its Chairman participates in the PSC. The military representatives of the Member States are encouraged to do likewise.
3. Close contacts between the SG/HR and the Commission throughout the process.
4. Community measures may be taken already during this phase.
5. The SG/HR will contribute with his suggestions to the strategic direction of the EU response to the crisis, which may, from the outset or at a later stage, imply recourse to military means. The processing of the classified information provided by Member States will assist the SG/HR in preparing his suggestions. For those measures involving the recourse to military means, the SG/HR, assisted by the Director of the EU Military Staff, will receive opinions and advice from the Chairman of the Military Committee.
6. The PSC will provide the general political assessment, keeping in mind the totality of measures applicable and pronouncing itself on the political appropriateness of using a particular instrument. The Commission, which fully

participates in the work of PSC, informs the PSC about its state of reflection on the instruments within its field of responsibility. Each measure will be dealt with by the competent body according to the applicable procedures (see Annex I). Member States inform the PSC about measures taken or that they intend to take at national level.

7. The consistency of the work of the Council bodies and of the different Council formations must be ensured.
8. Within the Committee on civilian aspects on Crisis Management, Member States and the Commission provide information on the non-military crisis management assets available and their state of readiness or deployment as well as about bilateral contributions. The Committee ensures that the Council Secretariat is provided with sufficient information in order to be in a position to advise the competent bodies.
9. The 'Co-ordinating Mechanism' on civilian aspects of crisis management within the Council Secretariat supports the relevant bodies, as well as the SG/HR when he prepares his suggestions, on the basis of information collected through the inventories of EU and national civilian instruments. It maintains contacts with Commission Crisis Management Unit.
10. If among the possible measures, some imply the use of military means, the SG/HR, in close co-operation with the Presidency, may submit to the PSC suggestions on the political objectives of the EU's possible military operation and on strategic political option(s).
11. The PSC tasks the Military Committee supported by the Military Staff, to develop strategic military option(s).

12. Consultations with third countries according to the agreed arrangements.
13. If the use of NATO assets and capabilities is being considered, the NAC will be informed.
14. If the use of NATO assets and capabilities is envisaged, special attention will be given to consultation with the non-EU European NATO members.
15. The SG/HR intensifies contacts with the UN and other international and regional organisations (e.g. OSCE, Council of Europe) concerned that are envisaging to contribute to the management of the crisis.
16. The Commission ensures relevant international contacts within its area of responsibility.
17. Meanwhile, monitoring of the developing crisis continues, information gathering is strengthened from sources such as missions of the Member States, Commission delegations, international organisations and NGOs on the ground, satellite images, etc.
18. Overall EU Communication Strategy on the crisis and on possible EU action is developed. The SG/HR, Member States and the Commission agree a coherent information policy.

Phase 3 Pre-decisional planning/definition of action

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

1. The PSC submits an opinion to the Council on the general political assessment. Coreper prepares the work of the Council. The Council agrees that EU action is appropriate. In particular, the Council:
 - if European Council conclusions exist, will further specify the EU political objectives; otherwise, the Council will define them;
 - selects strategic political option(s) for further development;
 - invites the Commission to consider proposing or adopting the measures in pursuit of the political objectives thus selected which fall within its area of responsibility (see Annex I).
2. Within the Committee on civilian aspects on Crisis Management, Member States and the Commission provide information on the non-military crisis management assets available and their state of readiness or deployment as well as about bilateral contributions. The Committee ensures that the Council Secretariat is provided with sufficient information in order to be in a position to advise the competent bodies.
3. The EU Sitcen, in addition to its normal functions, steps up the collection, processing and reporting of situation information. In particular, it will produce comprehensive and timely situation reports and assessments, especially to the SG/HR and the competent bodies for crisis management.

4. The SG/HR reinforces contacts with the UN and other international and regional organisations (e.g. OSCE, Council of Europe) concerned that are envisaging to contribute to the management of the crisis.
5. The Commission ensures relevant international contacts within its area of responsibility.
6. If the operation involves the use of military means, the PSC, by means of the Initial Planning Directive, tasks the Military Committee, supported by the Director of the EU Military Staff, to develop and prioritise the selected strategic military option(s). The Military Committee proposes the selected military options to the PSC.

If necessary, to assist it in the elaboration of military options, the Military Staff may need to seek assistance from other sources, including multinational headquarters, national headquarters or NATO.

7. The Council should at the earliest possible time, in the light of an opinion by the PSC advised by the Military Committee:
 - approve the strategic military option(s), including the proposed chain of command, for further development. The Chairman of the Military Committee will attend the Council meetings;
 - appoint the Operation Commander and designate the Operation Headquarters.
 - consider whether it intends to request the use of NATO assets and capabilities.

8. Consultations will be held with non-EU European NATO members and the other countries that are candidates for accession to the EU with a view to ensuring that the countries potentially contributing to such an operation are informed of the EU's intentions, particularly with regard to the military options being envisaged.

9. **OPTION 1: EU MILITARY OPERATION WITHOUT USE OF NATO ASSETS AND CAPABILITIES**

- a) Member States and, as appropriate, interested third countries, give informal notification to the Military Staff of intention to contribute to an operation by committing military and/or other relevant forces.¹
- b) The PSC, on advice by the Military Committee, assesses the strategic military option(s), including its civilian-military aspects.
- c) Provision and processing of intelligence information.
- d) Options for the financing of military operations are set out in Annex II.
- e) Non-EU European NATO members and other candidates for accession to the EU may deploy liaison officers to European operational headquarters, in order to enable the exchange of information on the operational planning and on the foreseen contribution.
- f) EU keeps NATO fully informed of the planning of the operation.

¹ This commitment may cover the provision of logistical and other facilities of a significant nature (i.e. forces or resources significant for the armed forces of the country concerned, and/or important for the effective conduct of the operation). It can be made during all phases of the crisis.

OPTION 2: EU MILITARY OPERATION WITH RECOURSE TO NATO ASSETS AND CAPABILITIES

- a) Member States and, as appropriate, interested third countries, give informal notification to the Military Staff of intention to contribute to an operation by committing military and/or other relevant forces.¹
- b) The PSC, on the basis of the opinion and recommendation of the Military Committee, supported by the Military Staff, transmits via the Military Committee, to the Operation Commander the strategic directives permitting the preparation of necessary planning documents (CONOPS, OPLAN), using the assured access to NATO planning capability. The EUMC provides military advice on the operational planning documents and forwards them to the PSC for approval.
- c) 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.
- d) 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.
- e) For operations requiring recourse to NATO assets, the non-EU European allies will be involved in the planning according to the procedures laid down within NATO.

- 10.** The SG/HR reinforces relations with the media and steps up information on the EU activities.

¹See footnote 10.

Phase 4 Operational phase - formal decision to take action

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

1. The PSC submits an opinion to the Council recommending taking action. Coreper prepares the work of the Council. The Council adopts a 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:

- takes the necessary measures to that end;
- defines the conditions under which the SG/HR will be responsible for implementing the political and military aspects;
- 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;
- invites Member states to direct their action in support of the Joint Action.

In parallel the Council adopts the Commission proposals for measures falling under the EC Treaty. Within the Committee on civilian aspects on Crisis Management, Member States and the Commission provide information on the non-military crisis management assets available and their state of readiness or deployment as well as about bilateral contributions. The Committee ensures that the Council Secretariat is provided with sufficient information in order to be in a position to advise the competent bodies.

2. If the operation involves the use of military means, the Council at the same time, in the light of an opinion by the PSC advised by the Military Committee:
 - selects a strategic military option, including its chain of command. The Member States are invited to confirm their readiness, subject to national procedures, to support the selected option;
 - appoints the Operation Commander and designates the Operation headquarters if this has not been done in phase 3;
 - designates the Force Commander, the Force Headquarters and Component Commands;
 - approves the directive for the Force Commander;
 - addresses, where appropriate, a formal request to NATO for the use of its assets and capabilities and approves on the basis of the "Berlin Plus" agreement the arrangements for hand-over and any recall conditions;
 - invites third countries, which have indicated their willingness, to participate in the operation.

The Chairman of the Military Committee attends the Council meetings.

3. The Operation Commander prepares a "Concept of operations" (CONOPS) which, following a first evaluation by the Military Staff, he presents to the Military Committee and, after endorsement, to the PSC.
4. Subsequently, the Operation Commander prepares a "Operation Plan" (OPLAN) which, following a first evaluation by the Military Staff, he presents to the Military Committee and, after endorsement, to the PSC.

5. Force Generation Process, including Force Generation Conference. The SG/HR, with the assent of the PSC deliberating in accordance with the relevant rules, tasks the Chairman of the Military Committee, assisted by the Military Staff, to develop the plan for the constitution of the force. The Military Committee transmits the task to the Operation Commander. The relevant third countries confirm the level and quality of their national contribution.
6. The PSC submits to the Council its opinion on CONOPS and subsequently on OPLAN, ROE (rules of engagement) and, where appropriate, SOFA (status of forces agreement).
7. Coreper prepares the work of the Council. The Council, possibly convened in an extraordinary session, approves the concept of the operation and adopts the decision to launch the operation.
8. The PSC exercises, under the authority of the Council and the conditions laid down in the Joint Action, the political control and strategic direction of the military operation. The SG/HR takes the necessary follow-up measures as entrusted to him by the Council in the Joint Action.
9. Establishment of the Committee of Contributors, which includes all 15 Member states as well as participating third countries.
10. Provision and processing of intelligence information.
11. Throughout this phase, the Commission implements measures within its area of responsibility.

- 12.** The EU Sitcen in addition to its normal functions steps up the collection, processing and reporting of situation information. In particular, it will produce comprehensive and timely situation reports and assessments, especially to the SG/HR and the competent bodies for crisis management.
- 13.** The SG/HR ensures close contacts with the UN and other international and regional organisations (e.g. OSCE, Council of Europe) concerned, contributing to the consistency of the Union's representation.
- 14.** The Commission ensures relevant international contacts within its area of responsibility.
- 15.** Throughout this phase communication policy is updated.
The SG/HR boosts relations with the media.

Phase 5 Operational phase - Implementation

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

1. The Council maintains the overall responsibility for the conduct of the action. Coreper prepares the work of the Council.

The Council:

- receives reports and updates from the SG/HR in its role as PSC chairman on the follow up measures it entrusted him to carry out, and gives the necessary direction;
 - adopts any further proposals presented meanwhile by the Commission;
 - receives reports from the Commission on the implementation of measures within its area of responsibility;
 - receives reports from Member states on national measures.
2. The PSC monitors the implementation of the measures taken and assesses their effects and, as necessary, may recommend adjustments. It exercises the political control and strategic direction of EU military operations. The Commission informs the PSC about the measures it has taken or is envisaging taking within its area of responsibility. The Commission ensures the proper implementation of Community measures. 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.

3. Throughout the operation:

- Full coherence will be ensured between the civil and military aspects of the EU action;
- the SG/HR, contributes to the consistency of the Union's representation in maintaining contacts with the UN and other relevant international and regional organisations, third countries and NGOs;
- the PSC continues to exercise its function of global assessment. The SG/HR in his capacity as PSC Chairman, contributes with his suggestions - in understanding with the Commission for measures falling under the EC Treaty - with a view to the PSC addressing an opinion to the Council, on a set of possible measures for implementation once the military operation has terminated;
- the EU Sitcen continues to perform its normal functions and, in addition, steps up the collection, processing and reporting of situation information. In particular, it will produce comprehensive and timely situation reports and assessments, especially to the SG/HR and the competent bodies for crisis management;
- the Commission, within its area of responsibility, prepares additional measures and proposals for implementation in parallel with or once the military operation has terminated;
- the Commission ensures relevant international contacts within its area of responsibility.

4. For the military part of the operation, the SG/HR, with the assent of the PSC deliberating in accordance with the relevant rules and advised by the Military Committee, gives the politico-military directives relating to the subsequent implementation of the operation to the Chairman of the Military Committee. On that basis, the Chairman of the Military Committee tasks the Operation Commander.

All forces are under the operational command (OPCOM) or the operational control (OPCON) of the Operation Commander.

5. With the assent of the PSC, deliberating in accordance with the relevant rules and advised by the Military Committee, the SG/HR forwards the activation order to the Operation Commander.
6. The Operation Commander launches the operation.
7. The Military Committee is responsible vis-à-vis the PSC for the execution of the guidance received. For that purpose, it can hear the Operation Commander and give him recommendations. Throughout the operation, the Chairman of the Military Committee, supported by the Director of the EU Military Staff:
 - ensures, in his role as contact point designated by the PSC, the liaison with the Operation Commander;
 - monitors the progress of the operation also on the basis of assessments provided by the Military Staff;
 - performs, in co-ordination with the Operation Commander and the Director of the Military Staff, strategic analyses to support the PSC;
 - elaborates, as necessary, new strategic military options, in the light of political and operational developments;
 - submits an opinion to the PSC on the advisability of carrying on or putting an end to the operation;
 - maintains the necessary contacts with the UN and other relevant international organisations active on the ground.
8. In case of an EU operation without the use of NATO assets and capabilities, the EU keeps NATO informed of the general conduct of the operation.

- 9.** If NATO assets and capabilities are being used, the EU keeps NATO informed (this includes the possibility for PSC/NAC meetings).
- 10.** The Operation Commander will be invited to the Military Committee, in order to inform the committee of the conduct of the operation.

The President/Chairman of the PSC/GAC may invite the Operation Commander to the PSC and the GAC.

- 11.** The Committee of Contributors meets regularly during the operation. The Operation Commander participates or is represented in the Committee of Contributors. The Committee provides opinions and recommendations on possible adjustments to the operational planning, including possible adjustments to objectives, which may affect the situation of the forces in the theatre. It will deal with implementation, use of forces and all day to day conduct of an operation. The Chairman of the Committee of Contributors keeps the PSC informed of the outcome of the Committee's deliberations. The PSC will take account of views and recommendations expressed by the Committee of Contributors.
- 12.** The Committee of Contributors is supplied with detailed information regarding the operation at the theatre.
- 13.** The SG/HR implements information policy and relations with the media.

Phase 6 Ending the military operation; transition period

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

1. The PSC, in the light of the situation, evaluates the political appropriateness of discontinuing some or all measures employed in the crisis. 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.
2. The SG/HR makes contributions with a view to the PSC addressing an opinion to the Council on a set of measures to that end. The SG/HR prepares his contributions in the light of information, including confidential, provided by Member States.

The formal proposals are submitted to and dealt with by the competent bodies according to normal procedures (for civilian instruments see Annex I).

3. If the operation involves the use of military means, the PSC tasks the Military Committee to prepare a draft planning directive for the operation to be terminated. The Military Committee requests the Military Staff to prepare this directive in concert with the Operation Commander.
4. The PSC tasks the Military Committee, assisted by the Military Staff and in co-operation with the Operation Commander, to plan the termination of the operation.

5. If NATO assets and capabilities are being used in the operation, the PSC informs the NAC in advance of the plans to terminate the operation.
6. The Military Committee and the PSC will consult the Committee of Contributors on the questions relating to the planning of terminating the operation, and to the redeployment of the forces. Once the operation is terminated, the Committee of Contributors is invited to give its evaluation of the lessons learned.
7. Coreper prepares the work of the Council. The Council:
 - in the light of an opinion by the PSC advised by the Military Committee (based on the proposed plan), decides to terminate the military operation;
 - decides to terminate the other measures which are no longer needed;
 - decides about the launching of further measures needed at this stage;
 - invites the Commission to re-examine the measures falling under its responsibility, or to make the necessary proposals to that end;
 - invites Member States to re-examine measures taken at national level, and if necessary, to adapt them.

The Chairman of the Military Committee attends the Council meeting.

8. Once the military operation is terminated, the PSC:
 - requests the Military Committee, the Operation Commander and the Military Staff to evaluate lessons learned;
 - requests the Committee for Civilian aspects of crisis management to evaluate lessons learned within its area of responsibility;
 - proceeds to an overall assessment.

9. Information Policy concentrates on termination of the operation, transition and follow-up measures.
 10. Following up the principles and objectives of the OSCE Charter for European Security, the Union co-operates with the UN, the OSCE, the Council of Europe and other international organisations in a mutually reinforcing manner in stability promotion and post-conflict reconstruction.
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Abbreviations:

CONOPS: concept of operations

FFM: fact-finding mission

HoMs: Heads of Mission in third countries (Member States and Commission)

MC: Military Committee

MilReps: Military representatives at the Military Committee

MS: Military Staff

OPCOM: operational command

OPCON: operational control

OPLAN: operation plan

PSC: Political and Security Committee

ROE: rules of engagement

SG/HR: Secretary General/High Representative

EU SITCEN: joint Situation Centre

SOFA: status of forces agreement

CRISIS MANAGEMENT PROCEDURES

CIVILIAN INSTRUMENTS

Foreword

This annex 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 annex 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

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 carried out throughout all phases of the crisis
- Presidency prepares initial draft, which can be in the form of "terms of reference"; HOMs' 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 SG/HR 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 Art.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: Regulations 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 re-examination 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
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 procedure¹ 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

¹ 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 terrorism¹ 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 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 procedure². 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 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

¹This equipment falls under Community competence.

² 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.

9c. SANCTIONS - VISA/VISITS BAN, DIPLOMATIC STAFF REDUCTION¹

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.²
- 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 up-dates/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.

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)

¹ Refer to Fiches on "Dispatch Border Control Team" and "Control of Migration Flows Refugees".

² 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

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 procedure¹. 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.
- 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)

¹ 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

9e. SANCTIONS - FLIGHTS BAN

Legal basis: Art. 15 TEU (unanimity) for Common Position
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 procedure¹. 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 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.

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

¹ 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

9f. SANCTIONS - FREEZE OF ASSETS/FUNDS

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 procedure¹. 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.
- 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

¹ 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

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 procedure¹. 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 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

¹ 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

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 B0-20 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 Parliament¹
- 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.

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.

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

¹ 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.

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 co-ordination 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:

Conveying 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.¹
- 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.
- 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.

¹ 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.

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.¹
- 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.
- 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

¹ 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.

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.¹

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.

¹ 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 TEAM¹

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 1st 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.
- 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

¹ Refer to Fiches on "Control of Migration Flows Refugees" and "Sanctions - Visa/Visits Ban, Diplomatic Staff Reduction"

18. CONTROL OF MIGRATION FLOWS, REFUGEES¹

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

¹ Refer to Fiches on "Dispatch Border Control team" and "Sanctions - Visa/Visits Ban, Diplomatic Staff Reduction"

- N.B.: EC instruments (ex JHA) which may be used: Reg.574/1999¹ 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 27.3.2000² on detection of false/falsified documents (during crisis build-up); Odysseus programme³ 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.

¹ OJ L72 of 18.3.99

² OJs C 189 of 17.6.98 and C 140 of 20.5.99 and L 81 of 1.4.2000

³ 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)

CRISIS MANAGEMENT PROCEDURES

THE FINANCING OF MILITARY OPERATIONS

OBJECTIVES

1. The aim is to enhance the ability of the EU to act on the international stage by equipping it with a military crisis management capability. The EU may use the Berlin Plus arrangements, drawing on NATO assets to carry out operations, or act independently of NATO. Both possibilities are described below.
2. EU financing arrangements should meet the following objectives:
 - provide quick, automatic, flexible, and adequate financing in a transparent way for the preparation and deployment of a possibly substantial European military force;
 - ensure costs are spread fairly among Member States;
 - ensure spending is accountable and provides value for money.

ARRANGEMENTS FOR CFSP EXPENDITURE

Expenditure on military operations

3. Under the present terms of Article 28 of the TEU, the funding of operations having military or defence implications on the Community budget is specifically excluded. Expenditure arising from operations having military or defence implications is funded by Member States on a GNP scale, or under other arrangements the Council may agree by unanimity. Those who constructively abstain from specific operations with military implications are not obliged to contribute to the funding of those operations.
4. Under current treaty provisions :
 - Military operations (hitherto assumed to be conducted through the WEU) would normally be funded by Member States – less constructive abstainers (potentially a larger number of member States than those participating in the operation) - on a GNP scale. There is no indication in the Treaty of how this scale could be applied. Crucially, it makes no distinction between common costs arising out of common or joint activity (e.g. HQ costs) and costs of national military activity (e.g. ammunition expended by national forces). The latter are notoriously difficult to define and compare (not least because of divergent national accounting practice).
 - The Council could decide unanimously on another means of funding (but not Community budget funding which is excluded).
 - Costs of the permanent Military staff, and perhaps of exercises could be argued to be administrative costs for the Council Secretariat and would therefore come from the Council's administrative budget.

FUTURE ARRANGEMENTS

5. The Council wants the permanent ESDP arrangements in place by early 2001 with some operational capability in place by then and the full headline goal capability in place by 2003. Treaty amendment to cover changes in funding arrangements, even if desirable, would not be possible in that timeframe. So initially the existing provisions will apply.

Military Operational Expenditure

6. The existing provisions for the funding of operations with military or defence implications are untested. Operational costs of new military operations are unforeseeable, and likely to be of a different order of magnitude to the current CFSP budgetary allocation. The TEU provides that, unless the Council decides otherwise by unanimity, the cost of operations with military or defence implications would normally be shared amongst the Member States – less constructive abstainers - on a GNP scale.
7. Applying this arrangement in the EU would be simple once it has been established how to define military costs and whether to distinguish between total costs or simply common costs (though the Treaty makes no distinction). NATO and WEU practice is to distinguish between common costs and costs of national military contributions, with the former being divided between member States and the latter being met directly by the Member State concerned. It is likely that the Council would wish to follow this approach and not to seek to apportion the total cost of an operation.
8. To proceed on this basis would require a definition of common costs. These might include the extra costs deriving from an operation for the operational headquarters, the EMS and the General Secretariat. These categories of costs might include costs for premises, supplies, additional equipment, additional personnel costs, extra communications provision and transport (of HQ staff, Brussels staff, possibly charter of civilian air transports assets).

Proposals

9. There will be first of all a requirement to establish a small contingency fund so that operational start-up costs (e.g. costs of reconnaissance missions) could be met immediately without lengthy negotiation. This need may be best served by the constitution of an ad hoc fund through contributions from all Member States and managed by the Council Secretariat. The fund, having a revolving character, would need to ensure the immediate availability of financial resources. Flexibility in the review and adjustment of the budget and compliance with appropriate standards of audit and financial control must also be ensured.
10. For each individual military operation, the common costs, once defined, could also be covered by an ad hoc fund constituted by Member States on the basis of a repartition key (GNP scale or otherwise) less the constructive abstainers. The same ad hoc rules for the management of such costs would apply, as well as compliance with the same standards of audit and financial control as for the contingency fund.

11. These funds could be established by a Joint Action, which would provide for their constitution, the repartition key among Member States (GNP scale or otherwise), as well as the rules and mechanisms for their management.
12. Given the nature of the expenses to be covered, it is essential that Member States can ensure the actual and rapid disbursement of their contributions to these funds. An assessment of the difficulties and duration in time of national procedures should be made by each delegation.

A possible solution which one could resort to in case of difficulties would consist in "transferring" to the EU the financial resources made available by Member States in their national budgets for equivalent funds existing in WEU.

Procedures

13. Irrespective of the method chosen to apportion costs it will be necessary to have within the EMS/General Secretariat the capacity, together with Member States, to estimate in advance the likely common costs of an operation, or at least its early phases. These estimates would accompany the material put to the PSC and the Council setting out political and military options for crisis response. This task is likely to require a small number of dedicated staff, who would prepare estimates. Arrangements for the speedy disbursement of funds will also be necessary and may create a need to deploy administrators with the operational headquarters. Finally, it will also be necessary to have the capacity to generate final accounts and have mechanisms in place to settle these and to top-up as necessary the operational start-up fund envisaged in para 10.

EU Led operations using NATO assets.

14. As part of the Berlin plus arrangements with NATO (dealing with the use by the EU of NATO assets) it will be necessary to reach agreement on how to pay for NATO assets used by the EU. This aspect will need to be reflected in the estimating phase as well as in the preparation of the final account.

Financing of logistical support to humanitarian assistance.

15. It is recalled that funding provided for under Council Regulation no. 1257/96 concerning humanitarian aid can be used to help finance the transport of aid and efforts to ensure that such aid is accessible to those for whom it is intended, by all logistical means available, and by protecting humanitarian goods and personnel.

CRISIS MANAGEMENT PROCEDURES

SUGGESTION FOR A POSSIBLE AMENDMENT TO THE COUNCIL'S RULES OF PROCEDURE

In case of a crisis, very urgent action and rapid decision taking by the Council might be required. Article 3 of the Council's Rules of Procedure provides for a number of deadlines¹ which might be difficult or impossible to respect in case of urgency.

However, Article 22(2) of the TEU (CFSP) provides that: "*In cases requiring a rapid decision, the Presidency, of its own motion, or at the request of the Commission or a Member State, shall convene an extraordinary Council meeting within forty-eight hours or, in an emergency, within a shorter period.*".

This provision allows not only to convene a Council meeting within very short deadlines, but also allows Council decisions to be taken at this meeting ("*In cases requiring a rapid decision (...)*"). Being a Treaty provision, Article 22(2) permits to derogate from the deadlines provided for in Article 3 of the Council's Rules of procedure.

Article 3 of the Council's Rules of Procedure does not mention Article 22(2) TEU. However, a declaration (c) relating to Articles 1 and 3 of the Council's Rules of Procedure refers to Article 22(2) TEU. It reads: "*Without prejudice to Article 22(2) of the Treaty on European Union, which specifies that an extraordinary Council meeting may be convened at very short notice in cases requiring a rapid decision, the Council is aware of the need for matters relating to the common foreign and security policy to be dealt with swiftly and efficiently. The arrangements in Article 3 shall not prevent this need from being met.*"

¹ Provisional Council agenda to be sent 14 days in advance of meeting to Council members and Commission (paragraph 1); request for inclusion on agenda and documents should be received by General Secretariat 16 days before meeting (paragraph 2); legislative items (EC or JHA) cannot be placed on agenda if 6 weeks between sending of document and meeting have not elapsed (paragraph 3); only those items for which documents have been sent to Council members and Commission 14 days in advance may be placed on agenda (paragraph 4); withdrawal from agenda of legislative items for which Coreper has not completed its examination by the end of the week preceding the week prior to a Council meeting (paragraph 6, second subparagraph).

This declaration means that in general, and apart from cases where an extraordinary meeting is convened, CSFP matters need to be dealt with "*swiftly and efficiently*" and that Article 3 deadlines shall not prevent that general need from being met. It also implies that when Article 22(2) TEU is applied, Article 3 deadlines will automatically be derogated from.

If considered useful, this could be spelled out clearly in Article 3 by adding a new paragraph 10 which would read: *Where a crisis requires the rapid adoption of an urgent decision, the Presidency, of its own motion, or at the request of the Commission or a Member State, shall convene an extraordinary Council meeting within 48 hours or, in an emergency, within a shorter period. In such a case, the deadlines provided for in the present Article shall not apply.*"

PM. Possible amendment of the Council's Rules of Procedure in relation to the PSC chairmanship by the SG/HR.

CRISIS MANAGEMENT PROCEDURES

SECRETARY GENERAL / HIGH REPRESENTATIVE'S PAPER ON THE EU SITUATION CENTRE

The EU Situation Centre (SITCEN)

1. A single Situation Centre gathers, assesses and provides information and evaluations of a civilian and military nature covering all aspects of EU crisis management.
2. The SITCEN has 5 main functions: situation monitoring, early warning, situation assessment, provision of facilities for any Crisis Task Force and acting as a point of operational contact for the SG/HR, as well as for similar Situation Centres/Crisis Cells.
3. The SITCEN is in the Council Secretariat and under the authority of the SG/HR. It is a joint facility manned and run by the Policy Unit and the Military Staff, with a joint Policy Unit/Military Staff leadership responsible for the efficient running of the SITCEN. Its product is for the SG/HR, the relevant services of the Council Secretariat and the competent Council bodies for crisis management (in particular the PSC and the EUMC), as well as any Crisis Task Force which might be set up.
4. The protection of classified information will be assured. Military intelligence intended for the SITCEN will go through the Intelligence Division of the Military Staff, as will civil intelligence through the points of contact in the Policy Unit. The SITCEN should also have a direct link with the Satellite Centre in Torrejon.
5. The SITCEN will be the focal point in the EU for EU Member States' similar Situation Centres/Crisis Cells, the Commission's Crisis Co-ordination Unit, SITCENs of relevant international organisations (UN, OSCE, NATO etc.) as well as for SITCENs in relevant third countries.

6. In time of routine the SITCEN, operating on a permanent basis, will continuously monitor international developments, provide early warning, receive and evaluate information and disseminate information and evaluations to concerned users, as well as act as a point of operational contact for the SG/HR.
 7. In time of crisis the Centre will continue the above-mentioned functions and step up the collection, processing and reporting of situation information. In particular, the SITCEN will produce comprehensive and timely situation reports and assessments, especially to the SG/HR and the competent bodies for crisis management (in particular the PSC and the EUMC). The SG/HR may decide to reinforce the Centre to enable it to meet specific requirements according to the situation. In addition, the SITCEN will provide facilities, information and evaluations to one or more Crisis Task Forces at a time.
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