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| To: | Delegations |
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| Subject: | European Union Military Staff (EUMS) Terms of Reference and Organisation |

Delegations will find in the Annex the European Union Military Staff (EUMS) Terms of Reference and Organisation, approved by the Council at its 3546th meeting held on 8 June 2017.

EUROPEAN UNION MILITARY STAFF (EUMS) TERMS OF REFERENCE AND ORGANISATION

At Helsinki, the EU Member States decided to establish within the Council new permanent political and military bodies enabling the EU to assume its responsibilities for the full range of conflict prevention and crisis management tasks defined in the TEU. As provided for in the Helsinki report, the EUMS, 'within the Council structures, provides military expertise and support to the CESDP, including the conduct of EU-led military crisis management operations'. The Terms of Reference of the EUMS were detailed in the annex to Council Decision 2001/80/CFSP of 22 January 2001.¹

At its meeting on 12 and 13 December 2003, the European Council welcomed the document entitled 'European Defence, NATO/EU consultation, planning and operations'. On 16 and 17 December 2004 the European Council endorsed the detailed proposals for the implementation of this document. The Terms of Reference of the EUMS were revised accordingly by Council Decision 2005/395/CFSP of 10 May 2005.²

On 19 November 2007 the Council welcomed the report by the Secretary General/High Representative (SG/HR) on the EU Military Staff's ability to conduct early planning at the strategic level for EU-led operations, as requested by the Council in May 2007, and approved the recommendations to implement, as a package, the four measures, together with the actions identified in the military advice. The Terms of Reference of the EUMS were revised accordingly by Council Decision 2008/298/CFSP of 7 April 2008.³

Following the entry into force of the Treaty of Lisbon and the establishment of the European External Action Service (EEAS)⁴, the EUMS was transferred from the General Secretariat of the Council to the EEAS.

¹ OL L 27, 30.1.2001, p.7.

² OL L 132, 26.5.2005, p.17.

³ OJ L 102, 12.4.2008, p.25.

⁴ Council Decision of 26 July 2010 establishing the organisation and the functioning of the European External Action Service (2010/427/EU), OJ L 201, 3.8.2010, p.30.

Further to the 15 December 2016 European Council Conclusions and in line with the Council Conclusions of 14 November 2016 work has been undertaken towards fulfilling through a comprehensive set of actions the EU's level of ambition derived from the Global Strategy for the European Union's Foreign and Security Policy (EUGS) in the area of security and defence and drawing on the proposal of the High Representative in the Implementation Plan on Security and Defence.

On 6 March 2017, the Council approved the Concept Note on the operational planning and conduct capabilities for CSDP missions and operations.⁵ The Note contains measures to improve the EU's capacity to react in a faster, more effective and more seamless manner, building on existing structures and in view of enhancing civilian-military synergies, as part of the EU's Comprehensive Approach. On this basis, the Council agreed in particular:

- To establish, as a short term objective, a Military Planning and Conduct Capability (MPCC) within the EU Military Staff in Brussels which will be responsible at the strategic level for the operational planning and conduct of non-executive military missions, working under the political control and strategic guidance of the Political and Security Committee. The newly created MPCC will work in parallel and in a coordinated way with the Civilian Planning and Conduct Capability (CPCC).
- That the Director General of the EU Military Staff will be the Director of the MPCC and in that capacity will assume the functions of the missions commander for non-executive military missions, including the three EU Training Missions deployed in the Central African Republic, Mali and Somalia, in line with the agreed Terms of Reference.
- To invite the High Representative (HR) to propose consolidated terms of reference of the EU Military Staff, as well as to propose a Council Decision reflecting the above arrangements and amending the Council Decisions of the CSDP missions concerned.

⁵ Council Document 6881/17 of 6 March 2017

- To bring together civilian and military expertise in key mission support areas within a Joint Support Coordination Cell at the Brussels level, in order to work on a daily basis to further strengthen and enable effective civilian/military coordination and cooperation in the operational planning and conduct of CSDP civilian and non-executive military missions. This would further contribute to the full implementation of the EU's Comprehensive Approach, while respecting the respective civilian and military chains of command and the distinct sources of financing.
- To review the establishment of the MPCC and the Joint Support Coordination Cell one year after becoming fully operational, but no later than by the end of 2018, based on a report by the High Representative. This review should be prepared in full consultation with the Member States and would not prejudice any political decisions to be taken.

The Council also agreed to proposals on strategic foresight and oversight contained in the Concept Note and requested the High Representative, in cooperation with the Commission as appropriate, to proceed with their implementation.

In light of the above, the consolidated Terms of Reference of the EUMS are defined as follows:

1. Mission

The Military Staff is to perform early warning, situation assessment and strategic planning for missions and tasks referred to in Articles 42 (1) and 43 (1) of the TEU in the light of the Global Strategy for the European Union's Foreign and Security Policy of June 2016 (EUGS) as well as the Implementation Plan on Security and Defence of 14 November 2016. In addition, the DG EUMS will assume in his/her capacity as Director of the Military Planning and Conduct Capability (MPCC) for non-executive military missions the exercise of command and control at the military strategic level for the planning and conduct of such missions.

The mission of the EUMS also encompasses the identification of European national and multinational forces and the implementation of policies and decisions as directed by the EUMC.

2. Role

- It is the source of the EU's military expertise.
- It assures the link between the EUMC on the one hand and the military resources available to the EU on the other, and it provides military expertise to EU bodies as directed by the EUMC.
- It performs three main operational functions: early warning, situation assessment and strategic planning.⁶ Within the EUMS, the Director of the MPCC will assume the responsibility for operational planning and conduct at the military strategic level of non-executive military missions.
- It conducts early planning in sufficient detail, inter alia, to allow Member States to assess their potential force contributions and for the EUMS to provide appropriate expertise along the decision-making process.
- It provides an early warning capability. It plans, assesses and makes recommendations regarding the concept of crisis management and the general military strategy and implements the decisions and guidance of the EUMC.
- It supports the EUMC regarding situation assessment and military aspects of strategic planning⁷ over the full range of missions and tasks referred to in Article 43 (1) of the TEU, in the light of the level of ambition derived from the EUGS, for all cases of EU-led operations, whether or not the EU draws on NATO assets and capabilities.

⁶ As envisaged in the Suggestions for Crisis Management Procedures for CSDP Crisis Management Operations Doc 7660/2/13 REV 2, dated 18 June 2013.

⁷ Definitions :

- Strategic planning: planning activities that start as soon as a potential crisis identified, or a crisis emerges, and end when the political authorities approve a military strategic option or a set of military strategic options. The strategic process encompasses military situation assessment definition of a POL/MIL framework and development of military strategic options.
- Military strategic option: a possible military action designed to achieve POL/MIL objectives outlined in the POL/MIL framework. A military strategic option will describe the outline military solution, the required resources and constraints and recommendations on the choice of the operations commander.

- It supports (upon request of the HR or the PSC) temporary missions to third countries or international organisations, in order to provide, as required, advice and assistance on military aspects of conflict prevention, crisis management and post-conflict stabilisation.
- It contributes to the process of elaboration, assessment and review of the capability goals, taking into account the need, for those Member States concerned, to ensure consistency with NATO's DPP and the PARP of the PfP in accordance with agreed procedures.
- It works in close coordination with the European Defence Agency.
- It is responsible for monitoring, assessing and making recommendations on training, exercises and interoperability, in connection with the forces and capabilities made available to the EU by the Member States.
- It maintains the capacity to reinforce the national HQ designated to conduct an EU autonomous operation.
- It is responsible for generating the capacity to plan and run an autonomous EU military operation, and maintains the capacity within EUMS rapidly to set up an operations centre for a specific operation, in particular where a joint civil/military response is required and where no national HQ is identified, once a decision on such an operation has been taken by the Council, upon the advice of the EUMC.

3. Tasks

- It provides the HR, the EEAS and other EU bodies with military expertise, under the direction of the EUMC.
- It monitors potential crises by relying on appropriate national and multinational intelligence capabilities.

- It collaborates with the Intelligence and Situation Centre in the field of information exchange in accordance with the arrangement on the Single Intelligence Analysis Capacity.
- It carries out military advance planning at the strategic level.
- It conducts early planning in sufficient detail, inter alia, to allow Member States to assess their potential force contributions and for the EUMS to provide appropriate expertise along the decision-making process.
- It identifies and lists European national and multinational forces for EU-led operations coordinating with NATO.
- It contributes to the development and preparation (including training and exercises) of national and multinational forces made available by the Member States to the EU. The modalities of the relationship with NATO are defined in the relevant documents.
- It organises and coordinates the procedures with national and multinational HQs including those NATO HQs available to the EU, ensuring, as far as possible, compatibility with NATO procedures.
- It contributes to the military aspects of the CSDP dimension of the fight against terrorism.
- It contributes to the development of concepts, doctrine, plans and procedures for the use of military assets and capabilities for natural or man-made disaster consequence management operations.
- It programs, plans, conducts and evaluates the military aspects of the EU's crisis management procedures, including the exercising of EU/NATO procedures.

- It participates in the financial estimation of operations and exercises.
- It liaises with the national HQs and the multinational HQs of the multinational forces.
- It establishes permanent relations with NATO according to 'EU/NATO permanent arrangements'.
- It hosts a NATO Liaison Team at the EUMS and it maintains an EU Cell at SHAPE in accordance with ESDP Presidency Report adopted by the Council on 13 December 2004.
- It establishes appropriate relations with identified correspondents within the UN as well as other international organisations, including the OSCE and the AU, subject to an agreement from these organisations.
- It contributes to the necessary comprehensive lessons learned process.
- It undertakes strategic contingency planning at the initiative of the HR or the PSC.
- It contributes to the development of a body of doctrine/concepts, learning lessons from civilian/military operations and exercises.
- It prepares concepts and procedures for the EU Ops Centre and ensures the availability and readiness of the manpower, facilities and equipment of the operations centre for operations, exercises and training.
- It maintains, updates and replaces the equipment of the EU Ops Centre and maintains the premises.

Tasks of the MPCC and its Director⁸

The Director of the MPCC will have the appropriate command authority (up to OPCON over forces by Transfer of Authority (TOA) from the contributing MS and non-EU TCN) to assume the necessary functions, roles and tasks in order to exercise command and control at the military strategic level for the planning and conduct of the EU non-executive military missions, including:

- operation planning at the military strategic level (e.g. development of the CONOPS/OPLAN, ROE, SOR) and to perform his/her functions during the Force Generation Process;
- the mission conduct (execution) at the military strategic level of command ("current operations"), including:
 - the establishment and operation of the MPCC;
 - establish, in conjunction with the CPCC, a Joint Support Coordination Cell in order to further enhance civ-mil synergies, in accordance with annex 2 to the Concept Note approved by the Council on 6 March 2017;
 - the co-ordination of the establishment and launch of the non-executive missions, the deployment of forces, the termination of the non-executive military mission and the re-deployment of forces;
 - to report to the EUMC at regular intervals;
 - the direct responsibility vis-à-vis the Council to report to the PSC and the Committee of Contributors on all operational matters related to the missions. CEUMC remains as the primary point of contact as necessary;
 - the management and mitigation of risk, based, inter alia, on the existing permanent (24/7) threat and risk assessment and situational awareness capabilities;

⁸ Annex 1, Council Document 6881/17 of 6 March 2017

- the development of strategic direction and guidance to support the Mission Force Commanders at the operational and tactical level in theatre, as appropriate;
- the responsibility in relation to budget and procurement (responsibilities of Operation Commanders under the ATHENA mechanism) and conducting force generation (including third states' contributions);
- the mission assessment to continuously ensure the missions are operating in line with the military strategic desired end state and objectives;
- providing an input to the Lessons Learned database for EU Military CSDP operations/missions;
- supporting the coordination / improvement of synergies in the Areas of Operations (AOOs) with other relevant actors (transfer of current tasks of the Activated EU OPCEN (AOC) related to planning and conduct support at the military strategic level (and below) and the set of coordination functions);
- interface for coordination and liaison with relevant civ-mil stakeholders in crisis management matters outside the AOOs and at the EU institutional level, such as:
 - MS and non-EU TCNs,
 - CivOpsCdr/CPCC as required,
 - EUSR and EEAS,
 - EU SATCEN,
 - IOs,
 - European Commission;

- the conduct, where mandated, of Key Leader Engagement (KLE) at strategic level with relevant EU and non-EU stakeholders, within means and capabilities;
- the request, as required, and in accordance with valid procedures, for intelligence support from EUMS INT (available SIAC products, liaison with MS Defence Intelligence Organisations, RFI flow facilitation, INT expertise);
- the call on other EUMS Directorates for functional expertise where needed.

Whilst he/she will retain responsibility for the Missions, it is within the remit of the Director of the MPCC to delegate tasks as appropriate.

Additional tasks in crisis management situations

- It requests and processes specific information from the intelligence organisations and other relevant information from all available sources.
- It supports the EUMC in its contributions to Initial Planning Guidance and Planning Directives of the PSC.
- It develops and prioritises military strategic options as a basis for the military advice given by the EUMC to the PSC by:
 - defining initial broad options,
 - drawing, as appropriate, on planning support from external sources which will analyse and further develop these options in more detail,
 - evaluating the results of this more detailed work and commissioning any further work that might be necessary,
 - presenting an overall assessment, with an indication of priorities and recommendations as appropriate, to the EUMC.

- It identifies in coordination with national planning staffs and, as appropriate, NATO, the forces that might participate in possible EU-led operations.
- It assists the operation commander in technical exchanges with third countries offering military contributions to an EU-led operation, and in the preparation of the force generation conference.
- It continues to monitor crisis situations.
- Upon a request from the Director CMPD to DGEUMS, it provides assistance to crisis response political-military strategic planning carried out under his/her responsibility (preparation of CMC, Council Decision ...).
- Upon a request of the Director CMPD to DGEUMS, it provides assistance to crisis response planning at the strategic level (Fact Finding Missions, CMC) carried out under his/her responsibility.
- It contributes to crisis response strategic planning for joint civil/military operations through the development of strategic options as foreseen in crisis management procedures. This planning falls under the direct responsibility of the DGEUMS and the Director CPCC (DCPCC) and the overall authority of the HR, in accordance with annex 2 to the Concept Note approved by the Council on 6 March 2017.
- Upon a request of DCPCC to DGEUMS, it provides assistance to crisis-response planning at the strategic and operational level for civilian missions carried out under the responsibility of the DCPCC, in accordance with annex 2 to the Concept Note approved by the Council on 6 March 2017.

Additional tasks during operations

- The EUMS provides, through the ‘Watch Keeping Capability’, a 24h/7 days capability to monitor all CSDP missions and operations to ensure the passage of operation-specific information in a systematic way.
- The EUMS, acting under the direction of the EUMC, continuously monitors all the military aspects of operations. It conducts strategic analysis in liaison with the designated operation commander to support the EUMC in its advisory role to the PSC in charge of the strategic direction.
- In the light of political and operational developments, it provides the EUMC with new options as a basis for EUMC's military advice to the PSC.
- It contributes to the key nucleus reinforced, and to further augmentation, as required, of the EU Ops Centre.
- It provides the permanent key nucleus of the EU Ops Centre.
- It assists in coordinating civilian operations. Such operations are planned and conducted under the authority of DCPCC/Civilian Operations Commander. It assists with planning, support (including the possible use of military means) and conduct of civilian operations, in accordance with annex 2 to the Concept Note approved by the Council on 6 March 2017.

4. Organisation

- The EUMS works under the military direction of the EUMC, to which it reports.
- It is an EEAS department directly attached to the HR and it works in close cooperation with other departments of the EEAS.
- It is headed by the DGEUMS, a three-star flag officer.

- It is composed of personnel seconded from the Member States acting in an international capacity, in accordance with the rules applicable to national experts and military staff on secondment to the EEAS, as well as officials from the EEAS and officials seconded from the Commission. With the aim of improving the EUMS selection process, Member States are encouraged to present more than one candidate for each of the posts applied for.
- The provisional organisation chart is contained in Annex 1 to the military advice agreed by the EUMC on 10 April 2017.⁹ It may be adapted by the DGEUMS as required.
- In crisis-management situations or exercises, the EUMS may set up Planning and Management Teams, drawing upon its own expertise, manpower and infrastructure. In addition, it could, if necessary, request through the EUMC, manpower for temporary augmentation from the EU Member States.
- The EUMC will provide guidance, through DGEUMS, on the military activities undertaken by the EUMS within the framework of civilian crisis management. Contributions by the EUMS for civilian aspects of crisis management remain under the functional responsibility of the Director CMPD for all activities (planning, Fact-Finding Missions, etc.) up to and including the development of the CMC and, where appropriate, CSO. Once a decision to launch a mission is taken, these contributions come under the functional responsibility of DCPCC/Civilian Operations Commander, in accordance with annex 2 to the Concept Note approved by the Council on 6 March 2017. Reporting on these activities to the CIVCOM will be conducted in accordance with established procedures on civilian aspects of crisis management.

5. Relations with third countries

The relations between the EUMS and the non-EU European NATO members, other third States, and candidates for accession to the EU are defined in the relevant documents on the relations of the EU with third countries.

⁹ Council Document 8181/17 of 10 April 2017