



Brussels, 14 June 2017
(OR. en)

10217/17

LIMITE

**CFSP/PESC 517
CSDP/PSDC 316
COPS 189
POLMIL 67**

'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Member States' Political Commitment on Security of Supply: draft
Declaration by the Representatives of the Governments of EDA
participating Member States

1. On 7 June 2017, the Politico-Military Group (PMG) agreed the draft Declaration by the Representatives of the Governments of EDA participating Member States, meeting within the Council, on "Member States' Political Commitment on Security of Supply".
2. On 13 June 2017, the Political and Security Committee endorsed the agreement reached in PMG and agreed to forward the document to the Council for adoption, via COREPER.
3. COREPER is therefore invited to approve the draft Declaration by the Representatives of the Governments of EDA participating Member States, meeting within the Council, on "Member States' Political Commitment on Security of Supply" as set out in Annex, and submit it to the Council for adoption.

Draft Declaration by the Representatives of the Governments of EDA participating Member States, meeting within the Council

MEMBER STATES' POLITICAL COMMITMENT ON SECURITY OF SUPPLY

MEMBER STATES OF THE EUROPEAN UNION PARTICIPATING IN THE EUROPEAN DEFENCE AGENCY (the "Member States"),

1. recalling that both the 2013 December European Council Conclusions and the EU Global Strategy (EUGS) highlighted the importance of Security of Supply (SoS);
2. emphasising that the EUGS Implementation Plan on Security and Defence as well as the November 2016 Foreign Affairs Council Conclusions call on the EDA, in close cooperation with Member States to develop proposals to strengthen European defence cooperation by, inter alia, improving Security of Supply through a holistic approach based on Member States' political commitment;
3. recalling European Commission efforts in line with the European Defence Action Plan (EDAP), to enhance Security of Supply;
4. stressing that Security of Supply is indispensable for the effectiveness of armed forces and through-life support of Member States' defence capabilities, the sustainment of operations, the development of long-term planning and cooperation, and the functioning of the internal market for defence, both in times of crisis and peace;
5. considering the importance of the EDA Framework Arrangement on Security of Supply and associated Code of Conduct on Prioritization, representing concrete mechanisms for Security of Supply implementation;

6. underlining the importance of the industrial dimension of Security of Supply, especially considering the global nature of supply chains;
7. recalling that Member States may take such measures as they consider necessary for the protection of the essential interests of their security, including related to Security of Supply, in accordance with Article 346 (1)(b) of the Treaty on the Functioning of the European Union;
8. highlighting Member States' sole discretion to establish between themselves additional means and arrangements to improve their Security of Supply;
9. acknowledging Member States' sovereignty in decision-making, consistent with their national laws and international obligations, in regards to transfer licences and to provision of support and assistance requested by other Member States;
10. having regard to the application of related EU instruments, including in particular the mechanisms available under the Defence and Security Procurement Directive 2009/81/EC and the Transfers Directive 2009/43/EC;
11. acknowledging that the purpose of this declaration is only to set forth Member States' intent in respect of their potential Security of Supply support and that no provision or statement in this declaration will be construed as legally binding upon the Member States.

THEY COMMIT TO:

12. consider and assess comprehensively and sympathetically, and provide answers in a timely manner on, requests for Security of Supply support and assistance from another Member State regarding critical supplies and services for defence, stemming from exceptional and urgent SoS situations. When doing so, Member States will best utilise relevant tools, mechanisms and agreements established at bilateral, multilateral, regional or European level;

13. exercise efforts to the best of their ability to facilitate and expedite transfers and/or transits required for the delivery to another Member State, of supplies and services needed throughout the life cycle of the relevant defence capability, for such Member State's own use and not for re-export to a third party, when these are provided either from Member States' own supply stocks or by their resources, or through a contracted supplier.

IN ADDITION, MEMBER STATES HEREBY:

14. encourage relevant economic operators, with due regard to existing commercial agreements and best practices, to use their best efforts to support the implementation of related Member States' actions and measures stemming from the above declared commitment;
15. welcome EDA support in the future implementation of their declared commitment on Security of Supply and in the elaboration of possible further measures aimed at enhancing Security of Supply at European level, as necessary.
