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'I' ITEM NOTE

From: Presidency

To: Permanent Representatives Committee (Part 2)

Subject: Presidency report on Council deliberations related to the report on strengthening Europe's civilian and military preparedness and readiness.

Delegations will find in annex the Report from the Hungarian Presidency on Council deliberations related to the report on strengthening Europe's civilian and military preparedness and readiness.

COREPER is invited to take note of the report.

Presidency report on Council deliberations related to the report on strengthening Europe's civilian and military preparedness and readiness.

I. Introduction

This Presidency report, prepared by the Hungarian Presidency, provides a summary of discussions held so far in various Council preparatory working groups and Committees regarding the findings and recommendations of the report by Special Adviser Sauli Niinistö - Safer Together – Strengthening Europe's Civilian and Military Preparedness and Readiness ('Niinistö report').

The Niinistö report aims to present a comprehensive vision and a holistic overview centred on the concept of 'connecting the dots' to address the interlinked challenges of preparedness, readiness, security, defence and resilience. It sets out 80 recommendations as part of a positive agenda on how to enhance the civilian and defence preparedness and readiness of the Union and work together to address the challenges of our era. The Niinistö report is set against the premise that the global threat perception and landscape is deteriorating, and that despite significant initiatives and progress made over the past years and the tools and mechanisms available both at Union and Member States' level to address these challenges, the Union should do more to prepare itself for worst-case scenarios, as a result of natural or man-made disasters, including extreme weather events and military threats.

Given the horizontal view of EU level preparedness and coordination taken by the Niinistö report, which cuts across multiple sectors and topics, the Presidency informed Member States in Coreper on 13 November that it intended to engage with several Council preparatory working parties and committees. The Coreper tasked the Ad hoc Working Party on Preparedness, Response Capability and Resilience to future Crisis (AHWP Resilience) as a lead Council preparatory working party to gather preliminary reflections on the Niinistö report. On that occasion, Coreper, which had received an informal preview by Special Adviser Niinistö on 25 October, also had a first exchange of views on the Niinistö report welcoming the all-hazard, whole-of-government, and whole-of-society approach, and highlighting particular areas of interest.

At Council level, Special Adviser Niinistö presented his report at the meeting of the Foreign Affairs Council (Defence) of 19 November, focusing on the elements of relevance for Defence Ministers' work. Information from the Presidency will also be provided in the General Affairs Council on 17 December.

At the working party level, as indicated by the Presidency in Coreper on 13 November, given the cross-sectoral scope of the Niinistö report, consideration of its findings was led by the AHWP Resilience, with contributions from the Horizontal Working Party on Enhancing Resilience and Countering Hybrid Threats (HWP ERCHT), the European Union Military Committee (EUMC), the Working Party on Civil Protection (PROCIV) and its subgroup on critical entities resilience (PROCIV CER), and the Politico-Military Group (PMG).

Presentations of the Niinistö report to the Council working parties and other committees were undertaken by the Commission and EEAS, whilst stressing the independent nature of the document. The Commission and the EEAS supported the deliberations held in these fora.

The Niinistö report was published on 30 October, which allowed only a short timeframe for the Hungarian Presidency to launch a first reflection. The approach chosen was therefore non-exhaustive and pragmatic, focusing only on the main themes of the Niinistö report. These include cross-sectoral preparedness and societal resilience, crisis management, civil protection, protection of critical infrastructures, hybrid threats, possible areas of civilian-military cooperation and EU/NATO cooperation. The Hungarian Presidency sought not to overly steer the focus of discussions, nor to draw any conclusions rather to help Member States to identify and discuss the areas in the Niinistö report of most interest and importance to them. Consequently, the Hungarian Presidency did not pick and choose among any of the recommendations proposed, rather tried to aggregate and identify the main avenues of interests of the Member States.

This Presidency report outlines the predominant matters that were raised, aiming at supporting possible further work under the incoming Polish Presidency of the Council of the EU. It should be read as a snapshot of first reactions and does not prejudice any possible future or more detailed positions to be developed in the Council, based on further political guidance.

All transformations, regardless of pace, start with a change of mindset.

II. Overview of discussions in Council Working Parties and contributions from other committees

- *Ad Hoc Working Party on Preparedness, Response Capability and Resilience to future Crises (11 November, 25 November, 3 December)*

The AHWP Resilience addressed the Niinistö report on three occasions.

The first discussion on 11 November was aimed at getting initial views on the overarching approach and scope of the report, particularly concepts relating to all-hazards, whole-of-society and civilian aspects of “civil defence”. Reactions to recommendations relating to comprehensive preparedness and crisis management structures and processes together with horizontal aspects of societal resilience and public-private partnership were also sought.

In general Member States welcomed the timeliness of the Niinistö report, acknowledging the evolving EU risk environment and threat landscape, driven by geopolitical, climatic, and technological shifts. There was recognition that EU preparedness does not start from scratch and broad agreement that enhancing EU readiness should build upon existing structures, tools and mechanisms. Crisis management as primarily a national competence and the principle of subsidiary were predominant themes.

Whilst respecting the principle of subsidiarity, the European dimension could be seen as being indispensable and an integral component of crisis management. Member States welcomed the comprehensive and cross-sectoral approach of the Niinistö report, while stressing the importance of taking into account the different national approaches Member States have to crisis management, which should remain intact. The need to respect the special character of the security and defence policy of certain Member States was also recalled.

There was also a frequent call not to anticipate and prejudice discussions on the future multiannual financial framework (MFF), although the need for adequate funding to be allocated in the next MFF cycle for crisis preparedness and management was also stressed.

On 25 November, the working party had a more thorough exchange on some of the main cross-sectoral elements of the Niinistö report, based on guiding questions.

There seems to be a common understanding that the objective of stepping up civilian and military preparedness, including through enhanced sharing of know-how/expertise, is a timely recommendation. The focus on strengthening civilian-military collaboration was a particular point of interest, although a more common understanding of the concept is needed. Reinforcing EU/NATO cooperation and complementarity was raised, while stressing the need to respect competences and agreed principles. Parallel and coordinated exercises with NATO such as EU Integrated Resolve 2024 are deemed to be beneficial. More broadly, enhancing the culture of crisis response exercises and training in the EU was also highlighted.

The attention on societal resilience (from children to the elderly) and on public-private cooperation, as part of a whole-of-society approach, was largely welcomed, with a call for further exploring these topics (also in PROCIV/CER). The importance of effective crisis communication supported by the exchange of information was highlighted, and that proper communication to the society at large, is also a key element.

The importance of using or building on existing structures and mechanisms was again a predominant theme, whilst also maintaining their current good functioning as well as identifying where the EU-level would bring added value. The need to ensure coherence between sectoral crisis mechanisms and to improve coordination in the Council was also stressed by delegations, including in relation to optimising the IPCR arrangements.

Other areas of discussion included further exploring the ‘preparedness-by-design’ principle and more broadly, clarifying the definition and thresholds of crises, as well as other concepts (e.g. vital functions, civil defence, etc.), and exploring the interplay between TEU 42.7 and TFEU Article 222.

The merit of developing an all-hazards assessment of risks at EU level was also discussed. In this context how to boost and better coordinate situational awareness, anticipation, foresight and early warning was raised, as well as the challenges of information sharing among Member States and EU institutions, including in relation to the exchange of classified information in the crisis management domain and the need to avoid duplication and additional burden.

On a possible expansion of the Commission Emergency Response Coordination Centre's (ERCC) tasks by developing a central operational crisis 'hub' within the Commission, previous lines were recalled by some Member States including as regards its scope and the potential impact on its current activities and resources implications.

On 3 December, the working party continued to discuss enhancing civil-military cooperation including how this might be achieved in the Council and within respective competences. Recommendations on public-private partnership were also covered including the notion of more flexible procurement procedures during crises. Potential areas for this public-private partnership should be identified first. It was stressed that Member States should be involved in any efforts to enhance public-private partnership at the EU level.

- ***Working Party on Civil Protection and Critical Entities' Resilience (29 November)***

PROCIV, reinforced by PROCIV-CER (Critical Entities Resilience), discussed the civil protection and critical infrastructure resilience aspects of the report in their meeting on 29 November. Generally, Member States supported the core principles of the Niinistö report, including the whole-of-society and whole-of-government approach, from an all-hazards perspective. Citizens are considered the backbone of resilience, and there was interest in initiatives that have as objective to further strengthen population and household preparedness and resilience. Equally, public-private partnerships can be explored further, and training, education and exercises are considered important elements for increasing societal resilience. Overall, it would be useful to build on existing instruments and resources, notably capabilities within the Union Civil Protection Mechanism (UCPM) (e.g. European Civil Protection Pool and rescEU), which have proven their value. Member States recalled the need to respect the existing division of competences and the principle of subsidiarity in the fields of civil protection and resilience of critical infrastructure and, in line with that, they called for the Council to have a prominent role as regards any initiatives in these fields.

A few topics of particular relevance for civil protection and critical infrastructure resilience were highlighted during the discussions. On the possible addition of tasks for the Emergency Response Coordination Centre (ERCC), MS generally wanted to build further on previous discussions in PROCIV, in particular, it is important that the ERCC's full availability, effectiveness, and financing for the UCPM are guaranteed.

Enhanced civil-military cooperation and coordination – including with NATO – could be further looked into to increase societal resilience, while avoiding duplication and respecting the specific characters of MS and the already agreed principles regarding EU-NATO cooperation. On the concept of a Civil Defence Mechanism, further discussions need to be held to clarify the concept and its relationship with the UCPM as part of a longer-term process.

In the current risk landscape, account should be taken of risks posed by both extreme weather events and climate change as well as threats to internal security. A comprehensive EU risk assessment could be a way forward, but it should build on existing sectoral instruments and provide added value.

Finally, Member States highlighted that priority should be given to the proper implementation of the Critical Entities Resilience Directive, before any further expansion of the areas covered within the scope of the CER Directive could be considered.

- ***Horizontal Working Party on Enhancing Resilience and Countering Hybrid Threats (HWP ERCHT, 19 November and 3 December)***

HWP ERCHT discussed recommendations pertaining to hybrid threats (Chapter 6) of the Niinistö report. There was a broad understanding between the Member States with regard to the assessment of the Niinistö report on the threat landscape and the fact that the EU has already developed a wide range of frameworks, mechanisms and tools to address and counter hybrid threats. Initial positive views were expressed on the proposal for a mandatory ‘security and preparedness check’ as well as the ‘stress tests’ for the legislation already in force.

Regarding recommendations on hybrid threats, Member States welcomed the view that intelligence is the basis for accurate, comprehensive and shared situational awareness and informed decision-making. At the same time, they underlined the need to respect national competencies, and the fact that national security shall remain the sole responsibility of each Member State (TEU Article 4.2). Member States have thus expressed a preference for focussing efforts on strengthening of existing structures over the creation of new EU-level entities. In this regard the strengthening of the Single Intelligence Analysis Capacity (SIAC) needs to be the priority as mandated by the Strategic Compass, by implementing the *Joint Paper on Strengthening SIAC* endorsed by the Council on 7 March 2024. Member States reconfirmed the need to enhance the SIAC’s capacities and resources, and highlighted the need to ensure the coordination on products and with other EU institutions. Any new initiative in this field requires all MS’ engagement in advance, in close coordination with related national services.

As regards recommendations related to “deterrence by denial”, the need of a comprehensive assessment of the vulnerabilities of hybrid actors and the development of the EU security culture was highlighted. In the context of the proactive sharing of information, the relevance of the Hybrid Risk Survey was highlighted. The anti-sabotage efforts were welcomed. The establishment of a new network could be feasible in the medium term if its added value in relation to existing ones is clarified. Regarding “deterrence by punishment”, the need to raise the costs for perpetrators, and strengthen cooperation with partners was a predominant theme. Member States expressed the need to have a strategic approach with regard to hybrid threats and actors. Many underlined, however, that political attribution remains a national prerogative, which at the EU level should remain a decision to be taken on a case-by-case basis and with the agreement of Member States. Other aspects highlighted included the relevance of the proposal for further development of “lawful access to encrypted data” to support the law enforcement and other relevant authorities, and the need to improve public-private partnerships, incentivizing technological innovation and cross-border cooperation. Due to the nature of hybrid threats, Member States would welcome efforts to categorize measures by feasibility and timelines, especially short-term (easily implementable) and long-term (resource-intensive) measures.

- ***EU Military Committee (20 November)***

The EUMC welcomed the presentation of the Niinistö report at its meeting on 20 November. The Military Committee expressed the necessity to be involved in the drafting of policy documents under preparation by the Commission and the High Representative, such as the White Paper on the Future of European Defence and the Preparedness Union Strategy, and reiterated its readiness to provide military advice to ensure the military expertise on all topics related to defence.

In light of the “all hazards, whole of government and whole of society” approach, the EUMC also highlighted the potential need to revisit the EU military level of ambition (Headline Goal), whilst noting that this could have Treaty implications.

- ***Politico-Military Group (2 December)***

PMG discussed the report from a politico-military perspective on 02 December 2024. Member States discussed the whole of government and whole of society, as well as the all hazard approaches, and the need for the EU to take more responsibility in the field of security and defence. Member States also cited, inter alia, efforts to strengthen the European defence industry and increase funding for defence; EU-NATO cooperation; strengthening international partnerships; military mobility; as well as the articulation of Article 42.7 TEU and Article V (NATO), and the interplay with Article 222 TFEU.

III. Possible ways forward

With this Presidency report, the Hungarian Presidency aimed to gather initial reactions on some of the key themes of the Niinistö report, to inform possible further discussions and steer at political level, notably in view of the preparation by the Commission/the High Representative of future initiatives announced in areas addressed in the Niinistö report, including a White Paper on the Future of European Defence and a Preparedness Union Strategy as called for in the March 2024 European Council conclusions. These first exchanges do not constitute definitive positions on the Niinistö report. Member States expressed the need for proper involvement and transparency between the Council and the Commission on the preparatory processes of incoming initiatives and strategies, allowing for a close cooperation with the Member States in the relevant fora. The Presidency notes that, according to the European Council guidelines (14801/24) the December European Council is expected to address preparedness including the Niinistö report in its conclusions.

This Presidency report can also support further discussions on the Niinistö report and future work in the Council in the area of civilian and defence preparedness and readiness, including reflections on how to promote a more coordinated and coherent approach across these domains within the Council. These further reflections could identify which recommendations could be addressed in short-, medium and in long-term.

Given the cross-cutting, multidisciplinary and holistic approach taken by the Niinistö report, the Hungarian Presidency suggests continuing to have an increased level of coordination within the Council to consider the findings and recommendations of the report, in view of the initiatives and strategies expected from the Commission and HR with a view to preparing the Council's position on the full crisis management cycle. The Presidency considers it important to take into account the interinstitutional balance when discussing the abovementioned initiatives and strategies and to involve the relevant structures in the Council in further reflections. The Hungarian Presidency therefore suggests future Presidencies, besides continuing to have discussions in the relevant fora, consider the possibility of involving other preparatory working groups of the Council, for example those that cover defence industry, cyber issues, EU health policy, societal questions, maritime issues and space.