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Subject: **Draft Presidency report on European security and defence policy**

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Delegations will find below the draft Presidency report on European security and defence policy and its Annexes, as they stand following the proceedings of the Political and Security Committee. The Netherlands is maintaining a reservation on paragraph 29 of the draft report. Once endorsed by the Council, the report will be submitted to the Laeken European Council.

**DRAFT PRESIDENCY REPORT  
ON EUROPEAN SECURITY AND DEFENCE POLICY**

**INTRODUCTION**

1. Under the Belgian Presidency, the European Union has continued its efforts in the framework of the European security and defence policy. These efforts come within the framework of the principles established at the European Councils of Cologne, Helsinki, Feira, Nice and Göteborg. On the basis of those principles and of the progress already made, the Union is determined to continue increasing its civil and military capabilities.
2. Developing the ESDP will also increase the EU's capacity to act in preventing conflicts. In this area, the Presidency has begun implementing the European Union's programme for preventing violent conflicts and has paid particular attention to conflict prevention in the Western Balkans, the Middle East and Africa.
3. In presenting this report, the Presidency has noted that Denmark has drawn attention to Protocol No 5 annexed to the Treaty of Amsterdam on Denmark's position.

## **FOLLOW-UP TO THE ATTACKS OF 11 SEPTEMBER**

4. The terrible attacks against the United States demonstrated that terrorism was a real challenge for Europe. In that light, it is essential to speed up resolutely implementation of the ESDP. Through the military and civil capabilities developed by the European Union for crisis management, the CFSP will become stronger and better contribute to preventing and controlling the terrorist threat for the benefit of the populations concerned.
5. The terrorist attacks and their diplomatic and military consequences have led to a strengthening of the solidarity between the EU and the US. Increased consultations have made it possible to contribute to the establishment of a broad coalition against terrorism under the aegis of the United Nations. Consultations with the United States will be stepped up, including at PSC level.

## **CONTINUOUS REINFORCEMENT OF THE EUROPEAN UNION'S CAPACITY TO TAKE DECISIONS AND TO ACT**

### **IMPROVING MILITARY CAPABILITIES**

6. The Capability Improvement Conference held in Brussels on 19 November 2001 helped to reinforce the military capabilities of the European Union. At the Conference, Member States reaffirmed their commitment to meet fully the objectives defined at Helsinki and to make good the shortcomings identified. Going beyond the contributions established at the November 2000 Conference, which they confirmed, Member States voluntarily made significant improvements in terms of both quantity and quality.

An assessment of the revised national contributions confirms that the EU should be able to carry out the whole range of Petersberg tasks by 2003. However, efforts must be made if the Union is to be able to carry out the most complex operations as efficiently as possible and to reduce any limitations and restrictions in terms of the breadth of the operation and the period of deployment as well as the level of risk.

7. That Conference represents an important stage in a demanding process for strengthening the Union's military capabilities, with the aim of achieving by 2003 the headline goal which has been set. That process will continue beyond that date in order to achieve the strategic capability goals within the framework of a dynamic and permanent process for adapting forces and capabilities. The Council has approved the statement adopted at the Capability Improvement Conference and the European Capability Action Plan designed to rectify the remaining shortcomings (Annex I). This Action Plan defines a method making it possible to mobilise voluntarily all efforts, investments, developments and coordination measures, both nationally and multinationally, in order to improve existing resources and progressively develop the capabilities needed for the Union's crisis-management actions. The analysis and assessment of the shortcomings will be continued under the responsibility of the Military Committee and account will be taken in particular of the discussions of the HTF, including in the format of groups of experts suited to the particular case. The capability development mechanism, which will comprise the tools required for the permanent and detailed process, will make it possible to arrange for the monitoring and progress of the development of European military capabilities. The Council recognised the importance of collaboration between defence industries.

#### IMPROVING CIVIL CAPABILITIES

8. The Union has continued to improve its civil capabilities in the four priority areas identified at Feira: police, strengthening the rule of law, strengthening civilian administration and civil protection.

9. Action in the police field has assumed a paramount role in the improvement of civil capabilities. At the Ministerial Police Capabilities Commitment Conference held on 19 November 2001, Member States undertook to provide up to 5 000 police officers by 2003, of whom up to 1 400 could be deployed in under 30 days.

These commitments, which constitute a new and essential crisis-management capability, have made it possible to confirm that the specific targets set at Feira for 2003 have been met. On 19 November 2001 the Council approved the declaration adopted by the Ministerial Police Capabilities Commitment Conference (Annex II).

10. To take forward implementation of the Police Action Plan adopted at Göteborg, the Presidency accorded special importance to three themes identified as priority areas in the Plan: command and control, training and selection criteria and interoperability. With the help of the Police Unit established in the Council Secretariat, considerable progress has been made in these fields at this stage (Annex II).

11. Work has also continued on developing the specific goals defined at Göteborg in the other priority areas:

- Rule of law: in accordance with the Göteborg mandate and to give added value to the work of international organisations, the EU has undertaken to promote the development of a minimum temporary legal framework within the framework of the UN, taking into account the relevant international standards applicable in situations where there is an institutional vacuum or where local law does not apply or is deemed to contradict general principles of law (Annex III).
- Civilian administration: among the sectors identified at Göteborg, the Union examined in particular the possible participation of customs experts, particularly as regards identifying the functions needed.

- Civil protection: the Union has begun the process of identifying the Member States' capabilities which will make it possible to improve the Union's response in crisis aid missions on the basis of possible scenarios and with the help of the Community Civil Protection Mechanism (Annex III).
12. Particular attention has been paid to training personnel for civilian crisis management. The Union has continued work on police training and selection criteria and the Commission has launched an initiative, in cooperation with Member States and the competent international organisations, to develop training modules on strengthening the rule of law and civilian administration.

### STRENGTHENING POLITICAL AND SUPPORT STRUCTURES

13. The permanent bodies (Political and Security Committee and Military Committee) set up in the first half of 2001 have become fully operational. To support the work of these permanent bodies, the politico-military structure of the Secretariat has been reinforced and includes a police unit. The military staff has completed its expansion and an integrated civil and military situation centre is in permanent operation, providing in particular an early-warning system and crisis-situation monitoring.

The Ministers for Defence have reaffirmed their responsibility in developing the headline goal. In addition to the holding of General Affairs Councils extended to Ministers for Defence, discussion has begun on the establishment of a Defence Ministers Council to monitor development of military capabilities.

On the basis of his report to the General Affairs Council on 19 November 2001, the SG/HR is continuing his efforts to increase intelligence cooperation to support the Union's crisis-management capability.

14. The Institute for Security Studies and the European Union Satellite Centre will come into operation on 1 January 2002.

#### DEVELOPING PROCEDURES AND PREPARING EXERCISES

15. Crisis-management procedures to make it possible to take decisions rapidly and efficiently and adequately coordinate all the Union's instruments continue to be developed and improved: a second workshop on 24 and 25 October 2001 in the form of a meeting of the EU's Political and Security Committee and Military Committee made significant progress in the process of validating these procedures. Preparation of the crisis-management exercise planned for 2002 continues in accordance with the policy and programme of exercises endorsed at Göteborg.
16. Detailed examination of the procedures for financing crisis-management operations has begun.
17. Special attention has been paid to improving the way public opinion is informed. The Institute for Security Studies will work in particular on a publication on European defence in the framework of the Petersberg tasks.  
The Presidency has continued its dialogue with the Parliamentary Assemblies on developments in ESDP and crisis management.  
Health issues related to military operations were the subject of an initiative aimed at secure and efficient exchanges of information.



## COOPERATION WITH NATO

18. The establishment of an ongoing and effective relationship and a strategic partnership in crisis management with NATO, on the basis of the principles approved at Feira and Nice, is an essential element of the ESDP. Consultations and cooperation between the two organisations have continued in matters of security, defence and crisis management of common interest in order to make possible the most appropriate military response to a given crisis and ensure effective crisis management, while fully respecting the decision-making autonomy of NATO and the EU.
  
19. The EU and NATO have cooperated closely on issues of crisis management in the Western Balkans, notably the former Yugoslav Republic of Macedonia and Southern Serbia. This cooperation has proved particularly fruitful and been exemplary in all respects. Consultations have also intensified in the wake of the terrorist attacks of 11 September.

This cooperation has taken the form, in particular, of political consultations at ministerial level between the Political and Security Committee and the North Atlantic Council, and of meetings between the respective Military Committees. The Secretary-General/High Representative and the Secretary General of NATO and their representatives conducted joint actions in the Western Balkans.

20. Discussions between the EU and NATO on arrangements, based on those approved by the European Council at its Nice meeting, to allow the EU to use NATO resources and capabilities, are continuing with high priority. Work has progressed with a view to rapidly concluding a definitive security agreement in accordance with the conclusions of the Nice and Feira European Councils. The provisional agreement remains in force in the meantime. Progress in the field of military capabilities has benefited from the support of NATO experts.

## **COOPERATION WITH THE INTERNATIONAL ORGANISATIONS**

21. The development of European crisis-management capabilities increases the range of instruments for responding to crises available to the international community. The efforts made will also enable the Union and Member States to respond more effectively and more coherently to requests from leading organisations such as the UN or the OSCE.
22. The Union has begun to cooperate more fully with the United Nations in crisis management and conflict prevention concerning the themes and in the specific areas endorsed by the Göteborg European Council. Regular contacts at different levels with the representatives of the United Nations have made it possible to keep up the necessary links on the main subjects of common interest. Those contacts have also led to examination, on the basis of the principles and procedures established, of how the development of European capabilities in the ESDP could contribute to United Nations efforts in peacekeeping operations.
23. Management of the crisis in the Former Yugoslav Republic of Macedonia constitutes a new positive expression of cooperation with the OSCE, which will be turned to account in continuing to develop links between the European Union and the OSCE on all matters of common interest.

## **COOPERATION WITH THE NON-EU EUROPEAN MEMBER STATES OF NATO AND OTHER CANDIDATES FOR ACCESSION TO THE EU**

24. The European Union reaffirms that the ESDP is an open project: it has therefore particularly sought to implement the arrangements agreed at Nice.

On 20 November the EU Ministers for Foreign Affairs and Defence met their counterparts from the non-EU European Member States of NATO and other candidates for accession to the EU to inform them of the outcome of the Capability Improvement Conference. The European Union welcomes the continuation of consultations with its partner countries and the announcements of military contributions made at that meeting, which help to broaden the range of capabilities available for EU-led operations.

The Ministers of the Member States of the European Union responsible for police matters met their counterparts from those countries for the first time to inform them about the process of committing police capabilities. The meeting confirms the Union's interest in involving those countries in civilian crisis management operations. The Union welcomes the contributions to police missions announced by those countries and additional to those made by the EU.

During the Presidency, meetings at PSC and Military Committee level have enabled a regular dialogue to be kept up with those countries, including assessment of the security situation following the attacks in the United States.

## **COOPERATION WITH OTHER POTENTIAL PARTNERS**

25. The arrangements agreed at Nice on strengthening dialogue, cooperation and consultation on security and defence matters with the countries concerned have been implemented during the Presidency. At those meetings, exchanges of views on ESDP and crisis-management issues, and on developments following the events of 11 September, took place. The Union will continue to consider ways for these countries to participate in Union-led operations.
26. Further detailed consultations have been held with Canada on the basis of the arrangements defined at the EU-Canada Summit on 19 December 2000.

27. The Union reaffirms its determination to implement its partnership with Russia. Implementation of the Joint Statement adopted at the EU-Russia Summit on 3 October 2001 on strengthening dialogue and cooperation on political and security issues has deepened the relationship with Russia in those areas, in particular via more regular Troika meetings of the PSC.
28. The Union has continued to strengthen its dialogue with Ukraine, in particular on the occasion of the EU-Ukraine Summit on 11 September, and is examining the possibility of practical cooperation with Ukraine.

### **OPERATIONAL CAPABILITY OF THE UNION**

29. (A) At Nice and Göteborg, the European Council undertook to make the Union quickly operational in this field and to take a decision to that end no later than at the European Council in Laeken. The extraordinary European Council meeting on 21 September 2001 reaffirmed the objective: "it is by developing the Common Foreign and Security Policy (CFSP) and by making the European Security and Defence Policy (ESDP) operational at the earliest opportunity that the Union will be most effective".

Through the continuing development of the ESDP, the strengthening of its capabilities, both civil and military, and the creation of the appropriate EU structures, the EU is now able to conduct some crisis-management operations. The Union will be in a position to take on progressively more demanding operations, as the assets and capabilities at its disposal continue to develop. Decisions to make use of this ability will be taken, in the light of the circumstances of each particular situation, a determining factor being the military and civilian assets and capabilities at the disposal of the Union at that particular stage.

**(B)** Such a capability to act results from the substantial progress that has been accomplished since the European Councils in Cologne and Helsinki.

#### Capabilities

The conferences on military and police capabilities have enabled progress to be made towards the achievement of the capability objectives. The Member States have made voluntary contributions on the basis of national decisions. The development of military capabilities does not imply the creation of a European army. Non-EU European Member States of NATO and other candidates for accession to the EU have made highly valuable additional military and police contributions, with the aim of enhancing European capabilities (see paragraphs 6, 7, 9 and 24).

#### Structures and procedures

On the basis of the approved exercise policy and programme, the Union has begun to test its structures and procedures relating to civilian and military crisis-management operations (see paragraphs 13, 14 and 15). The European Union has established crisis-management structures and procedures which enable it to analyse and plan, to take decisions and, where NATO as such is not involved, to launch and carry out military crisis-management operations.

#### Arrangements between the EU and NATO

The Union's crisis-management capability has been strengthened by the development of consultations, cooperation and transparency between the two organisations in crisis management in the Western Balkans (see paragraph 19).

#### Arrangements with its partners

The implementation of the arrangements with the non-EU European Member States of NATO and other candidates for accession to the EU and with Canada, Russia and Ukraine has been taken further (see paragraphs 24, 25, 26, 27 and 28).

(C) To enable the European Union to carry out crisis-management operations over the whole range of Petersberg tasks, including operations which are the most demanding in terms of breadth, period of deployment and complexity, substantial progress will have to be made:

#### Balanced development of military and civilian capabilities

The balanced development of military and civilian capabilities is necessary for effective crisis management by the Union: this implies close coordination between all the resources and instruments both civilian and military available to the Union.

The strengthening of military capabilities in accordance with the European Action Plan to remedy shortcomings identified and the implementation of the Exercise Policy will be necessary to enable the Union progressively to carry out more complex operations. The importance of adopting the planned mechanism for the development of military capabilities should be emphasised, in particular to avoid all unnecessary duplication and, for the Member States concerned, to take into account NATO's defence planning process and the planning and review process of the Partnership for Peace (PARP).

The Police Action Plan will be implemented to enable the Union to be capable in the near future of carrying out police operations. The Union will continue its efforts to develop means of rapidly achieving and implementing concrete targets in the following priority areas: rule of law, civilian administration and civil protection.

To achieve these objectives, the Union, and in particular the Ministers responsible, will seek solutions and new forms of cooperation in order to develop the necessary capabilities, in accordance with this report, making optimum use of resources.

#### Finalisation of the arrangements with NATO

The Union intends to finalise the security arrangements with NATO and conclude the agreements on guaranteed access to the Alliance's operational planning, presumption of availability of pre-identified assets and capabilities of NATO and identification of a series of command options made available to the Union. These agreements are essential for the ESDP and will substantially increase the Union's available capabilities.

#### Implementation of the arrangements with its partners

The full and complete implementation of the Nice arrangements with the 15 and the 6, their additional contribution to the civilian and military capabilities and their participation in a crisis-management operation in accordance with those arrangements (in particular by setting up a Committee of Contributors in the event of an operation) will appreciably strengthen crisis-management operations carried out by the European Union.

### **MANDATE FOR THE SPANISH PRESIDENCY**

30. On the basis of the present report, the Spanish Presidency is invited, in association with the Secretary General/High Representative, to continue work within the General Affairs Council on developing the Common Security and Defence Policy, implementing the measures necessary for the following:
- to progress in the building of European military capabilities and in remedying the remaining shortfalls in view of the completion of the Headline Goal and, in particular,
    - (i) to implement the European Capabilities Action Plan
    - (ii) to ensure the improvement of Command and Control arrangements for national and multinational Headquarters
    - (iii) to take forward the Helsinki mandate to develop the procedures and concepts required to deploy the rapid response elements of the Headline Goal;

- to enhance cooperation in the field of armaments as Member States consider appropriate;
- to continue work on defining the details of the capabilities development mechanism for military capabilities as specified in Nice;
- to continue discussions with NATO as a matter of urgency with a view to establishing as soon as possible the envisaged arrangements for the implementation of the conclusions of the Nice European Council and to enhance EU-NATO cooperation in crisis management;
- to take the measures necessary for the further improvement, testing and validation of the crisis-management mechanisms, including structures and procedures. To this end a crisis management exercise (CME 02), which will test the decision-making and the coordination of the full range of military and civilian instruments, will be carried out;
- with a view to achieving the objectives laid down in Feira, to continue implementing the Police Action Plan;
- to make progress with the attainment of the objectives as regards the rule of law, as defined by the Göteborg European Council;
- to make progress with the attainment of the concrete objectives identified by the Göteborg European Council in the other priority areas of the civil aspects of crisis management, namely civil administration and civil protection;
- to work out the practical modalities of civil-military coordination;
- to continue work with a view to finalising the financing arrangements related to the implementation of crisis-management operations;



- to continue examining the Presidency proposal for the establishment of formal meetings of the Union's Defence Ministers;
- to report on the implementation of the European programme for the prevention of violent conflicts;
- to implement fully the agreed arrangements for consultation and participation with non-EU European NATO members and other countries which are candidates for accession to the EU;
- to implement fully the agreed arrangements for consultation and participation of other potential partners;
- to continue developing and giving further practical expression to EU cooperation with the UN, the OSCE and other relevant organisations.

The Spanish Presidency is invited to submit a report to the European Council in Seville.

## **STATEMENT ON IMPROVING EUROPEAN MILITARY CAPABILITIES**

### **EUROPEAN CAPABILITY ACTION PLAN**

#### **I. DEVELOPMENT OF MILITARY CAPABILITIES**

1. In connection with the pursuit of the objectives of the CFSP, the efforts which have been undertaken since the Cologne, Helsinki, Feira, Nice and Göteborg European Councils aim to give the European Union the means to play a full part at international level in accordance with the principles of the United Nations Charter and to face up to its responsibilities to cope with crises by developing the range of instruments already at its disposal and adding a military capability to carry out all the conflict-prevention and crisis-management tasks as defined in the Treaty on European Union ("Petersberg tasks"). Such a development also calls for a true strategic partnership between the EU and NATO in crisis management, with due regard for the decision-making autonomy of the two organisations.
2. At the Capability Improvement Conference in Brussels on 19 November 2001<sup>1</sup>, the Ministers for Defence reaffirmed their responsibility for the development of the headline goal (being able to deploy 60 000 men in less than 60 days and to sustain them for at least one year). On that occasion, they emphasised their determination to seek solutions and new forms of cooperation in order to develop the necessary military capabilities and make good the shortcomings identified, while making optimum use of resources.

Member States reaffirm their steadfast commitment to meet the objectives set in Helsinki in full and to respond to the shortcomings which had been identified. Their revised national contributions strengthen the realisation of the headline goal. Member States also agreed on a "European Capability Action Plan" (see Chapter III) incorporating all the efforts, investments, developments and coordination measures executed or planned at both national and multinational level with a view to improving existing resources and gradually developing the capabilities necessary for the Union's activities.

That Conference represents an important stage in a demanding process for strengthening the Union's military capabilities, with the aim of achieving by 2003 the headline goal which has been set. That process will continue beyond that date in order to achieve the strategic capability goals within the framework of a dynamic and permanent process for adapting forces and capabilities.

#### **II. CONTRIBUTIONS**

##### **3. General**

At the Capability Improvement Conference, Member States voluntarily confirmed their contributions as established at the Conference in November 2000, and made significant improvements in terms of both quantity and quality, which enabled several shortcomings to be rectified. The multi-role possibilities of certain capabilities and the substitution process are also enabling other deficiencies to be made good in whole or in part.

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<sup>1</sup> Denmark drew attention to Protocol No 5 annexed to the Amsterdam Treaty.

An assessment of the revised national contributions confirms that the EU should be able to carry out the whole range of Petersberg tasks by 2003.

However, efforts must be made if the Union is to be able to carry out the most complex operations as efficiently as possible and to reduce any limitations and restrictions in terms of the breadth of the operation and the period of deployment as well as the level of risk.

#### 4. **Forces**

##### Contributions and progress made

In quantitative terms, Member States' voluntary contributions confirm the existence of a body of resources consisting of a pool of more than 100 000 men, around 400 combat aircraft and 100 ships, fully satisfying the requirements defined by the headline goal to conduct different types of crisis-management operations. Ground element contributions meet the basic requirements for forces and support and back-up resources. Maritime requirements are well catered for. The air capabilities offered meet the quantitative requirements for air defence and ground troop support.

Member States have made substantial additional contributions, thus rectifying several shortcomings and deficiencies in whole or in part. In the case of land-based resources, this relates in particular to multiple rocket launcher, transmission, electronic warfare, armoured infantry and bridging engineering units. With regard to naval resources, progress has been achieved in the naval aviation sector. As regards aviation resources, additional contributions have been made in the fields of combat search and rescue and precision guided weapons.

##### Efforts to be made

Additional efforts must be made with regard to protecting forces deployed, commitment capability and logistics. The degree of availability of ground elements, operational mobility and the flexibility of the force deployed must also be improved.

Improvements in the fields of naval aviation resources and maritime medical evacuation must continue to be sought. There are still problems to be solved with regard to air elements, *inter alia* in the fields of combat search and rescue and precision guided weapons.

#### 5. **Strategic capabilities**

##### Contributions and progress made

With regard to command, control, communications and intelligence resources (C3I), Member States are offering a sufficient number of headquarters at the levels of operation, force and component, as well as deployable communications units.

Member States have also offered a number of intelligence resources to contribute towards the EU's analysis and surveillance capabilities. The air and sea transport available will enable an initial entry force to be deployed; strategic mobility has also been improved.

Progress has been made in the C3I field and in maritime strategic mobility.

### Efforts to be made

A qualitative analysis of certain C3I resources has yet to be made. If this analysis reveals certain deficiencies, they must be regarded as critical. Moreover, shortcomings exist with regard to deployable communications units.

Additional efforts must be made with regard to assistance for strategic decision-making as the possibilities for intelligence, achievement of goals, surveillance and reconnaissance (ISTAR) remain limited.

As regards strategic mobility, the main shortcomings relate to wide-body aircraft and roll-on/roll-off ships. However, the impact of those shortcomings could be reduced by making more effective use of existing resources (coordinated or joint use of resources, planning of movements, etc.) and using commercial resources on a methodical basis.

### 6. Qualitative improvements

In addition to these quantitative improvements, all Member States have - without exception - taken measures which will undoubtedly help to achieve the headline goal of crisis management by enhancing the qualitative aspects of their Armed Forces. Their many efforts are focused on the following eight areas: structures of the Armed Forces; budgets; staff; multinational cooperation; logistics; training; research and technology, industrial cooperation, public procurement; civilian/military cooperation. The steps taken by Member States, which they are planning to pursue, are likely to improve the availability, deployability, survivability, sustainability and interoperability of the Armed Forces.

The analysis of the progress and efforts to be made, in particular to ensure the easy availability of certain forces defined in the Helsinki headline goal, will be continued.

### 7. Contributions by the Fifteen and the Six

The non-EU European Member States of NATO and the other candidate countries for accession to the EU have also helped improve European military capabilities through the highly valuable additional contributions made at the Ministerial Meeting on 21 November 2000 and included in a supplement to the Forces Catalogue.

Those countries were invited to update their contributions at the Ministerial Meeting on 20 November 2001 in accordance with a procedure parallel to that applicable to the 15 Member States, as was the case last year. Their offers, revised in terms of both quantity and quality, are welcomed as additional capabilities which contribute to the range of capabilities available for EU-led operations. Those contributions will be evaluated in cooperation with the countries concerned in accordance with the same criteria as those applicable to the Member States.

### 8. Capability development mechanism (CDM)

As agreed at the Göteborg European Council, and in order to ensure the sustainability of measures to strengthen the EU's capabilities, Member States will recall the importance of adopting a detailed monitoring and evaluation mechanism for military capabilities in accordance with the Nice conclusions. To avoid any unnecessary duplication for the Member States concerned, that mechanism will take account of NATO's defence planning processes and the planning and review process of the Partnership for Peace (PARP).

### III. EUROPEAN CAPABILITY ACTION PLAN

#### 9. Introduction

In keeping with decisions taken at the Helsinki European Council and subsequent Councils, Member States have undertaken, on a voluntary basis, to continue improving their military capabilities with a view to boosting development of European crisis-management capabilities. At the Capability Improvement Conference (CIC) on 19 November 2001, the Member States identified shortcomings and agreed on a plan of action for remedying them. This plan will help to achieve the goals set by the European Council in Helsinki. It is based on national decisions (a "bottom-up" approach). By rationalising Member States' respective defence efforts and increasing the synergy between their national and multinational projects, it should make for an enhanced European military capability. The European Capability Action Plan is also designed to back up the political plan which gave rise to the headline goal and to create the necessary impetus for achieving the aims which the Union set in Helsinki.

The European Capability Action Plan, which will be implemented in a spirit of transparency, is mainly designed to rectify the remaining deficiencies. The capability development mechanism (CDM), which will comprise the tools required for the permanent and detailed process, will make it possible to arrange for the monitoring and progress of the development of European military capabilities.

#### 10. Principles of the European Capability Action Plan

The Action Plan is therefore based on the following principles:

- ◆ **Enhanced effectiveness and efficiency of European military capability efforts.**  
The current fragmentation of defence effort provides scope for Member States to rationalise. This might be done by stepping up military cooperation between Member States or groups of Member States.
- ◆ **A "bottom-up" approach to European defence cooperation.**  
Member States' commitments would be on a voluntary basis, with due regard for national decisions. The required capabilities will be achieved partly by carrying out national and multinational projects which are already planned and partly by developing new projects and initiatives to make good remaining deficiencies.
- ◆ **Coordination between EU Member States and cooperation with NATO.** Application of this principle is essential to target specific shortcomings, avoid wasteful duplication and ensure transparency and consistency with NATO.
- ◆ **Importance of broad public support.**  
The public in the Member States must have a clear vision of the context in which CFSP development is situated, of the existing shortcomings and the efforts to be made to achieve the objectives set. This transparency of the Action Plan will help to make the action plan more effective and back up the political action and political will underpinning it.

#### 11. National and multinational projects

It appears from an analysis of ongoing national and multinational projects, whether planned or envisaged, that if these projects are brought to a conclusion and the resources made available to the EU, they will enable the vast majority of existing shortcomings to be addressed in full or in part.

However, this analysis of projects and initiatives shows that they are not currently sufficient to remedy all the shortcomings which have been identified. It is therefore important to find ways of making good each remaining deficiency.

The action plan will be effective only if the Member States undertake to make good all deficiencies by bringing their current and future projects and initiatives to a conclusion and making these new capabilities available to the EU. The success of this process will necessitate major, on-going efforts from the Member States.

## 12. Implementation of the Action Plan

- a. There is a very broad range of options available to remedy the remaining shortcomings:
  - if national forces and capabilities other than those already declared were made available and included in future projects and initiatives, this would enable some deficiencies to be made good, particularly those in relation to forces;
  - other alternatives would consist, first, of making existing capabilities more effective and efficient and, second, of seeking creative responses, going beyond the traditional framework of military procurement programmes;
  - multinational solutions might include the co-production, financing and acquisition of capabilities, particularly for large-scale projects but also for very specific capabilities. These solutions might also extend to the management and use of the equipment when it is use.
- b. Taking account of the results of the meeting of senior national experts responsible for defence procurement and planning, whose role is important in this context, an analysis and evaluation, both in qualitative and quantitative terms, of all the shortcomings will be continued under the responsibility of the Military Committee. This analysis should produce detailed specifications which will assist the quest for appropriate solutions.
- c. For the sake of efficiency and flexibility and in order to render Member States accountable, the HTF must be brought together, by type of capability, in the formation of panels of experts, adapted on a case-by-case basis. The panels' remit will be to analyse remaining deficiencies as a whole and to identify all the feasible national or multinational solutions. A pilot country (or group of countries) could be responsible for leading, coordinating and summarising the work of these panels.
- d. **In connection with its responsibilities as defined in the conclusions of the Nice European Council for the political management of military capability development, the PSC will report to the Council at regular intervals on the basis of the Military Committee's opinions.**

## IV. ARMS INDUSTRY

13. The Ministers assessed the progress being made towards a restructuring of European defence industries and towards strengthening the industrial and technological defence base, which has to be competitive and dynamic. This is a positive factor which constitutes a major step forward and contributes to the strengthening of the Union's capabilities and hence also to the success of the European Military Capability Action Plan.

The Ministers also acknowledged the importance of improving harmonisation of military requirements and the planning of arms procurement, as seen fit by Member States.  
The Ministers also recognised the importance of collaboration between defence industries.

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**MINISTRIAL POLICE CAPABILITIES  
COMMITMENT CONFERENCE**

**DECLARATION**

1. Successive European Councils have reaffirmed their commitment to developing the civil and military resources and capabilities required to enable the Union to take and implement decisions on the full range of conflict-prevention and crisis-management missions defined in the Treaty on European Union, the so-called "Petersberg tasks". The Union will thus be able to make a greater contribution to international security in keeping with the principles of the United Nations Charter and the Helsinki Final Act. The Union recognises the primary responsibility of the United Nations Security Council for the maintenance of international peace and security.
2. In the field of civilian capabilities, the European Council at Feira identified four priority areas of work: police, strengthening the rule of law, strengthening civilian administration and civil protection. Recognising the central role of police in international crisis management operations, and the increasing need for police officers for such operations, EU Member States, cooperating voluntarily have set themselves concrete targets on overall EU capabilities, rapid deployment capability and raising standards for international police missions. In particular, Member States agreed that by 2003 they should, as a final objective, be able to provide up to 5 000 police officers for international missions across the range of crisis-prevention and crisis-management operations, and in response to specific needs at the different stages of these operations. Within this target for overall EU capabilities, Member States also undertook to be able to identify and deploy up to 1 000 police officers within 30 days.



3. The police capabilities the EU is developing will increase and improve the effectiveness of the Union's capacity to respond to crises. This will enable the EU to provide support to UN and OSCE-led police operations as well as conduct EU-led autonomous operations. The European Union will ensure that its own efforts and those of the United Nations, the OSCE and the Council of Europe are consistent and mutually reinforcing, without any unnecessary duplication.
4. A Police Capabilities Commitment Conference at Ministerial level took place in Brussels on 19 November 2001 in order to draw together the national commitments to meet the police capabilities goals set by the Feira European Council. The Conference also considered current and future work on the implementation of the Police Action Plan adopted at the European Council in Göteborg, as a follow-up to the Presidency Conference of National Police Commissioners which took place on 10 May 2001.
5. At the Conference, Member States on a voluntary basis have made the following quantitative and qualitative commitments to build up the EU police capacity for crisis management operations. In doing so, they contribute to the creation of a new and essential capacity for crisis management, capable of covering the full range of police missions identified by the European Councils of Nice and Göteborg, i.e. from training, advisory and monitoring missions to executive missions. The targets set at Feira have therefore been met.

(a) Quantitative aspects

With regard to the overall objective, Member States have undertaken to provide 5 000 police officers by 2003.

With regard to the objective of deploying police officers within thirty days, Member States have undertaken to provide up to 1 400 police officers by 2003.

As part of their commitments, some Member States have undertaken to provide rapidly deployable, integrated and interoperable police units.

(b) Qualitative aspects

With regard to the qualitative aspects, the two types of mission – strengthening of, and substituting for local police forces – draw on all specialist policing functions available in Member States. The capabilities are committed on the basis of individual police officers or integrated police units. The latter can constitute an efficient asset in the early stages of complex situations as identified at the Nice European Council.

The police capabilities committed comprise both police forces with civil status and police forces with military status of gendarmerie type. This diversity is a qualitative asset for the European Union. In the case of an operation involving military and police components, the EU's action on Petersberg-tasks requires a strong synergy between the police and the military components of such an operation. On the ground, this will be ensured by close coordination between the two components, taking into account the constraints on the deployment of Member States police forces.

The Union will thus be able to achieve or provide the full range of police missions, at various stages of crisis management and conflict prevention. These missions, in close conjunction with missions aimed at strengthening the rule of law, can contribute positively to the securing of a democratic society, respectful of human rights and liberties.

6. Member States, on the basis of the work of the Police Unit in the Council Secretariat, have taken forward implementation of the Police Action Plan, adopted at the European Council of Göteborg. The Commitment Conference welcomed the considerable progress made so far on qualitative requirements for training and selection criteria, as well as on guidelines for command and control, and looked forward to further work in these areas.

The Commitment Conference stressed the importance of providing adequate resources to the Police Unit, in particular to ensure rapid implementation of the Police Action Plan. The Police Unit was established to give the EU the ability to plan and conduct police operations (including through integrated planning and coordination, situation assessment, preparation of exercises and preparation of legal frameworks and rules).

At the European Council in Nice it was agreed that the contribution of non-EU Member States to the EU's crisis-management operations, in particular in EU police missions, will be given favorable consideration, in accordance with procedures to be determined.

The European Council in Göteborg then adopted guiding principles and modalities for contributions of non-EU states to EU police missions.

Therefore, the interest shown by non-EU States in the area of EU crisis-management operations with civilian means, and the contributions they might be willing to offer are warmly welcomed. The meeting on 20 November with non-EU European NATO members and other countries which are candidates for accession to the EU will present an opportunity to inform these countries of progress made in the area of police, to learn about their own efforts in this regard, and for those who wish to do so, to indicate their readiness to make supplementary contributions to police missions carried out by the EU.

**PURSUIT OF THE CONCRETE OBJECTIVES  
RELATING TO THE RULE OF LAW AND CIVIL PROTECTION  
IN THE CONTEXT OF CIVILIAN ASPECTS OF CRISIS MANAGEMENT**

**RULE OF LAW**

The Göteborg European Summit agreed that:

- "The EU attaches great importance to the strengthening of the rule of law as a tool for both conflict prevention and crisis management. Experience shows that strengthening the rule of law is a pre-condition for consolidation of peace and security. International efforts to strengthen, and where necessary re-establish, credible local police forces cannot be fully successful if the police are not complemented by a functioning judicial and penal system."
- "The EU should also step up its efforts to play a catalysing role within international organisations, and in this context promote the definition of clear mandates for international missions involving officials and experts in the field of rule of law, as well as the elaboration within the UN framework of a basic, directly applicable, interim legal framework, to be used when the international community faces an institutional and normative vacuum."

Moreover the Belgian Presidency was mandated to take measures in order to promote the setting-up and implementation of the concrete objectives identified notably in the field of the rule of law.

On this basis, the following conclusions have been reached during the Belgian Presidency:

1. Difficulties encountered in the field of rule of law

Several conclusions have been drawn, notably by the UN, concerning difficulties encountered in the restoration of the rule of law in relation to crisis management operations. It is therefore necessary to promote solutions to address legal problems that transitional missions in the field of the administration of justice have to face under some circumstances.

These problems include the restoration of a non-existing or non-functioning judicial system, the insecurity resulting from breakdown of law and order, the possible conflict between security and respect for human rights.

Furthermore, the Göteborg Council agreed that the EU and its Member States should develop on a phased basis a comprehensive range of agreed standards for selection, training and equipment of officials and experts in the field of the rule of law, and modules for their training. It should also be examined to what extent SOFA and rules of engagement would affect their missions.

2. Necessity of a legal framework within the framework of the UN

Considering this conclusion shared by all national and international actors and on the basis of the Göteborg mandate, the Presidency has identified the following elements to be taken into account.

2.1. Recognition and observance of the local law

As a principle, local law should be applied by the international and local actors to the largest extent possible. In the case of the temporary absence or inapplicability of local law, recourse might be made to an interim legal framework to be elaborated within the framework of the UN<sup>1</sup>.

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<sup>1</sup> To note in particular experience gained in Kosovo and East Timor.

It would be desirable that international actors, police forces and judiciary have a good knowledge, in their respective field, of the law and the procedures of the region in crisis but should also possess the means to guarantee in the field the enforcement of the fundamental rights that are the pillars of the rule of law. For this purpose, an identification of the relevant international standards to be taken into account could be helpful.

## 2.2. Role of the EU in the promotion of the elaboration of a basic interim legal framework

An interim framework based on public international law and able to be immediately used by all actors participating in a crisis management mission should be developed in the framework of the United Nations.

The EU is willing to provide significant added value to the complex task of elaborating such a framework, which will demand deep reflection and work within the international community and in particular the UN<sup>1</sup>. Such a framework should reconcile the particular nature of crisis management operations in the field of security, and respect for human rights, and should allow in the long run a restoration of the rule of law.

## **CIVIL PROTECTION**

A "mechanism to facilitate reinforced cooperation in civil protection assistance interventions" was established by a Council Decision of 23 October 2001. The date of entry into force of the mechanism has in part been brought forward to 1 November 2001, so as to enable a number of practical measures to be taken.

Work has been set in hand on ascertaining how that mechanism could be used as a tool for facilitating and supporting crisis management as referred to in Title V of the Treaty on European Union.

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<sup>1</sup> To note the Community co-funding of a 2 year project presented by the office of the UN High Commissioner for Human Rights entitled "Restoring the rule of law : supporting rights – sensitive transitional justice arrangements in post-conflict and post-crisis countries".

With regard to the concrete targets set in Göteborg, moreover, a method of work and a questionnaire have been drawn up in order to identify Member States' response capabilities and ensure that the relevant capabilities can be achieved and maintained by means of voluntary contributions. Work has begun on determining possible crisis scenarios.

The plan to establish a network of national training institutions, lastly, could make an important contribution in seeking to achieve the concrete targets for civil protection training.



