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Subject: Foreign, security and defence policy (slides)

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Remarks: These slides are for presentational and information purposes only. The contents are without prejudice to discussions on the framework of the future relationship.

These slides provide a comparison with UK positions.

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Framework for the future relationship

Foreign, security and defence policy

**AD HOC WORKING PARTY ON ARTICLE 50
14 June 2018**

European Council Guidelines

1/ 29 April 2017: The European Council stands ready to establish a partnership in the field of security, defence and foreign policy.

2/ 23 March 2018: In view of our shared values and common challenges, there should be a strong EU-UK cooperation in the fields of foreign, security and defence policy. A future partnership should respect the autonomy of the Union's decision-making, taking into account that the UK will be a third country, and foresee appropriate dialogue, consultation, coordination, exchange of information, and cooperation mechanisms.

As a pre-requisite for the exchange of information in the framework of such cooperation a Security of Information Agreement would have to be put in place.

EU approach

EU approach - Introduction

- **EUCO guiding principles** (autonomy of the Union's decision-making; balance of rights and obligations; differentiation between UK as Member State and UK as third country).
- **Third country approach:** based on the EU rules, frameworks and mechanisms to cooperate with third countries – using them to their full potential, both in scope and depth.
- **Proportionality:** the envisaged mechanisms of the future EU-UK relationship should be scalable depending on UK's readiness to commit alongside the EU (demarches or statements, sanctions, CSDP operations and missions, defence capabilities, development aid).

- Conducive to Union's strategic and security **interests**.

EU approach– Overview

Building blocks		Arrangements to be in place	
Foreign policy		Consultation mechanism	Security of Information Agreement on exchange and protection of classified information
Sanction policy			
CSDP	Permanent Structured Cooperation	Council Decision on third countries participation in PESCO	
	Operations and missions	Framework Participation Agreement	
Defence capabilities	European Defence Agency	Administrative arrangement	
	European Defence Fund	EU programme: Modalities for third countries participation defined in EU regulation	
Intelligence	Intcen and EUMS	Exchange of information	
	Satellite Centre	Administrative arrangement	
Galileo		PRS access agreement EU programme: Modalities for third countries participation defined in EU regulation	
External assistance (including Development cooperation)		EU programmes: Modalities for third countries participation defined in EU regulations and decisions	

EU approach– Foreign policy

EU interests

- 1- Deliver on the EU's strategic priorities as derived from the TEU, the Global Strategy on Foreign and Security Policy, and other EU geographic and thematic policies.
- 2- Cooperate with like-minded partners to shape the global order and defend against global threats; and to promote our values and policies in other third countries and organisations.

Mechanism

Consultation to be:

- a) **reciprocal**, in scope, depth and timing of consultation.
- b) **scalable** (proportionate):
 - **political dialogue on geographic and thematic issues** at different levels (Ministerial, senior officials, working) in line with EU interests
 - **dialogue to intensify** on the basis of a political UK commitment to engage alongside the EU in a specific policy field; or in case of crisis/challenge affecting both EU and UK.
- c) **centralized** (headquarters) and **local** in third countries and international organizations where the consultation organized by EU delegations should facilitate a coordinated approach of EU27 and UK respective positions.
- d) **formalised** for reasons of predictability, transparency, managability and accountability.

EU approach– Sanction policy

EU interests

1- Pursue a sanction policy driven by the EU27 foreign policy objectives, drawing on autonomous capacity as well as close consultation and exchange of information with international partners.

2- Consult with the UK to facilitate early information-sharing, minimise the risk of divergence, and eventually enable UK's convergence (time- and content-wise) with EU sanction policy.

Mechanism

Consultation to be:

a) **reciprocal**: advanced information about envisaged new sanctions or review.

b) **scalable**:

- regular EU-UK sanction **dialogue** about a) overall policy and practice in EU and UK sanction regimes; b) regimes in place and their effectiveness; c) exchange of good practices.

- on the occasion of review or in case of new sanctions or lifting of existing sanction regimes following EU27 political decision, and provided that the UK commits to align with the EU foreign policy objectives that underpin the restrictive measures in question, **dialogue to intensify and in-depth interaction** at all appropriate stages of policy-cycle of sanction regimes.

c) **formalised**: parameters to be included in the consultation mechanism on foreign policy.

EU approach– CSDP: PESCO

EU interests

- 1- Implement the PESCO with a view to the most demanding missions and contributing to the fulfilment of the Union's level of ambition.
- 2- Preserve the nature of the PESCO, bringing together those Member States having signed up to the list of more binding commitments defined in the Council Decision establishing the Permanent Structured Cooperation of 8 December 2017.

Mechanism

The participation conditions of the UK should be in line with the Council Decision establishing the Permanent Structured Cooperation of 8 December 2017.

The modalities for third countries' participation in PESCO to be developed in the second half 2018 through a Council Decision.

The UK participation in PESCO projects should be decided on a case-by-case and **exceptional basis** by the Council in PESCO format, where it significantly participates to the fulfilment of the Union's level of ambition.

EU approach– CSDP missions/operations

EU interests

- 1- Decide, plan and conduct autonomously CSDP missions and operations able to fulfil the Union's level of ambition.
- 2- Maximise political legitimacy and operational output of CSDP missions and operations through close cooperation with third countries (depending on the circumstances).
- 3- Enable UK's participation in CSDP operations, including in EU Battlegroups, while taking into account EU's relationships with other third countries.

Mechanism

Framework Participation Agreement covering CSDP civilian and military operations.

a) **Scalable:** Provided there is a confirmed UK political commitment to significantly* contribute to a CSDP mission/operation, the interaction should intensify at relevant stages of the planning process, to allow the UK to best tailor its contribution and provide timely expertise to the EU.

b) **Contributor status:**

- participation in the force generation conference
- participation in the Committee of Contributors meeting at appropriate level to share information about the implementation of that operation
- UK staff seconded to the Operational Headquarters (proportionate to UK contribution)

* ie in qualitative terms (strategic assets, including to fill a gap) or quantitative terms (number of staff).

EU approach– Defence capabilities

EU interests

- 1- Develop European technologies and capabilities underpinning Union's strategic autonomy.
- 2- Support the competitiveness of the European Defence Industrial and Technological Base and create a European Defence Equipment market (more cooperation, less fragmentation).
- 3- Enable the participation of UK entities in cooperative projects to facilitate research and industrial cross-fertilisation and, eventually, interoperability in the development of future defence equipment.

Mechanism

- a) **EDA: Administrative arrangement** listing areas of cooperation of mutual interest and where the UK would be ready to commit financially and technically.
- Participation in relevant EDA ad hoc projects and working groups and possible invitation to EDA steering boards (National Armament Directors / Capability Directors / Research and Technology Directors), on a case by case basis and for items of common interests, without decision-making role. Based on EDA rules and procedures.
 - Participation in ad hoc activities of the EDA related to wider Union policies to be consistent with the participation rules defined in relevant EU regulations.
 - Possibility to second personnel to EDA.
- b) **European Defence Fund**: UK participation as a third country will be defined in the **EU regulation** establishing the European Defence Fund. Industrial security and security of supply of the cooperative projects supported by the Fund should be preserved.

EU approach– Intelligence

EU interests

- 1- Assess autonomously the Union's security environment (EU Military Staff, Intelligence Centre, EU Satellite Centre) and produce autonomous intelligence products based on broad range of intelligence and information inputs.
- 2- Achieve an appropriate level of intelligence cooperation with the UK in support of EU's external action, notably in the field of counter-terrorism, hybrid-threats, cyber-threats and in support of those CSDP operations in which the UK is contributing.

Mechanism

Timely and in-depth exchange of intelligence and sensitive information between the EU and the UK through:

- close interaction with UK points of contact and experts in specific fields;
- possible use of electronic networks to facilitate the exchange certain sensitive information;
- administrative arrangement with the EU Satellite Centre to have access to products, services against cost-recovery and possibility to second imagery analysts.

UK position

UK position

UK		What it would mean for the EU?
Objectives	<p>Unconditionnal commitment to Europe's security.</p> <p>Combined efforts to the greatest effect where it is in our shared interests.</p>	EU-UK convergence on the strategic objectives of the future relationship.
Modalities	<p>A new security partnership that goes beyond any existing third country arrangements</p>	Impact on : <ul style="list-style-type: none">- the autonomy of Union's decision-making.- existing relationships with third countries.
Components	<ul style="list-style-type: none">- Foreign policy- Sanction policy- Development and external action- Defence- Space	EU-UK convergence on the scope , but modalities for UK participation in EU programmes will be defined by respective EU regulations.

UK position

UK		What it would mean for the EU?
Foreign policy	<p>Consultation to go beyond current arrangements between the EU and third countries, building on:</p> <ul style="list-style-type: none">- large network of dialogue (EEAS: Secretary General, Political director, Director and Managing directors, PSC Chair on a weekly basis / ad hoc EU27: informal sessions of the FAC or PSC);- secondment programme with EU. <p>Arrangements to be flexible and scalable, to allow more intensive consultation and cooperation during times of crisis.</p> <p>Consultation mechanism as facilitating UK cooperation with the EU – while the UK will take decisions to engage alongside the EU on a case-by-case basis.</p>	<p>Impact on EU's decision-shaping and its policy-making.</p> <p>Impact on EU's relationships with other third countries.</p>

UK position

UK		What it would mean for the EU?
<p>Sanction policy</p>	<p>UK to develop sanctions together with the EU.</p> <p>Exchange of information on listings and their justification.</p> <p>UK-EU sanctions dialogue.</p> <p>Intensive interaction during the adoption process of sanctions.</p>	<p>EU-UK equal footing on sanction policy.</p> <p>Impact on EU's decision-shaping and EU's decision-making.</p>
<p>Dev cooperation</p> <p>External instruments</p>	<p>Strategic dialogue on development cooperation and humanitarian assistance.</p> <p>Coordinated humanitarian and development planning and delivery in responses to crises.</p> <p>UK contribution to EU programme conditioned to:</p> <ul style="list-style-type: none"> - Appropriate role in decision-making - Eligibility of UK entities 	<p>Treatment going beyond existing arrangements, that would imply:</p> <ul style="list-style-type: none"> - EU-UK joint programming at strategic level; - assimilation of UK entities to EU entities (no differentiation).

UK position

UK	What it would mean for the EU?
<p data-bbox="117 311 233 347">CSDP</p> <p data-bbox="359 311 942 439">The potential scope of UK contribution will depend on defined arrangements.</p> <p data-bbox="359 489 971 793">EU to share crisis management planning documents in order for the UK to eventually offer to contribute to an operation or mission if so invited by the EU after its decision to establish a mission or operation.</p> <p data-bbox="359 843 971 1058">UK to provide expertise and facilitate information sharing in the development of operational planning through liaison and secondment to EEAS and EUMS.</p> <p data-bbox="359 1108 1016 1279">UK participation in the Operational Headquarters, in force generation conferences and in the Committee of contributors.</p>	<p data-bbox="1058 401 1765 615">Asymmetry between the privileged access to information and the degree concrete of commitments of the UK, decided on a case by case basis depending on UK interests.</p> <p data-bbox="1058 665 1727 751">Impact on the autonomy of EU's decision-making.</p> <p data-bbox="1058 801 1663 879">Precedent vis-à-vis other third countries.</p> <p data-bbox="1058 929 1715 1150">Change of EU rules to accommodate some of UK request (UK secondment to the EU Military Staff and sharing of planning documents).</p>

UK position

UK		What it would mean for the EU?
Defence Capabilities	<p>Bespoke administrative arrangement with the European Defence Agency; including a UK liaison officer.</p> <p>Arrangements to be negotiated for participation in the European Defence Fund.</p> <p>Coordinated approach to European capability development and planning (regular EU-UK dialogue on capability cooperation and industrial development, consultation on capability planning processes, ad hoc attendance at EDA Steering boards and Commission's programme committees, reestablishment of a Consultative Committee).</p> <p>Access to commercial opportunities.</p>	<p>Impact on decision-shaping on priority-setting of EU27 in capability development.</p> <p>Assimilation of UK entities to EU entities (no differentiation).</p> <p>Change of EU rules, in particular to establish a Consultative committee with the European Defence Agency.</p>

UK position

UK		What it would mean for the EU?
PESCO	<p>Participation in PESCO projects (in line with third party involvement to be agreed).</p> <p>Participation in relevant meetings.</p>	<p>Would the UK participation go beyond "exceptional invitation", risk of better treatment than Member States that should fulfill a list of ambitious and binding commitments to be member of PESCO.</p>
Intel- ligence	<p>Possibility of sharing intelligence and analysis through INTCEN, supported by a permanent UK liaison presence.</p> <p>Shared assessments, including collaboration in Intelligence Centre, Satellite Centre and EU Military staff intelligence.</p>	<p>The modalities proposed by UK are conducive to a status quo situation (permanent UK liaison presence), which could give the UK a similar treatment as EU member States (processing of and systematic access to EU information).</p> <p>Consequences:</p> <ul style="list-style-type: none"> - extra-weight of UK as third country in EU's decision-shaping - privileged access to confidential Union's information. <p>Impact on the autonomy of Union's decision making.</p>

Conclusion

1/ Joint commitment to a strong EU-UK cooperation in foreign, security and defence policy, though a number of UK requests are contrary to the parameters set in the European Council guidelines.

2/ Convergence on:

- strategic objectives;
- building blocks of the future relationship;
- need to establish a Security of Information Agreement as a prerequisite for exchange and protection of classified information.

3/ The modalities of the future relationship should:

- reflect the third country status of the UK.
- include scalable and proportionate mechanisms depending on the level of commitment of the UK alongside the Union on a case by case basis.
- include reciprocity where relevant.
- be formalised.