

PARLIAMENT OF ROMANIA

CHAMBER OF DEPUTIES

DECISION

approving the opinion on the Joint Communication to the European Parliament and the Council:

**Joint Framework on countering hybrid threats - a European Union response
(JOIN(2016) 18)**

Pursuant to Articles 67 and 148 of the Romanian Constitution, republished, Law No 373/2013 on cooperation between Parliament and the Government in the area of European affairs, and Articles 160 to 185 of the Rules of Procedure of the Chamber of Deputies, republished,

the Chamber of Deputies hereby adopts this Decision.

Sole Article. Having regard to Opinion No 4c-19/1031 adopted by the Committee for European Affairs at its meeting of 20 September 2016,

1. We agree that there is a general feeling that the EU's security environment has considerably deteriorated, becoming more and more fluid, more dangerous and less predictable.
2. We note that more and more EU citizens, Member States and allies are asking the EU to become a 'security provider' and to fulfil its protective role in a security environment which has greatly changed.
3. We note that the distinction between internal and external security has become less clear.

We underline the need for the EU to address threats generated by instability in the South and East using an integrated approach, linking all security policy, at home and abroad, as well as correlative instruments.

4. We observe, however, that while the EU does not generate any kind of hybrid threat, it is massively exposed to such threats.
5. We welcome the position expressed by the President of the European Council in his State of the Union speech on 14 September 2016, that the European way of life is targeted by all kinds of hybrid threats.
6. In the same speech the President says that tolerance cannot come at the price of our security and that even though we can be proud of the EU's soft power, it would be naive to think this is enough in our increasingly dangerous neighbourhood.
7. We welcome the fact that in the case of hybrid attacks there should be a sanctions regime at international-law level and retaliatory mechanisms for situations where those carrying out hybrid attacks are

not subject to international law.

We consider that the EU should have its own retaliatory mechanisms proportionate to the implied risk.

8. We agree that the defence of the European way of life, i.e. of the EU's basic values and principles, is the highest objective in which full solidarity should be demonstrated, and that actions to counter hybrid attacks merit every effort; there must be a general, unreserved mobilisation of efforts.

9. We agree that the various types of threat to Member States should be regarded as threats to the entire EU, and that unity and strong solidarity among Member States are needed, as is a coherent common and external security policy.

In this context, we deplore the attempts by some Member States to water down serious hybrid threats and to offer political and diplomatic support to third countries which create such challenges.

We invite the High Representative of the Union for Foreign Affairs and Security Policy and the Commission to ascertain the cause of such divergent actions and to report to the European Council on possible solutions.

10. We consider that the EU should immediately adopt measures to combat the worsening of the strategic environment since, due to the increasing number and simultaneous nature of the crises, with immediate consequences for the EU, no Member State can act on its own, and Europeans must exercise their responsibilities collectively in order to ensure their security.

11. We note that the measures in question fall within the scope of security, maintenance of law and order and national defence, all of which are elements that are the exclusive competence of the Member States, the Union having merely a supporting role by making proposals on the organisation of the institutional framework and on possible measures to combat hybrid threats.

12. We welcome the idea of a comprehensive approach which allows the EU, in coordination with the Member States, to counter hybrid threats by creating synergies among all relevant instruments and by encouraging close cooperation between the relevant actors.

13. We welcome the Commission's awareness that serious challenges to peace and stability exist in the EU's eastern and southern neighbourhoods.

However, we point out that the challenges to the south are on a lesser scale than those to the east, and we invite the Commission to bear this in mind in its proposals, as if it ignores the realities it will not be able to draw up and implement a viable package of measures.

14. We welcome the proposal to maintain the flexible definition of hybrid threats so that it includes a wide range of hybrid attacks and their evolving nature.

We are surprised that the Commission's attempt to define hybrid threats only includes '(...) the mixture of coercive and subversive activity, conventional and unconventional methods (i.e. diplomatic, military, economic, technological), which can be used in a coordinated manner by state or non-state actors to achieve specific objectives while remaining below the threshold of formally declared warfare', and that no mention is made of fundamental features such as hostility and the final objective of destroying the target, i.e. the 'European way of life';

15. We agree with the Commission's view that hybrid actions place '(...) an emphasis on exploiting the vulnerabilities of the target', while rejecting the idea that '(...) generating ambiguity to hinder decision-making processes' represents a constant feature; Even if the target's decision-making processes can be changed by the perpetrator's tactic of 'cultivating ambiguity' we remind the European Commission that hybrid attacks undertaken by state actors are easy to identify, often because these actors want to be recognised as authors, in order to highlight a balance of power that is unfavourable to the target and has no ambiguity. We remind the Commission that in the above case the target's main vulnerability is the very

unfavourable balance of power.

We feel that the definition of hybrid threats should contain a clearer distinction between state and non-state actors, as the latter threaten with actions of relatively limited scope such as propaganda, sabotage and acts of terrorism.

We consider that the perspective mentioned, i.e. the balance of power, demonstrates once again the need for unity and common action on the part of the EU and its Member States.

16. We remind the Commission that its definition of hybrid threats to democratic countries should also have defined the elements of continuity when comparing operations by states during the Cold War and those carried out today, defined as hybrid threats.

We consider that there is a similarity between those actions and the current ones, and that recent past experience should not be ignored, because it can be useful in identifying and managing current hybrid threats.

17. We note, further analysing the definition of hybrid threats proposed in the Communication, that the wording on action 'below the threshold of formally declared warfare' is imprecise, since it fails to specify which party should declare a state of war, and it is not usable because, most likely, the entity carrying out such actions will not declare a state of war merely as a tactic of hybrid war.

18. We believe that the most significant actions required to achieve the objectives of the Communication in question are as follows: identification of vulnerabilities that may affect national and pan-European structures, networks and common tools, including indicators capable of improving the protection and resilience of critical infrastructure; establishment of an EU Hybrid Fusion Cell within the EU Intelligence and Situation Centre (INTCEN) and the establishment of national contact points for hybrid threats, capable of cooperation and communication with the Fusion Cell; establishment of a Centre of Excellence for countering hybrid threats; adaptation of defence capabilities relevant to the EU; cooperation between the Commission, Member States and industry in a public-private partnership for cyber security; development of guidelines to improve the cyber security of installations; use of information-exchange platforms and networks; examination of the applicability and practical implications of solidarity and defence clauses in cases of serious and widespread hybrid attacks;

19. We consider that the adoption of hybrid threat countermeasures requires a detailed knowledge and assessment of those already used.

We particularly welcome the creation of a centre of excellence for countering hybrid threats which analyses, among other things, research into how hybrid strategies have been applied.

We hope that such research will contain at least a description of the hybrid strategy/action, identification of the main sources of hybrid risks and threats, and the order of magnitude of hybrid risks and threats caused by other entities, identification of the entity which resorted to such strategies, where they have been applied, the relationship of those actions to international law and bilateral or multilateral agreements in force, the impact on targets, the impact on the EU as a whole, the response capacity of the Member States or the European Union and the options for taking measures, as well as other information necessary to achieve the EU's objectives.

We expect that studies to identify areas vulnerable to hybrid threats contain classification criteria and indicators, including the permeability of the national security environment to infiltration by agents of hostile entities, vulnerability of employees of national security structures to recruitment by hostile entities, and the threats to national security as a result of bilateral agreements containing excessive clauses contrary to the commitments made in the accession treaties.

20. We welcome the Commission's initiative to provide Member States with 'methodologies for assessing security risks' and to request Member States to develop studies to identify areas vulnerable to hybrid threats.

We point out the difficulty in establishing criteria, indicators and common measurement instruments appropriate to the situation of each Member State.

We recall that some Member States are not also members of NATO, that they can conclude bilateral security agreements with third countries, and in this context, we note that 'vulnerability' is perceived differently by Member States, depending on their particular security situation.

We believe, for the same reasons, that 'aligning EU and national policies, doctrines and concepts' remains a desirable aim in spite of the inherent difficulties.

21. We welcome the Commission's concern that 'massive disinformation campaigns, using social media to control the political narrative or to radicalise, recruit and direct proxy actors can be vehicles for hybrid threats'; on the other hand, we point out that the adoption of vigorous measures may require the authorities to be exonerated from allegations regarding respect for human rights, democracy and the rule of law.

We consider that the High Representative and the Commission are responsible for initiating a process of clarification of the concept of human rights, by recognising that the right to life is the basis of this whole generous concept, as well as the principle that individual human rights cannot restrict and violate similar rights of another person.

22. We consider that the strategy to combat hybrid threats should include measures on multiple levels ranging from knowledge/understanding of threats to prevention, as well as the reduction of domestic and defence vulnerabilities, including prompt and adapted reaction.

23. We welcome the action on improving awareness proposed for implementation at the European External Action Service by establishing the East StratCom operational group (task force) in order to promote a positive image of the EU Eastern Partnership states, facilitate the use of European funds and the implementation of European projects, react to anti-EU propaganda via the Hybrid Fusion Cell that will work in the EU Centre for Information and Analysis (INTCEN), as well as by launching the EU operational protocol to combat hybrid threats, the EU Action Plan (EU Playbook), containing procedures to be followed, starting with the initial identification stage until the final phase of the attack, as well as defining the role of each institution and each actor.

24. We welcome the fact that the document meets the need for a comprehensive approach at Member State level, in terms of identifying and creating the right framework to address and counter hybrid threats, mainly by strengthening resilience, but notes that while areas that contribute to strengthening resilience are properly addressed, they are not treated exhaustively, so some of the most important issues such as increasing the administrative capacity of public institutions and strengthening social cohesion are not addressed.

25. We agree with the European Parliament's Resolution on 'The EU in a changing global environment – a more connected, contested and complex world' [2015/2272(INI)], which calls on the High Representative to 'address the lack of clarity regarding the mutual defence clause contained in Article 42(7) TEU and to define the guidelines and procedures for its implementation in order to allow the Member States to respond effectively when it is invoked'.

26. We recall that while acts of terrorism and violent extremism are not per se hybrid in nature, the recruitment of vulnerable members of society in order to radicalise them is itself a hybrid threat, given the authors' aims.

27. We point to the importance of identifying the economic, political and social factors leading to the development of terrorist groups.

28. We support the adoption of rigorous procedures for eliminating illegal online content and obliging intermediaries to respect the rules when managing their networks and systems.

29. We consider that the Common Security and Defence Policy has a major role to play in combating hybrid threats and that its instruments should be used fully and frequently.

30. We note that from December 2008 to December 2012 the European Council's agenda did not feature the CSDP; this reflects the EU's focus on social, economic and human development policy.

We observe, however, that the drastic change in the security environment put the subject back on the agenda of the summits held in the month of December in 2012, 2013 and 2015.

31. We note that while the Member States regularly publish national security and defence strategies and operational guidelines, there is no such document at EU level.

32. We welcome the Declaration on Transatlantic Security adopted at the Warsaw NATO Summit which states that collective defence remains NATO's fundamental responsibility, and defines the strategic partnership between the EU and NATO as being essential for the security of their member states.

33. We underline that the CSDP should consolidate NATO's European pillar, make sure that NATO's European members meet the commitments made within the Alliance and ensure that the cornerstone of EU-NATO cooperation is the complementary nature of their missions and, implicitly, of their range of instruments.

34. We stress that NATO is best equipped for deterrence and defence in application of Article 5 of the Washington Treaty on collective defence in case of aggression against one of its members, while the EU is best equipped to meet challenges to the internal security of its Member States, including subversive acts, which are not covered by Article 5 of the Treaty.

35. We welcome the fact that, given that both the EU and NATO develop strategies and programmes to combat hybrid threats, the basis for intensified EU-NATO cooperation in this field has already been established.

We believe that the determination on the part of the EU and NATO to respond to hybrid threats in a structured and efficient way is a vital component in their process of adapting to the new security environment.

36. We recall that the main reference points of EU-NATO cooperation are early warning/situation awareness, effective strategic communications, cyber security and civil-military response training.

37. We believe that exchange of best practices and organising joint EU-NATO exercises based on complex scenarios will allow better coordination and a prompt response of Member States and Allies to hybrid threats.

38. We stress the role of the European External Action Service and the NATO International Secretariat, which together with the European Commission services can develop concrete actions for implementation and mechanisms for coordination of the relevant personnel.

39. We consider that one of the main objectives of the Common Security and Defence Policy should be to move towards the creation of multinational military units regrouped in a permanent form and to define a policy that would lead ultimately to common defence.

We agree with the establishment of a permanent EU military headquarters to improve military crisis management capabilities and to ensure contingency planning and the interoperability of forces and equipment.

We call on Member States to strengthen collective defence cooperation, bilaterally and in regional groupings, and we support the adoption of a White Paper devoted to EU defence, based on the EU Global Strategy on Foreign and Security Policy.

40. Recalling that the EU has no own defence capabilities, but rather mechanisms to support Member States in developing their capabilities, we point out that the requirement that the High Representative, in coordination with Member States, exploit the capabilities of military action under the Common Security and Defence Policy cannot be achieved because all military capabilities are held by Member States and made available to the EU on a voluntary basis, and the decisions on their use are taken by consensus within the

Council.

41. We urge Member States to fully implement Directives 2009/81/EC on defence and security procurement and 2009/43/EC on the transfer of defence-related products, while noting that Member States have rarely used the tools available such as joint procurement through central purchasing bodies such as the European Defence Agency.

42. We consider that capacity-building is necessary in the eastern neighbourhood partner countries as a source of security for the EU.

43. In line with the Final Conclusions of the recent Inter-Parliamentary Conference for the Common Foreign and Security Policy and the Common Security and Defence Policy held in Bratislava, we believe that the EU must step up its efforts to strengthen global governance, including through a comprehensive reform of the UN system, with a view to strengthening its legitimacy, transparency, accountability and efficiency.

We consider it important to reform the UN Security Council, in particular its composition and decision-making procedures, so as to increase its ability to act decisively when dealing with global security challenges.

44. We consider that the Joint Framework on countering hybrid threats is a very good foundation on which to launch a comprehensive process with the objective of strengthening Europe's resilience against hybrid threats.

45. We note that the focus of the Communication is mainly on studying and analysing threats and less on finding and implementing concrete measures, in the form of policies, strategies and programmes capable of solving the problems as such.

46. We welcome the contribution of the Romanian delegation to this proposal; it argued for the need to strengthen capacities to combat hybrid threats both within the EU and within NATO.

Given the nature of hybrid threats, States have an important role at national level and an effective response to these threats includes ensuring coordination between all relevant institutions. At the same time, the EU and NATO can facilitate and support national efforts and ensure a coordinated response, particularly to hybrid threats having cross-border effects.

47. We consider that this issue must remain a priority in the immediate future, focusing on the implementation of agreed conceptual documents and the mobilisation of the necessary resources. Exchanging best practices between Member States and NATO, as well as supporting interested partners, are also items to be addressed with the utmost care.

This Decision was adopted by the Chamber of Deputies at its sitting of 27 September 2016 in compliance with Article 76(2) of the Romanian Constitution, republished.

PRESIDENT OF THE CHAMBER OF DEPUTIES

Florin Iordache

Bucharest, 27 September 2016

Nr. 85.