



EUROPEAN COMMISSION

HIGH REPRESENTATIVE OF THE
UNION FOR
FOREIGN AFFAIRS AND
SECURITY POLICY

Brussels, 5.5.2011
SEC(2011) 560 final

JOINT STAFF WORKING PAPER

**STRENGTHENING TIES BETWEEN CSDP AND FSJ ACTORS
PROPOSALS FOR A WAY AHEAD**

TABLE OF CONTENTS

INTRODUCTION	3
AIM/OBJECTIVES.....	3
BACKGROUND	4
General	4
Post Lisbon environment.....	5
INTERFACE BETWEEN CSDP AND FSJ: STATE OF PLAY	6
CSDP missions:.....	6
Security Objectives	6
Concepts	7
Civilian capabilities.....	7
Mission planning	7
Situational Awareness and Strategic Analysis capability	7
Collection and exchange of information.....	8
Brussels level.....	8
Field level.....	8
POSSIBLE WAYS OF FURTHER STRENGTHENING COOPERATION BETWEEN CSDP AND FSJ....	9
General suggestions.....	9
Specific areas for possible further work	11
Comprehensive Situational Awareness and Intelligence support to the	12
Exchange of information and mutual support.....	11
Improving mechanisms in the decision making process.....	12
Improving cooperation in planning EU external action	13
Capabilities: Human Resources and Training.....	14
Human resources	14
Training	14
FINAL CONSIDERATIONS	15

ANNEX: COMPETENCES OF FSJ COMMITTEES AND WORKING GROUPS MENTIONED IN PARAGRAPH 67.

INTRODUCTION

- (1) The need to improve coordination and cooperation between EU internal and external security has been increasingly recognised. However, such discussions as have taken place to date on this subject have been mainly driven by the operational requirements of Common Security and Defence Policy (CSDP) missions and operations. Drawing lessons from these experiences, there is now a need for a structured approach to address the relationship in all its dimensions: at the political and strategic level, as well as at the operational level.
- (2) A number of non-papers by MS have been circulated in which this subject was addressed. On 29 June 2010, the PSC discussed a non-paper presented by Belgium, the Netherlands and Luxemburg (Benelux paper), on "Strengthening ties between CSDP and FSJ (Freedom, Security and Justice) actors".¹ The Benelux paper included a proposal to reflect further on linkages between CSDP and FSJ, in particular in the context of the recent institutional developments following the entry into force of the Treaty of Lisbon.
- (3) The PSC invited Crisis Management Planning Department (CMPD) to draw up, together with the Commission and other relevant services, a paper outlining possibilities for strengthening ties between CSDP and FSJ actors, with full respect for the competences of the respective actors.² The present paper is issued in response to this invitation.

AIM/OBJECTIVES

- (4) The aim of this paper is to explore the linkages between the Common Security and Defence Policy and the area of Freedom, Security and Justice with a view to clarifying where the interface of their policies affords scope for coordinated or possible concerted action, while respecting their respective competencies.
- (5) This paper seeks to set out the interaction/cooperation that is already taking place between CSDP and FSJ in the light of the political background, the institutional changes and the operational and strategic reality. Then, with a view to taking work forward, general considerations on the way ahead as well as possible areas of further strengthening cooperation are outlined.
- (6) The paper does not aim to be exhaustive or conclusive nor make concrete policy proposals, but rather to indicate the possible areas to be further explored, developed and implemented. By its nature CSDP relates to the security dimension of FSJ. It is important not to allow other dimensions to be neglected.

¹ The Benelux paper was preceded by an Hungarian-Belgian-Poland non-paper on certain civilian CSDP issues, which also underlined i.a. the importance of further pursuing cooperation between CSDP and the area of FSJ.

² Subsequent to this tasking, a number of other documents have been circulated:

- Communication from the Commission to the European Parliament and the Council - The EU Internal Security Strategy in Action: Five steps towards a more Secure Europe (doc. 16797/10).
- Within COSI:
- On November 2010 Italian non-paper on "Cooperation between CSDP and FSJ" and a Finnish non-paper on "Strengthening cooperation between the internal and external aspects of security; COSI and civilian crisis management"
- Hungarian document 5620/11 "Tightening links between the external and internal aspects of EU Security" and German input to the Hungarian non paper 21/01/2011.

BACKGROUND

General

- (7) The objectives of the Common Foreign and Security Policy (CFSP), as defined by the Treaty, include the safeguarding of the Union's common values, its interest and integrity, the strengthening of peace and security both within the Union and on the international stage, and the promotion of international co-operation, democracy, the rule of law and human rights (TEU, title V).
- (8) The European Security Strategy (ESS), adopted by the European Council in 2003, presented the then current security environment as "one of increasingly open borders in which the internal and external aspects of security are indissolubly linked".³
- (9) In the 2008 Report on the implementation of the ESS, the European Council insisted that "we need to improve the way in which we bring together internal and external dimensions. Better co-ordination, transparency and flexibility are needed across different agencies, at national and European level. This was already identified in the ESS, five years ago. Progress has been slow and incomplete".⁴
- (10) The objectives of the Area of Freedom, Security and Justice, as defined by the Treaty, include framing a common policy on external border control, based on solidarity between Member States, which is fair towards third-country nationals as well as endeavouring to ensure a high level of security through measures to prevent and combat crime, and through measures for coordination and cooperation between police and judicial authorities and other competent authorities.⁵
- (11) The Stockholm Programme - Towards a European security model - adopted by the Council in December 2009⁶, stressed "the importance of the external dimension of the EU's policy in the area of Freedom, Security and Justice and the need for integration of these policies into the general policies of the European Union. The external dimension of FSJ is crucial to the successful implementation of the objectives of the Stockholm Programme and should in particular be taken into account in, and be fully coherent with, all other aspects of EU foreign policy".
- (12) The Internal Security Strategy (ISS), adopted by the Council in March 2010, makes an express commitment to " ...a greater interdependence between internal and external security".⁷ It was further reinforced by the Communication of the Commission adopted in November 2010 on the ISS in action where the need for strengthened links between internal and external security is made explicit.

³ ESS 2003 12 December 2003

⁴ Report on the implementation of the European Security Strategy – Providing Security in a changing world, doc. 16823/1/08

⁵ (TFEU, Title V)

⁶ Council of the European Union: "The Stockholm Program - An open and secure Europe serving and protecting the citizens", doc. 17024/09

⁷ Internal Security Strategy for the European Union: "Towards a European Security Model" (Internal Security Strategy) doc. 7120/10

- (13) Furthermore, the Council conclusions on the ISS Communication adopted in February 2011, underline the urgency with which this coherence and complementarity must be pursued .
- (14) From all of the above, it is clear that at the political and strategic level the EU has, for some time now, recognised the importance of the interlinkage between the two policies and encouraged further strengthening of those links. Why, therefore, has progress been "slow and incomplete"?
- (15) First, in the 27 Member States, different Government bodies under different Ministers are responsible for internal and external security policy. This separation of competences at national level is reflected in the pursuit of different and distinct policy objectives in each domain, under separate budget lines.
- (16) Second, at EU level, the fact that external and internal security are dealt with in different policy and legislative frameworks by actors with different institutional competences, has made coordination of these policies extremely complex. Some progress has been made (and this is set out in greater detail below), chiefly in response to the operational requirements of CSDP missions, but much more needs to be done.
- (17) Finally, and most importantly, there are political concerns that any development of the linkage between EU internal and external security policies brings with it certain risks: notably, that of blurring the boundaries that separate and distinguish their respective realms of action; and the danger of creating confusion regarding the motivation behind EU CSDP action, in the perception of those countries which host CSDP missions or operations, but also in that of the wider public.

Post Lisbon environment

- (18) The creation of the European External Action Service (EEAS) represents a real opportunity to ensure better coherence and coordination of EU external action, bringing together the skills and knowledge of Member States, the Council and the Commission. The EEAS has, as a core mission, the objective to bring about better coordination and cooperation among the EU foreign policy instruments. In doing so, it should also take into account the external aspects of internal security policy.
- (19) The European Council has tasked the newly created standing committee on operational cooperation in internal security (COSI)⁸ to further develop, monitor and implement the Internal Security Strategy, which includes the external dimension of internal security and cooperation with third countries.
- (20) In this respect, it is to be noted that, following the Lisbon Treaty, if the European Parliament (EP) and the Court of Justice of the European Union (ECJ) continue to have limited competences over CSDP matters, their competences, as well as those of the Commission in the FSJ field have grown considerably.
- (21) A further notable change brought by the Lisbon Treaty is the introduction of a solidarity clause, applicable when a Member state suffers a terrorist attack or a man-made or natural disaster (art. 222 TFEU). Art. 222 provides that the "Union will mobilize the instruments at

⁸ Article 71 TFEU

its disposal, including military resources available by Member States". Art. 222 TFEU paragraph 3 further provides that: "the Council shall be assisted by the Political and Security Committee with the support of the structures developed in the context of the common security and defence policy and by the Committee referred to in Article 71: "Standing Committee on operational cooperation on internal security (COSI);" the two committees shall, if necessary, submit joint opinions."

- (22) The consequences of these provisions of the Lisbon Treaty on the developing interface between CSDP and FSJ for the solidarity clause⁹ should be dealt with in a separate strand of work.

INTERFACE BETWEEN CSDP AND FSJ: STATE OF PLAY

CSDP missions

Security Objectives

- (23) Many of the threats that affect the EU's internal security have their origins beyond the EU's borders. In a globalised world, security threats can come from remote geographic locations and easily spill over into EU. Therefore, the means of tackling them must be seen in a broader perspective than a merely national or regional one. Otherwise there is a risk that only the effects of insecurity are addressed and not the underlying causes. Only concerted efforts can allow detection and disruption of illicit flows of goods and persons, notably through a better integration of the international law enforcement and justice communities.
- (24) It should be recognized from the outset that CSDP missions and operations, among other political goals in external relations area can contribute to strengthening EU internal security. CSDP missions in the framework of Security Sector Reform (SSR)/Rule of Law are deployed in crisis regions and fragile states, where the Host Country (HC) is unable to carry out tasks required to restore or maintain law and order and to provide security for its citizens. A recurring core mission objective of CSDP missions in the framework of SSR/Rule of Law is to help improve standards of policing and delivery of justice in the host country to achieve greater security and stability in that country. In pursuit of this objective, CSDP missions contribute to reducing criminal activity in the host country.
- (25) Organised crime and corruption (OC&C) undermines statehood in fragile countries and security and stability in a wider sense, leaving their societies open to further threats such as violent radicalisation and terrorism. CSDP missions in the framework of Rule of Law place a particular focus on re-establishing capability of the host country in fighting criminal activities, inter alia, by encouraging and supporting the host country effort to better integrate and cooperate with EU and other international networks in the field of police and justice such as EUROPOL, FRONTEX and ICPO-INTERPOL.

⁹ Art 222 TFEU provides for a joint proposal by the Commission and the HR

Concepts

- (26) This focus on combating OC&C has been further strengthened in the most recent concepts developed in the framework of the rule of law with the view to guiding planners and practitioners in the delineation of tasks to achieve this objective.¹⁰

Civilian capabilities

- (27) The most tangible aspect of the interface between CSDP and FSJ is the provision of capabilities from the broader field of Rule of Law for CSDP missions. CSDP missions rely on personnel seconded by Member States, in particular police officers, judges, prosecutors, customs officers etc. National FSJ actors are thus the chief providers of personnel for civilian CSDP missions.
- (28) Member States ongoing efforts to develop their national strategies should provide more capabilities with more specific skill sets to facilitate the deployment of such civilian personnel to CSDP missions. Work in this area has enhanced awareness of CSDP among national stakeholders committed to the FSJ dimension, but more still needs to be done. At a time when resources are scarce, national stakeholders need to be further convinced of the link between internal and external EU security if they are to continue to provide personnel to CSDP missions.¹¹
- (29) It must also be recognized that EU civilian resources are limited, and need to be better exploited towards more accountable results.

Mission planning

- (30) The mandates of civilian CSDP missions have evolved over time from advisory policing to include many other complex aspects of the wider Rule of Law (e.g. justice, corrections, customs etc.) via executive powers to building good governance. The CSDP crisis management structures in Brussels include a certain expertise in these areas, which is used for the planning of new missions and for the review of plans for ongoing missions.

Situational Awareness and Strategic Analysis capability

- (31) The EU Situation Centre (SITCEN) bridges the CSDP and FSJ areas. Reports and assessments from SITCEN routinely include elements related to both the EU internal security and the foreign policy dimension. Early warning and alerting about e.g. terrorist attacks on EU Member States' territories and significant political events in third countries are generally undertaken in a manner that spans the entire range of CSDP and FSJ issues. SITCEN's crisis response provisions, e.g. in the framework of the EU Emergency and Crisis Coordination Arrangement, by definition cover both CSDP and FSJ areas
- (32) EUROPOL and FRONTEX in their threat and risk assessments cover both internal and external dimensions of security.

¹⁰ See Comprehensive Concept for ESDP Police Strengthening Missions (Interface with Broader Rule of Law) (15031/09) and EU Concept for CSDP Justice Missions (within the Rule of Law framework) (18173/10 COR 1).

¹¹ See e.g. the Second report on Member States' progress in facilitating the deployment of civilian personnel to CSDP missions, noted by the Council on 13 December 2010 (doc. 16989/10).

Collection and exchange of information

Exchange of information is another strong element of the CSDP - FSJ interface.

Brussels level

- (33) Administrative arrangements (signed by the Secretary General /High Representative) have been in place for some time now to allow for the exchange of information between the EU (GSC) and EU "agencies". These arrangements have enhanced cooperation between those with responsibility for the internal and the external aspects of security.¹²

Field level

- (34) In agreement with the HC most CSDP missions interact with **EUROPOL**¹³ and contribute to the information-gathering for its yearly Organised Crime Threat Assessment (OCTA), which is used for internal EU security purposes. This information is confined to non-personal data, i.e. statistics and other data indicating criminal trends without identification of persons. This information exchange is not only beneficial to EUROPOL and to CSDP police missions but also to Member States' competent authorities.
- (35) When it comes to technical police cooperation with a host country, there is no legal framework to allow a CSDP strengthening mission (as opposed to an executive/substitution mission mandate) to gather personal data in a host country and transfer those data to a Member State.
- (36) In the case of EULEX Kosovo¹⁴, where the mandate includes also executive tasks, particular arrangements have been put in place to allow for the exchange of personal data with **EUROPOL**.
- (37) In the case of operation NAVFOR ATALANTA, which has a full executive mandate, personal data (including fingerprints of arrested pirates) are transferred from the operation directly to **ICPO-INTERPOL**. Relevant EU Member states law enforcement services can access this information through ICPO-INTERPOL data bases.
- (38) In Guinea Bissau, a good solution to data exchange was provided by the establishment of an ICPO-INTERPOL liaison office under local ownership with the support of the CSDP SSR Mission.

¹² i.e. between the Situation Centre of the Council (Sitcen) and- EUROPOL with the objective of the establishment of assessments on terrorism , - European GNSS Supervisory Authority (GSA), -European Union Institute for Security Studies (ISS), -European Union Satellite Centre (EUSC), -European Defence Agency (EDA), - the European Union's Judicial Cooperation Unit (EUROJUST) - and with the European Agency for the Management of Operational Cooperation at the External Borders FRONTEX from 19/12/2008. From 26/10/05, cooperation mechanisms between civilian ESDP missions and EUROPOL (Council conclusions of 5-6 June 2008).

¹³ Administrative Arrangement between EUROPOL and the GSC on the exchange of (strategic) information in the context of civilian ESDP Missions (10817/08)

¹⁴ Following the Adoption of draft conclusions of the Council of the European Union on possible cooperation mechanisms between civilian ESDP missions and EUROPOL as regards the mutual exchange of information on 17 November 2008, the exchange of personal data has been implemented between EUROPOL and EULEX Kosovo: The personal data is transferred between EULEX (by the EUOCI (European Union Office for Criminal Intelligence) and EUROPOL through EUROPOL National Units (ENUs) located in three MS Capitals (FI, SE, UK).

- (39) In each of the above cases cooperation with ICPO-INTERPOL was driven by operational needs and established, and data transfer is based on the specificities of the missions. It should be noted that no overall formal framework arrangement exists for cooperation between CSDP missions and ICPO-INTERPOL.

POSSIBLE WAYS OF FURTHER STRENGTHENING COOPERATION BETWEEN CSDP AND FSJ

This section of the paper outlines a number of possible options for further reflection and discussion.

General suggestions

- (40) Development of CSDP **concepts and doctrine** in the field of Rule of Law should fully take into account ongoing developments in the FSJ area, promoting EU best practices and fostering possible mutual complementarities as a matter of principle.
- (41) Where CSDP activities are concerned, the consultation of FSJ actors should be considered. The actual engagement of FSJ actors should be considered on a **case-by-case basis, according to the specific context of the operation**. Agreed consultation mechanisms and procedures should be pre-established at EU institutional level to oversee and facilitate such cooperation.
- (42) The **planning** process for civilian CSDP missions, based on a joint situation analysis, taking into account risks and threats in the external and internal dimensions, should reflect the possible interconnections between CSDP and FSJ.
- (43) Consideration should be given as to whether the CSDP **crisis management structures** in Brussels require further FSJ expertise in designated posts, including at senior level, in order to carry out their core business.
- (44) Cooperation in the area of FSJ, and especially in the police and judicial domain, takes place within the frameworks of existing bilateral and international agreements - decided not only between Member States, but also with non-EU States, including in the context of multilateral organisations such as the UN or AU. Any further cooperation in the CSDP field, including on sensitive matters such as the exchange of information or intelligence, needs to be undertaken in full consideration of these **agreed frameworks**.
- (45) Where **existing CSDP missions** are concerned, the possibility of extending cooperation between the mission and FSJ actors should be studied. Particular attention should be paid to the upgrading of the existing legal framework for police and justice cooperation.
- (46) Where **possible CSDP future activities** to support building host country capabilities in targeted geographic areas are under consideration, the design of such activities could take into consideration: the overall EU political security strategy towards the region, including thematic priorities (e.g. fighting organised crime and terrorism); and any EU internal security activities on the ground.

- (47) Furthermore, where shared CSDP/FSJ or complementary objectives are identified, the decision to have coordinated or concerted action should: respect competences of the EU institutions; should be determined by the degree of convergence of the objectives and should take into account at least the following considerations:
- whether targeted external threats also affects EU internal security ;
 - whether CSDP and external dimension of FSJ activities are operating in the same geographical area and the EU political strategy towards the area;
 - whether increasing coordination and cooperation of a mission with internal security actors contributes improving the missions' impact,
 - whether synergies of a mission with EU internal security dimension would risk compromising the viability of the mission.
- (48) Where it is decided that a mission should develop closer cooperation with FSJ actors, this should be explicitly reflected in the early stage of the mission planning and as a matter of transparency, **these aspects should be agreed with the Host Country** with due respect to local ownership. Also any arrangement for the exchange of information between the CSDP mission and the host country should be set out in a formal legal arrangement, inter alia, in order to allow legal use of this information.
- (49) The developing involvement of FSJ actors such as EUROPOL, FRONTEX and EUROJUST in CSDP missions and the definition of clear rules for the relations between the missions and EU Member States law enforcement staff, including in the field (liaison officers) should, if systematised, create the conditions for Member States to perceive CSDP Missions as a **tangible gain in terms of institutional police and justice cooperation**.
- (50) The developing involvement of other international organisations, such as ICPO-INTERPOL in CSDP missions should also be taken into account to complete and support these cooperation networks.
- (51) These gains could even be reinforced with **innovative methods** of cooperation between field missions and EU law enforcement services in terms of coaching and concerted control operations involving trained HC services.
- (52) However, other **"returns on investment"** should also be recognised. Personnel returning from service in missions have improved their professional skills in an international context, and have furthered their personal development. They also bring back to their national administrations a better knowledge of CSDP, Justice and Home Affairs (JHA) know-how and a broader EU perspective.
- (53) An improved **communication strategy** on the results achieved by CSDP missions in improving security in fragile States and regions as part of external policy, and the impact this can have on EU internal security would also help to promote and valorise the efforts of Mission members in contributing to CSDP.
- (54) Finally, further cooperation between CSDP and the FSJ area should be developed at all levels and between all relevant actors. Coordination in Brussels should take place between the EU institutions and agencies, and the working mechanisms to facilitate this should be set up accordingly. Internal coordination and consultation at Member State level would also be

a precondition for a more coherent approach in expressing national views and supporting EU action in the working groups and committees.

Specific areas for possible further work

- (55) The following specific areas for further work have been identified as having potential for further action:
- Comprehensive Situational Awareness and Intelligence Support to the EU
 - Exchange of information and mutual support;
 - Improving mechanisms in the decision making process;
 - Improving cooperation in planning EU external action;
 - Capabilities: Human Resources and Training.

Comprehensive Situational Awareness and Intelligence Support to the EU

- (56) The concentration of the main actors of the EU external policy under the EEAS will rationalize efforts in intelligence support and will enhance the effectiveness of that policy. Within the EEAS, SITCEN is expected to become even more relevant in providing all-sources intelligence support. Further thought should be given to enhance the framework for more comprehensive exchange of information, analyses and assessments between relevant CSDP and FSJ actors, including in the domain of crisis management.
- (57) The exact role of SITCEN, which provides situational awareness, strategic analyses and threat assessments, relevant for the link between internal and external security, should be enhanced, in line with EU agencies, first of all in the information sharing, in conjunction with the strengthening of its links to EU Delegations. Consular crises will remain a national responsibility but EU SITCEN will continue support in this respect as before.

Exchange of information and mutual support

- (58) The existing Administrative arrangements between General Secretariat of the Council (GSC) and EU agencies may need to be reviewed to enable the EEAS to be the signatory party to the administrative arrangements instead of the GSC.
- (59) The Council conclusions "The multi annual programme 2010-2014 Stockholm Programme"¹⁵ make certain proposals/recommendations concerning the implementation of the information exchange process between EUROPOL and CSDP missions and moreover any future development of what was defined as "inter-pillar" Law enforcement cooperation¹⁶. These same conclusions invited the Commission, and, where appropriate, the High Representative, to take work forward in several areas, and, in particular, to examine whether there are obstacles to cooperation between ESDP police missions and EUROPOL and make

¹⁵ An open and secure Europe serving and protecting the citizens 16484/09 (23/11/2009).

¹⁶ Chapter 4.3.1 Effective policies - More effective European law enforcement cooperation: "EUROPOL should work more closely with European Security and Defence Policy (ESDP) police missions and help promote standards and good practice for European law enforcement cooperation in countries outside the EU".

appropriate proposals to eliminate such obstacles. This work has already begun in accordance with the Commission Action Plan implementing the Stockholm programme which includes the issuing of a Communication on the status of cooperation between the CSDP Police missions and Europol, and the way forward for enhancing that cooperation.

- (60) However, further consolidating work could include further analysis to identify overarching cooperation frameworks (exchange of information and mutual support) to strengthen the linkage between CSDP activities at strategic and operational level and EU agencies (EUROPOL, EUROJUST, FRONTEX), in full respect of the EU data protection regime.¹⁷
- (61) Consideration should be given to extending the arrangement for the Exchange of Personal Data between EUROPOL and EULEX Kosovo to non-executive missions on a case-by-case basis. This may enhance the efficiency and operationality of the exchange of information. However, any proposals for so doing will need to address the current legal framework.
- (62) Cooperation between CSDP and ICPO-INTERPOL should be developed in the wider context of co-operation between FSJ and CSDP, taking into account the existing legal and working arrangements with EUROPOL and other EU agencies¹⁸. Possible areas of cooperation beyond exchange of information should be explored in full liaison with FSJ actors.
- (63) In particular, consideration should be given to the establishment of a framework arrangement between EU (HR) and ICPO-INTERPOL (clearly limited to non-EU territory), in line with EUROPOL's arrangement with ICPO-INTERPOL and in full complementarity with its actions. This process may constitute a separate work strand, but in coherence with and in full respect of the internal EU process¹⁹.
- (64) Witness protection: in cases where the Host Country does not have the capacity to protect and relocate witnesses, the establishment of a coordinating function for EUROPOL, for carrying out these functions could be explored. This is currently under consideration with EULEX Kosovo within existing cooperation frameworks.

Improving mechanisms in the decision making process

- (65) When implementing EU policies in the same external geographical area, the need for improving the coherence of the CSDP and FSJ working groups while supporting their separate decision making processes has been highlighted.
- (66) Within the new institutional framework, the complementary roles of different Working Groups should be fully explored and exploited. Mechanisms should be set up to establish a coordinated and concerted approach to conflict prevention and crisis management. This needs to be done internally within the EEAS, but also inter-institutionally.

¹⁷ The current work on increased cooperation between the agencies supported within the COSI working group (e.g. stocktaking of existing arrangements & mechanisms was completed) should be taken into consideration in this regard and serve as a basis for a coherent and coordinated development of interaction with EU agencies in the framework of CSDP.

¹⁸ The ongoing cooperation and coordination with international organisations in the field of law enforcement (in line with EU Council conclusions on 23/11/ 2009) offers a sound basis for the current initiatives in the field of ICPO-INTERPOL/CSDP missions.

¹⁹ The ongoing cooperation and coordination with international organisations in the field of law enforcement (in line with EU Council conclusions on 23/11/ 2009) offers a sound basis for the any initiatives in the field of ICPO-INTERPOL/CSDP missions.

- (67) The scope for reinforcing CSDP missions capacity to complement the work of FSJ actors in the external dimension of the EU internal security on specific priorities could be identified by the relevant Working Groups/Committees (e.g. CIVCOM /CATS/JHA-RELEX (JAIEX) Working Party/as well as COSI and the PSC), according to their specific remit. These priorities may cover, i.a., combating organised crime, combating terrorism or bringing a special focus to a particular geographical area. Where this has been done, appropriate modalities for support for the CSDP planning process could be provided by the respective Working Group(s).
- (68) Information of common interest could be shared amongst the relevant Working Groups (e.g. CATS/ JHA-RELEX (JAIEX) Working Party /CIVCOM as well as at PSC and COSI level and with GSC, Commission and EEAS structures. This may include: strategic/policy threat assessments, planning documents, reports of projects, reports of Fact Finding Missions (FFMs), as appropriate and site visits, all of which can be useful for policy decisions (this should not be confused with exchange of more detailed information that underlies these assessments and reports). The frequency of diffusion should be discussed. The information/communication could also be enhanced by the development and the diffusion of joint impact evaluation reports on selected thematic FSJ and CSDP activities (when operating in the same geographical area).
- (69) A shared agenda meeting may be set up between relevant fora in view of enhancing the coordination for concerted actions on targeted areas (e.g. between PSC and CivCom and COSI and CATS/ JHA-RELEX (JAIEX) Working Party on issues like JAIEX programme (including LO meetings), PSC programme, definition of EU priorities and agendas accordingly in areas of common interest)²⁰.

Improving cooperation in planning EU external action

- (70) When needed, FSJ expertise should be associated at the early phases of strategic planning of CSDP missions, including for FFMs.
- (71) The relevant crisis management planning doctrines/concepts could be reviewed and modified accordingly and the establishment of arrangements with relevant FSJ actors, including EU Agencies could be foreseen to allow for their inclusion in the early phases of the planning process.
- (72) The need for streamlining programmes and projects amongst EU stakeholders within an external area of responsibility represents most probably a long term goal but one which is of common interest. A feasibility study may be carried out with a view to setting up a methodology and tools for impact assessment and through it, to develop benchmarks and indicators of performance to ensure a harmonized approach to evaluation in the area of SSR/Rule of Law. This would enable the sharing of accurate common assessments allowing the review of action plans.

²⁰ The Council conclusions on priorities in the fight against organised crime (based on OCTA) could be a discussion point in the PSC agenda in order to generate a debate on the implications of these conclusions for CSDP missions. This could be followed by an assessment of what possible level of support might be provided by FSJ actors

Capabilities: Human Resources and Training.

Human resources

- (73) The ongoing initiatives and measures to improve the provision to Civilian CSDP Missions of qualified human resources from the FSJ sector must be pursued.
- (74) The temporary reinforcement of CSDP missions with specific expertise of Member States' FSJ teams and/or individual FSJ actors, when these Member states have a specific interest and are already active within the area of responsibility, could be envisaged. This should be done when this supports the mission objectives. Such reinforcement could also be envisaged through deployment of expertise from EU Agencies.
- (75) EU Delegations may also be reinforced along the lines set out above, either on a temporary, or permanent basis depending on the resources available. In this respect, EU Delegations to international organisations (e.g. UN, AU) as well as to third states should be considered.
- (76) In order to trigger the interest of FSJ experts and the Member states to participate in CSDP missions, consideration could be given to developing recognition of qualifications/professional experience gained in CSDP missions, to make deployment gainful and attractive to both services and individuals in terms of career perspective, including possibly through partnership with EU training academies (possible attribution of some learning credits during CSDP missions, according to the principles of the Bologna process).

Training

- (77) The training provided through CEPOL courses has promoted a common knowledge and better interoperability between Member States' police personnel and has improved the methodology for planning of Crisis Management Operations. Specialised CEPOL courses for police to be deployed in the wider Rule of Law operations within the CSDP framework could be further developed.
- (78) Existing bases for common minimum standards of the CSDP missions training (generic training, pre-mission mission-specific training) as specified in Council documents could be linked with common curricula developed by CEPOL and other training providers (e.g. ESDC). Furthermore, methods of better coordination of training programmes among CEPOL, ESDC, EUROPOL EUROJUST and FRONTEX as well as relevant MS training institutions supported by EC projects, should be fostered and explored in the context of putting in place a new framework for CSDP training in the EEAS²¹.
- (79) Cross-participation of CSDP and FSJ actors in their respective training events should be supported, as the shared knowledge gained in training optimizes the performance of all actors regardless of the policy framework in which they act.
- (80) When revising the EU CSDP training concept in the broader concept of training for the EEAS, better coherence among various training actors at both EU and national levels should be ensured, and standardization of core courses, networking and sharing of information on course provision²² should be pursued.

²¹ While bearing in mind that pre-deployment training is the responsibility of Member States.

²² As emphasized in the seminar "Training in the context of CSDP - Way forward" on 7 September 2010.

- (81) The provision "on line" of a "documentary fund"/repository of support documents and best practices shared by CSDP actors, FSJ actors and the Commission in the area of SSR/Rule of Law, to harmonize the implementation of these activities within an external area of responsibility, may be explored.

FINAL CONSIDERATIONS

- (82) The proposals contained in this paper may be seen as an initial step towards a more structured and coherent approach to the development of the interface between CSDP and FSJ.
- (83) However, any follow up to this paper must be seen within the larger framework of coherence among the different EU internal and external policies, including the areas of action set below:
- (84) Within the framework of the Lisbon treaty implementation, and with due respect to the respective competences of the EU institutions, enhanced coherence in the field of CSDP and geographic and thematic external aid and pre-accession assistance in the area of FSJ is anticipated. In particular, a greater focus would need to be brought to the strategic design and programming of the Instrument for Stability when addressing the fight against terrorism and organised crime.
- (85) Furthermore the ongoing development of other policies, strategic plans and actions such as the European Strategy on Drugs (2005-2012), the EU priorities for the fight against organised crime²³, the EU action plan on combating terrorism²⁴ and new developments to combat security threats such as the "EU-US and Member States 2010 Declaration on Counterterrorism²⁵", may also need to be taken into account and/or integrated in the design of CSDP strategies and actions.

²³ 8301/3/09

²⁴ 15358/09, 15893/1/10

²⁵ (doc 10591/1/10)

ANNEXE: COMPETENCES OF FSJ COMMITTEES AND WORKING GROUPS MENTIONED IN PARAGRAPH 67.

1. Standing Committee on Operational Cooperation on Internal Security(COSI):

Article 71 TFEU: A standing committee shall be set up within the Council in order to ensure that operational cooperation on internal security is promoted and strengthened within the Union. Without prejudice to Article 240, it shall facilitate coordination of the action of Member States' competent authorities. (...)

Council Decision 2010/131/EU (OJ L 52 of 3.3.2010, p. 50):

Article 2

The Standing Committee shall facilitate, promote and strengthen coordination of operational actions of the authorities of the Member States competent in the field of internal security.

Article 3

- 1 Without prejudice to the mandates of the bodies referred to in Article 5, the Standing Committee shall facilitate and ensure effective operational cooperation and coordination under Title V of Part Three of the Treaty, including in areas covered by police and customs cooperation and by authorities responsible for the control and protection of external borders. It shall also cover, where appropriate, judicial cooperation in criminal matters relevant to operational cooperation in the field of internal security.
- 2 The Standing Committee shall also evaluate the general direction and efficiency of operational cooperation; it shall identify possible shortcomings or failures and adopt appropriate concrete recommendations to address them.
- 3 The Standing Committee shall assist the Council in accordance with the provisions of Article 222 of the Treaty.

Article 4

- 1 The Standing Committee shall not be involved in conducting operations, which shall remain the task of the Member States.
- 2 The Standing Committee shall not be involved in preparing legislative acts.

2. Coordinating Committee in the area of police and judicial cooperation in criminal matters (CATS):

Coreper decision (doc. 16070/09)

- (b) CATS shall focus its discussions on strategic issues where COSI would not be able to contribute and meet as necessary, as convened by the Presidency.
- (c) CATS could be involved, when deemed appropriate, in legislative work. Coreper shall remain solely responsible for preparing legislative acts.

3. JHA-RELEX Working Party (JAIEX):

Coreper decision (doc. 14431/1/08)

Point 3:

(...) The Group's aim would be to facilitate the exchange of information and contribute towards more strategic and horizontal reflections in that area, with a view to supporting the work of the relevant RELEX and JHA committees and working parties by helping to ensure their consistency, but without prejudice to their mandates. It could act as a matter of priority in areas in which coordination currently appears to be lacking.

Point 4:

This (...) Group would:

- ensure the proper functioning of the information and coordination mechanism;
- facilitate a regular flow of information between the JHA-RELEX working bodies on questions relating to events, initiatives and projects in the JHA-RELEX area;
- ensure horizontal follow-up to preparations for JHA-related meetings with third countries wherever such meetings involve several JHA committees or working parties, and report back on such follow-up to CATS, SCIFA, the High Level Working Group on Asylum and Migration, the Committee on Civil Law Matters (General Questions) and the competent geographical or thematic RELEX working party;
- contribute towards the future updated JHA-RELEX Strategy, in cooperation with the competent committees and working parties. Where appropriate, the Ad Hoc Group could also take part in strategic reflections on thematic and geographical issues linked to the external JHA dimension in order to enable the competent committees and working parties to discuss those issues in more detail. In particular, at the request of the competent geographical working parties, it could focus on certain geographical areas which are of priority interest to the Union.