

EUROPEAN EXTERNAL ACTION SERVICE



**Crisis Management and
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NOTE

From: Crisis Management and Planning Directorate

To: Committee for Civilian Aspects of Crisis Management (CIVCOM) and Politico-Military Group (PMG)

Subject: Cooperation with the European Gendarmerie Force (EUROGENDFOR) under the Common Security and Defence Policy - Explanatory brief

Delegations will find attached a note for CIVCOM and PMG delegations

Cooperation with the European Gendarmerie Force (EUROGENDFOR) under the Common Security and Defence Policy - Explanatory brief

1. Introduction

The purpose of this note is twofold:

- In the wake of discussions held at a joint CIVCOM/PMG meeting on 24 February, and a PSC meeting on 18 March 2014, to provide answers to questions raised by MS delegations.
- On the basis of the 'Framework Paper for the European Gendarmerie Force's (from now on shortened to EGF) participation in CSDP Crisis Management Operations', to suggest modalities for strengthened cooperation between the EEAS and EGF, and to secure faster participation of EGF in CSDP related activities.

2. Background

A potential strengthening of EU links with EGF has long been considered and was mentioned in the 2012 and 2013 Reports by the High Representative on CSDP.

It forms part of one of the activities identified by the December 2013 European Council, namely 'increasing synergies between the CSDP and the Freedom, Security and Justice actors'.

A joint CIVCOM/PMG meeting on 24 February 2014 addressed cooperation between EGF and CSDP. A delegation from EGF presented the organisation and a "Framework Paper for EGF's participation in CSDP Crisis Management Operations".

On 18 March 2014, the PSC was briefed by DSG Popowski and the Director General of the French Gendarmerie, General Favier, in representation of the EGF Presidency on past cooperation and possible future perspectives (Annex I).

Delegations welcomed EGF's contribution, specifying however that it should continue on a case-by-case basis. They also requested work to proceed on establishing a formal framework to govern such cooperation, covering financing, recruitment, the involvement of Member States, and cooperation with non-EU countries that are observers to EGF.

3. States participating in EGF – Status

Full membership in EGF is possible only for EU Member States (Article 43 of the EGF Treaty) that have police services with a military status. EU candidate countries that have a police force with military status may apply for Observer Status. Member States and EU candidate countries that have a force with military status and some police skills may apply for EGF Partner Status.

At the time of writing, EGF has one Partner State –Lithuania– and one Observer State –Turkey.

Observer States may:

- Attend ordinary CIMIN (High Level Interdepartmental Committee) and working group meetings, but cannot participate in the decision-making process;
- Take part in the special sessions of CIMIN, the Working Group(s), the Financial Board and specialised *ad hoc* groups related to operations and exercises, to which the Observer State is contributing or intends to contribute;
- Station a permanent Liaison Service Officer at the permanent HQ. This LSO is not part of EGF's permanent HQ¹;
- Send augmentees to the permanent HQ and/or the Force Headquarters during operations or exercises in which the Observer State is participating;
- Access EGF documents under certain conditions;
- Access documents of which the originating authority is neither the CIMIN nor any of the EGF Members, with the consent of the originating authority;
- Access documents that contain classified information only if a security arrangement has been established between the parties concerned.

¹ No LSO is currently deployed.

In a CSDP context, states that have Observer status and are not EU Member States can participate in a Crisis Management Operation within the existing institutional framework for the participation of third states in CSDP Missions and Operations².

Accordingly, staff from an EGF observer State can only be deployed as part of EGF in a CSDP mission or operation *if there is a PSC Decision accepting the Observer's offer*.

Moreover, any participation of an EGF representative in any given CSDP planning process (strategic and operational) may be granted only to EU citizens.

This is true also for a support activity of EGF to EEAS Crisis management structures outside the framework of a CMO (e.g. providing contributions to capability development process) including the temporary reinforcement of EEAS Crisis management structures with EGF- specific expertise for the planning and conduct of EU exercises, as appropriate.

4. EU-EGF cooperation

a. TEU

Article 42.3 of the Treaty on European Union (TEU) stipulates that "Those Member States which together establish multinational forces may also make them available to the common security and defence policy".

b. Establishment of an administrative arrangement between EEAS and EGF for the exchange of Classified Information

The EEAS security rules provide that the EEAS can exchange EUCI with an international organisation where an administrative arrangement has been concluded between the HR and the competent security authorities of that international organisation, for the exchange of classified

² AGREEMENT between the European Union and the Republic of Turkey establishing a framework for the participation of the Republic of Turkey in the European Union crisis management operations (Official Journal of the European Union L 189/17 dated 12.7.2006).

information. In this same regard, it should be noted that in accordance with article 12 of the EGF Treaty it is necessary to conclude arrangements between the EU and EGF in order to exchange classified information.

EGF will be participating in the EU civilian mission EUCAP Sahel Mali (for which the HR is authorised to release EU RESTRICTED information) and is participating in the EU military mission EUFOR RCA (for which the HR is authorised to release up to EU CONFIDENTIAL information). As full EGF membership is only open to EU Member States, the administrative arrangement may provide for the release of EU CONFIDENTIAL information. Furthermore, the arrangement should mention explicitly that EGF will not disclose EU classified information or documents to third parties, including to any non-EU Member State which has not concluded a security of information agreement with the EU, without the prior written consent of the EEAS. The EEAS Security Committee was consulted on 20 May (See Annex II).

c. Cooperation Framework Paper

Cooperation between EGF and CSDP will be established on the basis of the "Framework paper for EGF's participation in CSDP Crisis Management Operations" that delineates the nature and scope of EGF engagement in CSDP and may be used as a basis to establish an exchange of letters between the High Representative (by delegation the Deputy Secretary General) and the CIMIN Presidency/the EFG PHQ Commander, which will constitute an administrative arrangement . It will be completed by the necessary arrangements for the exchange of classified information and may be followed, if need be, by the establishment of mechanisms to facilitate EGF engagement in CSDP, in full transparency with Member States and in compliance with existing procedures.

5. Participation of EGF personnel in CSDP activities

The relationship with the EU in the framework of the CSDP, including the commitment and deployment of EGF, is decided by the EGF CIMIN on a case- by- case basis.

a) In the CSDP planning process

To prepare the missions to which EGF may contribute, EGF experts may reinforce the EU planning activities under CSDP. To this end, EGF may second personnel to the Crisis Management Planning Directorate (CMPD), to the Civilian Planning and Conduct Capability (CPCC) or to a civilian mission's HQ, to EUMS or to a designated military Operational Headquarters (OHQ) from the early stage of their activation, thus contributing to work from the Crisis Management Concept (CMC) to the Operation Plan (OPLAN).

Additionally, the EGF may provide its expertise, on request, to CSDP structures independently from its participation in any possible mission or operation.

Any invitation to EGF to participate in planning (strategic and operational) shall be fully transparent to EU Member States. They will be given the opportunity to contribute at the same level, and with the same modalities agreed for EU Member States and Institutions.

b) In Civilian CSDP missions:

As a rule, staff is seconded to the missions by the contributing states and EU multinational forces. In this respect, when EGF personnel participation is envisaged, the call(s) for contributions should also be forwarded to the EGF PHQ and the CIMIN secretariat, which will submit the applications of EGF personnel to CPCC/MSD (Mission Support Department).

The CSDP agreed selection procedures will apply without exception. However, CPCC/MSD should pay attention to the need for EGF “group integration” to preserve overall coherence and added value, in the spirit of Art. 42.3 of the TEU.

c) In Military CSDP operations and missions

As a rule, staff and capacities are provided to the Operations and mission’s commanders by troop contributing nations. In this respect, the EGF designated Point of Contact by the CIMIN will attend the Force Generation Conference (s) in support of the Member State leading the EGF presidency.

d) Deployment of collective assets

If the deployment of collective assets (IPU, FPU)³ is required, the recruitment process will comply with the EU rules and take place at the same level required for EU Member States and Institutions. When the deployment of such assets is envisaged, EGF will liaise with CMPD/EUMS in order to coordinate pre-deployment training in line with EU standards and procedures, in accordance with the planning timeline.

6. Logistic and financial issues

a) Civilian CSDP missions

(i) Deployment of individuals

As a rule, EGF personnel seconded to civilian CSDP missions under the terms of Point 5b above are considered mission staff. Hence, the conditions of their secondment shall be in accordance with relevant EU rules and procedures. Each EGF contributing state will bear all personnel-related costs, including salaries, medical coverage, travel expenses to and from the Mission area (including home leave), and allowances other than those paid according to Document 7291/09 (10 March 2009), as reviewed by Document 9084/13 (30 April 2013).

EGF personnel will be equipped in accordance with the list of individual equipment to be provided by Member States or EU institutions, as indicated under the calls for contribution launched for Force Generation. Additional enabling equipment provided by EGF should be authorised by the CPCC and/or the HoM.

(ii) Deployment of collective assets

The staff costs related to the deployment of collective assets in civilian CSDP missions are supported by the EGF contributing Member States.

³ Concept for rapid deployment of police elements in an EU-led substitution mission.(doc 8508/2/05).

Against this background, the possible principles of burden sharing among contributing Member States or voluntary contributions of Member State(s) (e.g. provision of strategic transport; loan of specific equipment, direct logistic support) need to be looked into.

The required level of support will be assessed on a case-by-case basis for each mission, ensuring that it always remains within EGF means and capacities. IPU and FPU are relying on their own operational equipment and weapons when deploying. EGF will consider making use of the “Framework Nation” or “Lead Nation” concept in order to rapidly meet the logistics requirements for a rapid deployment of police elements. Following a case-by-case assessment, the IPU/FPU could also benefit, as appropriate, from the overall logistics capabilities that could be provided by the possible presence of a pre-existing civilian mission (which EGF would reinforce), or a military CMO co-deployed in the same AoR.

b) Military CSDP operations and missions

Costs related to any EGF contribution shall be dealt with, in accordance with the provisions of Article 41(2) of the TEU.

EGF deployment in a military operation or mission follows the “Athena” rules.

The required level of logistical support will be assessed on a case-by-case basis and tailored accordingly. It will exploit the logistical means, procedures and agreements already in force among EGF participating countries and the EU. Logistical support not provided by the EU will be dealt with by the EGF Logistic Lead Nation (LLN) / Role Specialist Nation (RSN) or, if appropriate, through national support element(s).

c) Common issue:

EGF will not benefit from specific mechanisms. Any *ad hoc* arrangements shall be proposed to the relevant Council working party, to be approved by Member State representatives, bearing in mind that EGF member services are tailored to operations in their own country and do not have the required overseas operations strategic lift and logistic capabilities.

Presentation of EUROGENDFOR

The European Gendarmerie Force (EGF)⁴ is a multinational initiative of 5 EU Member States – France, Italy, The Netherlands, Portugal and Spain – to strengthen international crisis management capacities; it was set up in 2004. Romania joined EGF in December 2008 and Poland on 1 July 2013, so 7 EU Member States currently constitute EGF (while Lithuania has partner status and Turkey observer status).

On 21 November 2013, France took over from The Netherlands the presidency of the High-level Interdepartmental Committee (CIMIN) for one year.

As stated in the Treaty⁵, the European Gendarmerie Force (EGF) was conceived as being “operational, pre-organised, robust and rapidly deployable, exclusively comprising elements of police forces with military status.” EGF therefore aims to bring together the expertise of those EU Member States having police with military status. While not an EU organ, EGF declares itself “first and foremost at the disposal of the EU”. The EGF capacity is not established for force deployment within the borders of the EU; it was created as a multi-national European initiative in direct response to the police and law enforcement gaps that exist in the framework of international peace-support operations.

EGF objectives are three-fold:

- to provide Europe with a police asset capable of undertaking various police functions and tasks required in the context of international crisis management operations;

⁴ Organisation:

Political & Strategic level :CIMIN ("Comité Interministériel de haut niveau", *High level Inter Ministerial committee*, consists of representatives of the appropriate ministries of EGF Party States.)

Strategic Level HQs in Vicenza (Italy) Permanent Staff 36.

Tactical level: EUROGENDFOR Force not a standing Force: Generation process of 800 police officers, under a 30-day notice: Acting in accordance with the operational concepts of IPU (Integrated Police Unit which includes an operational component, a crime fighting component, a logistic support component).

⁵ European Gendarmerie Force (EUROGENDFOR) Treaty of 18 October 2007

- to provide European – and potentially other – States intent on joining EU missions with a multinational operational platform to that effect;
- to contribute to the various crisis management initiatives of international organisations.

EGF is a unique police element with knowledge of integrated policing at the military-civilian nexus; as such, it can facilitate the deployment of IPU for EU missions. EGF can also function as a significant pool of expertise for providing the EU and others with specialised police and law enforcement advice and assistance. Furthermore, as a result of the Force's exercises and deployments to date, EGF, including PHQ, possesses significant knowledge in police planning, operations and training.

EGF should provide an added value beyond the sum of national forces. Police and Gendarmerie both concurs to domestic policing and the Gendarmeries are performing all kind of policing tasks, ranging from community-oriented and intelligence-led policing, criminal police, traffic police, border police, fight against organised crime, counter terrorism... Within the Gendarmerie, there are also specialised units to perform public order tasks. Police with military status and purely civilian police forces are equally accountable to citizens. Please note that Gendarme-type forces in the EU, beyond core activities and similarities of structures amongst themselves, may perform different tasks in accordance with the given national area of responsibilities and the legal framework.

The difference relies on the ability of the Gendarmerie to provide more robust policing (including with military means) when the threat scale is approaching the grey area before a military response. The added value of EGF is to provide a framework and to take advantage of the similarity of organisation and the experience gained in the past ten years of international policing in various field deployments for the EU, NATO and UN.

EGF has undertaken two deployments in support of UN, and NATO: operations in Haiti (MINUSTAH), and Afghanistan (ISAF) respectively.

Within a CSDP framework, EGF participated in EUFOR ALTHEA (from November 2007 to October 2010). In Bosnia and Herzegovina (BiH), EGF managed the Headquarters of the IPU as part of EUFOR-ALTHEA, supporting crime-fighting operations, training local police in crowd control, and other activities.

One should not assume that EGF is an international organisation that has a "standby force" or "standby power". Like any police service, the personnel potentially available for a national

contribution to operations and missions of the European Union is performing domestic policing within the national framework.

EGF permanent core capability therefore depends on its permanent headquarters (PHQ) in Vicenza, Italy, staffed by thirty six personnel seconded from their respective EU police services and steered by the EGF Commander.

EGF visibility, efficiency and effectiveness rely on a daily basis on the performance of the PHQ. PHQ is expected to potentially become actively involved in police planning and to deal with operational issues during a mission. Furthermore, PHQ should facilitate setting up of a field mission "by deploying part of its staff "(according to the size and nature of the mission and for a limited period of time) as the core of the Force HQ in various ways in the entire process of supporting international crisis management operations.

The PHQ mandate is also to advance and prudent planning, monitoring and evaluation; lessons and doctrine/concept development⁶; training and exercises. It is worth mentioning that PHQ contributed significantly to the EU Crisis Management Exercise 2009 - CME 09.

Concerning the strategic and operational planning of EUCAP Sahel Mali and EUFOR RCS the EEAS, support by PHQ demonstrated that the police expertise held by the Staff in Vicenza can be mobilised quickly in favour of the European Union.

It should be recalled that the "FRAMEWORK PAPER for EGF's participation in CSDP Crisis Management Operations" presented to Member States by EGF has been established together with EEAS, and is compliant with EU rules and regulations.

This document delineates the nature and scope of engagement of EGF in CSDP and defines the general employment conditions of in this context. As such, it provides reference material for articulating an EGF contribution to military operations and civilian missions on its various operational aspects of such a commitment: activation, force generation, command and control, logistics and financial support.

⁶ EGF Catalogue of Capabilities in 2009, 2012, 2013 and 2014; EGF Logistic Concept; Deployable Mission Headquarters S.O.Ps.

EGF can make a significant contribution to a "relay" or "bridging" operation, especially since EGF is not exclusive and can be associated to, frame or be integrated with components supplied by other police services in the EU.

If necessary, it can also mobilise capacity or expertise to strengthen for a limited period of time a mission or existing operation at short notice and even for brief time spans.

EEAS Security Committee consultation on 20 May 2014

Draft administrative arrangement with EUROGENDFOR for the release of EU classified information:

...EU classified information will need to be released to EGF in the context of CSDP missions (EUFOR RCA and in EUCAP Sahel Mali). Since EGF is an international organisation, under the EEAS security rules the unanimous favourable opinion of the EEAS Security Committee is required before an administrative arrangement can be concluded on exchanging classified information.

At its meeting on 20 May 2014, the EEAS Security Committee was invited to give a technical opinion on a draft administrative arrangement as a basis for future negotiations with EGF. While the Committee was in principle not against releasing EU classified information to EGF, it queried the legal capacity of EGF to enter into an administrative arrangement with the EEAS, as the Security Agreement on the protection of EGF classified information had not yet been signed or ratified by the founding Member States of EGF.

The Committee concluded that, pending ratification of the EGF Security Agreement and a subsequent administrative arrangement between the EEAS and EGF, the Secretariat should explore whether the host State of EGF (ie the National Security Authority of Italy) could assume responsibility for any EUCI released and act as a sponsor to EGF.

The EEAS Security Committee will be kept informed of future developments...