



European Security and Defence Assembly
Assembly of Western European Union

DOCUMENT A/2074

16 June 2010

FIFTY-EIGHTH SESSION

Permanent structured cooperation under the Lisbon Treaty
- reply to the annual report of the Council

REPORT

submitted on behalf of the Defence Committee by the Earl of Dundee, Rapporteur
(United Kingdom, Federated Group)

DOCUMENT A/2074

16 June 2010

FIFTY-EIGHTH SESSION

Permanent structured cooperation under the Lisbon Treaty
- reply to the annual report of the Council

REPORT

submitted on behalf of the Defence Committee by the Earl of Dundee, Rapporteur
(United Kingdom, Federated Group)

Report transmitted to: the President of the Council of WEU; the Secretary-General of the WEU; the President of the Council of the European Union; the High Representative of the Union for Foreign Affairs and Security Policy; the President of the European Commission; the EU Commissioner for institutional relations and communication strategy; the Presidents/Speakers and the Chairmen of the Foreign Affairs, Defence and European Affairs Committees of the 39 national parliaments represented in the Assembly; the Presidents of the Parliamentary Assembly of the Council of Europe, the NATO Parliamentary Assembly, the OSCE Parliamentary Assembly, the Baltic Assembly, the Nordic Council, the Parliamentary Assembly of the Black Sea Economic Cooperation, the CIS Parliamentary Assembly; the President of the European Parliament; the Secretaries General of the Parliamentary Assemblies of the Council of Europe, NATO and the OSCE.

*Permanent structured cooperation under the Lisbon Treaty
– reply to the annual report of the Council*

REPORT¹

*submitted on behalf of the Defence Committee by the Earl of Dundee, Rapporteur
(United Kingdom, Federated Group)*

TABLE OF CONTENTS

RECOMMENDATION 861	2
on permanent structured cooperation under the Lisbon Treaty – reply to the annual report of the Council	2
EXPLANATORY MEMORANDUM.....	4
submitted by the Earl of Dundee, Rapporteur (United Kingdom, Federated Group).....	4
I. Introduction	4
II. The Lisbon Treaty and permanent structured cooperation.....	4
III. The situation at the beginning of 2010 – state of play	5
IV. Improving the effectiveness of defence efforts	6
V. Possible areas of cooperation	6
VI. The role of the European Defence Agency	7
VII. Recommendations	8
APPENDIX 1.....	9
The Lisbon Treaty and permanent structured cooperation	9
APPENDIX II	13
Possible forms of cooperation.....	13
MEMBERS OF THE COMMITTEE.....	16

¹ Adopted by the Committee on 20 May 2010.

RECOMMENDATION 861²

***on permanent structured cooperation under the Lisbon Treaty
– reply to the annual report of the Council***

The Assembly,

- (i) Aware of the benefits of implementing permanent structured cooperation (PSC) as outlined in Article 42(6) and detailed in Article 46 of the Treaty on European Union;
- (ii) Taking account of the provisions set out in Protocol No. 10 annexed to the Lisbon Treaty which apply to those states participating in permanent structured cooperation;
- (iii) Aware of the need to determine operational and financial criteria for such cooperation which are ambitious yet tailored to enable the gradual participation of a sufficiently large number of states;
- (iv) Considering it essential for such cooperation both to be an integral part of and to provide new opportunities for the Common Security and Defence Policy;
- (v) Considering the need to make available to the Union the operational, projection and intervention capabilities for the most demanding combat missions;
- (vi) Aware of the importance of stepping up efforts as regards the pooling of command and logistical capabilities and support and training infrastructure;
- (vii) Welcoming the success of the first experiences of cooperation among some member states which have established joint forces and the achievement of the objectives contained in the 2003 and 2010 Headline Goals set by the European Union;
- (viii) Deeply concerned by the fact that Europe is paying a high price for the inadequate level of cooperation in the field of armaments;
- (ix) Wishing to overcome this lack of cooperation at various levels, from the identification of capabilities to the design, development or acquisition of weapons systems;
- (x) Aware of the overriding need to invest a substantial amount in R&T in order to prepare for future military challenges and in view of the potentially massive boost that such investment might give to the European economy as a whole;
- (xi) Considering the role of space assets, particularly as regards situational awareness, and the deficiency from which the European Union and its member states suffer in this area;
- (xii) Underlining the importance of facilitating access to the European defence market,

RECOMMENDS THAT THE COUNCIL INVITE THE WEU NATIONS, AS MEMBERS OF THE EUROPEAN UNION, TO:

1. Set up a permanent working group of representatives from the EU member states to prepare a joint declaration by those countries wishing to participate in permanent structured cooperation;
2. Define the lightweight structure to be put in place to coordinate permanent structured cooperation: a committee of participating state defence ministers which would meet alongside the periodic meetings of the ministers of the 27 EU member states;
3. Plan for permanent structured cooperation activities to be subject to preliminary scrutiny by a military committee composed of representatives from participating states;
4. Provide for two distinct areas of cooperation under permanent structured cooperation:
 - the first, for cooperation in the operational area under the chairmanship of the Director General of the EU Military Staff;

² Adopted by the Assembly on 16 June 2010 at the 3rd sitting.

- the second, for cooperation on capabilities/equipment under the chairmanship of the Director of the European Defence Agency (EDA);
5. Allow for maximum flexibility in the permanent structured cooperation process, in particular by promoting enhanced cooperation on a case-by-case basis;
 6. Ensure that all member states wishing to participate in permanent structured cooperation can do so, if they wish, even if they take part in only one of the cooperation projects set up;
 7. Ensure that the EDA has the requisite staff and funding for it to be able to carry out the task of coordinating permanent structured cooperation on capabilities/equipment;
 8. Invite all the EU member states to be fully cooperative and transparent as regards defence planning and budgets so that the EDA can propose possible areas of cooperation;
 9. Seek out all opportunities for cooperation to make good the capability shortfalls identified in the EU Capability Development Mechanism (CDM);
 10. Look carefully at all the possibilities for cooperation presented in Appendix II of the present report.

EXPLANATORY MEMORANDUM

submitted by the Earl of Dundee, Rapporteur (United Kingdom, Federated Group)

I. Introduction

1. “The European Council underlines its determination to develop an autonomous capacity to take decisions and, where NATO as a whole is not engaged, to launch and conduct EU-led military operations in response to international crises.”

2. Through this declaration made at the Helsinki Summit in December 1999, the EU member states laid the foundations of the European Security and Defence Policy (ESDP) – now known as the Common Security and Defence Policy (CSDP) since the entry into force of the Lisbon Treaty – and defined their common strategic objective in the area of military crisis-management capabilities: autonomy and responsiveness.

3. The work-up phase of the ESDP from 1999 to 2003 was used to put in place the necessary organisation and procedures for attaining the 2003 Headline Goal: to be able to deploy a 50 000 to 60 000-strong force in less than two months and sustain it for at least one year. But the strategic environment of the past few years has brought home the weak point of those arrangements, namely a lack of responsiveness. This is the reason why the member states have set themselves the Headline Goal 2010:

“The ability for the EU to deploy force packages at high readiness as a response to a crisis, either as a stand-alone force or as part of a larger operation enabling follow-on phases, is a key element of the 2010 Headline Goal. These minimum force packages must be militarily effective, credible and coherent and should be broadly based on the battlegroup concept. [...]

On decision making, the ambition of the EU is to be able to take the decision to launch an operation within five days of the approval of the Crisis Management Concept by the Council. On the deployment of forces, the ambition is that the forces start implementing their mission on the ground, no later than 10 days after the EU decision to launch the operation”.³

4. It was during the Convention convened in 2003 to prepare what has since become the Lisbon Treaty, and in light of the realisation that it was practically impossible to attain the 2003 Headline Goal, that the concept of “permanent structured cooperation” (for which the abbreviation PSC is sometimes used in this report) first emerged. That concept has now been formalised in Article 42 of the Treaty on European Union.

5. Now that the Lisbon Treaty has entered into force, it is a matter of examining how that concept can be implemented in practice.

6. Initially, permanent structured cooperation was to bring together certain member states seeking to develop effective crisis-management capabilities to make available to the EU, and willing therefore to commit to improving EU autonomy and responsiveness.

7. However, since 2003 there has been a new development: Article 20 TEU on “enhanced cooperation” is applicable to the CSDP (Article 329 TEU).

II. The Lisbon Treaty and permanent structured cooperation⁴

1. Provisions in the Lisbon Treaty relating to permanent structured cooperation

8. Article 42(6) of the Treaty on European Union (TEU) states:

“Those Member States whose military capabilities fulfil higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions shall establish permanent structured cooperation within the Union framework. [...]

³ EU Presidency Report on ESDP, 15 June 2004.

⁴ See Appendix 1.

9. Further details on permanent structured cooperation are set out in:
- Article 46 TEU on the procedure for implementing permanent structured cooperation; and
 - Protocol No. 10 on permanent structured cooperation which is annexed to the TEU and sets out the conditions for taking part.

2. The problem of implementing permanent structured cooperation

10. The conditions set out in Article 2 of the protocol are too vague and for the most part too subjective to be used for the definition of quantifiable participation criteria.

11. The provisions of the protocol, if applied to the letter, would entail an approach that to start with would necessarily be discriminatory, in that it would introduce two categories of participants into the CDSP: those states involved in PSC and the rest. Yet PSC is supposed to act as a driving force, not to create a two-speed EU in which certain states are happy to get a “free ride”, while the others put up more of the funds. It is therefore crucial for PSC to be attractive, offering a sufficient return on investment to provide an incentive for the non-participating states to join it.

12. In practice therefore, there are two options:

- if the aim is to avoid creating a gap between two categories of member states, then all member states should be encouraged to participate. This would mean defining criteria that are not too demanding, in which case one may ask whether there is any point in having PSC in the first place;
- an alternative approach would be to organise PSC for “à la carte” cooperation projects bringing together willing member states to cooperate on a case-by-case basis in areas of their choice.

III. The situation at the beginning of 2010 – state of play

13. The Lisbon Treaty entered into force on 1 December 2009 without any advance detailed preparations for its implementation. In the field of PSC there was no prior in-depth reflection, let alone agreement among the member states about the conditions and criteria for its application.

14. The articles and protocol on PSC in fact date back to the 2004 Intergovernmental Conference that produced the first version of the treaty that was rejected during the first Irish referendum on 13 June 2008.

15. It was for that reason that on March 2010 the Spanish EU Presidency (1 January 2010) organised a seminar bringing together experts from all the member states. During a meeting with members of our Assembly on 24 March 2010, the Ambassador representing the Spanish Presidency on the Political and Security Committee explained that little progress had been made at that seminar, which had raised more questions than it had resolved.

16. At the seminar on permanent structured cooperation, the member states’ representatives reiterated certain principles that have already been established:⁵

- adaptability: PSC, as enshrined in the Lisbon Treaty, must be adapted to suit present circumstances (i.e. the original concept is perhaps no longer the most appropriate);
- added value: it must bring added value (i.e. there is no question of repeating what has already been done at national level or by other organisations);
- a twofold objective: PSC has two objectives: improving the availability and sustainability of forces deployed on operations, and developing industrial capacities;
- playing as a team: PSC is a unified framework for cooperation the objectives of which must be defined collectively. The appropriate instrument to lead the PSC is the General Affairs and

⁵ Account from the blog Bruxelles2 (l’Europe de la défense et de la sécurité).

External Relations Council, in its “defence” configuration (i.e. there is no question of building other structures);

- all-inclusive: some “small” member states fear that they will be excluded from PSC. The two-speed concept is not desirable. An inclusive approach is appropriate for its development;
- PSC should be sufficiently flexible to adapt to the needs of the CFSP.

17. The Spanish observed that it was not yet clear which countries were willing to take up the process and drive it forward and acknowledged that the time could not be considered ripe to take any immediate decisions. It was necessary to continue working on the matter and hold further meetings, if possible under the authority of the High Representative.

18. One worthwhile initiative involved a number of countries (France, Belgium, Hungary) which had worked together to draw up a joint paper – a good idea given that they hold radically diverging views.

19. It should be noted that the criteria which are sometimes proposed for participation in PSC include some that are real barriers to participation for many member states, because they are too demanding and, in some cases, even unrealistic. In the present economic climate, for example, most member states cannot devote 2% of GNP to defence. Similarly, to call for a fixed percentage of rapidly deployable troops among the participating states’ armed forces is too demanding, because the situation varies too much from one member state to another.

IV. Improving the effectiveness of defence efforts

20. The economic crisis has highly negative repercussions for member states’ defence budgets and one wonders how they will be able to finance their defence policy, particularly in the CDSP framework.

21. Hence the priority, even if budgets remain stable, is to make savings by seeking productivity gains, in particular by trying to avoid unnecessary duplication among the member states, mainly in equipment programmes.

22. There are a number of well-known examples of duplication: do we really need 22 different types of armoured vehicle in Europe? Could we not have joint development of missiles by grouping the different firms together in a single European company along the lines of MBDA? And so on.

23. One must realise that there are limits to such consolidation, which relate to employment policy: the consolidation of shipbuilding capacities is a case in point. However, there could be cooperation on subcomponents (radar, sonar, missiles, etc.).

24. Among the possible choices of relevant forms of cooperation is enhanced cooperation as provided for under the Lisbon Treaty.⁶ This form of cooperation could indeed be the opportunity to bring together European countries with similar military capabilities, levels of defence spending and national and European defence goals. Through such cooperation member countries could proceed at their own pace in the areas of defence selected by them. This would not rule out other countries joining the cooperation, subject to conditions.

V. Possible areas of cooperation

25. The protocol specifies the areas of cooperation to be developed among the member states.

1. The operational area

26. First, the operational area; all member states undertake to:

- develop their defence capacities through participation, where appropriate, in multinational forces [...];

⁶ See Appendix I.

- have the capacity to supply or participate in the creation of targeted combat units of the battlegroup (BG 1500) type capable within a period of five to 30 days of carrying out CSDP missions, and which can be sustained for a period that can be extended up to 120 days. It should be noted that this objective is a lot more demanding than the current standby duty rota for the BG 1500 (which consists of remaining on alert status for a period of six months scheduled several years in advance).

27. It is also specified that the states participating in PSC undertake to:

- bring their defence apparatus into line with each other by harmonising military requirements, pooling or agreeing to specialise in certain capabilities and cooperating in the fields of training and logistics;
- enhance the availability, interoperability, flexibility and deployability of their forces.

2. In the area of equipment

28. In the field of defence equipment it is specified that member states undertake to:

- make good the EU's capability shortfalls (reference to the Capability Development Mechanism);
- take part in major equipment programmes in the EDA framework.

29. In practice, this encourages member states to play an active part in the EDA's work in various areas relating to the equipment procurement process: identification of capability requirements, harmonisation of the requirements expressed by defence staffs, launch of new developments, participation in joint programmes – in particular to plug gaps – and contributions to funding the Agency's R&T activities.

VI. The role of the European Defence Agency

30. Establishing permanent structured cooperation should not involve creating a new bureaucracy, which is why the Agency has a central role to play. Moreover, Article 3 of the protocol states:

“The European Defence Agency shall contribute to the regular assessment of participating Member States' contributions with regard to capabilities, in particular contributions made in accordance with the criteria ... and shall report thereon at least once a year”.

31. In practice, for member states to communicate among themselves on capabilities, a permanent forum for the exchange of information needs to be set up under EDA auspices.

32. Within that forum the member states would agree to:

- review their defence planning and budgets (except in the nuclear field);
- organise pooling, where possible;
- analyse the possibility of joint participation in equipment development/procurement programmes in order to overcome capability shortfalls (Article 2d of the protocol).

33. This would strengthen the role of the EDA due to the regular participation of the member states' representatives in its ongoing activities and generate synergy by facilitating “à la carte” cooperation on specific projects.

34. In the operational area this would lead to pooling and even to the creation of multinational units. The most frequently quoted examples are the Air Transport Command (Eindhoven, Netherlands), the Eurocorps (Strasbourg, France) and the multinational Battlegroups 1500. Such pooling would be facilitated by the introduction of common equipment (such as the A400M) and should lead to joint procurement decisions and geographic groupings that would make for structural savings.

VII. Recommendations

35. Given that it is practically impossible for the majority of member states jointly to organise permanent structured cooperation covering all possible areas of cooperation, the Council should recommend that maximum use be made of enhanced cooperation projects which can be set up on a case-by-case basis, and whose composition will vary depending on the degree of interest on the part of the different member states. Since the formal requirement for enhanced cooperation is the participation of nine member states, it is proposed to organise cooperation on an ad hoc basis regardless of the number of participants.

36. In the first instance, a permanent working group should be set up, chaired by the European Defence Agency, to prepare a declaration by those countries wishing to participate in PSC.

37. Such a declaration should provide for the setting up of a PSC steering committee at the level of participating state defence ministers. This would meet alongside the meetings of the 27 EU ministers to avoid any duplication. Ministers of states not participating in PSC would be observers at the meeting.

38. To allow PSC maximum flexibility, the declaration must state clearly that the member states are not obliged to participate in every cooperation project of this nature that is set up. Participant states in a particular cooperation can organise themselves as a form of enhanced cooperation.

39. In terms of the organisation in practical terms of the preparatory work prior to decisions taken at ministerial level, a military committee (representatives of Chiefs of Defence Staffs, CHODS) needs to have responsibility for preliminary scrutiny and the various areas of cooperation need to be divided up into two sub-groups:

- the first, for cooperation in the operational area under the chairmanship of the Director General of the EU Military Staff;
- the second, for cooperation on capabilities/equipment under the chairmanship of the Director of the European Defence Agency.

40. To equip it to carry out the task of organising such cooperation, the European Defence Agency needs to be given the requisite funding and structures at 27.

41. Furthermore, the member states wishing to engage in such cooperation will have to be fully cooperative and transparent with the EDA as regards defence planning and budgets, so that the Agency can propose possible areas of cooperation.

APPENDIX 1

The Lisbon Treaty and permanent structured cooperation

1. Provisions relating to permanent structured cooperation introduced into the Treaty on European Union (TEU) following the entry into force of the Lisbon Treaty

Article 42(6) of the Treaty on European Union (TEU) states:

“Those Member States whose military capabilities fulfil higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions shall establish permanent structured cooperation within the Union framework. [...]”

Further details on permanent structured cooperation are set out in:

- Article 46 TEU on the procedure for implementing permanent structured cooperation;
- Protocol No. 10 on permanent structured cooperation which is annexed to the TEU and sets out the conditions for taking part.

It should also be noted that Article 20 TEU relating to enhanced cooperation can also be applied to the Common Foreign and Security Policy (CFSP) [Article 329 TFEU (Treaty on the Functioning of the European Union)].

2. Permanent structured cooperation: textual provisions

For each party to this form of security and defence cooperation, the TEU provides for long-term commitment to common action within a clearly defined framework of rules and structures.

In order to join the process, it is necessary to fulfil a certain number of criteria in the area of military capabilities and undertake to carry out the most demanding missions, namely peace enforcement through high-intensity combat operations.

Article 46 TEU gives the following details on the implementation procedure:

“1. Those Member States which wish to participate in the permanent structured cooperation referred to in Article 42(6), which fulfil the criteria and have made the commitments on military capabilities set out in the Protocol on permanent structured cooperation, shall notify their intention to the Council and to the High Representative of the Union for Foreign Affairs and Security Policy.

2. Within three months following the notification referred to in paragraph 1 the Council shall adopt a decision establishing permanent structured cooperation and determining the list of participating Member States. The Council shall act by a qualified majority after consulting the High Representative.”

Permanent structured cooperation is therefore a “formal entity” whose membership is determined by a Council decision, taken by qualified majority (55% of member states, 65% of the population of the Union) after consultation with the High Representative.

The subsequent admission to the permanent structured cooperation of another member state which meets the entry conditions, or the suspension of a participating member state that no longer fulfils the criteria or finds itself unable to meet its commitments, shall be decided only by those members of the Council representing the PSC participating member states, on a vote by qualified majority.

Should a participating member state wish to withdraw from permanent structured cooperation, the Council cannot prevent it from doing so.

Protocol No. 10 on permanent structured cooperation provides further final details on the conditions for participation:

“ARTICLE 1: The permanent structured cooperation referred to in Article 42(6) of the Treaty on European Union shall be open to any Member State which undertakes, from the date of entry

into force of the Treaty amending the Treaty on European Union and the Treaty establishing the European Community, to:

(a) proceed more intensively to develop its defence capacities through the development of its national contributions and participation, where appropriate, in multinational forces, in the main European equipment programmes, and in the activity of the Agency in the field of defence capabilities development, research, acquisition and armaments (European Defence Agency), and

(b) have the capacity to supply by 2010 at the latest, either at national level or as a component of multinational force groups, targeted combat units for the missions planned, structured at a tactical level as a battle group, with support elements including transport and logistics, capable of carrying out the tasks referred to in Article 43 of the Treaty on European Union, within a period of five to 30 days, in particular in response to requests from the United Nations Organisation, and which can be sustained for an initial period of 30 days and be extended up to at least 120 days.

ARTICLE 2: To achieve the objectives laid down in Article 1, Member States participating in permanent structured cooperation shall undertake to:

(a) cooperate, as from the entry into force of the Treaty amending the Treaty on European Union and the Treaty establishing the European Community, with a view to achieving approved objectives concerning the level of investment expenditure on defence equipment, and regularly review these objectives, in the light of the security environment and of the Union's international responsibilities;

(b) bring their defence apparatus into line with each other as far as possible, particularly by harmonising the identification of their military needs, by pooling and, where appropriate, specialising their defence means and capabilities, and by encouraging cooperation in the fields of training and logistics;

(c) take concrete measures to enhance the availability, interoperability, flexibility and deployability of their forces, in particular by identifying common objectives regarding the commitment of forces, including possibly reviewing their national decision-making procedures;

(d) work together to ensure that they take the necessary measures to make good, including through multinational approaches, and without prejudice to undertakings in this regard within the North Atlantic Treaty Organisation, the shortfalls perceived in the framework of the Capability Development Mechanism;

(e) take part, where appropriate, in the development of major joint or European equipment programmes in the framework of the European Defence Agency.”

3. Enhanced cooperation: textual provisions

ARTICLE 20 TEU

1. Member States which wish to establish enhanced cooperation between themselves within the framework of the Union's non-exclusive competences may make use of its institutions and exercise those competences by applying the relevant provisions of the Treaties, subject to the limits and in accordance with the procedures laid down in this Article and in Articles 326 to 334 of the Treaty on the Functioning of the European Union (TFEU).

Enhanced cooperation shall aim to further the objectives of the Union, protect its interests and reinforce its integration process. Such cooperation shall be open at any time to all Member States, in accordance with Article 328 TFEU.

2. The decision authorising enhanced cooperation shall be adopted by the Council as a last resort, when it has established that the objectives of such cooperation cannot be attained within a reasonable period by the Union as a whole, and provided that at least nine Member States participate in it. The Council shall act in accordance with the procedure laid down in Article 329 TFEU.

3. All members of the Council may participate in its deliberations, but only members of the Council representing the Member States participating in enhanced cooperation shall take part in the vote. The voting rules are set out in Article 330 TFEU.

4. Acts adopted in the framework of enhanced cooperation shall bind only participating Member States. They shall not be regarded as part of the *acquis* which has to be accepted by candidate States for accession to the Union.

ARTICLE 42 TEU

5. The Council may entrust the execution of a task, within the Union framework, to a group of Member States in order to protect the Union's values and serve its interests. The execution of such a task shall be governed by Article 44 TEU.

ARTICLE 44 TEU

1. Within the framework of the decisions adopted in accordance with Article 43 TEU, the Council may entrust the implementation of a task to a group of Member States which are willing and have the necessary capability for such a task. Those Member States, in association with the High Representative of the Union for Foreign Affairs and Security Policy, shall agree among themselves on the management of the task.

2. Member States participating in the task shall keep the Council regularly informed of its progress on their own initiative or at the request of another Member State. Those States shall inform the Council immediately should the completion of the task entail major consequences or require amendment of the objective, scope and conditions determined for the task in the decisions referred to in paragraph 1. In such cases, the Council shall adopt the necessary decisions.

ARTICLE 328 TFEU

1. When enhanced cooperation is being established, it shall be open to all Member States, subject to compliance with any conditions of participation laid down by the authorising decision. It shall also be open to them at any other time, subject to compliance with the acts already adopted within that framework, in addition to those conditions.

The Commission and the Member States participating in enhanced cooperation shall ensure that they promote participation by as many Member States as possible.

2. The Commission and, where appropriate, the High Representative of the Union for Foreign Affairs and Security Policy shall keep the European Parliament and the Council regularly informed regarding developments in enhanced cooperation.

ARTICLE 329 TFEU

1. Member States which wish to establish enhanced cooperation between themselves in one of the areas covered by the Treaties, with the exception of fields of exclusive competence and the common foreign and security policy, shall address a request to the Commission, specifying the scope and objectives of the enhanced cooperation proposed. The Commission may submit a proposal to the Council to that effect. In the event of the Commission not submitting a proposal, it shall inform the Member States concerned of the reasons for not doing so.

Authorisation to proceed with the enhanced cooperation referred to in the first subparagraph shall be granted by the Council, on a proposal from the Commission and after obtaining the consent of the European Parliament.

2. The request of the Member States which wish to establish enhanced cooperation between themselves within the framework of the common foreign and security policy shall be addressed to the Council. It shall be forwarded to the High Representative of the Union for Foreign Affairs and Security Policy, who shall give an opinion on whether the enhanced cooperation proposed is

consistent with the Union's common foreign and security policy, and to the Commission, which shall give its opinion in particular on whether the enhanced cooperation proposed is consistent with other Union policies. It shall also be forwarded to the European Parliament for information.

Authorisation to proceed with enhanced cooperation shall be granted by a decision of the Council acting unanimously.

APPENDIX II

Possible forms of cooperation

Given that permanent structured cooperation aims to provide the Union with autonomous decision-making and rapid response capabilities, the participating states will have to enter into forms of cooperation in regard to both operations and equipment.

In the area of operations

(a) Autonomous and responsive military command chain

In order to ensure that European Union forces are deployed effectively and rapidly, willing member states can provide the Union with an “Operation Headquarters” that is pre-identified, on permanent standby and ready to be augmented by all the states participating in the operation for which it has been designated.

(b) Standing joint forces

States volunteering to cooperate in this area must undertake to participate in battlegroup (BG 1500) standby duty and organise their forces in such a way as to be able to fulfil the obligations stemming from the Helsinki capability goal (Headline Goal 2003).

Over and above these objectives, the member states must undertake to contribute to standing European multinational forces in peacetime in order to become accustomed to working within such units in a multinational framework and using the English language.

Drawing on the experience gained from bilateral or multilateral cooperation, for example the Euroforces, the Franco-German Brigade, the Admiral Benelux, Franco-Belgian pilot training, the joint training of United Kingdom and Netherlands Marines, the international command structures for BG 1500, etc., the participating states will decide pragmatically in the medium term the optimum level of integration to obtain maximum operational efficiency in the use of the standing forces they will have generated jointly.

(c) Projection capabilities

Participating states in this form of cooperation will give priority to the objectives set out in Protocol No. 10 annexed to the Treaty on European Union. But above and beyond the 2003 and 2010 goals already achieved, they agree:

- to define the modalities for the projection of a large European force at army corps level for a sustained period, supported by the appropriate naval and air assets;
- to deploy a rapid reaction force based on BG 1500-type units, assembled in peacetime and fully prepared for intermediate intervention.

Each state must give a firm commitment to activate these assets within three years.

(d) Contribution to EU missions

In order to be able to fulfil the entire spectrum of Petersberg missions, CSDP capabilities need to evolve progressively from their present “soft power” status into a stronger, more coercive action capability.

To that end, the participating states would agree to make available to the European Union significant numbers of forces with operational and logistical capabilities suitable for high-intensity military missions. This increasing commitment over time would be expressed, at least initially, as a percentage of each state’s forces.

Numerical targets would be finalised following an initial period of discussion and would represent a commitment of not less than 10% of each participating state’s available forces after three years and 20% after five. In addition to meeting these numerical targets, the participating states would take the

necessary measures to equip those forces with the operational and logistical capabilities necessary for the planned missions.

The targets would necessarily apply both to the agreed strengths and to the defence systems and equipment required to support them.

Participating states would be able at a later stage to change the way the targets had been set, using other objective criteria relating, for example, to their overall population.

The forces would be available for operations conducted by the European Union alone or jointly with NATO, with participating states reserving the right at a later stage to put forward joint proposals for the deployment of forces required for UN- or NATO-led operations.

(e) Pooling operational and logistical capabilities and some training and support infrastructure

Opportunities for pooling could be examined in relation to: intelligence acquisition systems, control and communication capabilities, air transport, air defence and air and naval intervention capability, battlefield munitions, medical support, clean water supply, etc.

From year one, all states volunteering would discuss the definition of priority capabilities and how pooling can be achieved and approve a schedule for subsequent years to be implemented within a period of three years.

In parallel, an assessment would be undertaken of other logistical capabilities and training and support infrastructure that might be appropriate for pooling, and implementation objectives defined for the second phase of cooperation.

Action in the area of defence equipment

(f) Identification of capabilities

The identification currently in progress under the Common Security and Defence Policy (CSDP) of the capabilities needed for the extended Petersberg missions is to be completed by the European Defence Agency (EDA) and will receive additional support from states participating in this type of cooperation.

The latter should agree to extend the exercise to all missions necessary for the security and defence of European Union countries, apart from nuclear deterrence, and to a coordinating role in that connection for EDA. Close cooperation with NATO, and NATO defence planning, will be sought so as to avoid unnecessary duplication. The need to rationalise action on capabilities undertaken in NATO and the EU will also be taken into account. This objective should be attained within three years.

(g) Harmonisation of defence staff requirements

Participating states would undertake to submit all new equipment requirements put forward by their defence staffs with a 10-year horizon. On the basis of the inventory of those requirements, EDA will coordinate their harmonisation in conjunction with the EU Military Committee.

For requirements that are harmonised successfully, the participant states undertake jointly to establish supply arrangements leading:

- either to new developments, whose schedule will be optimised to suit the various countries concerned;
- or to off-the-shelf purchases from within or outside Europe.

This work will take account of work already undertaken in NATO by the Conference of National Armaments Directors (CNAD).

(h) Procedure for launching new developments

The participating states would undertake to do their utmost to ensure that any new development undertaken involves the participation of several of them and remains open to other European Union countries.

Where programmes are the outcome of a successful harmonisation procedure, development will be undertaken by all the states concerned and systematically entrusted to EDA, possibly with support from OCCAR in regard to conventional assets and the European Space Agency (ESA) in regard to space assets.

In the case of programmes for which harmonisation is not achieved but which a given state nevertheless deems it is essential should go ahead, the state in question must send a further partnership proposal to the other states giving reasonable notice and setting a deadline. If this leads on to cooperation with other states, development can be assigned to EDA or another management body proposed by the initiating state.

These programmes will take account of decisions taken in NATO and NATO will be kept informed of the fact of their launch.

(i) Eliminating capability gaps

If the foregoing procedures fail sufficiently to address the essential capability needs identified by EDA, the Agency will put forward measures whereby shortcomings can be remedied.

The participating states will come together to examine such measures and agree procedures and a schedule for their implementation, bearing in mind the financial constraints to which they may be subject. If the need identified can be met by an off-the-shelf purchase, joint procurement as recommended by EDA in conjunction with OCCAR may ensue or such purchases may be shared between a number of states, avoiding unnecessary duplication.

Any new development required will be undertaken in cooperation and coordinated by EDA.

(j) Funding EDA's R&T programme

The participant states would undertake within three years to make a contribution to EDA's R&T budget which represents a minimum agreed percentage of their defence equipment budget, excluding nuclear deterrence, and to raise it to a more substantial sum within six years. Relevant studies and pre-development work will be undertaken in the participant states without strict application of the "juste retour" rule but ensuring an appropriate workshare for laboratories and companies in the various participant states on the basis of their know-how.

If it proves impossible to harness satisfactorily the industrial and scientific capabilities of some states, after three years EDA will put forward appropriate corrective measures.

MEMBERS OF THE COMMITTEE

Chairman

Mr Doug HENDERSON, MP (UK) (Soc)

Vice-Chairmen

Mr Pasquale NESSA (IT) (Fed)

Mr Andrea RIGONI (IT) (Lib)

Titular Members

Mrs Ine AASTED-MADSEN-van STIPHOUT (NL) (Fed)

Mr Ruhi AÇIKGÖZ (TR) (Fed)

Mr Mircea Marius BANIAS (RO) (Fed)

Mr Ainars BASTIKS (LV)

Mrs Maria de BELÉM ROSEIRA (PT) (Soc)

Mr Laurent BETEILLE (FR) (PPE/CD)

Mr Tim BOSWELL, MP (UK) (Fed)

Dr Marton BRAUN (HU) (PPE/CD)

Mr Federico BRICOLO (IT) (Fed)

Mr Algirdas BUTKEVICIUS (LT) (Soc)

Mr Christopher CHOPE, MP (UK) (Fed)

Mr Andrzej CWIERZ (PL) (Fed)

Mr Klaas DE VRIES (NL) (Soc)

Mr Nikolaos DENDIAS (GR) (Fed)

Dr Matyas EÖRSI (HU) (Lib)

Mr Jozsef GEDEI (HU) (Soc)

Mr Michael GLOS, MdB (DE) (PPE/CD)

Mr Jim HOOD, MP (UK) (Soc)

Mrs Françoise HOSTALIER (FR) (Fed)

Mr Denis JACQUAT (FR) (Fed)

Mrs Liana JANACKOVA (CZ) (Fed)

Mr Zmago JELINČIČ PLEMENITI (SI) (Fed)

Mr Reijo KALLIO (FI)

Mrs Birgen KELES (TR) (Soc)

Mr Leon KIERES (PL) (Fed)

Mr Ante KOTROMANOVIC (HR)

Mr Tarmo KOUTS (EE) (Fed)

Mr Karel KRATOCHVILE (CZ)

Mr Ertugrul KUMCUOGLU (TR) (Fed)

Mr Jean-Paul LECOQ (FR)

Mr Raymond LUCA (RO)

Mrs Helena MALLOTOVA (CZ) (Fed)

Mr Jovan MANASIJEVSKI (MK) (Lib)

Mr Pietro MARCENARO (IT) (Soc)

Mr Waclaw MARTYNIUK (PL)

Mr Philippe MONFILS (BE) (Lib)

Mr Patrick MORIAU (BE) (Soc)

Mr João Bosco MOTA AMARAL (PT) (PPE/CD)

Mr Alejandro MUNOZ ALONSO (ES) (PPE/CD)

Mr Lars MYRAUNE (NO) (Fed)

Mrs Tuija NURMI (FI) (PPE/CD)

Mr Edward O'HARA, MP (UK) (Soc)

Mr Brian O'SHEA (IE) (Lib)

Mr Evangelos PAPACHRISTOS (GR)

Mr Florin-Costin PASLARU (RO) (Soc)

Mr Johannes PFLUG, MdB (DE) (Soc)

Mr Stefan PRAEHAUSER (AT) (Soc)

Mr Rudolf PUCIK (SK)

Mr René ROUQUET (FR) (Soc)

Ms Marina SCHUSTER, MdB (DE) (Lib)

Mr Marc SPAUTZ (LU) (PPE/CD)

Mr Christoph STRÄSSER, MdB (DE) (Soc)

Mrs Tineke STRIK (NL) (Soc)

Mr Mehmet TEKELIOGLU (TR) (Fed)

Ms Elke TINDEMANS (BE) (Fed)

Mr Luigi VITALI (IT) (PPE/CD)

Mr Konstantinos VRETTOS (GR) (Soc)

Dr Johann WADEPHUL, MdB (DE) (PPE/CD)

Alternate Members

Mr Pedro AGRAMUNT FONT DE MORA (ES) (PPE/CD)

Lord ANDERSON of SWANSEA (UK) (Soc)

Mr Pedro AZPIAZU URIARTE (ES) (n-a)

Mr Jan BABOR (CZ) (Soc)

Mrs Maryvonne BLONDIN (FR) (Soc)

Miss Juliette BOULET (BE)

Mrs Anne BRASSEUR (LU) (Lib)

Mr Costica CANACHEU (RO) (Fed)

Mr Erol Aslan CEBECI (TR) (PPE/CD)

Mr Behic CELIK (TR) (Fed)

Mr Vannino CHITI (IT) (Soc)

Mrs Claire CURTIS-THOMAS, MP (UK) (Soc)

Mr Gianpaolo DOZZO (IT) (Fed)

Mr Daniel DUCARME (BE) (Lib)

Earl of DUNDEE (UK) (Fed)

Mr Paul FLYNN, MP (UK) (Soc)

Mr Bernard FOURNIER (FR) (PPE/CD)

Mr Herbert FRANKENHAUSER, MdB (DE) (Fed)

Mrs Angelika GRAF, MdB (DE) (Soc)

Mr Holger-Henrich HAIBACH, MdB (DE) (PPE/CD)

Mrs Sadije ILJAZI (MK) (Fed)

Mr Michail KATRINIS (GR)

Mrs Charoula KEFALIDOU (GR)

Mr Haluk KOC (TR) (Soc)

Mr Jozef KOCHAN (CZ) (Fed)

Mr Tiny KOX (NL) (Soc)

Mr Jean-Pierre KUCHEIDA (FR) (Soc)

Mr Jaakko LAAKSO (FI) (Soc)

Mr Geert LAMBERT (BE) (Soc)
Mr Gheorghe MARCU (RO)
Mr Andrius MAZURONIS (LT)
Mrs Federica MOGHERINI REBESANI (IT) (Soc)
Mr Mark OATEN, MP (UK) (Lib)
Mrs Sona PAUKRTOVA (CZ)
Mrs Adoración QUESADA BRAVO (ES) (Soc)
Mr François ROCHEBLOINE (FR) (PPE/CD)
Mr Witold SITARZ (PL) (Fed)
Mr Giacomo STUCCHI (IT) (Fed)
Mr Mustafa UNAL (TR) (Fed)
Mr Emil VESTENICKY (SK)
Mr Grzegorz WOJCIECHOWSKI (PL) (Fed)

Mr Markku LAUKKANEN (FI) (Lib)
Mr Krzysztof MATYJASZCZYK (PL)
Mr Jean-Claude MIGNON (FR) (PPE/CD)
Mr Thomas NORD, MdB (DE)
Mr Remzi OSMAN (BG) (Lib)
Mr Lluís Maria de PUIG (ES) (Soc)
Mr Neculai REBENCIUC (RO)
Mr Giuseppe Ferruccio SARO (IT) (Fed)
Mr Joachim SPATZ, MdB (DE) (Lib)
Mr Noel TREACY (IE) (Soc)
Mr Miltiadis VARVITSIOTIS (GR) (Fed)
Mr Harm-Everta WAALKENS (NL) (Soc)

