

## Balance of Competences Foreign Policy Report: Record of CCS Seminar, 14 January 2013

### Civil Protection and Solidarity Clause (222 TFEU)

35 Great Smith Street, London SW1P 3BQ

14:30- 16:00

Attending: Edith Wilkinson; Theodore Konstadinides; Dean Morgan (CCS); Kirsty Hogan (CCS)

By way of introduction, the facilitator summarised the Balance of Competences Review, set out the Call for Evidence and gave a brief presentation on EU Civil Protection and the Solidarity Clause (222 TFEU).

*The initial discussion focussed on Civil Protection, where the following points were made:*

- EU project, Oasis, was a €20 million (Commission funded through FP6 €10 million which was matched by industry) project that lasted four years. The project brought together 14 partners (mainly industry actors) from 9 countries across Europe.
- The project aimed to address concerns about the interoperability of existing communications and information systems to support response and rescue operations in the case of large scale emergencies. It appeared that civil protection organisations had not benefitted as much as other professionals from the new information technologies in particular sharing mechanisms. Yet, clear situation awareness is a key factor for the effectiveness of disaster and emergency operations. The project intended to facilitate the cooperation between the information systems used by civil protection organisations, in a local, regional, national or international environment. It defined a framework through which responders could provide an adequate account of a disaster response and improve the effectiveness in coordinating their response.
- The project proposed a specification of a structured set of data, for the exchange of information between systems. The compilation of information collected from the different teams of responders was to contribute to the building of such a common picture. To carry the description of the crisis situation between systems is necessary the proposed solution described the event, the resources engaged, and the tasks in progress. This set of information that can be exchanged between systems in code form – so as to avoid any errors in translation.
- Industry partners' aims in the project were to put their work into an open standard as quickly as possible. The CEN (European Standardisation Body) was relatively efficient and offered an appropriate tool for the partners in the project to engage in a consultation process with system users and publish their work as an EU specification.
- The main advantage of operating through the EU for this project was that EU funding made it possible to bring key industry actors together to develop over-arching EU tailored solutions to European wide problems. Otherwise, this process would have been very difficult.
- Among the disadvantages of operating through the EU were some time-consuming monitoring and reporting requirements. This is the case of publically funded

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initiatives everywhere – yet it does not always reflect the full picture on the project's impact.

*The discussion then went on to consider the Solidarity Clause, where the following points were made:*

- Article 222 (TFEU) amplified 'solidarity' as a principle in the EU Treaties, matched with other references at 67(2) TFEU, 122 TFEU and 194 TFEU.
- The value of Article 222 is that the EU was seen to be taking an active response, although it was not coercive on Member States.
- The Solidarity Clause had a "strange" legal geography particularly because it married the internal with the external. It did not need to cover terrorism as both CSDP and the criminal acquis had existing counter-terrorist objectives.
- The Solidarity Clause would fit more appropriately between Article 196 TFEU and 47(2) TEU; this was because terrorism was often a complex issue involving multiple actors across different countries; it could be state sponsored, internal or external.
- There was a large overlap between Article 222 and what the EU is currently doing— e.g. the Civil Protection Mechanism and the Solidarity Fund.
  
- There were considerable concerns regarding the role of the Solidarity Clause in the 'deployment of military resources'. The CSDP mechanism existed for the deployment of troops. However, Article 47 TEU was very explicit that NATO should remain lead in terms of the deployment of troops.
- The strange legal geography of the Solidarity Clause could cause problems at an operational level. The implementing proposals did not address how Member States will display solidarity which draws out the issue of conflict between the Solidarity Clause and Loyalty Clause.
  
- There was a lack of enforcement or obligation on the Member States to act. Instead it provided more of an invitation to respond. The impact on the UK's national interest would be limited as the EU has only a supporting competence.

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