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Subject: Internal EU27 preparatory discussions on the future relationship: "Foreign policy, security and defence"

Origin: European Commission, Task Force for Relations with the United Kingdom

Remarks: These slides are for presentational and information purposes only and were presented to the Council Working Party (Article 50) on 17 January 2020. The contents are without prejudice to discussions on the future relationship.

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Internal preparatory discussions on
future relationship

Foreign Policy, Security and
Defence

AD HOC WORKING PARTY ON ARTICLE 50 (*Seminar mode*)

17/01/2020

General introduction

If UK withdraws with agreement on 31 January 2020:

Transition period of 11 months for:

1. adoption of negotiating directives;
2. conduct of negotiations;
3. signature/conclusion and entry into force of future partnership by 1 January 2021.

=> Complex and politically sensitive negotiations.

Purpose of the seminar series

- Respect established EU principles and objectives:
 1. European Council (Art. 50) guidelines on the framework for the future EU-UK relationship, 23 March 2018;
 2. Revised Political Declaration agreed with the UK government on 17 October 2019, setting out the framework for the future relationship between the EU and the UK.
- Preparing the negotiating directives
- Take into account Member States' views
- Commission will present the recommendation after UK withdrawal
 - no surprises
 - allow for swift adoption

EUCO Principles

On 23 March 2018, the European Council decided on core principles:

- Strong EU-UK cooperation in the fields of foreign, security, and defence policy.
- Autonomy of the Union's decision-making.
- Take into account that the UK will be a third country.
- Third-country rules to apply for the participation in Union programmes and cooperation with the EU.

General Approach

The EU-UK partnership in foreign policy, security and defence should:

- Preserve the autonomy of the Union and the sovereignty of the UK.
- Enable cooperation when and where the EU and the UK have shared interests.
- Make full use of the existing framework to cooperate with third countries.

Modalities

The EU-UK cooperation in foreign policy, security and defence should be:

- close and lasting → a cooperation that relies on appropriate dialogue, consultation, exchange of information and cooperation mechanisms.
- flexible and scalable → a cooperation that is proportionate to UK's readiness to combine efforts with the Union.

I. Consultation and cooperation

Political Declaration

- Structured consultation and regular thematic dialogues.
- Political dialogue on Common Foreign and Security Policy and Common Security and Defence Policy.
- Close cooperation in third countries and international organisations in areas of common interest.

I. Consultation and cooperation

Objectives

- Cooperate to address common challenges and defend a rules-based international order.
- Promote shared values and norms in other third countries and international organisations.
- Cooperate on international issues of common interest, including consular protection in third countries.

II. Sanctions

Political Declaration

- Autonomous sanction policies.
- Consultation and cooperation on sanctions.
- Where foreign policy objectives of the EU and the UK are aligned, possibility of adopting sanctions that are mutually reinforcing.

II. Sanctions

Objectives

- Reinforce the impact and coherence of EU sanction policy, which will be driven by EU27 interests.
- Where and when UK have shared interests with the Union, enable convergence with the Union's sanction regime.

III. Operations and missions

Political Declaration

- Enable UK's participation in crisis management operations and missions on a case-by-case basis.
- Interaction and information exchange at relevant stages of the planning process proportionate to the level of UK contribution.
- Possibility for the UK to second staff to the designated military operations Headquarters proportionate to the level of UK contribution.
- Preserve the autonomy of the Union's decision-making.

III. Operations and missions

Objectives

- Provisions enabling UK's participation in EU operations and missions.
- In case of shared interest, cooperate with UK to maximise political and operational impact of certain EU missions and operations.

While

- Preserving the autonomy of the Union in the planning and conduct of EU operations and missions to address security challenges in third countries affecting EU interests.

IV. Defence capabilities development (CSDP)

Political declaration

Within the limits set by EU law:

- Collaboration with the European Defence Agency through an administrative arrangement.
- Participation in projects in the framework of the Permanent Structured Cooperation, where invited to participate.

IV. Defence capabilities development (CSDP)

Objectives

- Facilitate interoperability and joint effectiveness of Armed Forces.

While

- Preserving the Union's strategic autonomy and freedom of action underpinned by its defence industrial and technological base.
- Preserving the nature of the Permanent Structured Cooperation, bringing together those Member States having signed up the list of more binding commitments (Council Decision of 8 December 2017).

V. Intelligence exchanges

Political declaration

- Exchange intelligence on a timely and voluntary basis between relevant Union bodies and UK authorities.
- Cooperation in the field of space-based imagery between the EU Satellite Centre and the UK.

V. Intelligence exchanges

Objectives

- Cooperate to have a shared understanding of Europe's security environment (notably: counter-terrorism, hybrid-threats, cyber-security).

While

- Preserving the autonomy of the Union in the production of intelligence.

VI. Security of Information

Political declaration

- Conclude provisions for security of information, along with Implementing Arrangements

VI. Security of Information

Objectives

- Provide for reciprocal guarantees for the handling and protection of classified information.
- Ensure the timely adoption of the provisions enabling the handling and protection of classified information.

VII. Space

Political declaration

- The Parties should consider appropriate arrangements for cooperation on space.

VII. Space

Union Programme

The EU space programme is a Union Programme.

According to para 11 of the Political Declaration, UK participation is subject to the conditions set out in the corresponding Union instruments.

EU's Space programme is the legal basis for the participation of the UK.

VI. Space

Objectives

- Allow for UK participation in non-security related activities of the future Space programme.
- Facilitate cooperation in the context of Union operations or ad hoc operations involving its Member States.

While

- Preserving the strategic autonomy of the Union.
- Preserving the essential security interests of the Union and its Member States.

VII. Space

Modalities

- UK participation in non-security related activities of EU Space programme to be defined in the provisions covering the UK participation in Union programmes.
- Provisions enabling Public Regulated Service access for UK security-related activities.

VIII. European Defence Fund

Political declaration

- Under the conditions of Union law, participation of eligible UK entities in collaborative defence projects bringing together Union entities supported by the European Defence Fund.

VIII. European Defence Fund

Union Programme

The European Defence Fund is a Union Programme.

According to para 11 of the Political Declaration, UK participation is subject to the conditions set out in the corresponding Union instruments.

EDF Regulation is the legal basis for the participation of the UK.

VIII. European Defence Fund

Objectives

- Facilitate interoperability and joint effectiveness of Armed Forces.

While

- Supporting the competitiveness of the European defence industrial and technological base.
- Preserving the Union's strategic autonomy and freedom of action.

IX. Cyber-security

Political declaration

- Information exchange.
- Close cooperation with
 - the Computer Emergency Response Team – EU;
 - The Cooperation Group;
 - The European Agency for Cybersecurity (ENISA).
- Cooperation in international organisations.
- Cyber-dialogue.

IX. Cyber-security

Objectives

- Develop a close cooperation with the UK both at bilateral and international level, covering both policy and operational levels, and internal and external dimensions of cyber-security.

While

- Preserving the development of a coherent European ecosystem building on both the development of European Digital Market and cooperation.
- Preserving the autonomy of the Union in the development of cyber-policy.

Conclusion

Building blocks		Modalities	
Consultation and cooperation in Foreign policy		Political dialogue	Security of Information Provisions
Sanctions		Consultation	
Operations and missions		Participation	
Intelligence	INTCEN+EUMS	Exchange of information	
	EU Satellite Centre	Cooperation (potential Administrative arrangement)	
Defence capabilities	European Defence Agency	Participation in relevant projects (Administrative arrangement)	
	Permanent Structured Cooperation	Council Decision on third countries participation in PESCO to apply	
	European Defence Fund	EDF Regulation to apply	
Space		EU Space Programme to apply	
		Provisions for access to Galileo PRS	
Cyber-security		Cyber-dialogue Cooperation with ENISA & Cooperation Group Exchange of information	

Conclusion

- An ambitious, close and lasting cooperation that serves Europe's security and the safety of citizens.
- A cooperation that should be of mutual interest, which can be intensified based on the principle of scalability.
- A cooperation that should preserve the autonomy of decision and action as well as the security interests of the Union and its Member States.