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From : Presidency and EU Counter-Terrorism Co-ordinator
To : COREPER/Council (Justice and Home Affairs)
Subject : EU emergency and crisis co-ordination arrangements

I. GENERAL CONTEXT AND BACKGROUND

1. The JHA Council Declaration of 13 July 2005 on the EU response to the London bombings called for the development of:

“arrangements to share information, ensure coordination and enable collective decision-making in an emergency, particularly for terrorist attacks on more than one Member State”.

This remit follows that in the Hague Programme (point 2.4), which called for the establishment of an integrated EU arrangement for crisis management with cross-border effects (ICMA) to be implemented at the latest by 1 July 2006. The need for improved EU emergency and crisis co-ordination arrangements has also been highlighted by recent natural disasters including the Indian Ocean Tsunami in December 2004, and more recently Hurricane Katrina and the earthquake in Pakistan. The arrangements proposed in this paper are cross pillar and are relevant to external crises as well as crises within the EU. They should be dovetailed with work on ICMA under the Hague programme.

2. This paper, which has been developed by the Presidency and CT Co-ordinator, with input from the Commission, and has been endorsed by COREPER, sets out:
 - the purpose of improved coordination arrangements;
 - key principles which should govern their design;
 - and proposals for practical arrangements that should be put in place, including existing structures on which they might draw.
3. The paper is based throughout on the key principle of subsidiarity – Member States have primacy in the response to an emergency, and any EU arrangements would need to respect fully national competences. Equally, it seeks to recognise the value of mutual support provided between Member States in a spirit of solidarity in the response to emergencies on a significant scale. And consistency and coherence in the actions of Member States and of EU Institutions are essential in developing an optimal response to cross-border emergencies.
4. While the London bombings in July provided momentum for this work, the emergency and crisis co-ordination arrangements proposed in this paper are not specific to counter-terrorism. Rather, they would provide a generic arrangement applicable to and which may be triggered by all types of crises, such as natural disasters, industrial accidents, or a flu pandemic, as well as terrorist attacks. They are also designed to provide co-ordination capability across all areas of EU activity to be used in response to emergencies both inside and outside the Union as set out in paragraphs 5 and 6 below.

II. THE PURPOSE

5. This paper does not address crisis co-ordination arrangements for emergencies affecting individual Member States. Rather, it addresses the arrangements that might be used to assist Member States during emergencies:

- Which have a direct effect on a number of Member States or which would engage the entire Union, or
- Which affect more than one Member State simultaneously, or
- Where the interests of several Member States are engaged together with the responsibilities of EU institutions.

6. Many of the major risks the EU faces would have the effects referred to above. These could include:

- Multiple, co-ordinated conventional terrorist attacks in several Member States;
- The loss of key trans-EU infrastructure such as telecommunications networks, oil pipelines or air traffic control systems;
- A major health emergency, such as a flu pandemic or a serious accident involving a nuclear reactor in a third country;
- Chemical, biological, radiological or nuclear (CBRN) terrorism, whether in the EU or in a third country, some of those scenarios would generate questions about the handling of infected people crossing borders, or flying into the EU.

7. In such circumstances, there will be a need – depending on the nature and scale of the emergency – for six key functions to be carried out:
- a. **Information Access & Sharing** - Alerting and subsequent information-sharing, strategic analysis and assessment so that Member States and, where competent, the EU institutions can take the measures necessary to protect citizens;
 - b. **Support** - Facilitating the provision of mutual operational support to Member States who do not have sufficient capabilities to deal with the crisis;
 - c. As far as possible, **enabling consistency in the actions taken** by Member States, the Commission and EU agencies (e.g. do all Member States impose entry screening? Ban flights from affected countries? Vaccinate?);
 - d. If necessary, **enabling debate on contentious policy decisions** (e.g. should Member States who have smallpox vaccines share them with those who do not?);
 - e. If appropriate, **enabling debate on collective external action** (e.g. support to SE Asian countries to seek to control a pandemic virus);
 - f. **Media Co-ordination** – Co-ordinating information passed to the media on key points, to ensure consistency between what is said by representatives of Member States and what is said by senior EU figures.

III. KEY PRINCIPLES

8. The following key principles should govern the arrangements that might be developed to meet the need to provide, in a spirit of solidarity, an appropriate response at EU level to emergencies as described in paragraph 5 above:
 - a. The arrangements should reflect the principle of subsidiarity. Member States have primary responsibility for managing emergencies in their territory. Any arrangements must fully respect existing competence;
 - b. The EU should have a strategic role, adding value through facilitating Member States in their work to ensure coherence and consistency in their actions, and by harnessing the resources of the Union in support of measures being taken by the Member States affected;
 - c. The arrangements should permit pragmatic co-operation between all relevant parties covering all policy sectors and institutions;
 - d. The arrangements should not lead to the establishment of new permanent structures and should be set up within existing structures. COREPER, in particular, will play a central role;
 - e. The arrangements should be suitably agile to meet the needs of what may be fast-developing crises, and in particular should not delay the response of Member States individually in dealing with the crisis;
 - f. There should be a single set of arrangements of generic applicability, able to be tailored to the specific needs of an emergency;
 - g. The arrangements should not cut across existing mechanisms such as for the transmission of sensitive data.

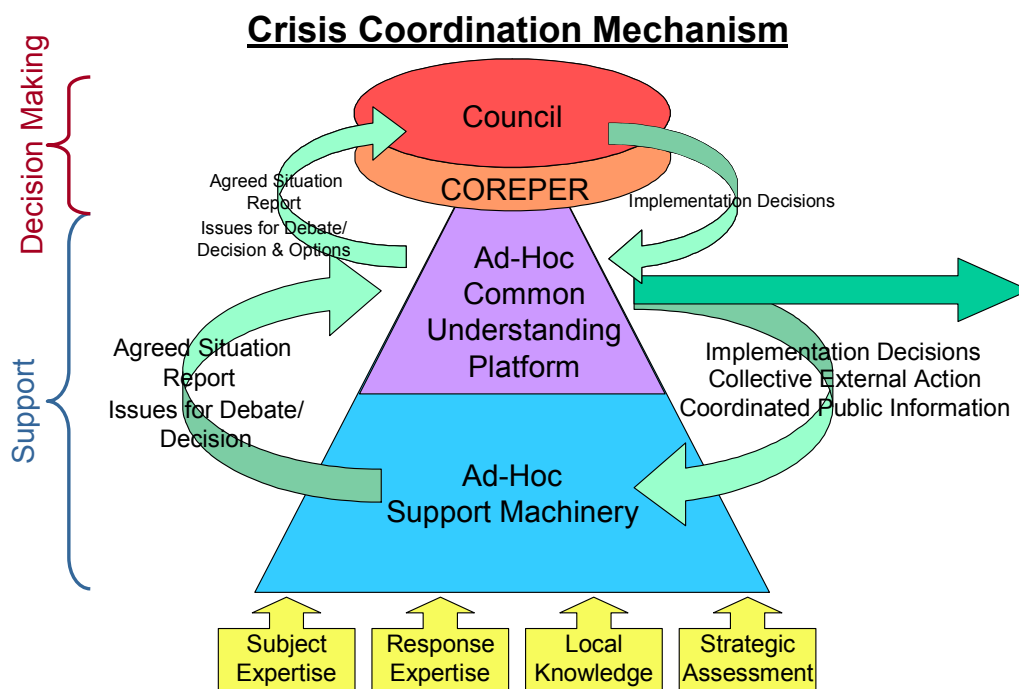
IV. CRISIS CO-ORDINATION ARRANGEMENTS

9. The EU has in place some key structures that could help fulfil these needs:
 - a. The Counter-Terrorism Co-ordinator;
 - b. The Joint Situation Centre, to provide assessments of terrorist threats;
 - c. The Commission Monitoring and Information Centre, supported in due course by ARGUS, the Commission's proposed crisis co-ordination structure.
 - d. The Council's ESDP crisis management structures, including for example the civil-military cell.
10. But there is no agreed, in-place and tested understanding of how to bring together representatives of Member States, senior EU leaders and EU bodies to share information, ensure coordination and enable collective action during a cross-border emergency.
11. The Joint EU Situation Centre has already carried out exercises that have explored the likely needs of a EU crisis co-ordination mechanism in the event of an incident both outside and inside the EU. The results of these exercises have informed the proposals below for the arrangements that might be put in place and the way in which they would be operated. Points to note among these are that:
 - a. Many representatives across the Presidency, Council Secretariat, Commission and Member States are needed to cover all areas affected by an emergency. Thus, to enable a rapid response to an emergency, a core group of decision-makers needs to be pre-defined;
 - b. Good information exchange greatly increases the effectiveness and efficiency of the response. Both the sources of information and the interlinks between the various information sources should be developed;

c. There is a key role for Member States, particularly the Presidency and affected Member States, which is likely to be executed through their Permanent Representation in Brussels.

12. Any new arrangements should be ad-hoc and flexible, able to be adapted to the particular needs of the emergency, and have the following components, shown diagrammatically below:

- a. A **Crisis Steering Group** to build a **common understanding of the situation** drawing on information held or shared within EU structures; to **develop and report on options** for the response; and to **follow-up on implementation of decisions**;
- b. A **body empowered to take decisions or agree coordinated action**;
- c. **Support Machinery.**



Crisis Steering Group

13. The ad-hoc Crisis Steering Group would act as the central co-ordinating body in the event of an emergency to develop a common understanding of the situation. It would consist of the following high-level, cross-pillar actors or their representatives:
- The Presidency (as Chair)
 - The Secretary General/High Representative
 - The Commission
 - The Member State(s) affected
14. The Crisis Steering Group would be extended as necessary, depending upon the nature of the crisis, to include:
- Relevant staff of the Council Secretariat (e.g. the Counter Terrorism Co-ordinator for a terrorism-related crisis);
 - Relevant Commission services;
 - The Joint Situation Centre and Monitoring and Information Centre as dictated by the circumstances of the crisis;
 - Relevant Agencies (e.g. Europol, Eurocontrol).
 - Other Member States concerned, in particular those affected indirectly by the crisis.

15. Decisions on whether to convene the Crisis Steering Group, and on its composition, would be taken by those listed in paragraph 13 above, at the initiative of the Presidency and in agreement with the Member States affected. This should be on the basis of expert judgement of whether the criteria in paragraph 5 are met and in particular whether the interests of several Member States are engaged in conjunction with those of EU institutions. The Council Secretariat will provide support to this Group.
16. The purpose of the Crisis Steering Group would be to:
- Meet quickly in the event of an emergency and thereafter as necessary to assess the situation and to take an initial view on the EU's response;
 - Ensure that a common understanding of the situation is shared by all actors, including by Member States not directly affected by the emergency, in particular by keeping COREPER fully updated on developments;
 - Offer advice to Member States on collective action where competence lies nationally;
 - Develop and report on options for decision to COREPER and the Council;
 - Ensure that decisions are followed-up, reporting to COREPER and Council as necessary;
 - Act as the channel through which affected Member States can communicate any specific needs where existing arrangements or mechanisms for doing so are not sufficient;
 - Ensure as far as possible that a common communication strategy is deployed with regard to the media;

- Provide guidance and tasking to the Support Machinery.
- Provide for co-ordination with relevant international organisations and other international partners.

Action Platform

17. In an emergency, decisions may need to be taken quickly. By the nature of internal or external emergencies or crises, COREPER, given its overall coordinating role (as set out in Article 207 TEC and Article 19 of the Council Rules of Procedure), and the fact that it can be convened at short notice will be the central body for coordinating decisions within its remit. In order to do so, it will:

- Receive detailed assessments of the situation and be informed about measures already taken by the affected Member States and European institutions. In any emergency or crisis, COREPER would be convened by the Presidency as soon as a clear assessment of the situation emerges from the Crisis Steering Group;
- While respecting national competences, promote the co-ordination and coherence of action taken by the Member States;
- Identify any decisions to be taken by the Council, if necessary, and ensure that such decisions are taken rapidly. The question of whether certain decision-making powers going beyond those currently delegated to COREPER could or should be delegated from the Council to COREPER in the event of an emergency requires further consideration.

Support Machinery

18. The Crisis Steering Group should be supported by input, expertise and analysis provided by the relevant services of the affected Member States, the Council Secretariat, the Commission and the Presidency. The Crisis Steering Group would accordingly convene meetings of an ad hoc Support Group of senior officials with relevant expertise in order to share information on the crisis, compile agreed situation reports and identify questions and issues for discussion, decision and action. The composition of the Support Group would reflect the detailed expertise and analysis needed to meet the particular circumstances of each emergency (e.g. transport, health, environment, JHA expertise, etc.). It should make use of existing structures and include:
 - a. The EU Situation Centre and other strategic assessment and information-gathering systems such the Monitoring and Information Centre (and ARGUS in due course) and the crisis room in DG JLS of the Commission;
 - b. Relevant functional experts (e.g. with knowledge of bio-medical or CBRN issues);
 - c. Relevant response experts (e.g. with knowledge of the required response to CBRN-terrorist incidents and available capabilities);
 - d. Relevant experts with knowledge of the affected Member States and, where appropriate, other relevant experts.
19. The Council Secretariat will provide support and prepare papers for submission to the Crisis Steering Group from information provided by specialists.
20. Given the need to activate the crisis co-ordination system quickly in an emergency, there would need to be an understood procedure and infrastructure. In line with standard procedures, any resource implications will be examined further and, if necessary, a financial statement will be presented in due course.

V. TAKING WORK FORWARD

21. The Counter-Terrorism Coordinator is required to report to the JHA Council in December 2005 on progress in meeting the remit set out at paragraph 1 above to develop crisis co-ordination arrangements in particular in the field of combating terrorism. The arrangements described in this paper, which have been developed by the CT Co-ordinator and the Presidency with input from the Commission, take the place of that report. The report will not be the final word on this subject, but the start of a developing process.

22. The Council is invited to agree the paper and request that the Presidency, together with the SG/HR and the Commission, start work to develop these arrangements by:

- Putting in place practical arrangements for meetings of the Crisis Steering Group and supporting structures at the same location;
- Developing standard operating procedures and checklists for practical management and communication in the event of an emergency based on the elements set out above;
- Beginning to undertake regular exercises to embed the processes and train the key participants in their roles. Procedures should be adapted as necessary on the basis of lessons learnt from such exercises;
- Ensuring that the above arrangements, which relate to political co-ordination at the EU level, are aligned with the practical arrangements being developed under ICMA to facilitate co-operation between Member States.

A progress report will be put to the Council by the end of June 2006.
