



The primary purpose of the House of Lords European Union Select Committee is to scrutinise EU law in draft before the Government take a position on it in the EU Council of Ministers. This scrutiny is frequently carried out through correspondence with Ministers. Such correspondence, including Ministerial replies and other materials, is published where appropriate.

This edition includes correspondence from 1 June to 30 November 2011.

FOREIGN AFFAIRS, DEFENCE AND DEVELOPMENT POLICY (SUB-COMMITTEE C)

CONTENTS

AFGHANISTAN AND AL QAIDA	2
AFRICA: A STRATEGIC FRAMEWORK FOR THE HORN OF AFRICA	3
AFRICAN UNION: EU SPECIAL REPRESENTATIVE	4
A NEW RESPONSE TO A CHANGING NEIGHBOURHOOD.....	4
BANANA ACCOMPANYING MEASURES.....	5
BELARUS: RESTRICTIVE MEASURES.....	5
BIOLOGICAL AND TOXIN WEAPONS CONVENTION SEVENTH REVIEW CONFERENCE, GENEVA, 5 – 7 DECEMBER 2011	6
BOSNIA AND HERZEGOVINA: EU SPECIAL REPRESENTATIVE.....	6
BOSNIA AND HERZEGOVINA: RESTRICTIVE MEASURES.....	8
BURMA: RESTRICTIVE MEASURES.....	8
BUSAN: AID EFFECTIVENESS FORUM (13927/11)	8
BUSINESS DURING SUMMER RECESS 19/20 JULY – 6 SEPTEMBER 2011	9
CLOSURE OF CROATIA'S EU ACCESSION NEGOTIATIONS.....	13
CONCILIATION PROCESS BETWEEN THE COUNCIL OF MINISTERS AND THE EUROPEAN PARLIAMENT ON VARIOUS INSTRUMENTS.....	14
CRISIS IN GEORGIA AND SOUTH CAUCASUS: EU SPECIAL REPRESENTATIVES.....	15
CROATIA: ADMISSION OF THE REPUBLIC OF CROATIA TO THE EUROPEAN UNION.....	16
DEFENCE AND SECURITY DIRECTIVE 2009/81/EC: TRANSPOSITION.....	17
DEMOCRATIC REPUBLIC OF CONGO: EU POLICE MISSION AND EU CIVILIAN COMMON SECURITY POLICY.....	18
DEMOCRATIC REPUBLIC OF CONGO: EU SECTOR SECURITY REFORMS.....	19
EU – AUSTRALIA FRAMEWORK AGREEMENT	19
EU EXTERNAL REPRESENTATION	20
EU – MONGOLIA: PARTNERSHIP AND COOPERATION AGREEMENT (7853/11)	21
EU – OMAN: TRANSIT AND STATIONING OF EUNAVFOR MARITIME PATROL AND RECONNAISSANCE AIRCRAFT	21
EUPOL AFGHANISTAN	21
EUROPEAN DEVELOPMENT FUND (EDF): ADDRESSING THE NEEDS OF SOUTH SUDAN (9800/11)	24

EUROPEAN INVESTMENT BANK: EXTERNAL MANDATE (7275/10)	25
EUROPEAN UNION POLICY ON CAMP ASHRAF	25
EU STRATEGY AGAINST THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION (13132/11)	26
FINANCING DEVELOPMENT: TOWARDS THE EU OFFICIAL DEVELOPMENT ASSISTANCE PEER REVIEW (9334/11)	27
FRAMEWORK PARTICIPATION AGREEMENTS.....	30
GREEN PAPER: DUAL-USE EXPORT CONTROL SYSTEM OF THE EU (12566/11)	31
GREEN PAPER: THE FUTURE OF EU BUDGET SUPPORT TO THIRD COUNTRIES.....	32
HEAD OF THE EUROPEAN DEFENCE AGENCY'S REPORT TO THE COUNCIL.....	32
IRAN: RESTRICTIVE MEASURES	33
KAZAKHSTAN: PARTNERSHIP AND COOPERATION AGREEMENT	34
KOSOVO: EU RULE OF LAW MISSION	36
KOSOVO: EU SPECIAL REPRESENTATIVE	36
LIBYA: RESTRICTIVE MEASURES	37
MEASURES TO COMBAT TERRORISM.....	39
POLISH PRESIDENCY PRIORITIES FOR DEVELOPMENT.....	40
THE SAHEL: STRATEGY FOR SECURITY AND DEVELOPMENT	41
SOMALIA: EU TRAINING MISSION	42
SOMALIA: RESTRICTIVE MEASURES	43
SUDAN AND SOUTH SUDAN: RESTRICTIVE MEASURES.....	43
SUDAN: SCRUTINY OVERRIDES	44
SYRIA: RESTRICTIVE MEASURES	45
TRANSNISTRIAN REGION OF MOLDOVA: RESTRICTIVE MEASURES.....	48
UN SECURITY COUNCIL REGULATION 2009: COUNCIL IMPLEMENTING REGULATION (EU) NO.941/2011	49

AFGHANISTAN AND AL QAIDA

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

I am writing with regard to the Council Decision and Council Regulation concerning restrictive measures in view of the situation in Afghanistan and the amendment to existing legal acts with respect to Al Qaida. You will recall that I explained in my pre-recess letter to you of 6th July that these measures were due to be agreed.

The measures with respect to Afghanistan and Al Qaida implement the UN Security Council's decision to create a new sanctions regime focussed on peace, security and stability in Afghanistan. The Taliban individuals previously targeted in the UN 1267 Al Qaida and Taliban sanctions regime, implemented through Regulation 881/2002, will now be enforced through a new, separate Council Decision and Regulation. Regulation 881/2002 will remain the basis by which UN measures against Al Qaida are implemented. This mirrors the approach taken by the UN Security Council in resolutions 1988 and 1989 adopted on 17 June.

These new and amended legal acts do not grant any further powers to the European Union. They simply implement the legal obligation to impose a travel ban, assets freeze and arms embargo against persons designated by the relevant United Nations Sanctions Committee as a threat to international peace and security.

It is important that these measures are implemented quickly to ensure that the European Union acts consistently with the provisions of UN Security Council resolutions 1988 and 1989 and that there is a minimal gap in the legal basis for implementing measures.

I regret that due to the fact that the Committee is in recess I find myself in the position of having to agree to the adoption of these Council Decisions and Regulations before your Committee has had an opportunity to scrutinise the documents.

As you know, the responsibility to keep your Committee informed on issues concerning sanctions is something I take seriously and the need for the override of scrutiny on this occasion is regrettably unavoidable.

28 July 2011

AFRICA: A STRATEGIC FRAMEWORK FOR THE HORN OF AFRICA

Letter from the Chairman to the Rt. Hon. David Lidington MP, Minister for Europe, Foreign and Commonwealth Office

The EU Foreign Affairs, Defence and Development Policy Sub-Committee considered the document at its meeting on 10 November 2011 and cleared it from scrutiny.

We support the EU's formulation of a comprehensive strategy for the Horn of Africa and its constituent countries. However, we would be interested to hear more about the proposed EU Special Representative and why one is considered necessary, given that there are EUSRs for the African Union and for Sudan. We are also concerned that the mandate seems to have been decided in Brussels without apparently being submitted for parliamentary scrutiny.

We note that the cost of the Framework will come from existing budgets, but this will presumably not continue to be the case when the sub-strategies and action plans evolve. I would be grateful if you could let me know from which budgets future costs are likely to be taken.

I look forward to a reply on these points by 25 November.

As you will be aware, the Sub-Committee has taken a considerable interest in this area, including producing two reports on the EU's Operation Atalanta and the EU and the EU and Sudan. We would be grateful if you would continue to keep us informed of developments.

11 November 2011

Letter from the Rt. Hon. David Lidington MP to the Chairman

Thank you for your letter of 11 November.

I was pleased that the Sub-Committee had considered and can support the EU's Strategic Framework for the Horn of Africa.

As you know, the EU needs a more comprehensive approach for dealing with issues in the region. A specific EUSR, with a particular focus on Somalia, would enhance the EU's capacity to deliver on its political, security and defence objectives in a more coherent and coordinated way.

You asked why there is a need for a Horn of Africa EUSR given that there are already EUSRs for the African Union and Sudan and South Sudan.

The African Union EUSR already has an extensive mandate, and also acts as the Head of Delegation in Addis Ababa. The decision not to renew the mandate for the EUSR for the Great Lakes has added to the workload of the EUSR for Sudan and South Sudan, whose mandate has been amended to include working on efforts to tackle the Lords Resistance Army. Neither EUSR has the capacity to deliver the work needed on the Horn of Africa. This, coupled with the urgency of the political, security and humanitarian situation on the ground, reinforces the case for a dedicated Horn of Africa EUSR to ensure EU efforts are progressed.

The Horn of Africa EUSR would be based in Brussels to improve co-ordination between different EU bodies, but would travel frequently to the region. The EUSR role is intended to complement that of the EU Head of Delegation in Nairobi, who is unable to focus on the regional dimensions as much as is needed.

I would like to reassure you in response to your concerns on scrutiny of the EUSR's mandate. The UK agreed proposed suggestions for the mandate in Working Groups in Brussels as part of the preparatory process for selection and appointment of the EUSR. However, we have not agreed to the Mandate itself – which has to be formally agreed by Council at the same time as appointing the selected candidate. We would not agree to this without Parliamentary scrutiny. The FCO submitted an Explanatory Memorandum to Parliament on 18 November.

As you correctly noted, the cost of the Strategic Framework will be met from existing budgets. Depending on the area, in the short term the Framework will be implemented from the European Development Fund, Instrument for Stability and CSDP budget. Future costs arising from the implementation of sub-strategies and action plans will be met from the same instruments, or others as appropriate, within the current financial framework.

I was encouraged by the Committee's continuing interest in Operation Atalanta and the EU's work in Sudan and will keep you informed of developments

25 November 2011

AFRICAN UNION: EU SPECIAL REPRESENTATIVE

Letter from the Chairman to the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office

Thank you for your letter of 14 September about the revision to the renewed mandate for the EU Special Representative to the African Union, the original version of which the EU Foreign Affairs, Defence and Development Policy Sub-Committee cleared from scrutiny at its meeting on 8 September 2011.

We believe that the appointment of an additional military adviser to the Special Representative is a good idea and are content for you to agree the revised mandate along the lines set out in your letter.

We would be grateful if a copy of the final version of the document could be sent to us.

15 September 2011

A NEW RESPONSE TO A CHANGING NEIGHBOURHOOD

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

The European Commission and European External Action Service published their Joint Communication on the review of the European Neighbourhood Policy ("A new response to a changing Neighbourhood") on 25 May. The Foreign Affairs Council is likely to discuss this Communication on 20 June, and it is also likely to feature on the agenda of the June European Council on 24 June.

I would therefore be grateful if your Committee would scrutinise the Joint Communication in time to allow the government to take a position on the review of the ENP at the June FAC and European Council. This government has worked hard to influence the review of the European Neighbourhood Policy (ENP) which we consider to be the central element of the European Union's response to events in the Middle East and North Africa (the 'Arab Spring'). The speed with which the Commission and EAS have published these documents and the short time between publication and discussion in the Council reflects the EU's determination to respond nimbly to the momentous events in the Southern Neighbourhood. We have been pushing hard for this nimble response; quick and bold action by the EU is in the interests of international security and prosperity, and so in the UK's interests. It is important that the Council maintains this momentum and gives its response to the Commission/EAS Communication in June, opening the way for speedy implementation.

As your Committee's only meeting before the FAC will take place on 8 June, I am therefore submitting this document to you today for scrutiny at next week's meeting, with a request that you will forgive such short notice.

I would also be grateful if your Committee would agree to consider the Joint Communication on the review of the ENP independently of the Joint Staff Working Papers on the implementation of the ENP in 2010.

These latter documents were published only on 30 May. They were annexed to the 25 May ENP Communication by the Commission and EAS for reasons of expediency, and in the normal course of events we would submit both sets of documents to your Committees together for scrutiny. However, given the stand-alone nature of the Joint Communication, the late submission of the Joint Staff Working Papers, the urgent need for your scrutiny of the Joint Communication, and the additional time required to prepare an Explanatory Memorandum on the Joint Staff Working Papers, we would be grateful if you would agree to a procedure whereby your Committee will scrutinise the Joint Communication at its 8 June meeting and then scrutinise the Joint Staff Working Papers separately at a later meeting.

3 June 2011

BANANA ACCOMPANYING MEASURES

Letter from Stephen O'Brien MO, Parliamentary Under Secretary of State, Department for International Development, to the Chairman

Since 2009 DFID and the FCO have written a series of Explanatory Memoranda (EM) on proposed draft changes to the Financial Instruments (please see annex one for a full Scrutiny history). We submitted the latest EM on the 3 March 2011.

The issue that has continued to prevent these changes taking effect has not been the content of the Commission's proposed amendments to the Financial Instruments concerned; rather in each case the European Parliament continues its attempt to add unrelated amendments to the legislative texts which interpret Strategy and Multi-Annual Papers as 'delegated acts' over which it would have greater powers of scrutiny.

The UK, with unanimous support in the Council, continues to reject the European Parliament's proposals and maintained this position at a conciliation meeting between the two institutions on 6 September. The conciliation process will continue for up to six weeks, during which the parties will strive to agree on an acceptable compromise. We will ensure the UK's red lines are protected during this process. When it is completed I will write to the Committee again to inform you of the outcome.

15 September 2011

BELARUS: RESTRICTIVE MEASURES

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

I am writing with regard to a number of Council documents concerning restrictive measures against Belarus. I regret that due to the pace of events in the EU I find myself in the position of having to agree to the adoption of these documents before your Committee has been able to provide parliamentary scrutiny.

The measures are due to expire on 31 October 2011 and therefore the Council Decision needs to be renewed prior to this date. In order to deliver as strong a political message as possible the EU wants to adopt these measures and make a statement at the Foreign Affairs Council on 10 October 2011. In order to be able to achieve this aim, unfortunately on this occasion it has been necessary for me to override parliamentary scrutiny.

The documents being adopted renew the restrictive measures for a further 12 months and also list a further 16 individuals to be targeted by a travel ban and asset freeze. In addition to this they also introduce a standard prior contracts exemption clause.

As you know, the responsibility to keep your Committee informed on issues concerning sanctions is something I take seriously, but the need to override parliamentary scrutiny on this occasion is unavoidable.

7 October 2011

BIOLOGICAL AND TOXIN WEAPONS CONVENTION SEVENTH REVIEW
CONFERENCE, GENEVA, 5 – 7 DECEMBER 2011

**Letter from Alistair Burt MP, Parliamentary Under-Secretary of State, Foreign and
Commonwealth Office**

This December sees the Seventh Review Conference of the Biological and Toxin Weapons Convention (BTWC) in Geneva. The Review Conference will set the agenda and tone for the BTWC for the next five years.

Following clearance of the EU Council Decision on a Common Position regarding the Review Conference, I know that the BTWC is an issue in which you take a close interest. So do I, and I will be making a statement on behalf of the UK at the first day of the RevCon. As one of the three Depositaries of the Convention (the others are US and Russia), the UK has a special responsibility towards upholding the good functioning of the BTWC. The FCO therefore commissioned the University of Sussex to update a reference guide, "The Seventh BWC Review Conference Briefing Book". This brings together official documents and other texts relating to the biological weapons regime. We will provide copies to all States Parties but hope the book will be of particular benefit to lesser resourced delegates to the Review Conference, enabling them to contribute better to the meeting. It gives me great pleasure to enclose a copy for your Committee.

I look forward to reporting to the Committee in January next year, as requested, on how we delivered against our objectives, as well as the UK's individual and the EU's collective contributions to what we all hope will be a successful outcome.

14 November 2011

BOSNIA AND HERZEGOVINA: EU SPECIAL REPRESENTATIVE

**Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO,
Foreign and Commonwealth Office, to the Chairman**

Re: Council decision appointing the EU Special Representative in Bosnia and Herzegovina

Thank you for your letter dated 14 July 2011 in response to the Council Decision Appointing the EU Special Representative in Bosnia and Herzegovina (BiH). I welcome your Committee's engagement on this issue in recent weeks.

You requested further clarification on two points.

Firstly, on the international and EU strategy towards Bosnia, in particular the use of the Bonn Powers and how effective, or otherwise, they have been in helping BiH to move forwards.

The Bonn Powers, the executive powers given to the High Representative in 1997 which expanded his role as the final authority in theatre on the Civilian Implementation of the Peace Settlement that forms part of the Dayton Peace Agreement, serve to help the High Representative resolve difficulties by enabling him/her to make binding decisions on matters affecting legislation and public officials.

In recent years the use of executive powers by the High Representative has been regularly contested within BiH. The regularity of their use however has steadily diminished as the country has moved forward. It has increasingly become accepted that the OHR's executive powers should be options of last resort, and so far this year the High Representative has acted more frequently to repeal historical uses of the Bonn Powers than to initiate new uses. Nevertheless, the experience of recent months has shown that they remain necessary.

During 2011, the High Representative has used the Bonn Powers on three separate occasions. On 5 January 2011, he suspended the implementation of a law, pursued by Republika Srpska (RS) President Dodik, which would have unilaterally ascribed ownership of state properties to the RS, in violation of an agreed international position. On 26 January 2011, he used the Bonn Powers to pass an emergency temporary Federation budget. In March 2011, he suspended a decision of the Central Electoral Commission on the status of the new Federation Government, pending referral to the Federation Constitutional Court. The UK Government fully supported these and all other executive decisions of the High Representative, which we agreed were necessary to ensure the proper functioning of government institutions in BiH.

You ask whether the OHR and Bonn Powers have hindered reconciliation and progress, for example by disempowering local politicians and removing their responsibility to take difficult decisions.

We remain concerned by the political situation in BiH, and continued ethnic tensions. Given recent attacks on the competencies of the State, its institutions, and the Dayton Agreement itself, we and EU colleagues have agreed that the OHR must continue to function. Moreover the conditions laid out by the Peace Implementation Council (PIC) Steering Board for OHR closure - the '5+2' - have not yet been met. While the current political uncertainty persists, executive powers provide the best available insurance against serious challenges to Dayton and give the international community a continuing legal locus to intervene decisively if necessary. We therefore judge that the Bonn Powers remain an important means of safeguarding progress on reconciliation and reform.

Some within BiH and in the international community feel, however, that removing the OHR would allow the EU accession process and incentives to gain a hold. While we judge that it is right for the EU to take a stronger role in BiH, the UK government strongly believes that BiH is not yet in a position where we can remove the OHR and concentrate solely on EU incentives. The Strategy agreed by the EU in March is an attempt to balance the need for stronger EU incentives with a continued reliance on post-conflict safeguards, including the Bonn Powers: managing the genuine risks to stability, while trying to enhance the EU's ability to leverage reform. We judge that this is the right approach.

We believe that the EU should conclude three things from the use of the Bonn powers: that there remain challenges to political stability in BiH which in turn present potential risks for the security environment; that there is therefore a continued requirement for the OHR to function until the 5+2 conditionality is met; and that BiH requires continued commitment from the EU, including pressure on reform progress.

At the same time, we continue to press for BiH leaders to assume greater domestic responsibility for BiH's progress, especially on the needs to form a government and to make serious progress on a range of reforms.

Secondly, you underline the need for a coordinated international approach and asked whether, under the proposed new arrangements, the High Representative will consult and agree a common position with the EU special Representative before using his executive powers.

I fully agree with you that a coordinated international approach to BiH is essential. In particular, maximum clarity and coordination between the two international community representatives in BiH - the EUSR/Head of EU Delegation and the High Representative - will be crucial. To this end, the EUSR mandate, which was agreed at the Foreign Affairs Council on 18 July (I attach a copy of the Council Decision) [not printed], includes an explicit reference to the need for the EUSR to maintain close coordination with the OHR. The Foreign Secretary and I have made clear the need for close coordination in recent conversations with both High Representative Valentin Inzko and the new EUSR Peter Sorensen, as well as with Baroness Ashton. All parties agreed that this would be vital, and Inzko and Sorensen have undertaken to work closely together.

There is, however, no formal mechanism for agreement between the two bodies on the use of executive powers under the new institutional arrangements. The Bonn Powers themselves are set out in the Conclusions of the PIC which met in Bonn in December 1997; the PIC itself was set up by the Peace Implementation Conference held in London in December 1995 to mobilise international support for the Dayton Agreement, from which the High Representative's mandate stems. The use of the Bonn Powers is unaffected by the new EUSR mandate. Under current arrangements, any use of the executive powers is carefully considered and discussed with the PIC Steering Board, which includes representatives of the EU delegation as well as a number of European Member States. The strengthened EU presence, including Peter Sorensen as the Head of the EU Delegation, will be a part of this process. Similarly, it is clear that any recommendation by the EUSR on the use of the EU's new restrictive measures in BiH will need to be carefully coordinated with the High Representative, as well as other members of the Council and Baroness Ashton.

5 August 2011

BOSNIA AND HERZEGOVINA: RESTRICTIVE MEASURES

Letter from the Chairman to the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office

The EU Foreign Affairs, Defence and Development Policy Sub-Committee considered the above document at its meeting on 14 July 2011 and cleared it from scrutiny.

We would be grateful for clarification on two points. First, we are keen to better understand the international and EU strategy towards Bosnia. In this respect, has the use of the international High Representative's executive powers ("Bonn powers") helped move the country forward, or on the contrary hindered reconciliation and reform in Bosnia by taking responsibility away from Bosnian politicians? What lessons should the EU learn from the use of these powers?

Second, under the proposed new arrangements will the international High Representative consult and agree a common position with the EU Special Representative before using his executive powers? We believe that it is essential to ensure a coordinated international approach to Bosnia and in particular avoid a situation where one Representative can be played off against the other.

We look forward to hearing from you by 15 August 2011.

14 July 2011

BURMA: RESTRICTIVE MEASURES

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

I am writing in order to keep you informed of an update to the annexes of the Council Decision concerning restrictive measures imposed on Burma.

When we secured agreement with EU partners to the roll-over of sanctions on Burma in April 2011 we agreed to a technical review of the annexes in order to ensure they remain accurate and relevant. This review has now been completed by the EU Missions in Rangoon and the recommendations have been agreed in the EU. The UK mission in Rangoon played a prominent role in the review.

We agreed that the EU should review the list of companies operating in the three sectors subject to trade and investment restrictions (timber, gems and precious metals). The outcome has seen a net reduction in around 250 entities to Annex I of the Council Decision. These companies fall into three categories: (i) repeated entries; (ii) companies which are no longer operating; and (iii) companies which are now operating in sectors outside the sectoral ban. In addition to some entities being de-listed around 40 new companies that have started to operate in those sectors are being added to the list.

We also agreed to de-list from the EU travel ban and assets freeze, Ministers who had retired from their positions and the military, and who had no connection to previous human rights abuses. The number of individuals falling into this category is around 120 and these are therefore being de-listed. This figure includes spouses and family members of retired Ministers.

The amended Council Decision does not introduce any new measures or change the substance of the sanctions that are in place but I wanted to ensure that your Committee is kept updated and are aware of the changes being made.

4 August 2011

BUSAN: AID EFFECTIVENESS FORUM (13927/11)

Letter from the Chairman to Stephen O'Brien MP, Parliamentary Under-Secretary of State, Department for International Development

The EU Foreign Affairs, Defence and Development Policy Sub-Committee considered the above document at its meeting on 13 October 2011 and cleared it from scrutiny.

We would be grateful if you could keep us in touch with the preparations for the summit in Busan and inform us of the outcome after the event.

We look forward to hearing from you.

14 October 2011

Letter from Stephen O'Brien MP to the Chairman

Your committee has asked to be updated on the preparations for the 4th High Level Forum on Aid Effectiveness, being held in Busan, Republic of South Korea, from 29 November to 1 December 2011.

On 14 November I attended the Development Foreign Affairs Council (FAC) at which the EU's Common Position for the Busan High Level Forum was adopted. I attach the Council Conclusions for reference, and would like to draw your attention to a number of specific areas.

We welcome the inclusion of the UK's priorities for Busan – results, transparency and fragility – in the key messages of the EU Common Position, and the recognition that achieving sustainable development results is the overall objective of the aid effectiveness agenda. We also welcome the prominence given by the EU to achieving a broader development partnership in Busan, notably with the emerging economies, in our common pursuit of development results. We are now working to ensure these key messages are taken forward and reflected in the outcome from Busan itself.

Specifically on results, we are pleased that the EU position supports a commitment to adopting results frameworks. These should enable better tracking, measuring, reporting and a greater focus on development results as we move towards the 2015 deadline for achieving the Millennium Development Goals (MDGs). On transparency, we welcome the recognition of the importance of meeting global publishing standards based on the International Aid Transparency Initiative (IATI) – and the proposal for an EU Transparency Guarantee. The UK has been leading internationally in both of these areas in the run-up to Busan. We have also been strongly influencing the International Dialogue on Peacebuilding and Statebuilding, developing new ways of working in fragile and conflict-affected countries which are often furthest from achieving the MDGs. We believe the EU position will help us to secure endorsement in Busan of the 'New Deal' for how best to operate and achieve agreed peacebuilding and statebuilding goals in these particularly challenging contexts.

We concur with the EU position that we should look for opportunities to address the issue of fragmentation which creates high transaction costs and difficulties for developing country partners to manage their own development effectively. There is a clear value for money rationale in greater EU coordination at country level. However, our view is that the EU approach needs to be country-led, pragmatic, flexible and open to others who are willing to align around partner country led dialogue and coordination.

The UK has made it clear to the EC and Member States from the outset that this process should not be led from Brussels – there is evidence that this increases transaction costs in partner countries, Brussels and donor headquarters. Moreover, any such initiatives should be respectful of EU Member States' sovereign decisions on where and at what level to provide aid. We also welcome the clear EU position on streamlining global aid governance and monitoring. We are working with others to ensure this is reflected in the final Busan outcome.

In addition to preparations for Busan in the EU, the UK has also been working through other channels for a successful outcome at the High Level Forum. Notably, we have secured a place on the small group of high-level 'Sherpas' selected to take forward final negotiations on the Busan Outcome Document. We are working very closely with members of that group, as well as other constituencies (donors and developing countries alike) to continue to push for effective outcomes from Busan reflecting the priorities set out above. We are seeking common ground with a range of development actors to bring about a partnership that is truly broader and more inclusive than ever before, committed to shared principles and common goals for better development results.

25 November 2011

BUSINESS DURING SUMMER RECESS 19/20 JULY – 6 SEPTEMBER 2011

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

I would like to take this opportunity to alert you to EU activities that might take place during recess when your Committee is not sitting.

The ongoing crisis in the North Africa region, in particular Libya, means that policy is being agreed through the EU at pace. My officials will endeavour to keep you as up to date as possible concerning developments, but there may be occasions during the summer recess where an override is necessary. My officials will continue to submit EMs on appropriate documents, and if there are any significant policy developments I will ensure you are alerted.

Because of the difficulties in predicting the timing of the availability of documents and of decisions in Brussels, I have not attempted to guess which issues it will be possible to submit for consideration to your meetings in September. My officials will work closely with your clerks to avoid unnecessary overrides during the recess period.

1. I expect progress on a number of dossiers **before Recess**:

EUSR for South Caucasus and the Crisis in Georgia: I submitted an EM on the draft version of the mandate for the EUSR for the South Caucasus and Crisis in Georgia in May. The mandate has now been agreed at working level in Brussels and the EAS is preparing the budgetary impact statement. I will write to the Committees with an update once I receive the final texts. The proposal remains for a single EUSR to focus on conflicts in the South Caucasus, namely Nagorno-Karabakh and the Georgia conflict. The EAS has called for, and received, nominations for candidates for the post of EUSR. The aim is for the mandate to commence on 1 September 2011.

EUSR for Afghanistan: I submitted an EM on 24 June 2011 on the Council Decision to extend the mandate of the EUSR for Afghanistan until 30 June 2012. We believe that extending the EUSR's mandate will enable him to build on the progress achieved so far and to continue to deliver his objectives. We expect the draft Decision to be tabled for agreement at an EU Ministerial Council by the end of July 2011. This will allow the mandate extension to take effect from 1st September 2011.

EUSR Kosovo: The current, temporary mandate is due to expire on 31 July. Our focus in the negotiations so far has been on securing a strong mandate which works actively in support of Kosovo's European Perspective. A major sticking point continues to be how Kosovo should be referenced in the Council Decision. You will recall that the UK is opposed to the continuing reference to Kosovo being "Under UNSCR 1244". We view this nomenclature as being prejudicial to the positions of those 22 Member States who have chosen to recognise Kosovo's independence. I hope that negotiations will have progressed sufficiently to enable me to be able to send an EM to your Committee within the next few days.

Ottawa Convention banning anti-personnel landmines: The draft Council Decision proposes actions to support the Cartagena Action Plan 2010 – 2014. This sets out actions and milestones for implementing the Ottawa Convention's obligations and promoting it to those States yet to join. It is consistent with UK policy and the European Security Strategy adopted 10 March 2010. The draft Council Decision is expected to be discussed in COREPER in mid-July and at the FAC in late July.

2. I am also aware of a number of dossiers that might make progress **during Recess**. This will include the renewal of some existing arrangements:

Sanctions: South Sudan: The Committees have had the opportunity to consider the draft Council Decision extending the Sudan arms embargo to South Sudan. We expect there to be a Regulation to implement this amendment, but is unlikely to be available in time for scrutiny before Recess.

Horn of Africa: The EAS is expected to present its proposals for an EUSR for the Horn of Africa in late July, together with a revised draft Horn of Africa Strategy. We would expect Working Group discussions on the proposal to commence shortly after their presentation. The EAS has not set a timeframe for concluding discussions on the proposal, but it is possible that a mandate will be agreed during recess.

EU Sahel Strategy: The Sahel Strategy continues to be a work in progress. While the political paper has been broadly agreed, the annexes to the paper which outline the implementation strategy are still being considered by the appropriate Working Groups in Brussels. It is possible that the Strategy may be discussed at the Foreign Affairs Council in July or September for endorsement by Member States.

Cotonou agreement for Guinea Bissau: Over recess, I expect the European Commission to issue a draft Decision to lift Article 96 measures under the Cotonou Agreement for the Republic of Guinea Bissau. We support this decision. Guinea Bissau has successfully met the key benchmarks of ensuring the primacy of civilian authority, improving democratic governance, guaranteeing the safeguarding of constitutional order and the rule of law, and tackling impunity and organised crime. The Council Decision will enable the full resumption of EU development assistance.

UNSCR1540: This requires states to take measures to prevent the proliferation of nuclear, chemical, and biological materials, and their means of delivery to terrorists. This includes securing such

materials held, ensuring effective border controls to prevent illicit transit, and to criminalise such activity.

Since the adoption of UNSCR1540 in 2004 the EU has been providing assistance, in coordination with the UN, to support global implementation. Most recently the Joint Action of 2008 (2008/368/CFSP) allowed the EU to undertake six regional workshops to raise awareness of the requirements of UNSCR1540 and to encourage and assist countries in their domestic implementation of the resolution. We are anticipating a draft Council Decision to be discussed in September. This follows the renewal of UNSCR1540 in April 2011. The EU is in discussions with the UN on further projects it can undertake in support of the implementation of the resolution.

Sanctions: UNSCR1267 Al Qaida & Taliban: On Friday 17 June, the UN Security Council unanimously agreed to the adoption of UNSCR1988 and UNSCR1989 in respect of the UN 1267 Al Qaida and Taliban sanctions regime. Amongst other things, this included splitting the existing sanctions into a separate regime to counter the Afghan Insurgency (1988) and a continuation of the 1267 measures for Al Qaida (1989), time limited sanctions through the use of sunset clauses, and enhancements to the Ombudsperson process.

Officials are currently discussing how these UN sanctions measures should be translated into EU law. Once negotiations are complete, my officials will send a copy of the Council Decision and/or Council Regulation to the Committees, along with the text of the relevant UN Resolution.

EUMM Georgia: The mandate for the EU's monitoring mission in Georgia expires on 14 September 2011. The strategic review published in June recommended that the mission's mandate be extended. A new Head of Mission will be appointed in July and we expect a decision on a potential one year extension and new budget to be taken in September.

EULEX Kosovo: A Council Decision on the budget for the EU Rule of Law mission in Kosovo (EULEX) will be required when the mission's current budget expires on 14 October 2011. The mission is currently mandated until June 2012. The mission reported lower than expected spend in the latest six-month report published last week. We have engaged with the Head of Mission to underline the importance of the EULEX putting its budget to best use in support of its activities. Were there to be an under-spend at the end of the financial year, we would expect the current budget to be extended on a no cost basis i.e. delaying entry into force of the new budget to allow utilisation of the under-spend. The UK will support the provision of a budget to cover the outstanding mandate period but will undertake detailed scrutiny to ensure clear value for money in the current and future budget periods. We expect a decision to be taken in early October and will inform Parliament accordingly.

EUPOL DRC: The mandate of the EU's Police reform mission in the Democratic Republic of Congo (EUPOL DRC) expires on 30 September. A one year extension is expected to be proposed before this date. My assessment of EUPOL DRC's performance over the last twelve months is that it has improved its effectiveness and impact, and is now contributing more positively to policing reform. This can largely be attributed to the changes the UK secured when the mission was last extended in 2010. On that basis I am minded to support a further one year extension to EUPOL DRC, on condition that the mission continues to make progress in the run up to September, and that proposals to extend the mandate represent value for money. We expect a final decision to be taken in early September.

EUSR for Sudan: The mandate for the EUSR for Sudan will come to an end on 31 August. We expect the EAS to seek both to extend it for a further year, and to expand it to take into account both the new state of South Sudan and a new responsibility for overseeing work on the Lord's Resistance Army. We would need to consider the case for both nearer the time, in the light of South Sudanese independence and what ensues. Much may depend on the extent to which the two parties have settled their remaining areas of difference under the Comprehensive Peace Agreement. These include Abyei, the Two States (Southern Kordofan and Blue Nile), oil-wealth-sharing, border demarcation and citizenship. The current EUSR, Rosalind Marsden, has worked well to keep MS informed of developments, and in drawing together the Comprehensive Approach and joint programming documents. If the mandate is extended, we would support her continued occupancy of the role.

Piracy: The EU continues to refine its approach to the challenge of confronting piracy off the coast of Somalia. The EU Political and Security Committee has in recent weeks authorised amendments to the Operation Plan of the counter-piracy naval operation to take various forms of action to reduce the use and effectiveness of hijacked ships being used as the base for pirate operations further out into the Indian Ocean, the so-called "mother ships". Further amendments to the Operation Plan are also under consideration to broaden the range of potential military action against pirates. This may

require amendment to the Council Decision during the recess, especially if action is to be considered against pirate infrastructure on land as some partners are already supporting openly. Full legal authority for action against piracy anywhere in Somali territory exists in UN Security Council Resolutions 1851 onwards, and it may therefore be appropriate to bring the territorial authorisations in the Joint Action and the UNSCRs in line. Whether or not such action is taken, providing the authority within the EU for action would increase the range of options and would be likely to have the positive effect of increasing uncertainty in the minds of pirates.

The EU is also considering increasing support for regional capacity building activity. Longer term EU engagement is already envisaged through support for the locally-owned Regional Plan of Action. However, until this comes on line, there are shorter term gaps in military and coastguard training which need to be addressed. The EU could address these gaps through enhanced activity under the command of the EU counter-piracy operation, engagement of civilian contractors or through a new EU CSDP mission. The latter does not currently appear to be the most cost effective solution. I will continue to keep your Committee updated on this issue.

The EU is also in the process of extending its support for the work of the UN Office on Drugs and Crime in judicial capacity building. This enables the prosecution of pirates, supports military operations and helps with the detention of more than 1000 Somali pirates in custody in the region and across the world.

Reform of the Court of Justice of the European Union: There are three proposals currently held under scrutiny: Draft amendments to the Statute of the Court of Justice of the European Union (CJEU) and Annex I thereto; Draft Regulation relating to temporary judges of the European Civil Service Tribunal and Draft Rules of Procedure of the Court of Justice. The Court wants the amendments to the Court's Statute and the Draft Regulation to be adopted as quickly as possible. The Polish Presidency has scheduled meetings during recess on 16 September and 14 October where these proposals may be discussed. It is therefore conceivable that the changes to the Rules of Procedure will come to Council during recess.

The proposed amendments to the Court's Statute would be adopted by the EU Parliament and the Council under the ordinary legislative procedure, with the Council acting by Qualified Majority Voting (QMV). The Draft Regulation would be adopted under the ordinary legislative procedure, with the Council acting by QMV. The Rules of Procedure require the approval of the Council acting by QMV. The Government is open to any reforms which demonstrably increase the effectiveness of the CJEU providing that this can be achieved within the EU's existing budget.

Turkmenistan PCA: We received from the EEAS on 27 June 2011 a draft Council and Commission Decision relating to the conclusion of the 1998 Partnership and Cooperation Agreement with Turkmenistan. We have placed a scrutiny reserve on this Decision so we can fully consider its impact on a separate review underway of the UK's approach to the ratification of the PCA in question. Although we are not expecting agreement until after the summer, my officials will write to the Committees when we have more clarity on the policy, legal and any other consequences arising from this issue.

I thought it would also be useful to flag up some issues that we expect to emerge **once Parliament has returned in October**.

Projects and Activities to be included in an EU Joint Action in support of OPCW activities: A draft proposal for projects and activities to be included in an EU Joint Action in support of OPCW (Organisation for the Prohibition of Chemical Weapons) activities will be presented at working group on 7 July. Once approved in principle, more detailed work will need to be done on the financial estimates.

International Atomic Energy Agency (IAEA) LEU Fuel Bank: We are awaiting a Council decision on EU funding of up to \$25million for the IAEA Low Enriched Uranium Fuel Bank. The UK supports this proposal and the draft text is currently being finalised. While the decision isn't likely to be adopted until the third quarter of 2011, most likely in October, there is a small possibility that this could be approved during recess.

Croatia: I am writing separately with an update on Croatia, but a forward look of Autumn 2011 would not be complete without a reference to the next steps in the accession process. Croatia's EU accession negotiations have now closed. In the coming months we expect the Commission to issue an opinion on the conclusion of negotiations. In addition, we expect the Council to take a Decision to accept Croatia's application for admission to the EU, and to issue a Notice concerning the entry into force of the Accession Treaty. I expect the Treaty itself to be signed after recess.

I'd like to take this opportunity to thank your Committee for its support and flexibility during what has been a very busy first half of the year. I hope that you, your Committee, and your clerks have an enjoyable Summer, and look forward to continuing to work closely with you during the Polish Presidency in the autumn.

6 July 2011

CLOSURE OF CROATIA'S EU ACCESSION NEGOTIATIONS

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

On 10 June the Commission recommended closure of the remaining chapters of Croatia's EU accession negotiations. Following several weeks of intense negotiations in Council, agreement was reached in time for provisional closure of accession negotiations at an Inter-Governmental Conference with Croatia on 30 June.

The Council's decision marks the end of six years of accession negotiations during which Croatia has implemented far-reaching reforms. The EU's approach to these negotiations has been guided by the "renewed consensus" on enlargement agreed in 2006 in response to the lessons learned from previous negotiations with Bulgaria and Romania. The renewed consensus introduced a much greater emphasis on robust conditionality including more rigorous use of benchmarks for the opening and closing of negotiating chapters and increased involvement of experts from Member States in "peer reviews" of progress towards meeting these benchmarks. The increased emphasis on conditionality also led to the introduction of a new negotiating chapter (Chapter 23) to ensure a more specific focus on reforms in the area of the judiciary, the fight against corruption and the protection of fundamental rights. It was also agreed that the EU would refrain from setting target dates for accession until the very end of negotiations when there was a clear case for doing so. Due to this strengthening of the EU enlargement process Croatia's accession negotiations have been more rigorous than those with previous candidate countries and as a result Croatia is better prepared for membership.

The Government fully supports this shift towards more robust conditionality as essential to maintain the credibility of the EU accession process and maintain public support for further enlargement. We want Croatia's accession to set a positive example for the rest of the Western Balkans, encouraging reforms that will promote peace, stability, prosperity and democratic freedoms in that region. For that reason we negotiated hard to ensure that EU decisions taken as part of Croatia's accession process were not politicised, but were based upon facts.

For example, in order not to prejudge the Commission's objective opinion, the UK strongly resisted any EU commitment to a provisional accession date until the Commission had recommended closure of the remaining chapters – despite strong pressure to do so at the General Affairs Council in May and during Prime Minister Kosor's visit to London in June.

Chapter 23 was opened last June after the UK, working closely with allies, secured a set of comprehensive and robust closing benchmarks, including a requirement for Croatia to cooperate fully with the International Criminal Tribunal for the former Yugoslavia (ICTY). The Commission's Interim Report of 2 March concluded that Croatia had made considerable progress but still had further work to do. Since then Croatia has accelerated its efforts, enabling the Commission to conclude that the benchmarks had been sufficiently met and that the chapter could be closed. The Commission concluded:

"Across the board an appropriate legal framework and the necessary implementing structures and institutions are generally in place, administrative capacity is being continuously strengthened and track records of results have been established or continue to be developed, thereby ensuring the overall sustainability of reforms. Provided Croatia continues its efforts, and meets the commitments it has undertaken, further concrete results should follow".

Commissioner Füle expanded on this by saying "Croatia has been asked not only to adopt new laws and regulations, but also to implement them and prove to be able to do so. In one word, Croatia had to prove to have taken an irreversible course of action." The Government welcomes the Commission's detailed analysis of Croatia's progress and agrees with its overall assessment.

The Commission's recommendation to close Chapter 23 was accompanied by separate recommendations for monitoring and safeguard arrangements, as well as for the financial and budgetary provisions for Croatia's accession to the EU. The Government is determined that Croatia should continue its positive direction of travel by consolidating and fully embedding the reforms

carried out to ensure that Croatia fully meets EU requirements across the board by the time it accedes. For this reason a principal objective for the UK during the final weeks of negotiation was to make the monitoring arrangements as robust as possible. We secured a number of improvements to the EU Common Position, backed by strong language in the 24 June European Council Conclusions:

“Croatia should continue its reform efforts with the same vigour, in particular as regards the judiciary and fundamental rights, so as to be able to assume fully the obligations of membership from the date of accession. Monitoring up to accession of these reform efforts will give the necessary assurance to Croatia and current Member States. The Council, acting by qualified majority on a proposal from the Commission, may take all appropriate measures.”

These provisions will be written into Croatia’s Accession Treaty, which we expect to be signed by the end of the year. The June European Council did not commit to an accession date but the understanding is that Croatia will join the EU on 1 July 2013 provided the Treaty has been ratified in time by all 27 Member States. The Treaty will include safeguard provisions covering the economy, the internal market and the area of justice, freedom and security. It will also stipulate that the Council will take account of a Commission report confirming that Croatia continues to fulfil the commitments that are relevant for the Schengen acquis in any eventual decision to allow Croatia to become a full member of Schengen. Finally, it will enable the Commission, if necessary, to recover all state aids paid by the Croatian Government to state-owned shipyards if Croatia does not meet EU requirements under Chapter 8 (Competition) by the time of accession.

The UK’s other main objective in the final negotiations related to the budgetary provisions and our interest in minimising the costs of Croatian accession to the EU. The UK, along with France and Germany, secured Council agreement that the financial package for Croatia in 2013 should not require any revision of the EU’s overall ceiling for commitment appropriations, i.e. that the cost of Croatia’s accession in 2013 should be met through savings in the EU’s existing 2013 budget.

In addition, the UK and allies negotiated a reduction in the proposed 2013 pre-financing payment for structural funds from 50% to 33% (a saving of around €75 million) and slower phasing in of structural funds in 2014 and 2015 (a saving of over €100m per year).

Since the Committee may be interested in the detail of the negotiations, please find attached (in confidence) the EU Common Positions for Chapters 23, 33 (Financial and Budgetary Provisions), and 35, Part 7. These will be formally adopted (without discussion) at a Ministerial Council in July, probably the Economic and Finance Council on 12 July.

I also attach an Explanatory Memorandum on Chapter 23 for information explaining the detail of Chapter 23.

The Committee should note that Parliament will be required to ratify Croatia’s Accession Treaty after signature by all relevant parties. Under the provisions of the EU Bill, an Act of Parliament will continue to be required before the Government can ratify accession treaties, in accordance with clause 2 of that legislation. An assessment would also be required of all treaty changes in accordance with clause 4 of the Bill. However, you will be aware that clause 4(4) of the EU Bill would provide that accession treaties would not in principle require a referendum, as they would not themselves constitute a transfer of power or competence from the UK to the EU.

7 July 2011

CONCILIATION PROCESS BETWEEN THE COUNCIL OF MINISTERS AND THE EUROPEAN PARLIAMENT ON VARIOUS INSTRUMENTS

Letter from Stephen O’Brien MP, Parliamentary Under-Secretary of State, Department for International Development

Since 2009 DFID and the FCO have written a series of Explanatory Memoranda (EM) on four proposed draft changes to the Financial Instruments (please see annex one for a full Scrutiny history) [not printed]. We submitted the latest EM on the 3 March 2011 and sent an update letter on 15 September 2011.

As I explained in my most recent update, the issue that has continued to prevent these changes taking effect has not been the content of the Commission’s proposed amendments to the Financial Instruments concerned; rather in each case the European Parliament has continued its attempt to add unrelated amendments to the legislative texts which interpret Strategy and Multi-Annual Papers as ‘delegated acts’ over which it would have greater powers of scrutiny.

Conciliation meetings have been taking place since 6 September 2011 and a compromise has now been reached between the Council and the European Parliament that will allow the four amending regulations to the external instruments to go forward for final European Parliament approval later this month. No further problems are expected and the conciliation process will be concluded with an exchange of letters.

As a result of the conciliation process delegated acts have been left out of the regulations which mean the European Parliament will not gain more powers to veto programmes. Member States will continue to have control of allocations and strategy papers through the relevant Council committee structures. As part of the compromise the Commission will agree to transmit proposed allocations to the European Parliament and Council for information only, before going to the appropriate committee for Member States' approval of strategy papers (which actually also constitutes approval of the allocations).

17 November 2011

CRISIS IN GEORGIA AND SOUTH CAUCASUS: EU SPECIAL REPRESENTATIVES

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

I wrote to you in May setting out the proposal by the High Representative of the European Union for Foreign Affairs and Security Policy on the appointment of a European Union Special Representative for the South Caucasus. In my letter I undertook to write to you with details of the budget and to update you on any changes to the draft document previously submitted for scrutiny.

The budget was agreed at working level on 5 July. There have also been some additions to the text of the draft mandate since my Explanatory Memorandum on this matter which I have set out in this letter.

Applications for the role have been received and interviews are scheduled but have not yet taken place.

AMENDMENTS TO THE TEXT OF THE DRAFT COUNCIL DECISION

The most significant amendment has been the addition under Article 1: European Union Special Representative, of "and the crisis in Georgia" to the title of the role. This was felt to better encompass the nature of the job as the successor to the two former EUSR mandates.

With regards to Article 2: Policy Objectives, the policy objectives on which the mandate is based, reference has been included to the terms set out at the European Council meeting on 1 September 2008 and Council conclusions of 15 September 2008. The list of objectives also now includes a specific reference to using existing mechanisms, including the OSCE and its Minsk Group, to prevent conflict in the region.

Under Article 3: Mandate, other key political actors have been included in the contacts that the EUSR shall develop in the pursuit of his mandate; and emphasis has been laid on the peaceful settlement of conflicts in accordance with international law. Under the Geneva International Discussion, reference has been included to the 8 September implementing measures. A more general point requiring the EUSR to assist the EU in further developing a comprehensive policy towards the South Caucasus has also been added to the mandate.

Under Article 4: Implementation of the mandate, formal reference has been removed to a handover with former EUSR for the Crisis in Georgia, Pierre Morel. Although this has been removed from the formal mandate, Ambassador Morel has agreed to accompany the new EUSR to the October Geneva Talks to ensure a smooth introduction to the parties and enable a handover to take place. Allowances have been made in the budget to cover Ambassador Morel's participation.

Under Article 12: Coordination, a request has been added for the EUSR, in close coordination with the EU Head of Delegation in Georgia, to provide the Head of EUMM Georgia with local political guidance and for the EUSR and the Civilian Operations Commander to consult each other as required.

BUDGETARY IMPACT STATEMENT

The proposed budget for the EUSR for the South Caucasus and the Crisis in Georgia is 1,758,000 Euro. This figure represents a 352,000 Euro saving on last year's budget when there were two EUSRs covering Georgia and the South Caucasus separately. This will be funded from within the CFSP budget, with no additional requests made to member states. The EUSR is expected to take on many of the former staff from the outgoing EUSRs formerly covering this region. The proposal allows the EUSR a team of six political advisors based in Brussels, and a further three resident in Tbilisi, Baku, and Yerevan respectively. All nine political advisors, two police liaison officers, a press officer, and a moderator will be seconded by member states or the EAS. Nine additional members of staff will be contracted, seven in Tbilisi and two in Brussels.

The EUSR shall be paid 20,000 Euro a month. Costs for other staff are set out in full in the attached budgetary impact statement. It is the intention that EUSR staff shall be accommodated within the EAS offices in the South Caucasus countries as such accommodation becomes available. Costs have been included to allow Pierre Morel to accompany the new EUSR to Tbilisi, Moscow, and Geneva for the October talks and hand over the dossier effectively. Overall I am content that the proposal is reasonable and that the EAS has provided adequate justification of the costs included.

18 July 2011

Letter from the Rt. Hon. David Lidington MP to the Chairman

I wrote to you in July updating you on the proposal by the High Representative of the European Union for Foreign Affairs and Security Policy to appoint a European Union Special Representative for the South Caucasus and the Crisis in Georgia, and noting the probability that I would be asked to take a view on this appointment during Parliamentary recess.

I am now writing to inform you of that the appointment of Mr Philippe Lefort was confirmed by European Union Member States, by written procedure, on 25 August. Mr Lefort will take up his duties on 1 September for an initial period of 10 months. The details of the budget and his mandate remain unchanged since my last letter to you.

Mr Lefort is a French career diplomat with more than 20 years of experience. His Curriculum Vitae is enclosed. He has dedicated most of his career to the Caucasus and Russia. He was French Ambassador to Georgia (2004-2007), deputy head of mission of the French Embassy in Russia (2007-2010) and has been the head of the French Foreign Ministry's General Directorate for Continental Europe since 2010.

As I set out in my last letter, the budget for the EUSR for the South Caucasus and the Crisis in Georgia is 1,758,000 Euro. This will be funded from within the CFSP budget, with no additional requests made to member states. The EUSR will be entitled to a team of six political advisors based in Brussels, and a further three resident in Tbilisi, Baku, and Yerevan. All nine political advisors, two police liaison officers, a press officer, and a moderator will be seconded by member states or the EAS. Nine additional members of staff will be contracted, seven in Tbilisi and two in Brussels. It is expected that many staff from the teams of the former EUSRs for the South Caucasus and Crisis in Georgia will transfer to EUSR LeFort's team to ensure continuity of expertise and contacts and that decisions on these appointments will be finalised soon.

2 September 2011

CROATIA: ADMISSION OF THE REPUBLIC OF CROATIA TO THE EUROPEAN UNION

Letter from the Rt. Hon. David Lidington MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

During Tuesday night's debate on Croatia's Accession to the EU, I informed the House of Commons that we have heard from the Commission in the last few days that it will propose the draft Council Decision on Croatia's accession be agreed at the General Affairs Council on 5 December to enable the treaty of accession to be signed by heads of state and Government when they meet at the European Council on 9 December. I therefore undertook to write to the Scrutiny Committees of the Commons and the Lords to set out the Government's approach to that draft Decision.

The draft decision has only recently been issued by the Commission. However, the decision was anticipated in two earlier Explanatory Memoranda in July and November to which I refer in my

accompanying Explanatory Memorandum today. In this context, I was also grateful for the opportunity to debate the closure of Croatia's EU's accession negotiations on the floor the House of Commons last night.

Enlargement is a priority for this government, and is an issue on which there is widespread cross-party support. I hope that the Committee will be able to consider this Decision before the General Affairs Council on 5 December.

24 November 2011

DEFENCE AND SECURITY DIRECTIVE 2009/81/EC: TRANSPOSITION

Letter from Lord Astor of Hever DL, Parliamentary Under-Secretary of State, Ministry of Defence, to the Chairman

I am writing to draw your attention to Statutory Instrument 1848, the Defence and Security Public Contracts Regulations (DSPCR), which my honourable friend, Peter Luff MP, Minister for Defence Equipment Support and Technology laid before Parliament on 29 July 2011. These Regulations transpose into domestic legislation Directive 2009/81/EC of the European Parliament and Council, the Defence and Security Directive, which introduces new procurement rules for the defence and security sectors.

The Defence and Security Directive was adopted by the European Parliament in July 2009, and must be transposed into domestic legislation by 21 August 2011. The DSPCR make consequential amendments to existing public contract and utilities regulations so as to make clear that certain procurements which previously fell within scope of those regulations are now covered by the implementing regulations.

The New Directive's purpose is to create a level playing field for the defence and security procurement in the EU. Its effect can be summarised as less use of Article 346 Treaty on the Functioning of the European Union, the "Warlike stores" exemption, that allows us to adopt measures to protect at least some of our essential interests of national security (e.g. on security of information, and security of supply) as we now have a Directive specifically tailored to defence and security procurement.

Consequently, more of our defence and security contracts will be subject to:

- EU-wide competition under regulated procurement procedures based on the principles of transparency, fairness and non-discrimination, except in the strictly limited circumstances where single source procurement is allowed;
- a remedies regime that allows for aggrieved parties to bring legal challenge in respect of all procurement decisions that do not adhere to the substance of the New Directive; and
- more rigorous enforcement of our obligations under European procurement law by the European Commission now that they have created more appropriate rules for the defence and security sector.

The provisions of the Defence and Security Directive are largely mandatory. There are, however, some areas where Member States have an element of choice as to how to implement and how the domestic regulatory regime is structured. In exercising those choices the MOD has selected the least burdensome option or the option that requires the minimum change from the current regime, taking into account the specialised nature of the defence and security markets. In so doing, it is our view that implementation has not gone beyond the minimum necessary to comply with the new Directive, that there has been no extension of its scope or addition to its substantive requirements and, therefore, that there is no 'gold-plating'.

Our approach to transposition has been developed over two rounds of cross-government and public consultation, including engagement with companies from the UK's defence and security related industries, and has been endorsed by the National Security Council and the Reducing Regulations Committee.

I am also writing to other interested peers, notifying them of Statutory Instrument 1848 and my honourable friend, Peter Luff MP has written to interested members.

17 August 2011

DEMOCRATIC REPUBLIC OF CONGO: EU POLICE MISSION AND EU CIVILIAN
COMMON SECURITY POLICY

**Letter from the Chairman to the Rt. Hon. David Lidington MP, Minister of State for
Europe and NATO, Foreign and Commonwealth Office**

The EU Foreign Affairs, Defence and Development Policy Sub-Committee considered your Explanatory Memorandums on the EU's civilian Common Security and Defence Policy Missions in the Democratic Republic of the Congo (DRC) at its meeting on 8 September 2011, after clearance from scrutiny by Lord Roper.

We greatly appreciated that FCO officials were able to brief the Sub-Committee on these two missions at its meeting on 15 September, when the Members expressed several concerns about the quality and skills of mission staff, including the difficulty of recruiting staff with the right language, training and mentoring skills, as well as knowledge of the DRC.

One important step EU Member States can take is to increase the pool of qualified candidates from which these missions can recruit. To encourage volunteers, it is important that the police and armed forces consider a posting to an international mission as an opportunity for professional development. Currently, such postings can be perceived as detrimental to career prospects. We would be grateful for your assessment of the situation in the UK and steps the Government could take to ameliorate it.

Time in post is also an issue. Some recruits stay for as little as 6 months, which is clearly inadequate. We believe that one year should be the minimum. There is also a need for EU Heads of Mission to be given greater autonomy to recruit the right personnel. On a more positive note, we understand that experienced UK police officers or armed forces personnel (retired in some cases) are working for EU civilian missions and making a significant impact. Employed on a contractual basis, they are able to spend several years in post and bring a great deal of knowledge and experience to bear. Working with our EU partners, we believe it is important to build on this positive example, including by improving the EU's recruitment rules and practice if necessary. We would be interested in your comments on this point.

We look forward to hearing from you by 7 October 2011.

15 September 2011

Letter from the Rt. Hon. David Lidington MP to the Chairman

Thank you for your letter of 15 September. I am pleased the Sub-Committee found the recent FCO/DFID briefing helpful.

You raise various issues in your letter concerning the quality, quantity and expertise of UK secondees to EU civilian crisis missions, and tour lengths. You also highlight the benefit of giving Heads of Missions autonomy to recruit personnel in your letter to Baroness Ashton, which you kindly copied to me.

I am grateful for the Sub-Committee's interest. This is indeed a challenging and important area and one where we are keen to strengthen our contribution. I want to work with you in ensuring we get maximum value for money for the UK taxpayer from civilian CSDP missions.

Firstly, I agree wholeheartedly that UK officers and officials are highly skilled and very effective in the international arena. I am proud of their contribution to EU CSDP Missions, and keen increase their deployment to the degree resources allow. (UK secondees to EU missions are funded from UK rather than EU budgets).

While UK Police Chiefs have been flexible in allowing their staff to be redeployed overseas, for which I am grateful, I am conscious of real challenges in recruiting sufficiently expert and appropriate UK personnel – police and more generally - for civilian crisis missions which need addressing. The FCO, DfID and the tri-Departmental Stabilisation Unit, are working to ensure that misperceptions of international secondments bringing limited career benefits are overturned, both among personnel and institutionally.

You raise the interesting issue of language skills – an ongoing problem for British personnel deploying to EU institutions. Such skills are unfortunately not commonplace in UK forces. I am asking my officials to explore options for providing language training to officers or officials available to deploy at short notice. In Missions where language requirements make UK officers uncompetitive, and which need urgent personnel deployment, I will also consider expanding the special arrangement employed

in EUSEC DRC which allows the Head of Mission to select a francophone officer of his or her choice using UK funding.

I should add that all UK secondees are deployed for a minimum of 12 months which can be extended. My officials are working actively to build support for all EU secondments to operate along similar lines

Your point on autonomy for Heads of Missions to recruit experts as needed is a good one: I agree that there are real benefits to engaging skilled contractors to fill gaps at EU cost. But we do need to be cautious of encouraging this too often: increasing Missions' central budgets weakens direct support from Member States, and reduces the incentives for Member States to develop their own pools and capabilities – essential to the long-term success of such missions.

I hope this is helpful. I would be most interested to see Baroness Ashton's reply in due course.

7 October 2011

DEMOCRATIC REPUBLIC OF CONGO: EU SECTOR SECURITY REFORMS

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

On 9 September 2010 I submitted an Explanatory Memorandum (attached) to the House of Lords Select Committee on the European Union on extending the mandate of the European Union security sector reform mission in the Democratic Republic of the Congo (EUSEC DRC). The Explanatory Memorandum was cleared by the Committee although further information was requested. I provided this information on 22 October.

My officials are currently preparing documentation on a new Council Decision which would establish the budget for the EUSEC DRC for one year from 1 October 2011. In preparing this I regret to inform you that they discovered that an error was made in the EM of 9 September 2010. In the Financial Implications section paragraph 25 states that:

“The amount allocated to cover the two-year extension to EUSEC DRC is €12.6 million which will be taken from the EU's Common Foreign and Security Policy budget.”

This paragraph should have stated that the €12.6 million referred only to the budget for the first year of the extension. Given that budgets for such missions are proposed on an annual basis we did not have details of the proposed budget for the second year. However, the Budget Impact Statement provided by the EEAS did make it clear that the €12.6 million was for the period 1 October 2010 to 30 September 2011. We were therefore mistaken to say that this amount was to cover the two-year extension.

I regret the error that was made in the Explanatory Memorandum of 9 September 2010 but hope that the explanation provided above clarifies the true position.

I should take this opportunity to note that I will be submitting an EM for scrutiny on the proposed budget for the second year of the agreed extension (October 2011-September 2012) in the near future. While this will increase the total budget for EUSEC DRC, it will not have additional financial implications for the UK as the funds will continue to be taken from the EU's agreed Common Foreign and Security Policy budget.

4 August 2011

EU – AUSTRALIA FRAMEWORK AGREEMENT

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

On 16 June a formal request was made for the opening of negotiations for a Framework Agreement between the European Union and Australia. Member states have been asked for views.

We would support the opening of negotiations on a Framework Agreement. The EU has shared values with Australia, including in key areas such as Counter- Terrorism, Human Rights and upholding the Rule of Law and a strengthened Framework Agreement would be in the interests of both sides.

I am writing to notify the committee of the possible Justice and Home Affairs matters which may be involved within the agreement and to assure them that HMG will observe carefully the full proposal when negotiations begin.

The longstanding relationship between the EU and Australia was developed under a joint declaration on relations in 1997. Post-Lisbon the EU and Australia are keen to establish their relationship on a more robust footing.

The EU-Australia Framework Agreement will replace the Partnership Framework which was adopted in 2008 and updated in 2009. It will create a legally-binding overall Framework for the EU's relations with Australia.

4 July 2011

EU EXTERNAL REPRESENTATION

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

I am writing to inform you that the 22 October General Affairs Council approved an agreement on General Arrangements for EU statements in international organisations.

As the Government set out clearly in yesterday's debate on the floor of the House, we believe EU external action should allow the member states of the EU to make best use of their collective weight in the world in those areas where we agree to act together. Action by the EAS and EU delegations should supplement and complement, and not replace, national diplomacy.

The EU Treaties clearly outline the extent of the powers conferred upon the EU by the Member States to act. Powers not conferred upon the EU remain with the Member States. But there are some within EU institutions and amongst member states who take a more expansive view of the rights and responsibilities of the EU to act on our behalf internationally.

We remain very clear that the EU must fully respect the division of competence between the EU and Member States. In recent months we have worked to obtain clarity on the balance of responsibilities between the EU and the Member States, in the form of arrangements for EU statements. The result of the tough line we have taken on this issue is that the 22 October General Affairs Council agreed arrangements for statements and other aspect of representation for the EU in international organisations which spell out clearly that, as we have always maintained, representation does not affect competence.

The General Arrangements are clear that "the EU can only make a statement in those cases where it is competent and there is a position which has been agreed in accordance with the relevant Treaty provisions". They further state that "Member States agree on a case by case basis whether and how to coordinate and be represented externally". The new arrangements allow for statements to be made "on behalf of the EU" in areas that refer exclusively to actions undertaken by or responsibilities of the EU. If statements express a position common to the EU and its Member States, then that will be reflected in the way the statement is introduced. The preparation of statements will be "consensual".

The Government made a Statement for the Minutes of the Council to clarify that "Member States, including the UK, will continue to exercise their rights in International organisations, including by making national statements, participating in statements with other states, or representing EU positions".

I have today deposited copies of the General Arrangements and the text of the UK Statement for the Minutes of the General Affairs Council in the Library of the House. Copies will be available in the Vote Office and the Printed Paper office. The formal Minutes will be finalised in the coming weeks, and we will deposit copies in the Library.

25 October 2011

EU – MONGOLIA: PARTNERSHIP AND COOPERATION AGREEMENT (7853/11)

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

I am writing following my letter of 29 March 2011 to update you regarding the provisions of the Partnership and Cooperation Agreement which engage the opt-in protocol.

My officials are still in discussions with the Commission, and are seeking the addition of a Title V legal base to the Council Decision. I will update you as soon as possible, when I have further information on this point.

21 June 2011

EU – OMAN: TRANSIT AND STATIONING OF EUNAVFOR MARITIME PATROL AND RECONNAISSANCE AIRCRAFT

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

I am writing to let your Committee know of plans by the European Union to open negotiations on a Memorandum of Understanding between the EU and the Sultanate of Oman that will allow Maritime Patrol Reconnaissance Aircraft (MPRA) operating as part of the EU's counter-piracy Operation Atalanta to be based in and operate from Oman.

The current MPRA's operating out of Djibouti, Mombasa and Seychelles cannot adequately cover the Arabian Sea and northern Indian Ocean, where pirate attacks have become prevalent against shipping entering and leaving the critical Gulf of Aden trade artery. Basing MPRA's in Oman will allow all the coalition military operations (EU, NATO and Combined Maritime Forces) to have more continual surveillance of this high risk area.

In an area of operations that is greater than 2 million square nautical miles MPRA's are an extremely valuable resource. They are not only able to cover a greater area than a number of warships, but they allow naval assets to be more effectively directed towards areas of known pirate activity.

I undertake to keep you informed as negotiations progress and will deposit the draft Council decision for parliamentary scrutiny as soon as it becomes available.

2 November 2011

Letter from the Chairman to the Rt. Hon. David Lidington MP

Thank you for your letter on the above topic, which the EU Foreign Affairs, Defence and Development Policy Sub-Committee considered at its meeting on 10 November 2011.

Maritime reconnaissance is clearly essential to the success of the EU's anti-piracy operation (EUNAVFOR Atalanta), as concluded in our report of last year. Has there been any progress in the last 12 months on making available Unmanned Aerial Vehicles to the EU operation?

We look forward to hearing from you within the standard ten working days.

11 November 2011

EUPOL AFGHANISTAN

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

I am writing in response to your letter dated 24 May that requested further information on aspects of EUPOL's staffing levels. Your letter asked for clarification regarding the technical constraints in the Mission's deployment plan and human resources procedures which have made the full staffing of EUPOL unattainable.

The EU recruits personnel to CSOP missions three times a year via a process known as "Call for Contributions (CfC). The intermittent and rigid nature of this process makes it difficult to quickly fill

vacancies which remain unfilled after a CfC has finished or which become vacant between CfCs. Vacancies are created when personnel are successful in obtaining other positions within the Mission, move to other missions or resign. They can also occur when successful candidates withdraw their applications (each CfC has an average withdrawal rate of 10%). These positions cannot be re-advertised until the next CfC. This, combined with delays in the deployment of individuals to the Mission (the average time from recruitment to deployment is 6 weeks due to training and medical clearance), the requirement for personnel to take accrued annual leave at reasonably regular times throughout the year (equating to 6 weeks on, 2 weeks off) and other normal but unpredictable factors such as illness, clearly explains why only around 80% of EUPOL personnel are serving on the ground at any given time.

We have raised our concerns about the efficiency of the CfC system in Brussels. EUPOL has now received dispensation to issue 'extraordinary' CfCs to fill urgent vacancies. However, further improvements can still be made. We continue to lobby in support of allowing more flexibility within the deployment plan.

In April 2011 the Political and Security Committee (PSC) approved a more flexible deployment plan by amending the EUPOL OPLAN Annex D ("catalogue of positions") to list 50 reserve positions in addition to the Mission's 400 mandated positions. The aim of this flexibility reserve is to allow the Mission to bridge the gap between the total number of filled posts and the total number of personnel operating in theatre at any one time. This will allow temporary redeployments and additional contributions outside the standard CfC timetable. The authorised size of the Mission will however remain at a maximum of 400 international personnel deployed at any one time. The flexibility reserve is a temporary measure, which will be reviewed by EUPOL and CPCC at the end of 2011. We will continue to monitor the situation closely.

Your letter asked for an explanation as to why it is easier to fill contracted positions. Each EUPOL position is open to either individuals seconded by their national government, or to both secondees and contract personnel hired through open competition. The EUPOL Six Month Report (6MR) stated that in 2010 it was common for positions open to both secondees and contracted personnel to receive a higher number of applicants than positions only open to secondees. One reason is that the number of possible contract applicants is greater than that for secondee applicants. Another is that for applicants from some Member States, there are better financial incentives to work as a contractor than as a secondee. For this reason, the PSC agreed to transform a further 22 positions into secondee/contractor positions. However, we remain clear that secondee positions - through which we and Member States provide serving national police officers - are the key means of providing policing experts.

Finally, in your letter, you asked what prompted the enthusiastic response to the last CfC at the start of 2011. There is no one factor which would account for the enthusiastic response to the last CfC, but the variety of positions and EUPOL's increased standing in Afghanistan may have contributed. At the time, EUPOL also enjoyed a raised profile within Brussels, due to UK effort to lobby Member States to increase contributions to the Mission and the publication of the EUPOL 6MR.

The Committee rightly identified that there has been an issue with the recruitment of personnel to EUPOL. The amendments approved as part of the EUPOL Afghanistan deployment plan will allow for flexibility to overcome the constraints that the Mission had previously faced. I look forward to progress in this area being reported in the forthcoming EUPOL 6MRs.

6 June 2011

Letter from Alistair Burt MP, Parliamentary Under-Secretary of State, Foreign and Commonwealth Office, to the Chairman

At the recent debate on 22 June regarding the European Union Sub-Committee C Report on the EU Police Mission (EUPOL) in Afghanistan, Lord Wallace of Saltaire promised to write to the Committee regarding the length of training provided to Afghan National Police (ANP) recruits. I am writing on his behalf as Minister responsible for Afghanistan

As you are aware, as part of the NATO-led International Security Assistance Force (ISAF), the NATO Training Mission - Afghanistan (NTM-A) leads the International Community's efforts on ANP development. Police training delivered by EUPOL focuses on specialist areas where it can add the most value such as leadership, anticorruption, criminal investigations, and intelligence-led policing. This specialised training complements the work of NTM-A and is delivered to serving officers. The courses delivered in each of these areas have differing lengths appropriate to the subject matter, ranging from a number of days to a number of weeks.

NTM-A's mandate is to deliver the large-scale recruitment, equipping and training of the ANP across the country, which includes addressing issues of attrition and illiteracy. EUPOL's Police Training Cell work with NTM-A and the German Police Project Team (GPPT) to produce the curriculum for the basic patrolman course, which is the main focus of NTM-A's training.

On 16 May, the Ministry of Interior (Moi) announced its decision to increase the length of the basic Patrolman's course from six to eight weeks. This announcement was fully supported by the international community. The eight week programme will be rolled out from October 2011. This will increase the core police training from 200 to 268 hours broadening the curriculum to include important courses on Human Rights and Gender Integration; Transparency and Accountability; The Afghan Peace and Reintegration Program; and Intelligence-Led Policing.

EUPOL deliver additional and complementary specialised police training in a number of areas. The length of training varies depending on the course. EUPOL is also working to improve the sustainability of training and to date has trained over 1200 Afghan Police trainers through its Train the Trainer programme. An example of this is EUPOL's Coordination of Police and Prosecutor (COPP) project, which will run over two years and target 500 regional and district participants. EUPOL has already developed course materials for use by the Afghan trainers who graduated from the COPP Train-the-Trainer course on 9 February 2011. The EUPOL Rule of Law team are also working with police and prosecutors to raise basic awareness of rights and legal aid as well as supporting reform of Afghan criminal and administrative legal systems.

As security conditions improve, police training must focus increasingly on developing the core role of investigating crime, maintaining public safety and upholding the rule of law. This will require a flexible model as conditions will improve at different rates across provinces and districts. Work to develop civilian policing skills must be undertaken concurrently with the development of security skills. That is why the UK is a major contributor to EUPOL and works closely with EUPOL and NTM-A to ensure that civilian policing skills are incorporated into the standard training packages delivered to new recruits and existing officers.

5 July 2011

Letter from the Chairman to Alistair Burt MP

The EU Foreign Affairs, Defence and Development Policy Sub-Committee considered your Explanatory Memorandum (EM) on the above document at its meeting on 8 September 2011, following its clearance from scrutiny by Lord Roper.

As you are aware, we have taken a close interest in the EU Police Mission in Afghanistan's (EUPOL) staffing levels. These are crucial to the mission's success. However, in para 23 of your EM, you state that EUPOL will have 330 out of 400 positions filled, following the latest call for contributions. While this is an improvement on previous figures, we are concerned that neither the EU nor the Government is being ambitious enough. In line with our report on EUPOL published in February, we would like to see the mission reach its target complement of 400. Without that level of resources, it was our judgement that the mission cannot meet its objectives.

We are also aware that the duration of NATO's basic training course for Afghan police recruits is set to rise from 6 to 8 weeks, which we welcome. Is there a knock-on effect on EUPOL, and if so, has this been adequately reflected in EUPOL's budget?

Thank you also for the Minister for Europe's letter to us about the 18 July Foreign Affairs Council, which refers to a post-2013 strategy for EUPOL. We would like to understand what the Government's objectives and agenda will be for this revised strategy.

We look forward to hearing from you by 30 September 2011.

12 September 2011

Letter from Alistair Burt MP to the Chairman

Thank you for your letter dated 12 September on the EU's Police Mission in Afghanistan (EUPOL). You raise three very important points.

As of 10 August 2011, EUPOL's strength is 316 officers. EUPOL Afghanistan is the second largest of the ten CSDP civilian missions currently in operation around the world. Only in Kosovo does the EU deploy more personnel.

The Government recognises that, in the past, the insufficient numbers recruited by EUPOL affected its impact on the ground. A number of improvements to the recruitment process have resulted in numbers rising to the current, more appropriate, level. Most recently, new measures were implemented (as lobbied for by the UK) to allow for more frequent recruitment exercises. However, the measure of EUPOL's success is not whether it reaches "full strength" in numbers. The figure of 400 personnel was never intended as a target, but as a planning assumption. Rather, EUPOL should be judged on what it delivers, and there has been a definite improvement in EUPOL's delivery.

As you rightly say, on 16 May, the Ministry of Interior (MoI) announced its decision to increase the length of the NATO basic Patrolman's course from six to eight weeks. This announcement was fully supported by the international community. Building on a successful pilot, the eight week programme has been run in Kabul, Kandahar and Mazar-e-Sharif. Core police training is therefore increased from 200 to 268 hours, broadening the curriculum to include important courses on Human Rights and Gender Integration; Transparency and Accountability; The Afghan Peace and Reintegration Program, and Intelligence-Led Policing. This decision will not affect EUPOL's continued delivery of additional and complementary specialised police training and its mentoring of senior Afghan police. Nor will the Ministry of Interior's (MoI) extension, of the NATO training course have an impact upon the EUPOL budget, which is 60.5 million euros for this financial year. Both NATO and EUPOL will continue to deliver training alongside each other.

At present, as you know, EUPOL's mandate in Afghanistan expires in May 2013. There are strong arguments for a continued EU role in policing in Afghanistan. EUPOL's work helps to deliver two of the three National Security Council objectives for Afghanistan: Afghan National Security Force Capability; and establishing a viable State. I would therefore support a decision to extend EUPOL's mandate beyond 2013 and through transition until mid-2015. Such an extension would enable EUPOL to be fully functional for the full transition period, after which the Mission could either be wound down in 2015, or be part of longer term post transition support. Extension of EUPOL's mandate would be consistent with the National Security Council's objectives for Afghanistan.

It is important to keep the EU committed to Afghanistan and EUPOL is an effective means of achieving this. Over the coming months we will work with other EU member states, using opportunities including the Bonn conference in December, the strategic review of EUPOL in spring 2012, and ongoing negotiations in Brussels, with a view to reaching a common position.

7 October 2011

EUROPEAN DEVELOPMENT FUND (EDF): ADDRESSING THE NEEDS OF SOUTH SUDAN (9800/11)

Letter from Alan Duncan MP, Minister of State, Department for International Development, to the Chairman

Thank you for your letter of 23 May 2011 to Alan Duncan. I have been asked to reply on his behalf.

You express concern that the European Union (EU) office in Juba does not currently have the capacity to manage aid flows. Baroness Ashton has now announced that the EU Office in Juba will be upgraded to a fully fledged EU Delegation following South Sudan's independence on 9 July. We will continue to monitor the progress made by the External Action Service and the European Commission (EC) on increasing the EU's staffing levels in Juba.

You also raise the question of the rate at which aid will be programmed and disbursed. I agree that it is important to move as fast as possible in that regard. One benefit of the EU Joint Programme to which the first EDF tranche of about €87 million (£77 million) will contribute is individual Member States will lead on different sectors (e.g. it is proposed that the UK leads on health). The EC will simply be co-financing programmes that are being managed under a delegated co-operation agreement with a Member State. This should expedite disbursement. We will consider using similar modalities in the programming of the further €200 million (£178 million) of re-allocated EDF monies for South Sudan, which the International Development Secretary, Andrew Mitchell, and other Development Ministers approved at the Development Foreign Affairs Council on 24 May 2011.

Your last concern was about how the British Government will address the risks referred to in paragraph 15 of the Explanatory Memorandum, and how it will ensure that funds are spent well and in line with international aid effectiveness principles. I agree that this is important. For the EU and most Member States, the programmes being developed aim to reduce conflict and mitigate the risk of state failure by focusing on stabilisation and state-building outcomes. More specifically on your corruption

point, with the agreement of the Government of South Sudan (GoSS) and the Troika (Norway, US and UK), the UK is leading on the development of a robust accountability and anti-corruption framework for South Sudan. Given its expertise, Norway will continue to lead on the oil sector-related issues concerning accountability and transparency. You will be pleased to hear that an "Utstein 4 (U4)" anti-corruption workshop will be held in Juba on 6-8 June 2011. A number of external organisations and experts from other countries will attend the workshop, including a senior representative from the Extractive Industries Transparency Initiative (EITI). You will find more information about the work of U4 in the attached leaflet, or by visiting their website: <http://www.u4.no/about/main.cfm>.

We do of course recognise that, however strong the accountability, the absorption capacity of the GoSS and South Sudan will also be a constraint. We will do our best to find innovative ways of dealing with the problem for now, while looking to support a long-term capacity-building strategy for South Sudan.

8 June 2011

EUROPEAN INVESTMENT BANK: EXTERNAL MANDATE (7275/10)

Letter from the Rt. Hon. Alan Duncan MP, Minister of State, Department for International Development

On the 8 April 2010 the Committee cleared the above-mentioned EMs and wrote concerning the "adoption of a Memorandum of Understanding (MoU) on cooperation between the European Investment Bank (EIB) and the European External Action Service (EEAS) once it had been set up, to complement the MoU the EIB has already agreed with the European Commission.

As we have informally mentioned to the Committee Secretariat, while we felt it was likely that a MoU between the two European Institutions would indeed be drawn up, we were not able to give an informed view at that stage because the new institutional arrangements for the EEAS were still in their formative stages.

We have now learned that it is proposed that the existing MoU between the Commission and the EIB granting a Community guarantee to the EIB against losses under loans and loan guarantees for projects outside the Community will be extended to include the EEAS. In particular, the EEAS will be included in the agreed regular and systematic dialogue between the EIB and the Commission on strategy and other aspects within the competence of the EEAS.

Our view is that this is a sensible and pragmatic way to ensure consistency of EIB actions with external EU policies and that the EIB cooperates closely with all of its EU partners to maximise coherence between EIB financing and EU budgetary resources. We therefore support this proposed way forward.

30 August 2011

EUROPEAN UNION POLICY ON CAMP ASHRAF

Letter from the Chairman to the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office

The EU Foreign Affairs, Defence and Development Policy Sub-Committee considered the issue of EU Policy on Camp Ashraf, Iraq, at its meeting on 20 October 2011.

We would like to understand the UK's approach to the issue of Camp Ashraf and whether the UK is pushing for a common EU position on this issue.

We look forward to hearing from you within the standard ten working days.

21 October 2011

EU STRATEGY AGAINST THE PROLIFERATION OF WEAPONS OF MASS
DESTRUCTION (13132/11)

**Letter from Alistair Burt MP, Parliamentary Under-Secretary of State, Foreign and
Commonwealth Office, to the Chairman**

The Council of the European Union endorsed the following document on 18 July 2011.

*Six Monthly Progress Report on the implementation of the EU Strategy against the
Proliferation of Weapons of Mass Destruction.*

In accordance with past practice, I am submitting this document to your Committee for information.

The progress report brings together the numerous aspects of counter proliferation work in which the EU is heavily involved. The report highlights some key themes of the EU's work over the last 6 months, including:

- Continued efforts to address **concerns over the nuclear and missile programmes of Iran and the Democratic People's Republic of Korea (DPRK)**. The EU continued to pursue the dual track approach with Iran of pressure and engagement, but Iran failed to engage seriously at the last meeting in Istanbul and has so far shown no willingness to address the E3+3 and IAEA's concerns.
- Preparations for an EU Seminar, which took place on 6/7 July 2011 on a process of confidence building leading to the establishment of a **Middle East Weapons of Mass Destruction Free Zone (MEWMDZFZ)**. This seminar was intended as a facilitation event ahead of the Conference on the MEWMDZFZ planned for 2012. Enabling a MEWMDZFZ Conference in 2012 was a commitment made by the UK, US and Russia at the 2010 Non Proliferation Treaty Review Conference, so its successful delivery is important to the UK's credibility on disarmament issues. The July seminar, which brought the 2012 Conference a step closer, therefore provided a good example of how EU resources can help deliver our national objectives.
- Continued support to the **IAEA** in the commitment to the nuclear security fund. The EU is committed to contributing €25m to the building of a nuclear fuel bank as well as €5m to the project of expanding and modernizing the IAEA Siebersdorf Laboratory for Nuclear Sciences and Applications, on the outskirts of Vienna.
- Progress on incorporating **WMD clauses in third country agreements**. In the first part of 2011 further progress was achieved in the negotiations of clauses covering a commitment to countering proliferation of WMD in the EU's agreements with third countries, such as with MERCOSUR, Armenia, Azerbaijan, Georgia, Malaysia and Singapore.
- Continued promotion of the universality of **International Treaties and Conventions**, such as in the preparations for the 7th Biological & Toxin Weapons Convention Review Conference to be held in Geneva in December 2011. Coordination of Member States has allowed the EU to agree joint statements and give a unified message in preparations for the Review Conference.
- The establishment of the **Consortium of Think Tanks**, an EU-wide network of non-proliferation experts to improve policy dialogue on non-proliferation between Member States. The first consultative meeting of this network took place on 23-24 May 2011.

We agree with this report which demonstrates good progress and cooperation towards the aspirations of the EU WMD strategy and we continue to support EU activities in this area. The EU continues to deliver progress in line with our priorities, and acts as a multiplier in achieving our own counter proliferation goals, such as on the Middle East WMD-Free Zone.

However, there has not been a huge amount of progress in the past 6 months on the Consortium of think tanks, where we are supportive of the work of these think tanks, but have yet to find ways to maximise their benefits in line with our objectives.

13 September 2011

Letter from the Chairman to Alistair Burt MP

Thank you for your letter of 13 September on the above subject which gave a useful update on the EU's strategy against the proliferation of WMD, and which the EU Foreign Affairs, Defence and Development Policy Sub-Committee considered at its meeting on 27 October 2011.

The Sub-Committee noted that there appeared to be no mention of Pakistan, except for its participation in a meeting of the inter-sessional meeting of the ASEAN Regional Forum on non-proliferation and disarmament in which the EU participated. We would be interested to hear what conversations the EU has had with Pakistan over the issue and why it does not figure more prominently in the EU's activity on this subject.

We look forward to hearing from you by 11 November 2011.

28 October 2011

Letter from Alistair Burt MP to the Chairman

Thank you for your letter of 28 October in response to my letter of 13 September about the EU Strategy against the Proliferation of Weapons of Mass Destruction. You enquired about conversations the EU has had with Pakistan over the issue and why it does not figure more prominently in the EU's activity on this subject.

There have been no specific talks between the EU and Pakistan on non-proliferation and disarmament issues this year. As I am sure you will appreciate, the EU's engagement with Pakistan covers a broad landscape and therefore, in that context, proliferation and disarmament has not been a high priority area so far.

However, while there has been little significant EU engagement on these particular issues with Pakistan so far, we are nevertheless keen and are pushing for the EU to build and deepen its dialogue across a broad range of areas including security, trade, governance and development. An immediate priority for the UK is the early agreement of the five-year EU- Pakistan engagement plan. The plan proposes comprehensive co-operation in areas of stability and security, trade and investment, Democracy, Governance and Human Rights, Energy and other sectoral co-operation. Under the security strand the EU proposes cooperation in particular in counter-terrorism, counter-narcotics and disarmament and non-proliferation.

The UK will continue to play a leading role in the EU to ensure that the plan is agreed and implemented quickly, including on the security side.

14 November 2011

Letter from the Chairman to Alistair Burt MP

Thank you for your letter of 14 November 2011 on the above topic in reply to my letter of 28 October 2011. The EU Foreign Affairs, Defence and Development Policy Sub-Committee considered it at its meeting on 24 November 2011.

Your letter indicated that there had so far been no talks between the EU and Pakistan on the proliferation of weapons of mass destruction and the Sub-Committee would like to enquire further why this had not happened, given that the subject must be of key concern to the EU in relation to Pakistan.

I look forward to your reply in the standard 10 working days.

28 November 2011

FINANCING DEVELOPMENT: TOWARDS THE EU OFFICIAL DEVELOPMENT ASSISTANCE PEER REVIEW (9334/11)

Letter from Stephen O'Brien MP, Parliamentary Under Secretary of State, Department for International Development, to the Chairman

In clearing EM 9334-11 you wrote to me seeking clarification on the following issues:

- Migrant Remittances
- Domestic Resource Mobilisation and Good Governance
- EU Funding for Climate Change Projects in Developing Countries

MIGRANT REMITTANCES

The UK recognises remittances as an important source of private finance for developing countries. The UK government is committed to the 5X5 objective adopted by the G8 at the 2009 L'Aquila Summit: to reduce the average cost of sending remittances by 5.0% over 5 years. The UK is an active member of the Global Remittances Group, chaired by the World Bank, which coordinates international work on remittances including progress by G8 members to achieving the 5X5 target.

The UK is implementing a range of initiatives to facilitate remittances and reduce their cost. For example, the UK is working with the multi-donor think-tank on access to finance, CGAP (Consultative Group to Assist the Poor) and the Bill & Melinda Gates Foundation to explore ways of harnessing technology, such as mobile phones, to transfer remittances more cheaply, quickly and safely. In Bangladesh the UK supported the Remittances and Payments Partnership Programme, which achieved cost reductions of up to 50% across key corridors through modernising payment systems, developing innovative delivery products and improving consumer information. The UK also funds research to understand remittance markets and identify constraints, including most recently, a detailed study of the UK-Ghana remittance corridor. Finally, the UK is leading the world in licensing new Payment Service Directive's (120 to date) which will increase competition and should further drive down prices.

On EU action, the European Council has invited the Commission to submit proposals on the following:

- How to further ensure efficient, secure and low-cost remittance transfers;
- Enhance the development impact of remittance transfers;
- Evaluate the feasibility of creating a common Union portal on remittances to inform migrants about transfer costs and to encourage competition among remittance service providers.

The Commission intends to launch a study on these issues.

Remittances will also be addressed in the staff working paper on migration and development that will be part of the forthcoming Communication package on the Global Approach to migration (expected in November). A number of targeted EU initiatives have also been set up to support developing countries in establishing a policy framework that is more conducive to remittances.

DOMESTIC RESOURCE MOBILISATION AND GOOD GOVERNANCE

With regard to domestic resource mobilisation and good governance in tax matters in developing countries, the UK Government also supports the communication's focus on domestic resource mobilisation, which will allow developing countries to access sustainable sources of revenue.

Effective tax systems are central to effective states, and the UK Government has long been active in assisting the tax administrations in developing countries to design and operate their own tax rules effectively so as to assess and collect the tax that is properly due. It is also important to ensure that developing countries can benefit from improvements in tax transparency. We support jurisdictions extending further their networks of Tax Information Exchange Agreements and encourage jurisdictions to consider signing the Multilateral Convention on Mutual Administrative Assistance in Tax Matters.

The Government also recognises the importance of transparency for the extractive industries and the positive effects on governance, development and the reduction of corruption. The UK along with other supportive member states, such as France and Germany, will be active in pressing for an EU requirement for resource extraction companies to disclose the payments they make to governments so their citizens have the information to hold their governments to account. The Transparency Directive, which currently encourages countries to require extractives companies listed on regulated stock exchanges to disclose this information, is due for revision in the autumn. We will therefore press for the Commission to issue a proposal for mandatory disclosure requirements for extractive companies as part of the revisions to this Directive.

CLIMATE CHANGE

The European Commission spends around €400 million (£357 million) per year in the period 2007 to 2013 to help developing countries deal with climate change. Broadly speaking, through its geographical programmes for countries and regions and its programme for the environment and sustainable management of natural resources, the European Commission helps developing countries to tackle climate change by:

- supporting adaptation and capacity building
- providing clean and secure energy supplies
- stimulating clean development through EU emissions trading
- promoting sustainable forestry
- promoting Disaster Risk Reduction
- assisting climate research

More information on EC aid and climate change can be found here:

http://ec.europa.eu/europeaid/what/development-policies/intervention-areas/environment/climate_en.htm

16 June 2011

Letter from the Chairman to Stephen O'Brien MP

The EU Foreign Affairs, Defence and Development Policy Sub-Committee considered your letter dated 16 June on the above scrutiny item at its meeting on 23 June 2011.

Thank you for your letter, which contains helpful information on remittances, good governance in tax matters and climate change. While we welcome the Government's support for transparency in the extractive industries sector, we would stress that there is a need for greater transparency in all business sectors, in particular to tackle the problem of illicit capital flight and the evasion of tax payments to developing countries. Therefore we would be grateful if you could address the question in my previous letter of 23 May. Specifically, does the Government support the Commission's proposal that multinational companies should be required to disclose financial data - such as on profits, tax payments and ownership – on a country-by-country basis? If so, should the International Accounting Standards Board adopt these improved transparency requirements as part of their financial reporting standards?

We look forward to hearing from you within the standard ten working days.

24 June 2011

Letter from Stephen O'Brien MP to the Chairman

In your letter of 24 June 2011 you asked "whether the government supports the Commission's proposal that companies should be required to disclose financial data such as on profits, tax payments and ownership on a country by country basis". As noted previously, the Chancellor has announced that the UK will support requirements to be introduced via the EU Transparency Directive for extractive industry companies to disclose the payments they make to governments. We are not aware that the Commission plans formal proposals that go more widely than this either in the sectors to which it would apply or in the range of data disclosed, as the Communication appears to confirm. The proposals for the extractive industries will need to be discussed and agreed by Member States, as would any plans to go further than this.

Nonetheless, on the broader question of company reporting, it is clear that transparency in the affairs of multinationals is important, and many UK companies are champions of good practice in this area. On the specific question of whether this is an effective means of reducing tax avoidance, the OECD Task Force on Tax and Development is currently looking at country by country reporting to this end. The UK has been engaged in this work and we hope it can provide the basis by which we can evaluate which approaches to transparency will best deliver real benefits for developing countries. We are also very actively engaged in promoting the effective exchange of information between tax authorities, which is a powerful tool in combating tax avoidance.

On the question of whether any such measures should be made part of international accounting standards, these are just one of a range of ways in which disclosure requirements can be

implemented. However, it is important to note that International Accounting Standards Board is an independent standard-setting body. We understand that the European Commission may seek to include in the Accounting Directive disclosure requirements for the extractive sector matching those in the Transparency Directive but detailed proposals have not yet been brought forward.

8 July 2011

FRAMEWORK PARTICIPATION AGREEMENTS

Letter from the Rt. Hon. David Lidington, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

I am writing to request that the Select Committee (SC) considers a new proposal for scrutinising EU framework participation agreements (FPAs). FPAs are agreements between the EU and individual third countries that outline the rules and regulations by which the country in question may deploy personnel to EU crisis management operations. At present each individual FPA is subject to Parliamentary scrutiny.

As I have explained in previous Explanatory Memoranda covering FPAs with the United States and Montenegro, the Government is supportive of increased third state participation in EU civilian crisis management operations. Non-EU personnel can bring additional expertise and resources to the table which helps increase the likely impact and effectiveness of EU operations.

All FPAs are based on a single template that was agreed in April 2010. The only difference from one FPA to the next is often the specific country to which it relates. This means that the supporting arguments are often repeated from one Explanatory Memorandum to the next. I would like to propose an alternative arrangement for scrutinising these agreements which I hope will streamline the current process while maintaining Parliamentary oversight and the ability to scrutinise individual FPAs in detail if necessary.

As you know, I place a great deal of importance on the need for important EU decisions to be scrutinised before they are agreed in Brussels. If the SC agrees to my request I propose to regularly write to Parliament to notify the Committees of FPAs that are due to be negotiated in Brussels. The advantage of such an arrangement would be that I could update Parliament on multiple FPAs at once.

However, such an arrangement would not cover every eventuality. There could be occasions where FPAs are politically sensitive and require more detailed scrutiny. I therefore propose to continue to submit any individual FPA for scrutiny if the Committee requests this after notification of future agreements, or if an agreement deviates from the core template in which case handling would be agreed with your Committee Clerk. This will ensure that Parliament retains both an oversight of all FPAs and the ability to intervene and scrutinise sensitive FPA if needed.

I understand that a similar agreement was reached between the previous Government and Parliament in 2005 which saw the Committees agree to a more flexible approach to scrutinising FPAs. Under this agreement, the House of Lords Select Committee requested that any FPAs which covered a non EU or non NATO member state would continue to be submitted in the usual way. However, my proposal would extend the arrangement to non EU and non NATO countries. I believe this new suggested approach, whereby I regularly update the Committees on multiple FPAs, will be more efficient, allow the Committees to maintain a greater oversight of all FPAs, and indicate any particular agreement in which you are likely to be more interested. Furthermore, we would ensure that, if you agree to this new approach, officials would contact your Clerk to agree handling an FPA which was expected to depart from the core template or was considered by you or us to warrant an individual Explanatory Memorandum. Given the time that has elapsed since the earlier agreement was reached I thought it appropriate to revisit the arrangement to see if we can make it more effective.

I would like to reassure the Committees that other checks and balances will be maintained over third state participation in EU crisis management operations. EU member states retain the right to decide whether or not to open up any individual EU operation to third countries. Article 1 of the FPA template makes clear that a third state may only participate in an EU operation once member states agree to offer that particular country an invitation to participate. That country would then have to accept the EU's invitation before it could deploy any personnel. This ensures that the EU is able to maintain control at the later stages of the planning process.

I look forward to hearing your views on this proposed approach. In the meantime I would like to take this opportunity to provide the Committees with advanced notice of the FPAs that are under consideration for discussion in the near future:

- Australia
- Bosnia I Herzegovina
- Former Yugoslav Republic of Macedonia (FYROM)
- New Zealand
- Brazil
- Chile
- China
- South Africa
- Morocco
- India
- Japan

Under current arrangements your Committee would receive an individual Explanatory Memorandum for each of these countries. Under the plan I am proposing I would suggest submitting the China FPA for scrutiny but not submit on any of the others unless you requested I do so.

8 November 2011

Letter from the Chairman to the Rt. Hon. David Lidington MP

Thank you for your letter of 8 November on the scrutiny of framework participation agreements (FPAs) which the EU Foreign Affairs, Defence and Development Policy Sub-Committee considered at its meeting on 24 November 2011.

The Sub-Committee discussed your proposal on this issue but, after careful consideration, concluded that it wished to retain the existing system agreed in 2005 under which FPAs would continue to be submitted for parliamentary scrutiny with the exception of those for EU or NATO countries. While we recognise that there will inevitably be a repetition of some standard paragraphs in EMs on the FPAs for different countries, we would hope to see any politically sensitive points incorporated into the subject matter or policy implications sections.

There is no need to reply to this letter unless, of course, you wish to do so.

28 November 2011

GREEN PAPER: DUAL-USE EXPORT CONTROL SYSTEM OF THE EU (12566/11)

Letter from the Chairman to Mark Prisk MP, Minister for State for Business and Enterprise, Department for Business, Innovation and Skills

The EU Foreign Affairs, Defence and Development Policy Sub-Committee considered the above document at its meeting on 13 October 2011 and cleared it from scrutiny.

We are concerned about press reports that a UK-based company allegedly offered to supply electronic surveillance and monitoring equipment to Egypt during the regime of President Mubarak. In the light of the Arab Spring, it has become even more urgent to ensure that EU legislation is effective in preventing the export of dual-use goods that could be used for internal repression. We would be grateful for your views. Does the Government intend to raise this issue with the Commission?

We look forward to hearing from you within the standard ten working days.

14 October 2011

GREEN PAPER: THE FUTURE OF EU BUDGET SUPPORT TO THIRD COUNTRIES

Letter from Stephen O'Brien, Parliamentary Under-Secretary of State, Department for International Development

In clearing above-mentioned EM on the 25 November 2010 your Committee asked for further information on;

- DFID's response to the Commission's Green Paper
- DFID's review of multi-lateral review
- DFID's updated guidance on budget support

I sent letters to the Committee covering the first two points on the 1 and 2 March respectively. I am taking this opportunity to send to your Committee DFID's updated guidance on budget support (please see attached document) [not printed].

25 October 2011

HEAD OF THE EUROPEAN DEFENCE AGENCY'S REPORT TO THE COUNCIL

Letter from the Chairman to Gerald Howarth MP, Minister for International Security Strategy, Ministry of Defence

Thank you for your Explanatory Memorandum on the above document, which the House of Lords EU Sub-Committee on Foreign Affairs, Defence and Development Policy considered at its meeting on 30 June 2011. The document was cleared from scrutiny at the sift.

We would be grateful for further information on two points. We note that the UK supports the work of the European Defence Agency (EDA) on the EU Capability Development Plan (CDP) process. How do the NATO and EU capability development processes relate to each other? Is the NATO process of greater relevance to the MOD's work than the EU process? Does the Ministry of Defence refer to the EU CDP when undertaking capability planning, or is it of little importance to the MOD's work in this area?

In your Explanatory Memorandum, you note that the UK has not committed to participate in the Theatre Laboratory Demonstrator (TEL-D) project, which you say is under a French lead and should enhance counter-improvised explosive devices (C-IED) capability across Europe. Has the Government made a definitive decision not to participate in this project, and if so, why?

We look forward to hearing from you within the standard ten working days.

30 June 2011

Letter from Gerald Howarth MP to the Chairman

Thank you for your letter of 30 June 2011 regarding the Committee's clearance of the Explanatory Memorandum on the Head of the European Defence Agency's (EDA) Report to Council.

In response to your request for further information on the NATO and EU capability development processes and the EDA's Counter-Improvised Explosive Device (C-IED) project, please see my responses below:

HOW DO THE NATO AND EU CAPABILITY DEVELOPMENT PROCESSES RELATE TO EACH OTHER?

Although the processes in both institutions are independent of each other, one of my key priorities this year is to ensure that there is closer co-operation between NATO and the EU. This is in order better to address common capability shortfalls amongst Member States and Allies in a coherent, co-ordinated, transparent way, to make the most efficient use of resources and minimise duplication. To align both processes better, the UK is one of a small number of Allies who share our response to the NATO Defence Planning Capability Survey (successor to the Defence Planning Questionnaire) with the EU to ensure that both institutions have access to a single source of UK information for defence planning purposes.

IS THE NATO PROCESS OF GREATER RELEVANCE TO THE MOD'S WORK THAN THE EU PROCESS?

The government is clear; NATO constitutes the UK's most important strategic relationship for collective defence. Whilst we support EU processes which genuinely add value to capability development and recognise the strength of the EU's comprehensive approach when deploying military and civilian instruments to deal with complex security problems, NATO remains the first resort for collective security challenges.

Does the Ministry of Defence refer to the EU CDP when undertaking capability planning, or is it of little importance to the MOD's work in this area?

It is through our own national defence planning process that the MOD informs the EU of areas for future capability development rather than the EU Capability Development Plan (CDP) influencing our national plans. The EU CDP takes into account the wide range of defence capabilities across EU nations and the CDP priorities are agreed by all Member States. UK support for the CDP seeks to develop military capability in Europe through improving interoperability and burden sharing.

HAS THE GOVERNMENT MADE A DEFINITIVE DECISION NOT TO PARTICIPATE IN THE C-IED PROJECT AND IF SO WHY?

The EDA are due to deploy a C-IED Theatre Exploitation Laboratory (Demonstrator) (TEL (D)) in Afghanistan this summer, under a French lead. The UK already has a national capability integrated into ISAF and whilst the UK is not an active participant in the EDA's C-IED project, we have provided assistance including information (subject to national caveats) to inform the Agency's work based on our own national Level 2 capability. As the UK already has a national capability up to and including Level 3, we therefore do not participate in an EDA activity which does not add to the UK's capability. We do, however, encourage other Member States to participate in this project as we believe that more EU nations developing their own C-IED exploitation expertise could potentially reduce the burden on the UK. We receive briefs from the EDA project officer on the Agency's CIED work including the TEL (D) and we will continue to monitor this work with interest and provide encouragement and support. We keep our position, not to participate, under continual review. Specifically, we wish to track how this demonstrator operates in relation to the other exploitation capabilities in theatre and to understand how the demonstrator could potentially contribute to Member States' future expeditionary exploitation capabilities.

11 July 2011

IRAN: RESTRICTIVE MEASURES

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

I am writing with regard to a proposed EU Council Decision and EU Council Regulation implementing restrictive measures directed against certain persons, entities and bodies in view of the situation in Iran.

The implementing Decision and Regulation add further names to the list of individuals subject to sanctions under the existing Iran Human Rights existing measures. These new and amended legal acts do not grant any further powers to the European Union. They simply allow for the addition of new names to the existing legal acts.

We strongly support these measures, which will send a strong signal to the Iranian regime that its continued flagrant violations of the human rights are unacceptable. The situation in Iran continues to deteriorate by the day, with Iran executing people at an increasing rate (over 500 already in 2011), arresting, harassing and intimidating human rights defenders, journalists and the opposition with complete impunity, and the continuation of the appalling harassment of minorities.

I regret that due to the fact that your Committee was not sitting and due to late issuance of draft documents by the EU institutions I find myself in the position of having to agree to the adoption of these Council Decisions and Regulations before your Committee has had an opportunity to scrutinise the documents. Please be assured that my officials are working to improve the forward planning of EU legal acts in the EU.

However, I should also point out that due to the classification of the Annexes and the risk of asset flight, I would not have been able to pass the Annexes to your Committee in advance of adoption even if the documents were issued in good time.

As you know, the responsibility to keep your Committee informed on issues concerning sanctions is something I take seriously and the need for the override of scrutiny on this occasion is regrettably unavoidable.

7 October 2011

Letter from the Rt. Hon. David Lidington MP to the Chairman

I am writing with regard to the Council Implementing Decision and Council Implementing Regulation concerning restrictive measures in Iran

I regret that due to the fact that the urgency of the measures to be adopted I find myself in the position of having to agree to the adoption of this Council Decision and Regulation before your Committee has had an opportunity to scrutinise the documents.

The recent November IAEA report and the subsequent Board of Governors resolution demonstrate the further progress of the possible military dimensions of Iran's nuclear programme. In the wake of the IAEA report the British Government acted on 21 November to sever all financial ties between the UK financial sector and Iranian banks. We believe it is an urgent priority that the European Union agree a robust response to Iran, including acting to prevent Iran acquiring the goods needed to develop its nuclear programme and halting the financial flows that fund the programme. The Decision and Regulation in question allow further entities and individuals to be subject to an assets freeze and travel ban in all 27 EU Member States. On 23 October, the European Council invited the Foreign Affairs Council to prepare new restrictive measures on Iran and we are, therefore, considering proposals in this regard in the finance sector, the transport sector and oil and gas sectors.

As you know, the responsibility to keep your Committee informed on issues concerning sanctions is something I take seriously and the need for the override of scrutiny on this occasion is regrettably unavoidable. Given the serious nature of events in Iran, and the possibility of further measures, my officials would be happy to update your Committee on the situation in Iran in due course.

24 November 2011

KAZAKHSTAN: PARTNERSHIP AND COOPERATION AGREEMENT

Letter from the Chairman to the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office

The Foreign Affairs, Defence and Development Policy Sub-Committee considered your letter of 6 June 2011 on the above matter at its meeting on 16 June 2011.

Thank you for informing us about the latest developments in the EU's relations with Kazakhstan. We would be grateful if you could keep us in touch with progress on the negotiations for an enhanced Partnership and Cooperation Agreement.

We look forward to hearing from you in due course.

22 June 2011

Letter from the Rt. Hon. David Lidington MP to the Chairman

I am writing to inform the Committee about decisions adopted at the Foreign Affairs Council on 23 May that allow negotiations to start with Kazakhstan on an Enhanced Partnership & Co-operation Agreement. The negotiating mandate to which the Council Decisions refer is a classified text and not, therefore, depositable. Nevertheless, the Committee might welcome a summary of the key points.

The proposed agreement will modernise the existing arrangement, which has been in force since 1 July 1999, and will provide the legal basis for updating the EU's co-operation with Kazakhstan. The United Kingdom is seeking to deepen its relationship with Kazakhstan, a country in which we have significant commercial and other interests, and a closer relationship between the EU and Kazakhstan would be consistent with that objective.

The negotiating mandate provides for the negotiation of a mixed agreement that builds on the existing range of EU and Member State co-operation with Kazakhstan. It covers a wide range of issues in the economic and trade domains as well as, potentially, justice and home affairs. It will include inter alia provisions on political and economic governance; energy cooperation; conflict prevention and crisis management; regional stability; combating terrorism; cooperation on migration; asylum and border management; money laundering, terrorism financing; cooperation on illicit drugs; the fight against organised crime and corruption; counter-terrorism; legal cooperation. It will also cover democracy, rule of law, respect for human rights and fundamental freedoms.

As it is a mixed agreement (i.e. an agreement between the EU and its Member States, with Kazakhstan, and including areas of Member State competence and/or non-exclusive EU competence), there were two Council Decisions: one authorises the Commission and the EU High Representative to negotiate on the basis of the mandate those provisions that fall within EU competence; and the other authorises the Commission to negotiate on the basis of the mandate those provisions that fall within Member State competence. A Joint Council and Commission Statement accompanying the Council Decisions allows for an EU-only agreement if the negotiations produce an agreement confined to areas of EU competence, but neither we nor other Member States expect this to be the case.

The Council Decisions were accompanied by a *statement of the Council to the Council minutes* that highlights the importance of further reform in Kazakhstan. This notes that:

The adoption of the negotiating directives for an enhanced EU-Kazakhstan Partnership and Cooperation Agreement by the Council opens the way for further advancing relations and strengthening the EU and its Member States' cooperation with Kazakhstan through the conclusion of an enhanced agreement. Kazakhstan is a key economic and political partner for the EU, which continues to provide support to the implementation of reforms.

As outlined in the Joint Statement endorsed by the EU-Kazakhstan Cooperation Council in November 2009, closer and stronger bilateral ties must go hand in hand with adherence to the common values of democracy, rule of law and respect for human rights. In this context the Council is confident that the process of concluding a future enhanced agreement will provide a stimulus for Kazakhstan to make progress with regard to democratic and political reforms, notably in enhancing freedom of expression and media, freedom of association and assembly, and improvement of the conduct of electoral processes, to make them compliant with international standards. The Council emphasises that the successful conclusion of an enhanced agreement will be influenced by the advancement of reforms in these areas.

The negotiating mandate does not specify the provisions of the final agreement in detail, but it will potentially include Justice and Home Affairs related content which, if entered into by the EU, would engage the UK's opt-in. It is not possible to specify at this stage exactly which provisions the final agreement will contain, or whether these would be entered into by the EU or the Member States in their own capacity. However, on the basis that the final agreement may contain JHA content which engages the opt-in, the UK's position is that the opt-in does apply.

Given the uncertainty surrounding the substance of any JHA provisions in the final agreement, and therefore the uncertainty over the competency of any such content, the UK has not opted-in at this stage in order to preserve our position, and avoid granting the EU a mandate to negotiate in the UK's name on areas of shared or Member State competence. A decision to not opt-in at the negotiating mandate stage will not affect the UK's entitlement to opt-in to subsequent Council Decisions on Signature and Conclusion. This position has been protected by the insertion of a statement in the negotiating mandate that the UK has the right to opt-in to any Title V elements of the final Agreement.

If the final agreement does create legal obligations in JHA areas which apply to the EU, we will push for the relevant Title V legal bases to be cited and make it clear that the UK will determine whether we opt-in to these provisions. The UK will press for this position to be reflected in recitals to relevant Council Decisions.

The Council Decisions on signature and conclusion of an agreement itself will, of course, be subject to Parliamentary Scrutiny in the usual way.

6 June 2011

KOSOVO: EU RULE OF LAW MISSION

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

In my letter to you before recess, I predicted that the EU Rule of Law Mission in Kosovo might be able to extend its budget come October. Indeed, we have received word that the budget is intended to be extended for two months and a draft Council Decision has issued.

Now that the financial details are available, my officials are preparing an Explanatory Memorandum, but I would like to take the opportunity to alert you to this issue and ask that you consider it at your first meeting in October.

The mission's budget is due to expire on 14 October. The draft Council Decision extending the budget is provisionally intended to go to the ECOFIN Council for adoption on 4 October, but my officials are negotiating a delay so that you may scrutinise the Decision at your first meeting. However, I may have to consider an override, if required to ensure continuity of the mission's operations.

As I said in my letter of 6 July, the mission is currently mandated until June 2012 and I stated my intention to support the provision of a budget to cover the outstanding mandate period, but to undertake detailed scrutiny to ensure clear value for money in the current and future budget periods. I am pleased to report that the mission was very active over the summer during the customs dispute and is supporting the EU-sponsored Belgrade-Pristina dialogue and the NATO KFOR troops by facilitating operational arrangements at the northern customs gates. EULEX is transporting Kosovan officials to the gates and supervising and advising their work.

I'd like to take this opportunity to thank your Committee for your constructive engagement over the summer and I am pleased that Decisions on EUPOL Afghanistan, EUMM Georgia, EUPOL DR Congo and EUSEC DR Congo were all able to clear scrutiny.

27 September 2011

KOSOVO: EU SPECIAL REPRESENTATIVE

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

You had asked me to update the Committee on the negotiations on the Kosovo EUSR, once completed.

You will recall that an Explanatory Memorandum was submitted for Parliamentary Scrutiny on 15 March for a full extension of the EUSR mandate from 1 May 2011 until 30 April 2012. Your Committee cleared the document on 31 March 2011 after referral to Sub-Committee C. However, due to difficulties in obtaining full agreement from Member States at that stage, the proposal for a full extension was replaced by a proposal for a temporary extension of the mandate from 1 May 2011 to 31 July 2011, with the intention that the full substantive mandate should commence in August following negotiations. An Explanatory Memorandum was thus submitted and your committee cleared the document on 12 May 2011 after referral to Sub-Committee C.

We have since returned to negotiations on the substantive mandate, taking it from 1 August 2011 up to 30 June 2012. This proposed substantive mandate contains a number of improvements from the version you previously considered (something I raised as important for the Government in my EM of 5 May on the temporary mandate extension). Whilst negotiations are still continuing, I am pleased to say that at this point, my officials have secured improvements to the proposed substantive mandate, with the mandate now calling for:

- Strengthening the EU presence in Kosovo.
- Supporting Kosovo's progress towards the EU, in line with the European perspective of the region.
- Monitoring, assisting and facilitating progress on political, economic and European priorities to ensure a broader understanding and support from the Kosovan public on EU related issues.

— Assisting in the implementation of the EU facilitated dialogue between Belgrade and Pristina.

The UK has also succeeded in removing statements calling for the EUSR to play a role in supporting a final status settlement for Kosovo, which we saw as prejudicial to those Member States who believe Kosovo has achieved its final status and to the EU's declared status neutral position.

In my EM, I expressed strong concerns about the inclusion of references to Kosovo being 'Under UN Security Council Resolution 1244', which we view as prejudicial to the position of recognition taken by 22 Member States. You will recall that my officials had succeeded, in April this year, in requesting a review by the EAS and Presidency of these references. As a result of the review I accepted the inclusion of the prejudicial references on the condition that a Cover note was attached to the Council Decision as follows:

"The references to Kosovo in this Council Decision are without prejudice to the Member States' positions on its status, and without prejudice to the Member States' positions in the ongoing discussion on the EEAS paper "Kosovo - Review of References in EU documents".

The UK is still awaiting a completion of the review. We would therefore seek to protect the position we secured at the last Council Decision through requesting a cover note as above.

The Council has not yet circulated a financial reference amount for the proposed substantive mandate. The UK will however ensure that the budget is fully scrutinised in line with our commitment to value for money.

Despite broad agreement over the proposed substantive mandate, as a successful candidate has not yet been announced for the EUSR position, there is a possibility that the EAS may need to seek a short-term technical extension (2-3 months likely) of the current (temporary) mandate. Should this happen, it would need to occur during recess and I therefore regret that I may be required to override. I would note however, that if this does occur, it is my understanding that this would be on a 'no-additional cost' basis.

15 July 2011

Letter from the Rt. Hon. David Lidington MP to the Chairman

I am writing with regard to the Council Decision concerning the technical extension to the mandate of the European Union Special Representative (EUSR) in Kosovo from 1 October to 31 January 2011.

I regret that due to the fact that the Committee is in recess I find myself in the position of again having to agree to the adoption of this Council Decision before your Committee has had an opportunity to scrutinise the documents. The attached Explanatory Memorandum sets out the background to this issue, but in short, Baroness Ashton has been unable to find a candidate of suitable calibre to be offered the role permanently.

There are financial implications to this Council Decision but we will not know what they are before early next week.

As you know, the responsibility to keep your Committee informed on issues concerning sanctions is something I take seriously and the need for the override of scrutiny on this occasion is regrettably unavoidable.

30 September 2011

LIBYA: RESTRICTIVE MEASURES

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

I am writing with regard to Council Decision amending Council Decision 2011/137/CFSP concerning restrictive measures in view of the situation in Libya, Council Implementing Decision, implementing Decision 2011/137/CFSP concerning restrictive measures in view of the situation in Libya, and Council Implementing Regulation, implementing Article 16(2) of Regulation (EU) No.204/2011 concerning restrictive measures in view of the situation in Libya – all to be adopted on 7 June. I regret that due to the pace of events in the EU I find myself in the position of having to agree to the adoption of these documents before your Committee has been able to provide parliamentary scrutiny.

On 23 February 2011 the European Union expressed its grave concern about the situation unfolding in Libya. The EU strongly condemned the violence and use of force against civilians and deplored the repression of peaceful demonstrators. The EU reiterated its call for an immediate end to the use of force and for steps to address the legitimate demands of the population.

Since then there have been a number of measures adopted by the EU to ensure that the civilian population in Libya is protected from attack from the Qadhafi regime. These latest measures list the ports in western Libya, but allow for the import and export of humanitarian goods to ensure the civilian population is not affected. These new listings will provide a strong deterrence to member states still trading with the Qadhafi regime.

Throughout the Libyan crisis I, and my officials, have made every effort to keep you aware of events and provide EMs where appropriate. Unfortunately on this occasion it has been necessary for me to override parliamentary scrutiny. As you know, the responsibility to keep your Committee informed on issues concerning sanctions is something I take seriously, but the need to override parliamentary scrutiny on this occasion is unavoidable.

5 June 2011

Letter from the Rt. Hon. David Lidington MP to the Chairman

I am writing with regard to Council Implementing Decision 2011/137/CFSP and Council Implementing Regulation (EU) No. 803/2011 which were agreed by written procedure on 10 August. These measures extend the EU asset freeze measures to Al-Sharara Oil Services Company and the Organisation for Development of Administrative Centres (ODAC). Both entities are known to be acting on behalf of or at the direction of the illegitimate Qadhafi Regime. The official documents, as they appear in the EU Official Journal, are attached (Annex A and B). As these additions are minor changes to existing restrictive measures, I do not believe that they need to be formally deposited and scrutinised.

In total, six port authorities, 49 entities and 39 persons involved in the serious human rights abuses in Libya are now subject to a freeze of their funds and financial resources in the European Union. In addition, the same 39 persons, which include Muammar Qadhafi and several family members, are banned from entering the EU.

Our focus at the moment is on refining, implementing and reviewing the Libya sanctions regime to ensure it achieves the policy objectives as effectively as possible. We know that Libya is experienced at dodging sanctions as UN sanctions were first imposed in the early 1990s. While measures were suspended in 1999 and removed in 2003 - seen as a result of Libya doing what the Security Council had demanded - Qadhafi is experienced at working around sanctions.

Therefore we need to continue to ensure that the current sanctions package is fit for purpose in terms of contributing to delivering our current policy objectives, adjusting it where necessary to ensure maximum impact and to respond to the illegitimate Qadhafi-regime's attempt to find new ways around it. Listing these two entities will help us maintain pressure on Qadhafi and strengthen the sanctions regime we have in place.

12 August 2011

Letter from the Rt. Hon. David Lidington MP to the Chairman

I am writing with regard to Council Implementing Decision 2011/521/CFSP and Council Implementing Regulation (EU) No 872/2011 of 1 September which delists 28 entities in Libya from the EU sanctions regime. I regret that due to the pace of events in the EU I find myself in the position of having to agree to the adoption of these documents before your Committee has been able to provide parliamentary scrutiny.

On UK request, the EU agreed this week to delist 6 Libyan ports from the EU sanctions regime in order to stimulate trade with Libya. At the request of the National Transitional Council (NTC), the French proposed to delist 18 entities (banks, oil companies and an airline) and the Germans a further four (oil companies) from the EU regime on an expedited timetable. All 28 requests were agreed by the EU on 30 August, and the measures came into effect through written procedure on 1 September.

The UK has taken every step to ensure that the entities delisted are under the control of the Free Libya Forces and therefore meet the criteria for delisting. The asset freeze remains in place for a number of individuals and entities at EU level.

As developments in Libya continue I, and my officials, will ensure that you are aware of events and will provide EMs where appropriate. As you know, the responsibility to keep your Committee informed on issues concerning sanctions is something I take seriously, but the need to override parliamentary scrutiny on this occasion is unavoidable.

5 September 2011

Letter from the Rt. Hon. David Lidington MP to the Chairman

I am writing with regard to draft Council Decision amending Council Decision 2011/137/CFSP and draft Council Regulation amending Regulation (EU) No. 204/2011. These documents implement UN Security Council Resolution 2016 (2011) which lifts the No Fly Zone in respect of Libya. These documents will be adopted by the FAC on 14 November.

Due to the political interest in Libya, I am happy to provide your Committee with the documents and an EM. However, since the Cabinet Office guidance contains an exemption for EU documents implementing UN sanctions – except for substantive changes – I do not consider their adoption to constitute an override.

10 November 2011

MEASURES TO COMBAT TERRORISM

Letter from the Rt. Hon David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office

I am writing with regard to the adoption of EU asset freezes against five individuals: Hamed Abdollahi, Manssor Arbabsiar, Abdul Reza Shahlai, Ali Gholam Shakuri and Qasem Soleimani. Following a failed plot to assassinate the Saudi Ambassador to the US, Adel Al-Juberi, the US designated these individuals on 11 October 2011. The UK Treasury designated the same five individuals under the Terrorist Asset Freezing etc. Act 2010 on Monday 17 October. The EU designated these individuals under Common Position 2001/931/CFSP (the EU terrorist asset freezing regime) on 21 October 2011.

The imposition of EU terrorism sanctions on these five individuals provides for a freezing of all funds, other financial assets and economic resources belonging to the individuals concerned. In addition it establishes that no funds, other financial assets and economic resources may be made available to them, whether directly or indirectly. I am attaching a background paper on the EU terrorist asset freezing regime.

The assassination plot would appear to constitute a major escalation in Iran's sponsorship of terrorism outside its borders. This swift EU action sends a strong message that EU Member States will not tolerate Iranian involvement in terrorism. This comes on the back of further human rights sanctions against Iran, which the Foreign Affairs Council agreed earlier this month, and with the wider backdrop of Iranian non-compliance on the issue of their illegal nuclear programme. These three separate strands of sanctions demonstrate that Iran continues to defy international norms and obligations. The sanctions in place are proportionate, targeted and reversible. If the Iranian regime and individuals targeted by sanctions change their behaviour and comply with their obligations then sanctions will be lifted. However, should the Iranian regime persist or escalate its current course then the Government will work towards imposing further sanctions against Iran.

I regret that I have had to agree to adoption of this Council Decision and Council Implementing Regulation without giving your committee an opportunity to scrutinise the documents. My officials agreed this approach with the Clerk of your Committee. The names of individuals, groups and entities that are proposed for EU designation are necessarily classified until designation has been agreed. This helps to prevent individuals removing their assets from the EU before an asset freeze takes effect. The Statements of Reasons for the designations of these individuals remain classified after the asset freeze takes effect.

As you know, the responsibility to keep your Committee informed on issues concerning sanctions is something I take seriously and the need for the override of scrutiny on this occasion is regrettably unavoidable. My officials would be happy to update your Committee on Iran, or on Counter Terrorism, whenever convenient.

24 October 2011

POLISH PRESIDENCY PRIORITIES FOR DEVELOPMENT

Letter from Stephen O'Brien MP, Parliamentary Under-Secretary of State, Department for International Development

Poland's EU Presidency began on 1 July 2011 and will end on 31 December, to be succeeded by Denmark. I am taking this opportunity to update the Committees on the Polish Presidency's development priorities and outline the UK's objectives in relation to these, set out below:

MULTI ANNUAL FINANCIAL FRAMEWORK 2014-2020

Initial negotiations for the Multi Annual Financial Framework (MAFF) 2014-2020 will fall to the Polish Presidency. The Commission published its proposals on 29 June. A coordinated UK negotiating position on the MAFF has been drawn up across Whitehall. The UK's top priority is budgetary restraint, ensuring that the EU budget contributes to domestic fiscal consolidation. The UK will be arguing for a strong development outcome in the negotiations with a focus on protecting or increasing the proportion of Official Development Assistance (ODA) within a reduced post-2013 EU budget. This is essential if the EU is to meet its collective commitment to the 0.7% aid target; language which was recently pushed in the June European Council Conclusions.

The Commission has not proposed that the European Development Fund (EDF) should become part of the Budget; it should maintain its position as a Member States voluntary fund. Given that the Department for International Development's (DFID) recent Multilateral Aid Review confirmed that the EDF demonstrated strong value for money and effectiveness, the UK would have concerns about any proposal to change its independent status.

AID EFFECTIVENESS AND TRANSPARENCY

This is a key priority for the Polish Presidency with an EU position expected to be adopted at the beginning of November, ahead of the High Level Forum IV on Aid Effectiveness in Busan on 29 November – 1 December 2011. We expect a Commission Communication to be released in September. The EU position will be finalised once evidence from the recent evaluation of the Paris Declaration and further OECD Working Party on Aid Effectiveness co-ordination meetings and discussions to be held in July and October this year are taken into account. The UK's priority is to ensure a strong ongoing commitment in Europe to the aid effectiveness agenda, including international political leadership. The UK will seek a re-commitment to the country-led approach and a new, stronger focus on results (including in situations of conflict and fragility), value for money, transparency and accountability. The UK will push for concrete implementation in any international commitments and a reduction in bureaucracy post-Busan.

EU DEVELOPMENT POLICY IN SUPPORT OF INCLUSIVE GROWTH AND SUSTAINABLE DEVELOPMENT

A Commission Communication on Development Policy is expected in October. This is likely to emphasise the importance of a greater focus on results, transparency and accountability; economic growth for development, including the need for human development as a condition for growth; propose a stronger focus on good governance; and call for greater coherence across EU policies. It is anticipated that the communication will also include details of the proposed synchronisation of EU and National Programming Cycles. The UK's position is that any form of Joint Programming should be country-led, flexible and open to the whole donor community. The UK is not in favour of any form of legislation surrounding a division of labour.

THE FUTURE OF EU BUDGET SUPPORT TO THIRD COUNTRIES

DFID is committed to delivering clear results, transparency and value for money from EU aid. It is hoped that the Communication on the Commission's use of budget support, expected in September, will reflect this. The UK will be pushing for a more robust approach, with greater emphasis on rigorous political, economic and fiduciary risk assessments and stronger checks and balances to ensure EU budget support is only provided to countries where it will be spent effectively.

HUMANITARIAN AID

A further priority for the Polish Presidency is expected to be humanitarian aid and assistance. This will include the implementation of the food assistance policy; improving linkages with civil protection;

strengthening and enhancing EU presence within the humanitarian system; and also improving humanitarian space. Partnership between the EU and the UN is a focus of the Polish Presidency, who will want to explore new avenues of cooperation in humanitarian response. It is expected that work on proposals for legislation to revise the Council Regulation 1257/96 concerning Humanitarian Aid will fall to the Polish; and subsequently the Danish Presidency. The UK will be working with the Commission to deliver a more joined-up EU response to humanitarian emergencies, following Lord Ashdown's Humanitarian Emergency Response Review; including through the upcoming regulatory proposals on EU disaster response.

DEMOCRACY FOR DEVELOPMENT AND THE EUROPEAN NEIGHBOURHOOD

Another of Poland's key priorities is to utilise their transitional experience to help countries in the Eastern and Southern Neighbourhood; through the promotion of democracy and through applying country-specific approaches to strengthen economic ties. They have proposed creating a separate fund for democracy, the European Endowment for Democracy (EED); likely to be raised at the Sopot Development Informal on 15 July. The UK welcomed the recent Communication on the European Neighbourhood Policy (ENP) and will be supporting the Commission's efforts to identify additional funds for the European Neighbourhood and Partnership Instrument (ENPI) from within existing budget lines. DFID will focus on ensuring that the new approach is quickly implemented and that funding is closely aligned to the revised ENP: which the Foreign Office leads on. Funding should be conditional upon countries' progress in human rights and democratic reform.

TRADE

A Communication on Trade and Development is expected in the autumn. It is important that this makes the case for open markets and resists protectionism; highlights the importance of regional integration; and that the EU continues to place development at the centre of its trade policy.

MIGRATION

A Communication on Migration and Mobility for Development is expected in October. DFID will work across HMG to ensure this is coordinated with our overall EU priorities on development including our continued commitment to the aid effectiveness principles.

Gender

We welcome the preparation of the first annual report on the EU Plan of Action on Gender Equality in Development (2010-2015) which contains commitments for Member States, the Commission and the EEAS at HQ and at field level. Our multilateral aid review noted that the EC is good on gender policy but weaker on implementation – with no uniform approach and no gender disaggregated data. We will continue pressing the issue of girls and women on the EU agenda.

POLICY COHERENCE

A report on the implementation and update of the Policy Coherence for Development (PCD) work program 2010-2013 is expected towards the end of 2011. DFID will continue to work across HMG to ensure wider EU policy affecting development is properly coordinated.

7 July 2011

THE SAHEL: STRATEGY FOR SECURITY AND DEVELOPMENT

Letter from the Rt. Hon. David Lidington MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

I am writing to you to update the Scrutiny Committees on progress being made towards implementation of the European External Action Service's "Strategy for Security and Development in the Sahel" as welcomed in Foreign Affairs Council Conclusions in March 2011. Your Committee may appreciate some background as to the current status of the Strategy, its rationale and the position of the UK Government.

The proposed strategy was conceived in response to the numerous interlinked security and development challenges that plague the region, particularly in Mauritania, Mali and Niger. Al Qa'ida in the Islamic Maghreb (AQIM) engages in criminal and terrorist behaviour across the region, attacking

and kidnapping Western nationals and engaging in sporadic fighting with regional governments. The return of thousands of Malian and Nigerien Tuaregs from Libya is also a concern, as is the possibility of AQIM procuring advanced weaponry from Libyan arsenals. Fragile states, cross-border security threats and lack of education and employment opportunities continue to hamper development efforts. Sahelian countries remain close to the bottom of the Human Development Index.

A draft strategy was presented to the Foreign Affairs Council in March 2011. Council Conclusions welcomed the presentation of the strategy, saying “the Council supports the integrated approach as well as the strategic objectives proposed in the political strategy which will provide not only the framework for EU engagement but also a useful means of improving the coherence, coordination and effectiveness of the EU’s engagement with region.”

Under the strategy, and building on existing national, bilateral and multilateral engagements, the EU will work in close cooperation with governments, civil society and regional and international bodies, including the African Union and ECOWAS. The strategy aims to address governance and conflict resolution, diplomatic co-ordination, security and the rule of law and the prevention of violent extremism and radicalisation. In the longer term, the strategy will address the underlying causes of insecurity and conflict by promoting economic development, increasing access to basic services and building more transparent and locally accountable governance structures.

Funding for the strategy will be sourced mainly from the EDF, to which the UK contributes approximately 14% of the total budget. The total budget for the Strategy is currently estimated at just over €600m, of which approximately €170m will be spent in Niger, €295m will be spent in Mali, €50m will be spent in Mauritania and €85m will be spent in the wider West Africa region.

The UK Government gave broad political support to the strategy but expressed concerned about a lack of detail in the implementation strategies with regard to cost, scale of activities to be undertaken and benchmarks for progress. We have subsequently been instrumental in driving forward further development of the strategy to include more detail along these lines, building a stronger platform for effectiveness and value for money.

A small CSDP mission has also been proposed as part of the Sahel strategy which is currently in the drafting/planning phase of development. Properly calibrated and structured, we agree that a CSDP mission could help to increase capacity in the areas of border management and training but have expressed concern at a lack of clear outputs and benchmarks for progress. We are working to ensure that the mission is robust, effective and delivers value for money.

The European External Action Service (EEAS) judge that no formal adoption of the strategy is required and that implementation will be carried out largely through revisions to the EEAS Country Strategy Papers. At a meeting of the European Development Fund Committee on 27 October, the revised Country Strategy Papers for Mali and Niger were agreed and have since been adopted, by written procedure, by the EEAS. Once we have an agreed outline of the CSDP mission, we will submit it to the Scrutiny Committees.

18 November 2011

SOMALIA: EU TRAINING MISSION

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

I am writing to let your Committee know of plans to renew the mandate of the existing European Union Training Mission Somalia. The current mandate will formally end when the second tranche of troops trained under the Mission returns to Mogadishu, likely to be in late August. The Mission has been successful in contributing to the development of the Somali security sector by strengthening the Somali security forces. It is an important part of the EU’s comprehensive engagement in support of Somalia, with a view to responding to the priority needs of the Somali people and stabilising Somalia to begin rebuilding security, and is consistent with the Union’s external action as a whole, including the Union’s development programmes.

My officials have raised the problem of national parliamentary scrutiny and asked if a decision might be postponed until after Recess. However, if a decision is delayed, there will not be sufficient time to carry out the necessary operational planning to avoid an operational gap should the Council decide that the Mission should be continued. This would result in unnecessary costs such as maintaining empty training facilities.

If a decision is adopted by Council in mid July, this will unfortunately mean that there is not enough time for your Committee to scrutinise the Decision. In light of the need to begin operational planning, I hope the Committee will accept the Crisis Management Concept for the extension of the mandate as sufficient basis for scrutiny.

6 July 2011

Letter from the Chairman to the Rt. Hon. David Lidington MP

The EU Foreign Affairs, Defence and Development Policy Sub-Committee considered the above document at its meeting on 14 July 2011 and cleared it from scrutiny. We much appreciated the informative briefing from FCO Officials and the UK Military Representative for Somalia on this scrutiny item.

We would be grateful if you could keep the Committee informed of progress on this important Mission. We look forward to receiving an initial update in November.

14 July 2011

SOMALIA: RESTRICTIVE MEASURES

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

I am writing with regard to Council Decision and Implementing Regulation concerning restrictive measures against Somalia. I regret that due to the pace of events in the EU I find myself in the position of having to agree to the adoption of these documents before your Committee has been able to provide parliamentary scrutiny.

UNSCR 2002 (2011), adopted on 29 July 2009, amended the UN designation criteria for Somalia sanctions and listed two further individuals. The new designation criteria targets those involved in recruiting and using child-soldiers, and perpetrators of sexual violence. The two individuals targeted are foreign armed fighters.

This draft Council Decision and implementing Regulation is needed in order to implement these UN measures in the EU. They are due to be adopted on 21 September.

Sanctions are a tool through which we can deliver UK policy aims on Somalia. It is important that sanctions have effect; previous listings have had little impact on the ground as those listed do not have bank accounts and/or do not travel. Therefore the UK initiated this additional criteria for designation which we hope will send a clear message that individuals involved in recruiting and using child-soldiers, and perpetrators of sexual violence are unacceptable. The UK also strongly supported the listing of two further individuals.

Unfortunately on this occasion it has been necessary for me to override parliamentary scrutiny. As you know, the responsibility to keep your Committee informed on issues concerning sanctions is something I take seriously, but the need to override parliamentary scrutiny on this occasion is unavoidable.

16 September 2011

SUDAN AND SOUTH SUDAN: RESTRICTIVE MEASURES

Letter from the Chairman to the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office

The above document was considered by the House of Lords EU Sub-Committee on Foreign Affairs, Defence and Development Policy at its meeting on 30 June 2011 and cleared from scrutiny.

The Sub-Committee appreciated the background briefing given by the UK's Special Representative for Sudan, Michael Ryder, which was helpful in enabling it to reach a decision. However, a number of concerns remain.

The Sub-Committee understand the concerns about the proliferation of arms in the hands of the SPLA and the militias, the violence being perpetrated against civilians and the lack of proper central

control of the army in South Sudan. It is, however, concerned that the EU's restriction on arms exports to the new country, except for those supporting security sector reform, could deprive South Sudan of the means to defend itself, which is the right of every sovereign state. This is particularly relevant in view of the uncertainties over the intentions of North Sudan towards its neighbour. We are reassured that the intention is to review the arms embargo for South Sudan in six months. We ask that that the Sub-Committee's concerns should be borne strongly in mind at the time of the review. Should the threat from the North increase before the scheduled review, we would ask the Government to urge the EU to look urgently at revising the arms embargo on the South to enable it to defend itself.

At the same time, we believe that efforts should be redoubled by the government of South Sudan and the international community to build up the central institutions governing the army and to control the proliferation of arms already in the country, so that in time the new country can acquire the necessary means to defend itself against external attack without the fears that such arms will be used against its own population.

I look forward to hearing from you by 18 July 2011.

5 July 2011

Letter from the Rt. Hon. David Lidington MP to the Chairman

Thank you for your letter of 5 July confirming that your Sub-Committee has cleared the above document from scrutiny.

As set out in our Explanatory Memorandum of 23 June, we continue to believe that the arms embargo should be extended to South Sudan, as an appropriate measure to limit and control the supply of arms to the region.

In that Explanatory Memorandum we also said that we supported the inclusion of a six-month review period for South Sudan, which you raise in your letter. While the UK fought hard in Brussels to secure such a provision, we were unable to find support for it among other Member States, and it has now been removed from the final document. That document instead makes reference, at our behest, to a review taking place "no later than" 12 months after adoption. With little chance of winning this argument, we have therefore lifted our scrutiny reserve in the hope of seeing sanctions applied as soon as possible.

While I recognise that this will be a disappointment to the Sub-Committee, I hope it will reassure you to know that in practice any Member State will be able to request a review of the arms embargo at any time, even, if deemed necessary, before six months have elapsed. We fully appreciate that the situation in the region is likely to remain volatile. I am confident that EU Heads of Mission in Juba, including our own Ambassador designate, will remain alive to changing circumstances. And we will of course take on the views of the Sub-Committee, both on the timing and substance of a review.

I understand that Henry Bellingham will be giving evidence to the Sub-Committee on Tuesday July 12th. I am sure he will be happy to discuss this further with you then.

11 July 2011

SUDAN: SCRUTINY OVERRIDES

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

I am writing with regard to the Council Decision concerning extension to the mandate of the European Union Special Representative (EUSR) in Sudan.

I regret that due to the fact that the Committee is in recess I find myself in the position of having to agree to the adoption of this Council Decision before your Committee has had an opportunity to scrutinise the documents. I set out that the measures were set to be adopted in my pre recess letter of 6 July.

I have not submitted an EM for EUSR for Sudan, whose mandate will come to an end on 31 August. As expected, the EAS is now seeking to extend the mandate with amended Terms of Reference, to take into account both the new state of South Sudan and a new responsibility for overseeing work on the Lord's Resistance Army. The EU Council is seeking to renew the mandate now, and to backdate

it to 9 July, when South Sudan became independent. Leaving the renewal until 31 August would mean that the EUSR mandate between now and 31 August would only cover (North) Sudan. We therefore judge that there is a strong case for renewing the mandate for another year and overriding scrutiny.

As you know, I take very seriously my responsibility to keep your Committee informed and value its comments. However the operational nature of these mandates and their coincidence with the summer recess means that the need to override scrutiny in these specific instances is regrettably unavoidable.

4 August 2011

SYRIA: RESTRICTIVE MEASURES

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

Thank you for your letter of 25 May concerning EU restrictive measures in respect of the situation in Syria. As you note in your letter, confidentiality of those names to be listed is paramount. This is primarily to avoid listed individuals from taking pre-emptive action to avoid those measures. While we cannot avoid others speculating on who will be subject to restrictive measures, it would not be right for HMG to confirm these measures before the EU has reached agreement, and could enable those targeted to avoid the impact of sanctions.

As you stated in your letter, Cabinet Office guidance says that “proposals for minor changes to update lists of people or organisations subject to restrictive provisions in existing measures” are exempt from the usual deposit requirements, and should be discussed with the Committee Clerk. My officials consequently were in contact with the clerks of your Committee to ensure that we could work closely and collaboratively to get the process right.

I understand that my EU Parliamentary Team made contact on 11 May to confirm arrangements in this delicate area. For this particular case, we judged that while the decision to leave President Assad off the original list of people subject to the restricted measures could be judged as significant, the decision to add him to the list was in line with the policy approach already cleared by your Committee. But of course, legally, we were unable to discuss the precise details at that time.

Your clerks also contacted my EU Parliamentary Team on Friday 20 May on the back of press reports speculating that President Assad would be added to the list. We were unable to comment on the accuracy of those rumours. As a result of this telephone conversation, we were asked to write to inform you of these changes. This letter issued on Monday 23 May, ahead of your sift.

My officials subsequently directed your officials to the published Council Implementing Decision and Regulation, which updated the annexes of persons to be subject to the measures, upon their adoption on 24 May. Had we been advised that the amendments required depositing, we would of course have sent an EM in place of the letter. I would emphasise, however, that this EM could not have contained a copy of the draft documents including any proposed additional names, for the reasons I have explained above.

As you know, I take our scrutiny responsibilities very seriously, and my officials have sought to provide EMs as a matter of priority to allow Committees to consider the proposals before we agree to them in Council. For example, as you kindly remarked in your letter of 26 May, officials gave informal evidence to sub-Committee C at very short notice to allow them to ask questions about the EUBAM Rafah mission.

On this occasion, I feel that we followed the spirit of the guidance, and liaised well with your clerks. I would therefore ask you to reconsider, in these circumstances, whether this should be considered an override.

Perhaps it would be helpful if, after the Recess, your clerks and my officials worked together to come to a shared understanding of the nuances of this area, perhaps as part of a wider evaluation of how the new Scrutiny Reserve Resolution one year after its implementation.

1 June 2011

Letter from the Rt. Hon. David Lidington MP to the Chairman

I am writing with regard to an urgent Council Implementing Decision and Council Implementing Regulation concerning restrictive measures in view of the situation in Syria. I attach an Explanatory Memorandum. Due to the pace of events in the EU, I find myself in the position of having to agree to the adoption of these documents before your Committee has had an opportunity to provide parliamentary scrutiny.

I am attaching copies of the draft Decision and Regulation; it is unlikely that these will change at this point. But I am not able to provide the annexes as they concern proposals to list a number of additional individuals and entities to be subject to the measures. However, my officials will provide them as soon as they have been published.

My officials have also enclosed copies of Council Implementing Decision 2011/302/CFSP and Council Implementing Regulation (EU) No 504/2011 of 23 May for your information. In line with the advice from the Clerks of your Committee, these did not require parliamentary scrutiny at the time.

The European Union (EU) continues to express its grave concern about the situation in Syria and the deployment of military and security forces in a number of Syrian cities, most recently at the 20 June Foreign Affairs Council. The EU strongly condemns the violent repression, including through the use of live ammunition, of peaceful protest in various locations across Syria resulting in the death and injury of a large number of demonstrators, and arbitrary detentions, and called on the Syrian security forces to exercise restraint instead of repression.

In view of the continuing violence, on 24 June I expect the European Council to agree to list additional entities and individuals thereby making them subject to the restrictive measures agreed.

As you know, the responsibility to keep your Committee informed on issues concerning sanctions is something I take seriously and the need for the override of scrutiny on this occasion is regrettably unavoidable.

22 June 2011

Letter from the Rt. Hon. David Lidington MP to the Chairman

I am writing with regard to the Council Implementing Decision and Council Implementing Regulation concerning restrictive measures in view of the situation in Syria

I regret that due to the fact that the Committee is in recess I find myself in the position of having to agree to the adoption of this Council Decision and Regulation before your Committee has had an opportunity to scrutinise the documents. I set out that there was a possibility of further action in my pre recess letter of 6 July [see BUSINESS DURING SUMMER RECESS 19/20 JULY – 6 SEPTEMBER 2011].

The Foreign Secretary made clear that he was appalled by the continuing violence being perpetrated against civilians who have been protesting peacefully. My officials continue to explore options for increasing the pressure on the Syrian regime following the violence in Hama and across the country over the weekend.

As you know, the responsibility to keep your Committee informed on issues concerning sanctions is something I take seriously and the need for the override of scrutiny on this occasion is regrettably unavoidable. Given the fast moving and serious nature of events in Syria, and the possibility of further measures, my officials would be happy to update your Committee on the situation in Syria when your Committee returns from Parliamentary recess.

4 August 2011

Letter from the Rt. Hon. David Lidington MP to the Chairman

I am writing with regard to the adoption of further EU restrictive measures in view of the situation in Syria

I regret that due to the fact that the Committee has just returned from recess I find myself in the position of having to agree to the adoption of these Council Decisions and a Council Regulation before your Committee has had an opportunity to scrutinise the documents. In my pre recess letter of 6 July I explained that there was a possibility of further action during recess [see BUSINESS DURING SUMMER RECESS 19/20 JULY – 6 SEPTEMBER 2011].

I also enclose a copy of Council Implementing Decision 2011/515/CFSP and Council Implementing Regulation No. 843/2011 which were adopted on 23 August imposing restrictive measures against an additional 15 persons and 5 entities implicated in the violent repression of civilians in Syria. In line with the agreement between my office and your Committee, minor updates of the annexes to EU documents do not need depositing.

We believe that further action to increase the pressure on President Assad's regime will put an end to the violence. The import ban on Syrian crude oil and petroleum products, amongst other things, is designed with exactly this in mind, and responds to calls from the Syrian people to deny the regime the funds it requires to maintain its authority.

As the Prime Minister and others have stated, Assad has lost any legitimacy he once had and should now step aside. The Foreign Secretary continues to make clear that he is appalled by the continuing violence being perpetrated against civilians who have been protesting peacefully.

The UK, joined by France, Germany, Portugal and the United States, recently tabled a UN Security Council Resolution. We will continue to press Council members to engage with the proposed text.

As you know, the responsibility to keep your Committee informed on issues concerning sanctions is something I take seriously and the need for the override of scrutiny on this occasion is regrettably unavoidable. Given the fast moving and serious nature of events in Syria, and the possibility of further measures, my officials would be happy to update your Committee on the situation in Syria whenever convenient.

5 September 2011

Letter from the Rt. Hon. David Lidington MP to the Chairman

I am writing with regard to the adoption of further EU restrictive measures in view of the situation in Syria.

I regret that due to the fact that the Committee is currently unavailable due to the conference recess, I find myself in the position of having to agree to the adoption of this Council Decision and a Council Regulation before your Committee has had an opportunity to scrutinise the documents. In my pre-recess letter of 6 July I explained that there was a possibility of further action during recess [see BUSINESS DURING SUMMER RECESS 19/20 JULY – 6 SEPTEMBER 2011].

We continue to believe that further action to increase the pressure on President Assad's regime will put an end to the violence. The ban on new investment in the Syrian oil sector and listing of a number of additional regime controlled entities, (notably Cham Holdings, which we believe remains under the control of Rami Makhlouf a key regime figure, and President Assad's cousin), is designed with exactly this in mind. It also responds to calls from the Syrian people to deny the regime the funds it requires to maintain its authority.

As the Prime Minister and others have stated, Assad has lost any legitimacy he once had and should now step aside. The Foreign Secretary continues to make clear that he is appalled by the continuing violence being perpetrated against civilians who have been protesting peacefully.

As you know, the responsibility to keep your Committee informed on issues concerning sanctions is something I take seriously and the need for the override of scrutiny on this occasion is regrettably unavoidable.

Given the fast moving and serious nature of events in Syria, and the possibility of further measures, my officials would be happy to update your Committee on the situation in Syria whenever convenient.

26 September 2011

Letter from the Rt. Hon. David Lidington MP to the Chairman

I am writing with regard to the adoption of further EU restrictive measures in view of the situation in Syria.

Following the adoption of additional sanctions against Syria on 22 September it has been necessary to hold further EU negotiations over the way in which the asset freezing measures should be applied to a key Syrian entity. These have only recently concluded. Given that the UK is intent on increasing the pressure on the Syrian regime without further delay, I find myself in the position of having to agree to the adoption of this Council Decision and a Council Regulation before your Committee has had an opportunity to scrutinise the documents.

The UK has led EU measures to increase pressure on President Assad's regime to put an end to the violence against peaceful protestors. Such measures should avoid any unintended impact on the Syrian people. The measures adopted against this entity, including the UK inspired derogation, are designed with exactly this in mind. The measures also respond to calls from the Syrian people to deny the regime the funds it requires to finance its repression.

As the Prime Minister and others have stated, Assad has lost any legitimacy he once had and should now step aside. The Foreign Secretary continues to make clear that he is appalled by the continuing violence being perpetrated against civilians who have been protesting peacefully.

As you know, the responsibility to keep your Committee informed on issues concerning sanctions is something I take seriously and the need for the override of scrutiny on this occasion is regrettably unavoidable.

Given the fast moving and serious nature of events in Syria, and the possibility of further measures, my officials would be happy to update your Committee on the situation in Syria whenever convenient.

13 October 2011

Letter from the Rt. Hon. David Lidington MP to the Chairman

I am writing with regard to the adoption of further EU restrictive measures in view of the situation in Syria.

I regret that due to the urgency to agree further measures ahead of the Foreign Affairs Committee on 14 November to send a clear political message from the EU in light of the escalating ongoing violence in Syria, I find myself in the position of having to agree to the adoption of these Council Decisions and a Council Regulations before your Committee has had an opportunity to scrutinise the documents. The Committee may wish to note that the UN now estimates that the regime has killed over 3500 people since March including several hundred since the Arab League's announcement on 2 November to end the violence.

We need to keep intensifying action to increase the pressure on President Assad's regime to end the violence. Stopping further disbursements of European Investment Bank loans to Syria and an asset freeze and travel ban on further individuals responsible for the violence or associated with the regime are designed with exactly this in mind. It also responds to calls from the Syrian people to deny the regime the funds it is using to fund its military operations against protestors.

As the Prime Minister and Foreign Secretary have made clear, Assad has lost any legitimacy he once had and should now step aside. The Foreign Secretary continues to make clear that he is appalled by the continuing violence being perpetrated against civilians who have been protesting peacefully.

As you know, the responsibility to keep your Committee informed on issues concerning sanctions is something I take seriously and the need for the override of scrutiny on this occasion is regrettably unavoidable.

Given the fast moving and serious nature of events in Syria, and the possibility of further measures, my officials would be happy to update your Committee on the situation in Syria whenever convenient.

11 November 2011

TRANSNISTRIAN REGION OF MOLDOVA: RESTRICTIVE MEASURES

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

I am writing with regard to a Council Decision concerning restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova. I regret that due to the pace of events in the EU I find myself in the position of having to agree to the adoption of these documents before your Committee has been able to provide parliamentary scrutiny.

This Council Decision suspends the restrictive measures for a further six months until 31 March 2012 and extends the overriding restrictive measures for a further six month period (starting from 31 March 2012) until 30 September 2012.

An updated EU Heads of Mission report, issued on 29 August 2011, concluded that limited progress had been made against each of the criteria set out in Council Decision 2011/171/CFSP. This, along

with the inadequate human rights situation in the Transnistria region, lead our policy decision that the existing restrictive measures should not be lifted, but that the suspensions of them should be maintained.

The list of persons affected by the restrictive measures will also be maintained but will be reviewed in the future to take into account any developments, including after the Transnistrian “Presidential” elections in December 2011.

Unfortunately on this occasion it has been necessary for me to override parliamentary scrutiny. As you know, the responsibility to keep your Committee informed on issues concerning sanctions is something I take seriously, but the need to override parliamentary scrutiny on this occasion is unavoidable.

20 September 2011

UN SECURITY COUNCIL REGULATION 2009: COUNCIL IMPLEMENTING REGULATION (EU) NO.941/2011

Letter from the Rt. Hon. David Lidington MP, Minister of State for Europe and NATO, Foreign and Commonwealth Office, to the Chairman

I am writing with regard to Council Decision 2011/625/CFSP, Council Implementing Regulation (EU) No.941/2011 of 22 September and Council Regulation implementing UN Security Council Resolution 2009 (2011). I regret that due to the pace of events in the EU I find myself in the position of having to agree to the adoption of these documents before your Committee has been able to provide parliamentary scrutiny.

On 23 February 2011 the European Union expressed its grave concern about the situation unfolding in Libya. The EU strongly condemned the violence and use of force against civilians and deplored the repression of peaceful demonstrators. The EU reiterated its call for an immediate end to the use of force and for steps to address the legitimate demands of the population.

Since then there have been a number of measures adopted by the EU to ensure that the civilian population in Libya is protected from attack from the Qadhafi regime. These latest measures list the ports in western Libya, but allow for the import and export of humanitarian goods to ensure the civilian population is not affected. These new listings will provide a strong deterrence to member states still trading with the Qadhafi regime.

On 15 September 2011, the UN Security Council adopted Resolution 2009 (2011) to promote Libya’s recovery from its recent conflict and begin unwinding some of the sanctions imposed under UNSCRs 1970 and 1973. UNSCR 2009 created new exemptions to the arms embargo, removed restrictions on Libyan-operated flights and provided for a transparent and responsible unfreezing of certain funds frozen under UNSCRs 1970 and 1973 in order to support the resumption of economic activity. These three documents implement UNSCR 2009.

As developments in Libya continue, I, and my officials, will ensure that you are aware of events and will provide EMs where appropriate. As you know, the responsibility to keep your Committee informed on issues concerning sanctions is something I take seriously, but the need to override parliamentary scrutiny on this occasion is unavoidable.

30 September 2011