



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 May to November 2008.

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

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AFGHANISTAN: POLICE MISSION

Letter from Jim Murphy MP, Minister for Europe, Foreign and Commonwealth Office to the Chairman

The General Affairs and External Relations Council Conclusions on 26 and 27 May are likely to commit to doubling the size of the police mission to Afghanistan (EUPOL Afghanistan), deployed under the European Security and Defence Policy. I am writing to inform you of the background and context of this commitment.

Police reform is critical to success in Afghanistan. EUPOL is a significant plank of our policing strategy in Afghanistan, alongside our bilateral projects and working with the military-run US police reform programme. It is the key vehicle for EU support for police reform, with seconded personnel from 20 different Member States. Its focus is on the strategic and institutional level of police reform, and on providing civilian law enforcement expertise.

The Government supports increased EU engagement in police reform in Afghanistan, and the ambition to double the original number of policing experts working in the mission. The EU's expertise in civilian policing is an important complement to the US programme of district-level training, focused more closely on paramilitary skills. Deploying additional personnel in the provinces and in niche areas such as criminal investigation would significantly increase the mission's impact.

The operating environment for the mission continues to be challenging. The Government will therefore ensure that EU Partners and the Council Secretariat remain focused on the importance of ensuring that the mission's logistical and security arrangements can support the deployment of additional officers. The current strength of the mission is 132 personnel deployed against the original target size of 232 personnel.

The UK is currently the third largest contributor to the mission, with eleven secondees deployed in Kabul and Helmand, including the Deputy Head of Mission (Operations), and has more secondees in pre-deployment training. The Government intends to increase its contingent to twenty officers.

The Joint Action for the mission expires in September 2008, and I will deposit an Explanatory Memorandum on the replacement Joint Action as soon as the draft text becomes available. I will also be writing to you shortly on funding for ESDP from the CFSP budget, as requested in your response of 21 May to my Explanatory Memorandum on the CFSP Annual Report. My letter will of course address the implications of this increased commitment to EUPOL Afghanistan.

23 May 2008

Letter from the Chairman to Jim Murphy MP

Thank you for your letter of 23 May 2008 on the EU police mission in Afghanistan.

The Sub-Committee supports the role of the EU in helping Afghanistan build an effective police force. However, Members expressed a number of concerns about this mission and we would be grateful if you could provide us with some further information. As you say in your letter, the mission is currently only at half strength, i.e. 132 deployed personnel against the target size of 232. What are the prospects for making up this shortfall? What is the justification for doubling the size of the mission given that the EU mission has not yet even reached its full operating strength?

The Sub-Committee note that you expect to submit an Explanatory Memorandum on the revision of the Joint Action in advance of its expiry in September 2008. In the light of our concerns about the effectiveness and staffing of the mission, we will want to take evidence from the appropriate Government Minister on this matter before the Committee can agree to clear the revised Joint Action from scrutiny. My officials will be in touch with your office to make the necessary arrangements.

6 June 2008

Letter from Jim Murphy MP to the Chairman

In your response to my 23 May letter about the EU police mission in Afghanistan, you requested further information on the prospects for reaching the full operating strength of the mission, and the justification for doubling it. I am of course, happy to give evidence to the Committee. The current Joint Action expires on 30 September, but is likely to be renewed through a no-cost extension. The Committee may therefore find it more useful to hold the evidence session towards the end of 2008, when the more substantive Joint Action issues to put into effect the General Affairs and External Relations Council commitment to doubling the size of the mission.

I am pleased to inform you that, since I wrote on 23 May, further personnel have deployed to the mission. Deployment will continue until full operating strength is reached, which is expected by the autumn. The mission's current strength is now 153 experts, drawn from eighteen different Member States. EUPOL Afghanistan is one of the missions with the highest proportion of Member State participation, significantly higher than missions in other difficult operating environments such as Darfur and the Democratic Republic of Congo.

Creating an effective police force remains a critical step to ensuring long term security and stability in Afghanistan, and the new commitment to doubling the mission provides a powerful signal of the EU's desire to increase its engagement in police reform in Afghanistan.

However, the Government is clear of the need to ensure that the mission's logistical and security base is able to support the deployment of additional personnel, and will be closely monitoring the planning process over the summer. I will be happy to update you on the development of these plans during the future evidence session.

18 June 2008

AFGHANISTAN: EUROPEAN UNION SPECIAL REPRESENTATIVE

Letter from the Chairman to Jim Murphy MP, Minister for Europe, Foreign and Commonwealth Office

Sub-Committee C considered this document at its meeting on 17 July 2008 and cleared it from scrutiny.

The Sub-Committee fully supports the contribution of the EU to building a peaceful and democratic Afghanistan, in line with the EU-Afghanistan Joint Declaration. We note that under Article 6 of the draft Joint Action the new EU Special Representative (EUSR) will be able to constitute his or her team, which may include secondees from Member States as stated in paragraph 6(2). We would be grateful if you could provide us with details of the probable composition and size of the EUSR team, including whether you expect a change from the current composition and details of any likely UK Government secondments. In light of the situation in Afghanistan, we hope that the team will include *inter alia* a gender adviser, a human rights adviser and a security adviser, if this is not already the case. We would also be grateful if you could keep us informed of the review of the EUSR's mandate, as set out in Article 13 of the draft Joint Action.

You will recall that the Committee has in the past commented on the double-hatting of European Union Special Representatives and Heads of Commission Delegation, notably in our report "Europe in the World" (HL 48th report, session 2005-06). We would be grateful if you could let us know whether this possibility was considered in relation to the EUSR for Afghanistan, and if so, on what basis a decision was reached.

21 July 2008

Letter from Jim Murphy MP to the Chairman

Thank you for your letter of 21 July regarding the Council Joint Action amending and extending the mandate of the European Union Special Representative for Afghanistan (EUSR).

I welcome your support of the EU's effort in Afghanistan, including support to the office of the EUSR. You asked for details of this team. The EUSR office comprises six core staff, including the EUSR. There is a human rights and gender adviser (Finnish national) and a security development adviser (Danish national). The core staff also cover political reporting, counter narcotics, civilian-military co-ordination; media analysis, policing and regional and parliamentary affairs. There are two contracted UK members of the team. Until the new EUSR, Ettore Sequi, takes up the post in September, it is difficult to predict whether he will make substantial changes to the EUSR Office. I will, of course, keep you informed of the review of the EUSR's mandate, as set out in Article 13 of the draft Joint Action.

We continue to support the principle of double-hatting the role of the EUSR and the Head of the Commission Delegation. The appointment of Ettore Sequi as EUSR for Afghanistan from September is a temporary appointment for only 6 months. We believe double-hatting this role will have significant benefits for the coherence and impact of the EU presence in Afghanistan. We hope the time will be right to introduce this when a permanent successor to Vendrell is appointed in March 2009.

23 August 2008

AFRICA: EU AFRICA STRATEGY UPDATE (11326/07)

Letter from Ivan Lewis MP, Parliamentary Under Secretary of State, Department for International Development and the Rt Hon Lord Malloch-Brown, Minister of State, Foreign and Commonwealth Office, to the Chairman

We wrote to your Committees in December 2007¹ confirming that Africa and European leaders at the EU Africa Lisbon Summit had overwhelmingly approved the Joint Africa EU Strategic Partnership and Action Plan. In that letter we proposed to write updating the Committees on progress following each of the expected EU Africa ministerial troika meetings.

PROGRESS TO DATE

We are pleased to be able to report some good progress on implementation of the Strategic Partnership. Under the Peace and Security aspect of the Partnership, the first joint meeting of the EU Political and Security Committee and the African Union (AU) Peace and Security Council took place in late September. This meeting covered a range of political and security issues, including discussion of recent developments in Georgia, Kosovo and Afghanistan. This shows a deepening of the EU-AU relationship.

Under the Energy Partnership EU Commissioners Michel and Piebalgs visited Ethiopia, Nigeria and Burkina Faso in September and discussed priorities for action with the AU Commission. The joint statement adopted following the visits commits both sides to work on key issues such as integrating Africa's electricity markets, and reducing gas venting and flaring. This work will be supported by the Energy Facility and the European Investment Bank Africa Infrastructure Trust Fund. And the Climate Change partnership team are preparing a joint EU-AU Declaration which will help set the tone for the Poznan climate negotiations in December.

These examples show that there have been some significant achievements. Progress overall is perhaps more limited than we might have hoped, due in part to the lack of capacity on the part of the African Union Commission. However we expect in the next few weeks to see the start of face to face dialogue with AU counterparts on each of the eight Partnerships. This engagement lies at the heart of the Strategy and we hope that this will be the start of fruitful discussions across the broad scope of the Action Plan.

At the time of our last letter we expected that the ministerial troika meetings would be scheduled for April and November 2008. However, following requests from the Africa Union to postpone, the first of these meetings took place on 16 September. We are now taking the opportunity to attach the Communiqué from that meeting, which I hope will be helpful in informing the Committees in more detail of progress to date.

INSTITUTIONAL ARRANGEMENTS

After the Strategy and Action Plan were agreed in December, steps were taken to establish the right EU and AU structures to reflect the ambitious scope of the Strategy.

The EU has established eight Implementation Teams, one for each of the thematic Partnerships. Each of these has met at least once, bringing together interested Member States, the European Commission and the Council Secretariat to discuss how best to take forward the priority actions agreed in each Partnership. The UK is playing a leading role in the MDG partnership.

Following the appointment of Mr Koen Vervaeke in December, the 'double-hatted' EU Special Representative to the AU, the EU permanent Delegation to the AU in Addis Ababa is now operational. Mr Vervaeke has helped to drive political engagement on the Strategy in Addis, and his team will play a key role in supporting the joint experts groups which are planning to meet in Addis this winter.

¹ Correspondence with Ministers, 2nd Report of Session 2009-10, HL Paper 29, p 112

European Civil Society Organisations (CSOs) have formed a Steering Group to facilitate Civil Society's active involvement in implementation of the Strategy.

On the African side, the AU conducted two regional consultations of its Member States in March and April 2008. A consultation with Civil Society was also held in March. The AU Commission has also established an Inter-departmental Task Force to work on implementing the Action Plan and the AU is now forming its own implementation teams; these will be work with EU counterparts to hold the informal joint experts' meetings.

PARTNERSHIP ON THE MILLENNIUM DEVELOPMENT GOALS (MDGs)

The UK has taken a lead (with the Commission) on the MDGs Partnership for the EU side. The four priority actions for the MDG Partnership are: ensure the finance and policy base for the MDGs; accelerate the food security; health; and education targets of the MDGs.

The UK held an initial Implementation Team meeting in May, attended by seven Member States, the Commission and the Council. Officials then led a mapping exercise to set out existing EU or member state initiatives which are already contributing to the above priority actions. This mapping exercise will help avoid duplication and ensure the Partnership focuses its activity in those areas where attention is most needed.

We welcomed the adoption of the EU Agenda for Action on the MDGs by the European Council in June. The Agenda for Action is an ambitious political commitment by the Commission and EU Member States to help developing countries get the MDGs back on track by 2010. The document restates the EU's commitment to increasing ODA to 0.56% GNI by 2010, and sets out milestones for what could be achieved with these additional resources, including specific figures for Africa. Officials are now working closely with the Commission to ensure that follow-up to the Agenda for Action and implementation of the MDG Partnership are complementary, given the clear links between the two. The teams moved towards a European consensus on this at a meeting of member state MDG experts held by the European Commission in September.

Officials are now arranging the first MDG Joint Experts Meeting with African partners, which we hope to hold in November. The UK has also held an informal meeting with CSOs to update them on progress. This was useful for both parties, and well received by CSOs who are keen to be kept informed and to be involved in implementation of the Partnership.

The recent high level UN events in New York were enormously important in achieving the first priority action of the MDG Partnership, to ensure the finance and policy base for the MDGs. Officials will be discussing with African partners and with the Commission how we can build on and follow up the achievements of those events in the context of the MDG Partnership.

We look forward to being able to update you further following the next ministerial troika in November.

5 November 2008

BORDER ASSISTANCE MISSION FOR THE RAFAH CROSSING POINT (EUBAM RAFAH)

Letter from the Chairman to Rt Hon Caroline Flint MP, Minister for Europe, Foreign and Commonwealth Office

Sub-Committee C considered the above Council Joint Action at its meeting on 23 October 2008 and cleared it from scrutiny.

The Sub-Committee were grateful for the further information provided by telephone by FCO officials on the position of the remaining members of EUBAM and on the reduction of the budget for 2008 – 2009. Members supported the objective of sending a positive message of support to the Palestinians by retaining the Mission even though as the border had been closed they had not been able to act as observers since June 2007. They did however feel that the figure of 18 personnel was rather high and wonder if the personnel could be temporarily employed elsewhere in the region. They also requested information on why Israel does not allow these personnel to assist with EUPOL COPPs.

27 October 2008

BOSNIA-HERZEGOVINA: STABILISATION AND ASSOCIATION AGREEMENT AND
INTERIM AGREEMENT (8222/08, 8228/08)

**Letter from the Chairman to Jim Murphy MP, Minister for Europe, Foreign and
Commonwealth Office**

Thank you for your letter of 28 April 2008² and for your Explanatory Memorandum of 24 April. Sub-Committee C considered the above documents at its meeting on 1 May 2008 and cleared them from scrutiny.

The Committee expressed full support for the Government's approach and welcomed the upcoming signature and conclusion of the Stabilisation and Association Agreement with Bosnia-Herzegovina as well as the recent signature of the Stabilisation and Association Agreement with Serbia.

The Committee would be grateful if you could continue to keep them informed of EU-related developments in the Western Balkans. I understand your officials are looking for a date when you could give evidence to the Sub-Committee on the subject.

1 May 2008

CHILDREN IN EU EXTERNAL ACTION

**Letter from Jim Murphy, Minister for Europe, Foreign and Commonwealth Office to the
Chairman**

I am writing to inform you that the draft Council Conclusions on the development aspects of the European Communication on "A Special Place for Children in EU External Action" were adopted at the May GAERC (Development Ministers). I enclose a copy of the Conclusions.

The Council established a framework for a comprehensive EU approach towards the protection and promotion of the rights of children in third countries. We welcome this as a positive measure to ensure that the EU is not complicit in the violation of child rights.

The Council also reaffirmed its commitment to poverty eradication in the context of sustainable development and to reaching the targets set by the Millennium Development Goals.

Draft Council Conclusions on the Children in Armed Conflict aspect are due to be discussed at the June GAERC (Foreign Ministers). I will write to you after that meeting with further information.

9 June 2008

COTONOU AGREEMENT: MAURITANIA

**Letter from Jim Murphy MP, Minister for Europe, Foreign and Commonwealth Office to
the Chairman**

I am writing to inform you about a Communication from the Commission to the Council on the opening of consultations with Mauritania under article 96 of the Cotonou Agreement. This is due to be considered at the General Affairs and External Relations Council on 15 September.

On 6 August the Mauritanian military, led by the Chief of the Presidential Guard General Abdelaziz, carried out a bloodless coup in Mauritania, arresting the President and Prime Minister. Both remain in detention. General Abdelaziz announced the creation of a "High State Council" to govern the country, and on 31 August appointed a new cabinet. The situation on the ground remains calm, with some small scale demonstrations in the capital. The UK, EU, US, and international institutions have condemned the coup and called on the military to release the President and reinstate democracy. The European Commission is therefore proposing that the Council invited the Islamic Republic of Mauritania to hold consultations under Article 96 of the Cotonou Agreement.

The Government supports Article 96 consultations being opened. The consultations will offer the opportunity to promote democratic principles in Mauritania and to demonstrate the importance the EU attaches to the "essential elements" of the Cotonou Agreement. It is important that the democratic institutions of Mauritania are reinstated as soon as possible.

² Correspondence with Ministers, 2nd Report of Session 2009-10, HL Paper 29, p 112

The Government will continue to use every opportunity to press the Mauritanian authorities to release the deposed President and Prime Minister, to behave transparently, respect human rights, and return the country to democratic rule as soon as possible. We support the need for quick action by the EU.

The speed of events on the ground coupled with the need to act decisively means that there is not enough time for your Committee to scrutinise the Decision. I hope the Committee will understand if I agree to this proposal before scrutiny has been completed.

12 September 2008

Letter from the Chairman to Rt Hon Caroline Flint MP, Minister for Europe, Foreign and Commonwealth Office

Sub-Committee C considered the above document at its meeting on 9 October 2008 and cleared it from scrutiny.

The Committee expressed its full support for the Government's position and considers that, given the circumstances, the Government's agreement to this proposal in Council does not constitute an override of the scrutiny reserve. We would, however, be grateful if you could update us on recent developments in Mauritania and on efforts to address the coup.

14 October 2008

Letter from Rt Hon Caroline Flint MP to the Chairman

Thank you for your letter of 14 October about Mauritania.

Since the coup d'état on 6 August, the UK has been working with our international partners to address the coup and to reinstate democracy. Along with EU and international partners we have called for the release of the President and the restoration of democratic institutions. We are committed to the restoration of democracy in Mauritania, which had been in its early stages following Presidential elections in 2007 which were deemed free and fair by the EU monitors.

A central focus of our efforts has been on the procedures set out in Article 96 of the Cotonou Agreement. As you are aware, the Cotonou Agreement covers political relations, trade and development co-operation between the EU and 78 Africa, Caribbean and Pacific countries, including Mauritania. Article 96 of the Agreement provides for appropriate measures when the 'essential and fundamental elements' of the Agreement (such as democracy) have been revoked. Once procedures are enacted, a set of benchmarks for the return to democracy will be agreed with the Mauritanian Government. Failure to agree or meet these benchmarks could result in economic sanctions and, as a last resort, in the suspension of development assistance (not affecting humanitarian aid). These procedures were enacted following the 2005 military coup and EU Member States met on 2 September and agreed to begin procedures under Article 96 of the Cotonou Agreement.

The EU wrote to General Abdelaziz at the end of September, and a meeting took place in Paris on 20 October. The Mauritanian proposals were not acceptable to the EU; they did not include the immediate, unconditional release of the legitimate president, and did not provide the framework for the restoration of the constitutional order in the short term. The EU has given the Mauritians one month to provide alternative proposals. If they fail to do so, the EU will close consultations and appropriate measures will be considered. These measures may cover any aspect of the EU-ACP relationship (including development assistance, trade, financial and economic cooperation, political dialogue). They could include, for example, financial sanctions or travel restrictions against members of the military regime, or more general economic sanctions. In the selection of these measures, there will be an analysis of their impact, and humanitarian and emergency assistance should not be affected. The UK will continue to support this process.

The EU also has an important fisheries agreement with Mauritania, which was worth €305m to the Mauritians over a four-year period and underpinned the Mauritanian budget. The Commission was due to make a payment of €86m on 31 August in respect of the agreement, and initially suspended payment for one month. However, according to the Agreement, the Commission was legally obliged to make the payment, and so the payment was made at the end of September.

The UK has also been working with other partners in the international community to put pressure on the Mauritanian regime. Mauritania is a member of NATO's Mediterranean Dialogue partnership. Allies have agreed to suspend all military activities carried out in co-operation with Mauritania planned for September and October, and will review future activities in light of developments in Mauritania, the merits of each activity and subject to military advice.

The US has also taken a strong position against the military coup, and announced on 17 October that they had imposed travel restrictions to the United States on certain members of the Mauritanian military junta and the government. We understand that they are also considering financial sanctions against individuals in the Mauritanian regime. Such action reinforces the message that democracy in Mauritania must be restored as soon as possible if Mauritania is to avoid being ostracised from the international community.

The UK will continue to work with our international partners through these various channels to address the situation in Mauritania with the aim of reinstating democracy

30 October 2008

Letter from the Chairman to Rt Hon Caroline Flint MP

Thank you for your letter of October 30 2008 on the attempts to address the coup in Mauritania and to reinstate democracy.

Members of Sub-Committee C considered your letter at their meeting on 6 November and expressed concern that funds were being disbursed to the military regime which, moreover, does not have a good record on human rights.

We would be grateful if you would continue to keep us in touch on this subject.

17 November 2008

CROATIA: CROATIAN PARTICIPATION IN EULEX KOSOVO

Letter from Jim Murphy MP, Minister for Europe, Foreign and Commonwealth Office to the Chairman

I am writing to let your Committee know of the adoption of an agreement between the European Union and Croatia, which will enable Croatian participation in the European Union rule of law mission in Kosovo (EULEX Kosovo).

We agree with the content of this Council Decision, which will support the mission in advancing its goal of a stable, viable, peaceful, democratic, multi-ethnic Kosovo, contributing to regional cooperation and stability and committed to the rule of law and to the protection of minorities.

The Council Decision was due for adoption at the Justice and Home Affairs Council on 25 September. My officials made clear to the Council Secretariat and the Presidency that this needed to be postponed until the 13 October General Affairs and External Relations Council in order for us to complete our scrutiny processes. This was agreed by the Council Secretariat and Presidency.

However, an administrative error led to this item being on the agenda for the Justice and Home Affairs Council. Despite repeated written and oral requests from my officials to have this item removed from the agenda, this did not occur.

We were therefore unable to prevent this item being taken as an A point (non-discussion) in the Council, and it was subsequently adopted on 25 September. We have since clarified our vote as abstention in view of it not having passed scrutiny first, and have secured commitments from the Secretariat and Presidency that no negotiations will take place with Croatia until after 13 October General Affairs and External Relations Council. Official publication has also been delayed until after this date.

I hope that you will understand that we did our utmost to avoid this regrettable situation. We are in touch with the Council Secretariat to see if there are lessons that can be learnt in order to prevent any similar incidents in the future.

30 September 2008

Letter from the Chairman to Rt Hon Caroline Flint MP, Minister for Europe, Foreign and Commonwealth Office

Sub-Committee C considered the above documents at its meeting on 9 October 2008 and cleared them from scrutiny.

The Committee expressed its support for the Government's position and welcomed the participation of the United States and Croatia in the EU's Rule of Law Mission in Kosovo (EULEX Kosovo). However, we were concerned by the failure to delay adoption of the Decision on Croatia, as

explained in Jim Murphy's letter of 30 September 2008. We note that you are in touch with the Council Secretariat to identify lessons learned and would be grateful if you could keep us informed of the steps you are taking to remedy the situation which led to an override of parliamentary scrutiny on this occasion.

14 October 2008

Letter from Rt Hon Caroline Flint MP to the Chairman

Thank you for your letter of 14 October regarding the breach of the UK's Parliamentary Reserve when adopting the Council Decision on Croatia's participation in the EU rule of law mission in Kosovo.

To ensure that such a breach does not occur again, officials at the UK Permanent Representation to the EU have raised this issue with the Council Secretariat and the Council Legal Service. They have agreed to strengthen their internal guidance and remind staff of the correct processes, and have issued guidance to this effect.

Our internal checks were followed in this case but we have tightened them further and revised our own guidance. This also reminds all staff dealing with EU issues to be mindful of our Parliamentary obligations in checking 'A' and 'I' points against upcoming agendas for the Council. We will also highlight this issue at our regular training seminars on Parliamentary Scrutiny.

27 October 2008

DEFENCE: EUROPEAN DEFENCE AGENCY (EDA) STEERING BOARD MEETING, 11 NOVEMBER 2008

Letter from Rt Hon Baroness Taylor, Minister for International Defence and Security, Ministry of Defence

The next European Defence Agency (EDA) Steering Board meeting will be held on 11 November. I would like to take this opportunity to inform you of the main items I expect to be discussed at this meeting. I enclose for your information the agenda and papers that have been circulated by the EDA. In order to maximise the time you have to review these documents I have attached those produced for the preparatory committee. These are provisional documents that are subject to any changes made as a result of a preparatory committee meeting on 31 October.

The first agenda point will be the acceptance of the Agency work programme for 2009 and the report from the 2007 defence data exercise as A Points at the Steering Board. I am content that both of these documents can be approved without comment.

The second item on the Agenda is on European Research and Technology, first the approval of the European Defence Research and Technology Strategy. I am happy with this strategy and propose it is approved at the Steering Board. The second part of this agenda item is the programme signature of the second Joint Investment Programme on research into Innovative Concepts and Emerging Technologies (ICET). The UK has already stated it will not participate in this project on this occasion. The third part of this item relates to an Agency proposal to launch a study that would link key technologies and EU capability priorities. The UK has no objection to the EDA launching this study.

The next agenda item is the approval of a roadmap on helicopter training and an update on other EDA helicopter activity. The UK is a strong supporter of this work, I commend the work the EDA has done on this initiative especially on helicopter tactics training that will be used to support deployments to Afghanistan next year.

The fourth Agenda item concerns the proposal by a number of EDA Member States to sign a draft declaration of intent on the creation of a European Air Transport Fleet based around the A400M. The UK supports this initiative as a way of increasing the available airlift in Europe, we have looked at whether there would be benefit in the UK joining this initiative but have decided on balance that the UK will not participate.

The fifth item for discussion on the agenda is on military space observation. Six Member States are proposing to replace their current satellites with a common system and the EDA is seeking Steering Board approval to accept this as an EDA Category B project. The UK has had little involvement with this project but supports it being run within the EDA and will be exploring whether there is any potential for future involvement.

The next agenda item covers proposals for the Agency to run another two Category B projects in the maritime domain. The UK has assessed the proposals for both Maritime Mine Counter-Measures (MMCM) and Maritime Tactical Unmanned Aerial System (MTUAS) and has decided not to participate in either of these projects. I propose to support the proposal to accept these two Category B projects as EDA projects.

The final agenda item is a steering board request to create an EU forum for Military Airworthiness. This was a UK suggestion to look at harmonising the way each Member State approached airworthiness. I intend to support the agency proposal to set up a forum and the high level roadmap presented by the Agency.

5 November 2008

DEFENCE DIRECTIVE

Letter from Rt Hon Baroness Taylor PC, Minister for Defence Equipment and Support to the Chairman

In your letter of 3 March 08³, you asked that I keep you informed of progress with regard to the Defence Directive. On 20 May 08 the Slovenian Presidency issued revised Directive text based on recommendations and input from Member States, including the UK. These changes have been reviewed against the Government's negotiating position and we are broadly content – both in terms of the changes made and in terms of progress being made. On some articles e.g. Article 16, where we asked for obligations relating to taxes, environmental protection, and employment protection and working conditions to be extended to third countries, and Article 24, where we requested that timeframes be shortened when a Prior Information Notice (PIN) has previously been issued as per the Classic Directive, the UK proposals have been accepted in full. In addition, some articles from the Classic Directive which the UK wished to see fully resurrected have now been included e.g. Article 19 (of 2004/18 EC) on Reserved Contracts and Article 54 (2004/18/EC) on Electronic Auctions.

The Presidency has also added extra wording to the Recital which clarifies some of the points which the UK expressed concern about – for example: the fact that it is the responsibility of the MS to determine what measures are necessary to protect its national security, including confirmation of the continued ability to use Article 296 (where appropriate) in relation to security of information. These welcome developments illustrate that the Commission has listened to our concerns and recognises the need for further changes in order to better reflect the nature of this market sector. However, we would like these improvements to be further reflected within the main body of the Directive and will be working to that end.

Notwithstanding the improvements, there are some amendments which we have concerns about – such as a large amount of detail regarding the selection and management of subcontractors. We are doubtful that this subcontractor provision would benefit Small and Medium Enterprises (SMEs) and believe that it would unnecessarily burden Prime Contractors; preventing them from managing their own supply chain effectively. It would also allow the Commission to challenge subcontract awards. The text goes much further than the Classic Directive and we are keen that it be modified.

The Presidency text did not offer amendments to some of the key articles which the UK has concerns about because a wide range of views have been expressed by MS over the past 5 months and further discussion is still required. These Articles include: Article 1 (Scope), some definitions in Article 2, the Articles concerning exemptions (Art. 9), Security of Information (Art.14) and Security of Supply (Art.15). Instead these Articles have been square bracketed and contain text suggested by the Commission only. These will be the subject of discussion at the first Council Working Group under the French Presidency in July. This does allow the Government further time to consider its position (in concert with other stakeholders such as UK Industry) and to adapt its negotiating lines as and where required. We will however continue to pursue our key aim of removing Security from the scope of the Directive or, if this is not possible, working to minimise its impact on procurements by the defence and security services.

I hope that you find this information useful.

18 June 2008

³ Correspondence with Ministers, 2nd Report of Session 2009-10, HL Paper 29, p 117

DEFENCE: EUROPEAN DEFENCE AGENCY (EDA) STEERING BOARD MEETING ON 26
MAY 2008

Letter from Rt Hon Des Browne MP, Secretary of State, Ministry of Defence

The next European Defence Agency (EDA) Steering Board meeting will be held on 26 May. As you are aware I would normally attend both the General Affairs & External Relations Council and the EDA Steering Board, however on this occasion I will be overseas on official business and consequently my colleague Derek Twigg, the Under of State for Defence, will attend in my place. I would like to take this opportunity to inform you of the main items I expect to be discussed at this meeting. I enclose for your information the agenda and papers [not printed] that have been circulated by the EDA.

The first point concerns the launch of a second Joint Investment Programme on research into innovative concepts and emerging technologies. We have studied the proposal from the EDA and have already indicated that the UK will not participate on this occasion. Whilst this is an area of potential interest, it is one where we have to judge carefully whether defence funds are needed to advance activity in the civil sector.

The second point on the agenda concerns a proposal to postpone the setting of the EDA three year financial framework for one year. As you will be aware the Council has failed three times to reach agreement on the level of growth in the financial framework. As the Agency has not changed their approach to how they develop the financial framework. I judge that we would again not find consensus on this. Therefore this proposal represents a pragmatic way forward, allowing Member States to take a decision on the 2009 budget in November. I fully support this proposal and officials will be working with the Agency to suggest ways of changing their approach to facilitate a more productive discussion on the three year framework in future years.

The next three items on the agenda are updates on European Defence Research & Technology strategy, the European Defence Technological and Industrial Base strategy and the code of conduct on defence procurement. I welcome all of these updates and the progress made by the Agency and look forward to the delivery of the European Defence Research & Technology strategy and the European Defence Technological and Industrial Base strategy in due course.

The next agenda point is a note on Norway's participation in the code of conduct on defence procurement. Whilst Norway is not a full member of the EDA we welcome their indication to participate in the code of conduct, this is good for the worldwide defence equipment market.

The penultimate point on the Agenda is on helicopter availability. The UK is a strong supporter of this initiative. I have been concerned from some time about the disparity between the numbers of helicopters declared available to both the EU and NATO and the actual number able to be deployed on operations. We welcome and support both the EDA initiative to look at helicopter training and upgrades, and this declaration of support by Defence Ministers on this important issue.

The final agenda item is a proposal to set up a cell to look at the procurement of commercial satellite communications. The aggregation of the requirements of a number of EU nations should help reduce the cost of procuring this important service for our military operations. Whilst it is not yet clear that a procurement cell is the best solution I support in principle the further work on this project to investigate whether it can achieve better value for money for the UK.

As Derek Twigg will be attending the steering board on my behalf I will ask him to write to you after 26 May to report on the outcome of the Steering Board.

19 May 2008

Letter from the Chairman to Rt Hon Des Browne MP

Thank you for your letter of 19 May and the documentation you provided with it in preparation for the May EDA Steering Board meeting. The documents were considered at Sub-Committee C's meeting on 22 May.

The Sub-Committee noted the paper on the EDA Proposal for an Ad Hoc Programme called "Defence R& T Joint Investment Programme on Innovative Concepts and Emerging Technologies (ICET)", but considered that on the basis of the information provided, they could not take a view. Members will wish to go into this in more detail when Mr Mathewson gives evidence to the Sub-Committee on 26 June.

The Members also expressed their pleasure at the British/French helicopter initiative and that this had now been taken to the wider group of Ministers.

2 June 2008

Letter from Derek Twigg MP, Parliamentary Under-Secretary of State for Defence and Minister for Veterans, Ministry of Defence to the Chairman

Des Browne wrote to you on 19 May about the Ministerial Steering Board of the European Defence Agency (EDA) enclosing the agenda, papers and an outline of the likely points of discussion.

In the event, travel problems meant that our Ambassador to the EU Political and Security Committee, Tim Barrow, took my place at the EDA Steering Board. The following is a brief summary of the main points of discussion.

- Ten Member States and Norway, committed to undertake the second Joint Investment Programme on research into innovative concepts and emerging technologies. As you know, we have decided not participate on this occasion.
- The Steering Board approved the proposal to postpone the setting of the EDA three year financial framework for one year.
- The Steering Board noted the progress of the European Defence Research & Technology strategy; the European Defence Technological and Industrial Base strategy and the code of conduct on defence procurement. They also welcomed Norway's formal participation in the code of conduct on defence procurement.
- The Steering Board approved a declaration of support for the EDA helicopter work. A number of Defence Ministers spoke in support of this initiative and the EDA work in this area. As you will know both the Prime Minister and Des Browne have played a key role in driving the helicopter initiative forward; Tim Barrow reaffirmed our support to this important work.
- The Steering Board approved the establishment of an ad hoc project team to investigate the business benefits of centralised procurement of commercial satellite communications. Tim Barrow supported the establishment of the ad hoc team and expressed our reservations about the establishment of an EU Satellite procurement cell without a proper cost benefit analysis that takes account of all delivery options and current contractual arrangements.

9 June 2008

DEFENCE INDUSTRY (16682/07, 16488/07)

Letter from Rt Hon Baroness Taylor of Bolton, Minister for Defence Equipment and Support, Ministry of Defence

I wrote to you on 28 April 2008⁴ to keep you informed of the progress of the European Commission's Communication – a Strategy for a stronger and more competitive European Defence Industry (COM (07) 764). I explained that the Slovenian Presidency had prepared draft 'conclusions' in respect of the Communication and that the UK had contributed to these. These conclusions were integrated into wider conclusions on Innovation and Industrial policy and were discussed at the Competitiveness Council on 29 and 30 May.

I can now confirm that the final strategic level conclusions adopted by the Council are in line with those I presented in my previous correspondence. They are as follows:

- that they recognise the importance of improving the competitiveness of the European defence industries by ensuring a dynamic and strong European Defence Technological and Industrial Base (EDTIB);
- that they agree that it is necessary to ensure that Member States' defence capability needs can be addressed cost-effectively by a more competitive European defence industry while maintaining essential security interests, security of supply, innovation and responsiveness;

⁴ Correspondence with Ministers, 2nd Report of Session 2009-10, HL Paper 29, p 132

- that they recall that reducing barriers to competition and enhancing cooperation among Member States in accordance with the special characteristics of defence markets, could contribute to the efficient development of the defence capabilities needed and is thus a precondition or the creation of a European defence industry that is competitive at international level;
- that they underline the importance of ensuring a level playing field and fair competition for defence industry goods without prejudice to Article 296 of the Treaty;
- that they recognise the importance of establishing common standards in order to facilitate more effective defence markets;
- that they recognise that SMEs play an important role in the European defence sector, and are also of great importance offering their innovative potential as subcontractors to the cross-border supply chains;
- that they encourage Member States, the Commission and the European Defence Agency to continue to work together to ensure that the full potential of the European defence market is realised so that European industries are in the best position to meet the challenges and opportunities presented by the rapidly evolving defence and security sector;
- that they emphasise the importance of the European Code of Conduct for Arms Exports to third countries and its full implementation, and of all its criteria.

The UK is content that these conclusions sufficiently cover all of our major considerations with regard to the Communication. However, since this document is a (non-legislative) Communication, the Conclusions will not actually fundamentally affect the initiatives proposed by the Commission. I believe the Commission are likely to commence work on the various strands proposed in the very near future. The Government is, therefore, giving careful consideration to our aims and objectives in each of the areas that the Commission will be pursuing.

I hope this information is helpful and that you are now in a position to clear the document from scrutiny.

10 June 2008

Letter from the Chairman to Rt Hon Baroness Taylor of Bolton

Thank you for your recent letters on the Commission's defence package, as well as the informative evidence session with Ministry of Defence officials on 26 June 2008.

Sub-Committee C decided to retain the Commission Communication and the proposal for a Directive in the area of defence procurement under scrutiny in the light of the evidence we heard.

We understand that you still have several outstanding concerns with regards to the draft Directive and that negotiations in the Council of the EU will be pursued under the French presidency. We would be grateful if you could update us on progress in these negotiations at the beginning of October, including whether the concerns that you expressed in your original Explanatory Memorandum and those raised by your officials during the evidence session on 26 June have been satisfactorily addressed. However, if the pace of negotiations accelerates and it appears that agreement is likely to be reached before Parliament returns from the summer recess, we would appreciate if you could inform the Committee.

1 July 2008

Letter from Rt Hon Baroness Taylor of Bolton to the Chairman

Thank you for our letter of 1 July, in which you asked that I keep you informed of progress with regard to the Defence Directive. Since that time, discussions in Council working groups and the European Parliament have continued at a fast pace and the French Presidency maintains its goal of a first reading deal this year. Although challenging, this is achievable, and we have prepared for the possibility of a deal being finalised by mid November between Council and Parliament. I have provided more detail below and in an annex to this letter.

While I expect the content of such a deal to be broadly consistent with the UK's negotiating position, some of the issues involved are very sensitive, and some have been newly introduced. Due to opposition from other Member States we have not succeeded in our key aim of removing Security from the scope of the Directive, but we are hopeful of securing sufficient guarantees to minimise the negative impact on Defence and Security procurements. Similarly, while the current text could restrict the use of Treaty derogations, we have minimised any practical negative impact and I believe that the text is acceptable in this light. We have also further improved our position against some of the key articles which the UK had concerns about. These include Article 1 (the defence scope), Article 2 (some of the definitions), Article 9 (exemptions), Article 14 (security of information) and Article 15 (security of supply).

There are some amendments we remain concerned about. For example, we are doubtful that provisions on subcontracting (Articles 13 and 38) would benefit Small and Medium Enterprises (SMEs) in the way suggested. However, there is support for this from other Member States, the Commission and Parliament, and it may be tactically necessary to concede this point. We will continue to oppose this measure, although if unsuccessful we would seek to limit its negative affects.

Several new issues have emerged since I last wrote. In July, the Presidency proposed lifting the threshold contract value above which the Directive would apply from around 250,000 euros to 1 million euros, in order to assist SMEs. We do not believe there is any justification for this proposal and the Commission are strongly resisting it. Separately, the European Parliament are keen to introduce text which would negatively affect our ability to trade with non-EU markets, notably the US – a so-called 'Reciprocity' clause. If the perceived impact of the text would negatively affect our support for open, global markets, then we will oppose or seek amendment. In addition, several smaller Member States have proposed that the Directive be clarified to ensure that the practice of offsets⁵ may continue. The Government strongly supports the Commission and Presidency view that the text should neither explicitly authorise nor outlaw offsets, but should not mention them at all. Offsets are a complex issue which should be resolved gradually, including through ongoing work in the European Defence Agency.

Our analysis of these and the other points covered in the annex take account of discussions with (and inputs from) UK Industry (including the Defence Industries Council) over the past few months.

If following Council agreement on a text and negotiations with the European Parliament, we remain within the negotiating position discussed above and in the annex, I am confident that the Directive will have a positive impact in improving the competitiveness of European defence markets, and our ability to gain value for money. If we are not able to obtain satisfaction on the issues set out here, I will be consulting Cabinet colleagues again with a view as to whether on balance, the market-opening benefits of the Directive continued to outweigh the potential drawbacks.

I hope that you find this information useful, and ask you to note the possibility of a deal being struck in late November.

21 October 2008

ANNEX

ANALYSIS OF EUROPEAN COMMISSION DRAFT DIRECTIVE ON DEFENCE AND SECURITY PROCUREMENT RULES

1. Security Scope

UK remains one of the few MS specifically calling for the exclusion of Security from the scope of this Directive and (given also the lack of support for this in European Parliament) there is now little real prospect of achieving this key aim. However, both the Presidency and the European Commission are sensitive to UK concerns to minimise the impact on procurements by the defence and security service, and we expect to obtain the following guarantees:

- a new exemption for 'intelligence activities'
- an exemption for contracts involving sensitive information which, if revealed, would threaten essential security interests
- a re-iteration that national security and its definition are the sole competence of MS

It is the view of HMG that these guarantees would make the Directive acceptable.

⁵ Offsets are arrangements whereby a supplier is required to direct some benefits – usually work or technology – back to the purchaser as a condition of the sale. This can for example mean requiring suppliers to sub-contract in the country of the purchaser

2. Secrecy and Security Exemption

The Government's negotiating position has been to repeat the secrecy and security exemption (Article 14) from the general public procurement Directive (2004/18). Despite strong resistance from the Commission and European Parliament, they now agree that there will be circumstances where the new rules would prevent MS from sufficiently protecting sensitive information. As a consequence the Directive now includes an exemption for highly sensitive information and for intelligence activities, which, in the Government's view, provides sufficient protection. This is consistent with the UK negotiating position.

3. Defence Scope (Article 1)

Satisfactory progress has been made in Council to achieve the UK's aim of re-defining the Defence scope in Article 1. The scope is now based on a generic definition that ensures a wide application of the Directive to benefit the full range of Defence contracts. Although the related Recital includes a direct reference to the 1958 list of armaments and material (which was not our preference), it has been redrafted to leave no doubt about the flexibility with which the list should be interpreted. Overall this approach, assuming it is confirmed following negotiations with the Parliament, provides the required delineation with the existing Directive, and is consistent with the UK negotiating position.

4. Impacts on use of Treaty derogations including Article 296

The Directive usefully re-emphasises our ability to apply Treaty derogations – for example, to take measures to protect our essential security interests.

A legal concern has been raised, however, that the current draft could restrict the use of Treaty derogations. This is because, as mentioned above, the "secrecy and security" exemption has been narrowed and the Directive includes partial harmonising provisions, particularly on "security of supply" (Article 15), which may prevent the use of the derogations for those reasons. As a result, we are seeking language to clarify the continuing application of the derogations in such circumstances. We should continue to press for this, although as the Commission and other MS are resistant, we may not succeed. The policy view is that this is largely a theoretical risk, with little practical negative impact. As a result, the current draft is consistent with the Government's position which specified that the "directive should minimise where possible any practical negative impact" on the use of derogations, notable in relation to the Defence Industrial Strategy.

5. Reciprocity/European preference

MEPs are seeking an amendment that would restrict international trade in order to encourage European autonomy and operational sovereignty. The UK Government's position is that European autonomy in defence procurement is both unachievable and unrealistic. Furthermore, such ideals ignore the reality (and inevitability) of our need to exploit the world market. There is a broader and longer term need to encourage and maintain the Two Way Street with the US, not to impose road blocks. We need global access for defence products and services, not a protected and therefore shrinking European supplier base. This is also inconsistent with the wider Government position of support for global open markets.

6. Offsets

While there is a very wide range of views on offsets among MS, and some continue to insist that the Directive makes some provision for them, the Commission will likely oppose any such proposal. It is unlikely that any text on offsets will feature as the Commission will oppose, and only a unanimous vote by 27 Member States could overcome Commission opposition.

7. Sub-contracting

The Presidency has proposed new provisions by which contracting authorities would be able to require prime contractors to sub-contract up to 30% of the main contract. The UK continues to oppose these proposals as they would add unnecessary burdens on prime contractors and because of concerns that similar proposals would be inserted into the general procurement Directive (2004/18). We have proposed amendments limiting these provisions to specific circumstances where competition was lacking at the prime contract level.

8. Thresholds

A large number of MS support an increase in the contract value thresholds above which the Directive would apply (from around €250k to €1m) on the basis that it will help SMEs and also better cater to the defence market where the average cost of contracts is higher. The UK view is that such an increase would be unhelpful to SMEs (as it would decrease openness and transparency in the European defence equipment market), that there is no defence rationale for doing so (in the UK we

advertise at much lower values), and it would create an unhelpful precedent for other sectors, potentially opening the door to pressure to raise the thresholds in the general procurement directive (2004/18)

9. Security of information and Security of Supply (Articles 13, 14, 15)

The current provisions governing Security of Information are acceptable in principle, assuming they are confirmed following negotiation with the European Parliament.

Further essential changes are required to the Security of Supply provisions in Article 15 (regarding commitments that an MS may be asked to give in respect of granting an export licence and an ability to seek information regarding constraints on use or transfer). Our concerns have been discussed in Council working groups and have been well supported by both Commission and Parliament. We will need to ensure that the text does not negatively impact on UK export policy.

10. R&D

The latest Presidency draft has reinstated the R&D exemption that currently exists in the Classic Directive, with the new provisions in Article 20 being retained for those circumstances when the exemption is not applicable. This satisfies the relevant objectives in our position.. We have had discussions with Industry recently to consider what further changes should be sought and have made proposals accordingly in respect of combining research and development production contracts.

11. Remedies

The Remedies provisions are based on the recently agreed Remedies Directive (2007/66), but with certain adaptations to make them appropriate to defence and security. This approach is acceptable although there remain a few concerns regarding the handling of secure information which we are addressing.

12. Confidentiality (Article 5)

The UK requires access to key Intellectual Property and not to be hindered by confidentiality constraints imposed by originating contractors. Text has been proposed to the Presidency to address this

13. Contracts awarded pursuant to international rules (Article 8)

All of the UK's required changes (both in respect of revised wording and new provisions) have been incorporated in the latest Presidency draft. Overall these new provision are considerably more useful than those in the existing Directive. Assuming negotiations with the Parliament confirm these points, they would be acceptable to us.

14. Local theatres of operation

The drafting in respect of contracts placed in a third country with local economic operators for civil purchases in support of deployed forces has been improved still further although some finer points of detail remain to be resolved (regarding legislative technicalities rather than points of principle)

Letter from the Chairman to Rt Hon Baroness Taylor of Bolton

Thank you for your letter of 21 October, updating the Committee on the negotiations regarding the Commission's proposal for a defence procurement directive. The Committee considered the letter at its meeting of 30 October and decided to clear the Commission's proposal from scrutiny.

We are grateful for the full account of the negotiations you provided in your letter, and wish to express support for the Government's position. In particular, we share your concerns regarding the outstanding issues that you have identified, and encourage the Government to make every effort to resolve them in a satisfactory manner.

We would be grateful if you could keep the Committee informed of progress in the negotiations.

31 October 2008

Letter from Quentin Davies MP, Minister for Defence Equipment and Support, Ministry of Defence, to the Chairman

Thank you for your letter of 31 October which explained your decision to clear the Defence and Security Procurement Directive from scrutiny, and furthermore expressed your support for and continuing interest in the Government's progress. Since that time I have received a new version of the Directive, which is provided now for your information. This version reflects those changes that

have been discussed and agreed in Council working groups and which I outlined to you on 21 October. Therefore I still expect the content of any deal between the Council and European Parliament to be broadly consistent with the UK's negotiating position.

I hope that you find this information useful.

November 2008

DISASTER RESPONSE CAPACITY (7562/08)

Letter from the Chairman to Tom Watson MP, Parliamentary Under-Secretary of State, Cabinet Office

Sub-Committee C considered this document at its meeting on the 15 May 2008 and cleared it from scrutiny.

The Sub-Committee expressed strong support for the objectives of the Communication, but expressed reservations about some of the proposals. It is not clear that all of the proposals respect the principle of the division of competences between the Community and the Member States. We are also concerned to ensure that any building up of capacities at EU level is coherent with and does not duplicate UN activities. However, not all Member States have the capacity to manage disasters on their own, and we therefore believe that the EU has an important role to play in this field. We would be grateful if the views of the Committee could be taken into account and reflected in any discussions on the Communication in the Council of the EU.

19 May 2008

Letter from Tom Watson MP, Parliamentary Secretary, Cabinet Office to the Chairman

Thank you for your letter of 19 May concerning the European Scrutiny Committee's consideration of my Explanatory Memorandum on the above Communication. I welcome the Committee's comments and support for the general objectives of the Communication.

Their Lordships express two reservations: that the Commission's proposals should respect the division of competences between the Community and Member States; and that any build up in EU level capacities should be coherent with and not duplicate United Nations activities. Draft Council Conclusions agreed at official level will go to the General Affairs and External Relations Council on 21-22 June. The Government is content that the draft Conclusions address these concerns.

The draft Conclusions broadly reflect proposals in the Communication, and are to some extent generically formulated. The draft Conclusions welcome the Commission's integrated approach covering the full disaster cycle; consider that a priority objective is to enhance prevention, preparedness and disaster response; and invite the Commission to present later in the year proposals on disaster prevention within the EU and a strategy for reducing disaster risk in developing countries.

The Government welcomes the recognition in the draft Conclusions of the principle of national responsibility, whereby each state takes appropriate operational and preventative measures to protect its citizens. The Government also recognises the balancing principle of EU solidarity on the basis of which Member States and third countries can receive assistance from the Union, as the Conclusions also note.

The draft Conclusions stress the importance of strengthening the Commission's Monitoring and Information Centre (MIC) with the resources necessary to enhance its monitoring, analytical and advisory capacity so as to support interventions launched by Member States within the framework of the Civil Protection Mechanism. The Government considers this to be a reasonable and pragmatic step to enhance the MIC's performance without extending the Commission's competence.

The draft Conclusions recognise the voluntary nature of Member States' participation in the Mechanism, and express a need to explore options for improving availability, use and coordination of national civil protection capabilities so as to ensure an adequate and effective EU disaster response.

On both counts, therefore, this approach is significantly less ambitious than the Communication's proposals to make the MIC an operations centre for interventions, to introduce stand-by arrangements, and to establish reserve resources.

This more moderate approach is consistent with their Lordships' view that the proposals should respect the division of competences between the Community and the Member States. The Government therefore accepts this as a practical basis for further work.

Where they more closely reflect Communication proposals, the draft Conclusions call for measures to reinforce European humanitarian aid by mapping logistical capacity, undertaking a capacity building programme for principal humanitarian actors, strengthening local capacities in disaster-prone third countries, and improving the operational coordination of EU humanitarian aid.

It is recognised that EU humanitarian aid and civil protection assistance to third countries should accord with fundamental humanitarian principles, and be consistent with the central and overall coordinating role of the United Nations.

The Government accepts this approach as a basis for meeting their Lordships' concern that build-up in EU level capacities should be coherent with and not duplicate United Nations activities.

The Government notes that the draft Conclusions reaffirm the scope to improve early warning systems and disaster alert signals; and that they call on the Commission to assess options and make proposals for a sustainable European structure for establishing and coordinating a Disaster Response Training Network.

Finally, the Government welcomes the recognition in the Conclusions of the importance of improved disaster management coordination between all parties at all levels, and of the need for the Presidency and the Commission to take forward this work. This reflects recent work undertaken jointly by the UK and France to enhance coordination arrangements in disasters.

The Government will take account of, and reflect in further Council discussions on the Communication, the concerns expressed by their Lordships.

17 June 2008

EDA (15413/07, 14937/07, 15859/1/07)

Letter from the Chairman to Rt Hon Des Browne MP, Secretary of State, Ministry of Defence

Thank you for your letter of 8 April 2008⁶ in response to mine of 31 March.

At Sub-Committee C's meeting on 24 April Members noted your view of the Scrutiny Reserve Resolution as it relates to non-legislative documents. Members nonetheless hope that you will in future be able to interpret in the spirit of the Resolution all documents which require a decision in Council before action is taken. In this instance this would apply to the first document above on Guidelines for the EDA's work in 2008.

Members also commented that this case and similar documents might be raised in the context of a future revision of the Resolution as an issue where improvements could be made.

1 May 2008

EUFOR: TCHAD-RCA: ALBANIAN PARTICIPATION IN THE MILITARY OPERATION

Letter from Jim Murphy MP, Minister for Europe, Foreign and Commonwealth Office to the Chairman

I am writing to inform your Committee that the European Union has received an offer from the Republic of Albania to contribute troops to the ongoing military operation in Chad and the Central African Republic. The attached Explanatory Memorandum covers a draft Council decision on the Agreement with the Republic of Albania.

In addition, I should like to take this opportunity to inform your Committee that the European Union is also considering an offer from Russia. We expect this to include a relatively large airlift capacity, a major element of any military operation. I will write separately on the Russian offer once we become aware of the prospect of a Council Decision.

26 May 2008

⁶ Correspondence with Ministers, 2nd Report of Session 2009-10, HL Paper 29, p 130

EUFOR: TCHAD-RCA: RUSSIAN PARTICIPATION IN THE MILITARY OPERATION

Letter from Caroline Flint, Minister for Europe, Foreign and Commonwealth Office to the Chairman

I am writing to inform your Committee of recent developments in EUFOR.

On the 24 September, the High Representative, Javier Solana, briefed the UN Security Council on EUFOR's role in Chad and the Central African Republic (CAR). Essentially outlining the operations mid-mandate review, Solana explained that EUFOR had helped stabilise Chad and the north-eastern CAR with positive implications for regional stability. Oxfam and other NGOs have welcomed the operation and its effect.

EUFOR is on schedule to begin its departure from the operational theatre from 15 March 2009. Dialogue continues between the EU and the UN to ensure an appropriate UN force is in place to take over from EUFOR by that date.

You will be aware that the EU has actively lobbied for contributions towards EUFOR. Earlier in the year contributions from Albania and Croatia were agreed. The Russian Federation has also offered support in the form of much needed airlift (helicopter) capability. Discussions with Russia about a possible contribution were underway before the recent Georgia conflict. That offer remains on the table and approval is being sought from Member States – I am writing separately on the consideration of the Russian offer.

7 October 2008

Letter from Caroline Flint, Minister for Europe, Foreign and Commonwealth Office to the Chairman

I am writing to inform the Committee that the European Union is preparing to vote on whether or not to accept the offer of a Russian contribution to support the European Union military operation in the Republic of Chad and the Central African Republic (EUFOR). The attached Explanatory Memorandum explains why it is necessary to accept the Russian contribution. The decision could be adopted as early as the 13 October General Affairs and External Relations Council (GAERC).

My officials have raised the issue of national parliamentary scrutiny and asked if a decision might be postponed. However the decision to accept the proposed Russian contribution has already been delayed because of the Georgia conflict and our EU partners are keen to vote on this matter later this month. The original Joint Action that launched EUFOR dictated a 12 month operational duration which expires in March 2009. Despite this the operation continues to evolve rapidly and would benefit from the Russian helicopters. We believe that it is important politically to accept the contribution, recognising Russian willingness to contribute to international crisis management operations and enhance the multinational nature of the force. Not accepting the Russian contribution will negatively impact on the success of EUFOR and, by extension, the benefit that it is making to the wider humanitarian effort in Chad and the Central African Republic.

Unfortunately the timing of the GAERC means that there is not enough time for your Committee to scrutinise the Decision. In light of the need to provide EUFOR with much needed airlift capability, I hope the Committee will understand if I agree to this proposal before scrutiny has been completed.

7 October 2008

FOOD AID CONVENTION (9461-08)

Letter from the Chairman to Gareth Thomas MP, Parliamentary Under-Secretary of State, Department for International Development

I am writing in respect of your EM of 2 June on the above subject.

Thank you for your telephone call in which you explained the background to the override on this document. The Proposal was cleared at the sift on 3 June and the Clerk to Sub-Committee C has discussed the matter further with your officials.

We accept the difficult situation in which you were placed by the late appearance of this document, compounded by the parliamentary recess, but hope that steps can be taken to ensure that documents adopted by the Commission are seen by your department at an earlier stage so that overrides can in future be avoided.

16 June 2008

Letter from Gareth Thomas MP to the Chairman

I am replying to your letter of 16 June on the late appearance of the above-mentioned document and the subsequent override. My department's policy is to try to avoid overrides if at all possible. Unfortunately we were unable to do so in this case, due to the European Commission trying to agree a joint position with the Member States that it could present at the Food Aid Committee meeting which was to take place on 6 June.

We will of course work closely with the Council and Commission to anticipate such proposals and will do our best to ensure that the Scrutiny Committee is well informed of upcoming proposals in order to try to avoid future overrides on such matters.

30 June 2008

FOOD: RAPID RESPONSE TO SOARING FOOD PRICES IN DEVELOPING COUNTRIES (11983/08)

Letter from Rt Hon Douglas Alexander MP, Secretary of State, Department for International Development

When your Committee met in September to consider EM 11983-08, you held it under scrutiny and requested to be updated throughout the negotiations of the Commission's proposal. It now looks unlikely that the original plan to use CAP surpluses will be approved given Member States' opposition, and Council committees continue to look for ways to find the necessary funds including through contingencies reserves and reprioritisation of existing budgets.

Meanwhile discussions continue around the best way to programme the resources to meet needs. HMG believes that to ensure sustainability, the €1 billion (£0.79 billion) should be used on a mix of immediate measures (e.g. seeds & fertilisers) and other complementary measures which support medium and long-term sustainability.

The European Parliament has suggested a number of substantive amendments to the original proposal, including the setting of firm criteria for the choice of countries to benefit. HMG agrees with this amendment as it would indicate which countries were eligible and add flexibility whereby some countries would move out - graduate from needing support - and others could move in when they need support. Principles and indicators for setting the criteria should be tight so politicised choices are easily taken out of discussion. However, as long as a fixed list of criteria is agreed, HMG does not see a need to set an arbitrary limit to the number of countries which could be eligible for assistance under the facility, as proposed by the European Parliament.

HMG agrees with the European Parliament's amendment that proposes the broadening of the number of channels and beneficiaries. HMG believes that these should include channels such as the World Bank, international NGOs and good Direct Budget Support where the Governments concerned explicitly identify strategies for addressing high food prices and targeting the vulnerable. The criteria for choosing the channels for distributing the funds should be the potential for effective and efficient implementation. Therefore HMG does not support European Parliament's further amendment of imposing an arbitrary 40% limit on the level of support channelled through international organisations.

October 2008

Letter from the Chairman to the Rt Hon Douglas Alexander MP

Sub-Committee C considered this document at its meeting on 9 October 2008 and decided to hold it under scrutiny. We have held this letter, awaiting one which your officials have told us would deal further with the subject, but which we have not yet received.

The Committee supported the principle of providing assistance to farmers in developing countries so as to encourage a supply response to soaring food prices. We recognise that in many countries people's lives or livelihoods are at risk due to a lack of food security. We are also aware that if assistance is to be effective, it must reach those in need as quickly as possible.

We also recognise the importance of budgetary discipline within the European Union, as set out in your Explanatory Memorandum to the Committee. It is essential that EU finances are managed in a transparent and accountable way. However, we do not support the Government's view that this principle is of such overriding importance that it should prevent the EU from taking action to address

the grave crisis caused by soaring food prices. People in many parts of the world are starving, and the EU has a responsibility to do what it can to address this crisis. We therefore believe that the Commission's proposal to transfer funds from one heading of the EU financial framework to another is the right one in the present circumstances. We very much hope that in light of these considerations, the Government will be prepared to show greater flexibility and could support the Commission's proposal.

However, while we support the proposal, we have a number of concerns about its detailed provisions. First, the Committee felt that it was important for there to be proper oversight of the use of the funds. We are concerned that the Regulation does not provide for the establishment of adequate oversight mechanisms, such as a committee at which the Member States are represented. We would be grateful for your views on whether this is acceptable.

A second point of concern is that the Regulation restricts the type of organisation that can apply for funding under the facility to regional and international organisations. The Committee believes that other natural and legal persons should be eligible to apply, such as non-governmental organisations. What is more, the EU has in recent years sought to channel a larger proportion of its funding directly to national governments, in the form of general or sector budget support, with the aim of increasing aid effectiveness. In contrast, the Commission's proposal does not appear to provide for this form of assistance in cases where it is appropriate. We would be grateful if you could clarify your view on these aspects of the Commission's proposal.

31 October 2008

Letter from the Rt Hon Douglas Alexander to the Chairman

On 31 October I wrote a letter to Michael Connarty MP [not printed], copied to you, updating the House of Commons Committee on recent developments. This letter unfortunately crossed with yours in which you raised the following points:

a. BUDGETARY DISCIPLINE AND ORGANISATIONS ELIGIBLE FOR FUNDING UNDER THE FACILITY

As indicated in my earlier letter, the original proposal to use CAP under-spends to finance the Commission's proposed Food Facility has now been superseded. All outstanding budgetary issues were resolved at the 2009 EU Budget Conciliation discussions between the Council and the European Parliament on 21 November (I have attached a copy of the draft legislation for your information). A wide range of channels for distributing the funds has been included in this. The draft also specifies that a "differentiated approach depending on development contexts and impact of volatile food prices shall be pursued so that target countries or regions and their populations are provided with targeted, tailor-made and well adapted support, based on their own needs, strategies, priorities and response capacities".

The full €1 billion (£0.79 billion) will come from EU contingency reserves and the reprioritisation of existing budgets. No additional bilateral contributions are therefore required to be contributed from Member States, though contributions to the EU budget will increase.

One of the contingency budget lines is the Emergency Aid Reserve (EAR). This exists to respond to sudden, unforeseen crises. The budgetary rules allow for Member States to increase the amount available in the Reserve, and it has been duly agreed that a one-off increase of €240 million (£189 million) be made to the 2008 allocation as a contribution to the food facility in addition to €100 million (£79 million) uncommitted funds from existing resources within the Reserve.

In summary, the €1 billion (£0.79 billion) will come from:

- €100 million (£79 million) from the Emergency Aid Reserve comprising €22 million (£17 million) from 2008 and €78 million (£61 million) in 2009.
- €240 million (£189 million) from the one-off increase in the allocation for the Emergency Aid Reserve for 2008.
- €420 million (£330 million) from the Flexibility Instrument (a non-oda contingency budget line) in 2009.
- €240 million (£189 million) reprioritisation from within the External Actions chapter of the EU Budget comprising €70 million (£55 million) in 2009 and €170 million (£134 million) in 2010.

Thus over €760 million (£598 million) of the €1 billion (£0.79 billion) will represent additional oda in terms of existing commitments within the EU Budget (it is not yet clear how much of the reprioritisation of External Actions will involve existing non-oda commitments).

The UK share of the cost of the food facility is just under £120 million which will come from DFID's budget. This will not be brought to account for at least two years, and will be manageable within DFID's existing resources.

b. PROPER OVERSIGHT OF THE USE OF THE FUNDS

Comitology procedures have also been introduced to ensure Member State supervision of spending decisions, and indicative criteria have been set to determine where resources will be spent.

TIMING

The European Parliament will vote on the draft legislation on 3 December. The Council will then vote at the 8 December GAERC at which point the Regulation will be fully agreed. The aim is to publish it in the Official Journal (the formal end of the legal process) on or before 31 December 2008, as this is the final deadline if 2008 resources are to be used.

28 November 2008

GENERAL AFFAIRS AND EXTERNAL RELATIONS COUNCIL: 26-27 MAY 2008

Letter from Jim Murphy, Minister for Europe, Foreign and Commonwealth Office the Chairman

The General Affairs and External Relations Council (GAERC) will be held on 26-27 May in Brussels. I will represent the UK. The Under-Secretary of State for Defence and Minister for Veterans (Mr. Derek Twigg) will also attend the Defence Ministers' discussions on 26 May, while my Right Honourable Friend the Secretary of State for International Development (Mr. Douglas Alexander) or the Parliamentary Under-Secretary for International Development (Mr. Gareth Thomas) will participate in the Development Ministers' discussions on 26 and 27 May.

The agenda items are as follows:

GENERAL AFFAIRS

Preparation of the European Council on 19/20 June 2008

The Government agrees with Presidency's priorities for the June European Council. We welcome the Presidency proposal that Heads of Governments discuss the wider policy implications of rising food prices, particularly in the context of delivering on commitments on development and climate change. We also strongly support the Presidency's stated ambition to accelerate progress on implementation of the Millennium Development Goals.

The June European Council will also discuss the situation in the Western Balkans and implementation of the 'Thessaloniki agenda' for integrating the region into the EU. We welcome the planned discussions on the eastern dimension of the EU neighbourhood policy and the proposal to discuss again the March declaration on the Barcelona process with a view to a summit in July.

The Presidency also plans a stock take of the Lisbon Treaty ratification process and the progress report called for in December, as well as discussions of a limited number of dossiers in the freedom, security and justice field.

EXTERNAL RELATIONS

Western Balkans

Discussion is likely to focus on the recent Serbian elections along with the situation in Kosovo. The Government welcomes the support Serbian voters showed earlier this month for the country's European future and hopes a new Serbian government will continue to make progress towards the EU. Council Conclusions are likely to reflect this view. On Kosovo, discussion is likely to focus on preparations for the deployment of the EU's police and rule of law mission (EULEX). The Government continues to support the introduction of the International Civilian Office and EULEX to Kosovo, which should continue and intensify following the adoption of the new constitution on 15 June.

Somalia

Foreign Ministers will adopt Conclusions, which we expect to focus on political progress in Somalia, the humanitarian and human rights crisis there, the work of the African Union's Mission to Somalia (AMISOM), including the need for further financial support for it, and piracy off the coast of Somalia. The Government welcomes recent advances in the political process and will work with EU Partners to support fully efforts to build further on these. The EU will welcome new commitments from the Somali Transitional Government on humanitarian access and pledge support to increased engagement by the United Nations Office of the High Commissioner for Human Rights.

The Government commends the excellent work of AMISOM, recognising in particular the commitment of Burundi and Uganda. I will press for further financial support from the EU to help fund AMISOM's continued deployment.

Zimbabwe

The UK has played a leading role in ensuring that the EU responds robustly to the situation in Zimbabwe. The government expects the Council to agree Conclusions, which we welcome, underlining the EU's deep concern over the continued escalation in violence and intimidation across Zimbabwe and the need for a democratic resolution to the electoral process.

Middle East Peace Process

In light of recent events there will be Conclusions and a discussion on Lebanon. The UK is deeply concerned by the recent violence and instability in Lebanon. The EU fully supports the Arab League sponsored talks, currently underway in Qatar. It also continues to provide both political and practical support to the government of Lebanon to help them to maintain peace and stability in the country at this time.

Foreign Ministers are also expected to discuss latest developments in Gaza and southern Israel, and in particular the need for all parties to work towards the reopening of Gaza crossings for both humanitarian and commercial flows. Discussion is also likely to focus on the EU's support for Palestinian security sector reform and capacity building.

The Council is expected to adopt Conclusions that focus on support for the Annapolis process; the EU's concerns about the humanitarian situation, and the violence, in Gaza; encouraging the parties to adhere to their Roadmap commitments, particularly on Israeli settlement activity and on Palestinian security; expansion of the EU Police Training Mission in the West Bank to support the criminal justice sector; welcoming the recent meetings of the Ad Hoc Liaison Committee and Quartet meetings in London on 2 May and the Palestinian Investment Conference taking place on 21-23 May; and support for the Palestinian Security Sector Reform and Rule of Law Conference taking place in Berlin on 24 June.

The Government believes that it is essential for all parties and the international community to maintain support for the Annapolis process, which continues to provide the best opportunity for progress towards a two-state solution.

WTO/DDA

Discussion is likely to focus on revised negotiating texts on agriculture and Non-Agricultural Market Access, issued by the WTO on 20 May. The Government expects Partners to express a range of views on both the content of the texts and the negotiating process. We strongly support the negotiating process led by WTO Director General Pascal Lamy, and our objective will be to secure continued support from Partners for the European Commission, ensuring they are to negotiate the best possible DDA deal in 2008

Iraq

The Government looks forward to Conclusions that will build on the discussion at the April GAERC, by setting out a strengthened package of measures for EU engagement with Iraq. Ministers will also welcome the First Annual Review Conference of the International Compact with Iraq in Stockholm on 29 May and encourage the broad involvement of the international community.

Georgia

Foreign Ministers will discuss tensions between Georgia and Russia over Abkhazia, one of two separatist regions of Georgia. They will adopt Conclusions, which the Government hopes will further emphasise the EU's concern over recent provocative actions that risk escalating the situation, and call for a renewed and serious effort by all sides, to reach a peaceful resolution to the conflict through dialogue and negotiation. The Conclusions are also likely to comment on the conduct of Georgia's parliamentary elections on 21 May. These have been brought forward from the autumn following a referendum on the date of the elections in January 2008, which in turn arose from a State of Emergency in Georgia in November 2007.

Burma

Foreign Ministers are not expected to discuss the situation in Burma. However, there may be discussion at the Development Ministers session. The Government believes the EU response should focus for the moment on humanitarian aspects of the crisis. Conclusions will reflect the outcome of the UN/ASEAN pledging conference, and will encourage real progress on the ground.

JOINT SESSION OF FOREIGN MINISTERS AND DEFENCE MINISTERS

Afghanistan

This discussion falls between High Representative Javier Solana's visit on 21 April and the Paris Conference on Afghanistan on 12 June. I intend to underline that the Paris Conference is an opportunity to highlight the progress made in Afghanistan, while demonstrating the ongoing and shared commitment of the international community and the Afghan government to that country's future security and prosperity.

The Government's view is that the EU, together with other major donors, should give full support to the Afghan government's National Development Strategy and push for a robust message from Paris on the importance of improving the effectiveness of aid to Afghanistan, delivering assistance in a coordinated and coherent way through the Afghan government where possible. The EU should also give strong backing to UNSGSR Kai Eide's work to better coordinate the international effort in Afghanistan and increase the impact of the UN. Close cooperation between the EU and ISAF, as the main partner of the Afghan government in delivering security, will be key. I will also push for increased EU engagement on policing, in support of a coherent reform programme in line with the Afghan government's objectives.

Children and Armed Conflict

Foreign and Defence Ministers will discuss Children Affected by Armed Conflict and formally agree a revised version of a Checklist for the Integration of the Protection of Children Affected by Armed Conflict into ESDP Operations, which we welcome.

DEFENCE MINISTERS

ESDP Operations

Ministers will discuss the progress of the ESDP Mission in Chad/Central African Republic (EUFOR Tchad/RCA) and the follow on options for when the ESDP mission's mandate expires in March 2009.

Ministers will also discuss the ongoing ESDP Mission in Bosnia and Herzegovina (EUFOR ALTHEA), including the continuing presence of the force to maintain the safe and secure environment in the country, and the need to build on successes that have been achieved in defence reform.

Capabilities

Ministers will discuss European Military capabilities, focusing on the use of EU Battlegroups in crisis management operations. The Under Secretary of State will emphasise how useful Battlegroups have been as a transformational tool to improve the military capabilities of Partners.

Ministers will also discuss the EU's Capability Development Plan, which is looking at addressing military capability shortfalls identified in the Headline Goal 2010 process. The Under Secretary of State will stress the importance of the EU and NATO focussing on these capability shortfalls together to avoid unnecessary duplication. He will also draw attention to the UK-France helicopter initiative that was announced at the recent UK/France bilateral summit, and call for Partners' support

European Defence Agency

The Head of the European Defence Agency (Alexander Weis) will report to the Council on the Agency's activities in 2007.

The EDA Steering Board also meets in Defence Ministers' formation on 26 May. Ministers will discuss the European Defence Research and Technology Strategy, Defence Procurement and Helicopter availability.

DEVELOPMENT MINISTERS

Rights of the Child in External Action

Development Ministers will discuss and adopt Conclusions on the promotion and protection of the Rights of the Child through the European Union's external development and humanitarian programmes.

Women and armed conflict

Over dinner the Presidency will present its paper on women and armed conflict with a particular reference to how the issue can be better addressed through development policies. We support the Presidency on their initiative whilst underlining the need to implement previous Council Conclusions on Fragility and Security and Development. The Government intends to highlight UK experience in this field and the lessons we have learnt that can be shared with other parties.

Global Fund to fight HIV/AIDS, Tuberculosis and Malaria (GFATM)

Also over dinner, Ministers will discuss how the GFATM is performing against the aid effectiveness targets set out in the Paris Declaration. A guest speaker, Prof. Dr. Michel Kazatchkine, Executive Director GFATM, will be present.

The EU as a global partner for development: speeding up progress towards the Millennium Development Goals (MDGs)

The Council will adopt Conclusions which highlight 2008 as a critical year in order to meet the MDGs by 2015. The Conclusions will encourage the EU to reinvigorate its efforts in five key areas: Financing for development, particularly reaffirming the Overseas Development Aid targets of 0.7% of GNI by 2015; Aid Effectiveness; Aid for Trade; Policy Coherence for Development; and Food Prices.

The Government strongly supports the focus on the MDGs and particularly welcomes the Presidency's undertaking to develop an Agenda for Action, which should include concrete milestones and actions for the EU.

Economic Partnership Agreements (EPAs)

The Council will adopt Conclusions on EPAs, which reaffirm its commitment to the ongoing process of negotiation, conclusion and implementation of the EPAs with developing countries.

Rising food prices and food security in developing countries

The Presidency will make a statement and there will be a discussion over lunch regarding rising food prices and food security in developing countries. Guest speakers are Dr Jacques Diouf, Director-General, Food and Agriculture Organisation, and Mr John Powell, Deputy Executive Director, World Food Programme.

22 May 2008

Letter from the Chairman to Jim Murphy MP

Thank you for your letter of 22 May on the May GAERC which was considered at Sub-Committee C's meeting on 5 June.

The Sub-Committee welcome the wealth of information contained in this excellent document which they found very useful.

Members have asked that this kind of information continue, but would be grateful if letters could arrive with the Committee Office in time for the Sub-Committee's weekly meeting on Thursday mornings to be of greatest benefit. (In this case, the letter unfortunately did not arrive in time for the 22 May meeting)

6 June 2008

GENERAL AFFAIRS AND EXTERNAL RELATIONS COUNCIL, 22 JULY 2008

Letter from Jim Murphy MP, Minister for Europe, Foreign and Commonwealth Office to the Chairman

I am writing to inform you of the outcome of the General Affairs and External Relations Council (GAERC), which took place on 22 July in Brussels. My Right Honourable Friend the Secretary of State for Foreign and Commonwealth Affairs (Mr. David Miliband) represented the UK.

The agenda items were as follows:

EXTERNAL RELATIONS

Transatlantic Relations

There was a very brief discussion. Ministers are expected to consider transatlantic relations in depth at an informal meeting ('Gymnich') on 5-6 September.

EU-Ukraine

Ministers exchanged views on the EU's relationship with Ukraine in the context of negotiations leading up to the EU-Ukraine Summit on 9 September. The Government is content with the Presidency's proposed approach at the Summit, which is aimed at encouraging continued progress on political and economic reform in Ukraine.

Western Balkans

Ministers adopted Conclusions that welcomed the arrest of Radovan Karadzic on 21 July, as evidence of the commitment of the new Serbian government to contribute to peace and stability in the region; encouraged the Serbian government to continue its efforts in this direction; recalled European Council Conclusions of 19 and 20 June 2008, which stated that if it met all the necessary conditions, Serbia could accelerate its progress towards the EU; and encouraged the new government to maintain positive relations with the EU, taking a constructive approach to the EU's work for peace and stability in the region.

Somalia

Ministers agreed Conclusions which called upon the international community to support implementation of the Djibouti agreement of 9 June, welcoming in particular the efforts of the African Union and UN; recalled work on options for EU actions in Somalia, including support for implementation of the Djibouti agreement and UNSCR 1816 concerning acts of piracy off the Somali coast; and expressed the Council's concern at the latter.

Middle East

Tony Blair, the Quartet Representative to the Middle East, updated Ministers on his activities and set out his thoughts on the EU's role in maintaining political focus and support to the Annapolis process, and in developing the institutions, security sector and economy necessary for a viable Palestinian state. The Foreign Secretary urged the EU to retain a comprehensive view of the peace process.

Ministers are expected to discuss options for further EU support to the Middle East peace process at an informal meeting ('Gymnich') on 5-6 September.

Iran

High Representative Solana briefed Ministers on his meeting with Saeed Jalili on 19 July, at which he asked the Iranians for a formal response to the E3 plus 3 offer within two weeks. The Foreign Secretary urged the EU to agree a Common Position on the implementation of UNSCR 1803 by the end of July, stressing the importance of concrete language which strengthened the UN provisions on e.g. financial vigilance over the named Iranian banks.

Zimbabwe

Foreign Ministers agreed to a package of additional targeted measures against the regime in Zimbabwe. The Council also adopted strong Conclusions, which the Government welcomes, making it clear that the EU does not accept the legitimacy of the results of the second round of the Zimbabwean elections; noting the signing of a memorandum of understanding between ZANU-PF and the MDC on 21 July; undertaking that the EU will continue to discuss Zimbabwe in its high level contacts with the countries of the region (in particular at the EU-South Africa Summit on 25 July); and making a commitment to come back to the issue in September, taking further measures if necessary.

Chad

Ministers agreed Conclusions on the ESDP mission in Chad, noting that it was providing security for the refugee camps in Eastern Chad and looking ahead to possible options for replacing the mission when its mandate expires in March 2009.

Georgia

Ministers discussed growing tensions between Georgia and Russia – late addition to the agenda – which are contributing to an increasingly volatile situation in Georgia's separatist (or "conflict") regions of Abkhazia and South Ossetia.

29 July 2008

GENERAL AFFAIRS AND EXTERNAL RELATIONS COUNCIL, 13 AUGUST 2008
(EXTRAORDINARY)

Letter from Jim Murphy MP, Minister for Europe, Foreign and Commonwealth Office to the Chairman

I am writing to inform you of the outcome of the extraordinary General Affairs and External Relations Council (GAERC), which took place on 13 August in Brussels in response to events in Georgia. My Right Honourable Friend the Secretary of State for Foreign and Commonwealth Affairs (Mr. David Miliband) and I represented the UK.

French Foreign Minister Kouchner briefed Ministers on the latest developments. The Foreign Secretary argued that Russia had used grossly disproportionate force, which was no basis for determining the political arrangements in Europe's neighbourhood in the 21st Century. The countries bordering Russia were not 'ex Soviet space' but sovereign nations with their own independent governments, which must be decided by their populations. It was essential that the EU should stand up for international law.

Ministers agreed Conclusions which expressed concern about the open conflict between Russia and Georgia and welcomed the EU mediation efforts, which have since resulted in the signing of an agreement by Russian President Medvedev and Georgian President Saakashvili. They urged respect for the commitments in this agreement, starting with an effective ceasefire, and underlined the EU commitment to actively contribute to the effective implementation of those commitments. This will include working towards the rapid reinforcement of OSCE's observation capacity on the ground, in which the EU must be ready to engage.

The Council invited Secretary General/High Representative Solana, working with the Commission, to prepare proposals for this ahead of the informal Foreign Ministers meeting in Avignon on 5-6 September. The Commission was invited to coordinate the distribution of humanitarian aid and to report on an assessment of needs.

21 August 2008

GENERAL AFFAIRS AND EXTERNAL RELATIONS COUNCIL, 15-16 SEPTEMBER 2008

Letter from Jim Murphy MP, Minister for Europe, Foreign and Commonwealth Office to the Chairman

The General Affairs and External Relations Council (GAERC) will be held on 15 and 16 September in Brussels. My Rt hon. Friend the Foreign Secretary (Mr. David Miliband) and the Parliamentary Under-Secretary for Trade and Consumer Affairs (Mr. Gareth Thomas) will represent the UK.

The agenda items are as follows:

GENERAL AFFAIRS

Preparation of the European Council on 15/16 October 2008

We expect the October European Council to focus on the situation in Georgia, including the progress made against the six-point peace plan of 12 August 2008 agreed on the basis of the EU's mediation, and the review of EU-Russian relations; the global economic downturn and coordination of action at European and international level to address it; and the Migration Pact put forward by the French Presidency.

The Government supports discussion of these items, which reflect the diversity of the challenges that the EU faces in maintaining long-term prosperity and security. There may also be discussion of the 2020 climate and energy package, with a view to assisting the French Presidency to reach a final agreement at the December European Council. We also expect the Irish government to present their analysis of the reasons for the 'No' vote on the Lisbon Treaty, and look forward to the discussion between Heads of Government on the way forward.

EXTERNAL RELATIONS

WTO/DDA

We expect this agenda item primarily to be a Commission update on the state of play of the negotiations. With little formal activity since the collapse of negotiations just before the summer

break, the Government does not expect an in-depth discussion. Partners may express views on the reasons for failure of the July WTO Ministerial and the prospects for negotiations continuing in 2008. The Government strongly supports maintaining the momentum in the talks and consolidating the progress made so far. Our objective at the GAERC will be to demonstrate our commitment to supporting WTO Director-General Lamy in his efforts to progress the talks and to ensure continued support for, and leadership and unity on, the Doha Development Agenda process.

Gareth Thomas, Under Secretary of State for Trade and Consumer Affairs, will join the Foreign Secretary in the UK Chair for this agenda item.

Somalia

The Government welcomes the EU's interest in supporting the Djibouti Peace Agreement and its renewed commitment to addressing the difficult humanitarian situation in Somalia. The Council will discuss a Joint Action, which the UK supports, to establish a Co-ordination Cell to support the implementation of UN Security Council Resolution 1816 by providing escorts to World Food Programme shipping. The Council will also discuss potential next steps on EU activity to tackle piracy more generally in the region.

Zimbabwe

The Government expects the Council to agree Conclusions, which we strongly support, underlining the EU's concern over the ongoing crisis in Zimbabwe. The Conclusions will reemphasise the need for the will of the Zimbabwean people, as expressed on 29 March, to be respected in any political settlement.

The Government expects the Council to adopt extended targeted measures against those involved in human rights abuses and the repression of democracy, including adding names to the visa ban and asset freeze list of targeted measures. The Government further expects the Council to commit to revisiting the issue of additional targeted measures at the October GAERC.

Georgia

The French Presidency will report on President Sarkozy's visit to Moscow and Tbilisi. Ministers will then discuss the proposed ESDP civilian mission to Georgia, and are likely to adopt the Joint Action for the mission. The Government will press for a rapid deployment in support of the latest French Presidency-brokered agreement with Russia and Georgia. Discussions may also cover a new role of EU Envoy to Georgia and reconstruction assistance.

Western Balkans

Discussion is likely to focus on how to take forward Serbia's European perspective, particularly in the aftermath of the arrest of Radovan Karadzic. The Government will want to review the outcome of International Criminal Tribunal for the former Yugoslavia (ICTY) Prosecutor Brammertz's visit to Belgrade (which took place on 10-11 September) before reaching firm conclusions on its policy. If this confirms that Serbia's cooperation with the ICTY has significantly improved, the Government would be willing to look at ways in which the EU can acknowledge that movement, while maintaining full ICTY cooperation as a requirement in Serbia's EU accession process.

Belarus

The Council Conclusions will consider EU's relations with Belarus in the light of the recent release of political prisoners, and the parliamentary elections due to be held on 28 September. We expect the Conclusions to recognise the important step Belarus has taken, meeting one of the conditions for engagement that the EU set out in its document "What the EU can do for Belarus" in November 2006. The Conclusions will emphasise the importance of free and fair elections, welcome Belarus' decision to invite OSCE monitors, and set out what steps the EU might take if the elections demonstrate a clear commitment to democracy and respect for human rights.

12 September 2008

Letter from Jim Murphy MP to the Chairman

I am writing to inform you of the outcome of the General Affairs and External Relations Council (GAERC), which took place on 15 September in Brussels. My Right Honourable Friend the Secretary of State for Foreign and Commonwealth Affairs (Mr. David Miliband) represented the UK.

The agenda items were as follows:

GENERAL AFFAIRS

Preparation of the European Council on 15/16 October 2008

Foreign Ministers considered the annotated draft agenda for the European Council meeting to be held in Brussels on 15 and 16 October. The Government approves of the Presidency's priorities, which include discussion of the way forward on the Lisbon Treaty; the Migration Pact; and a wide-ranging discussion of the economic, financial, environmental and energy situation in the EU. This item includes the examination of ongoing work to strengthen the EU's financial stability, the issue of food and energy prices, as well as climate change and energy security. The Government also approves the Presidency's intention for the Council to further discuss the issue of Georgia and Russia and review the outcome of the international conference scheduled for the 15 October.

Ministers will carry out more detailed preparatory work for the European Council when they meet on 13 October.

EXTERNAL RELATIONS

WTO/DDA

Trade Commissioner Mandelson briefed Ministers on the state of the Doha Development Round, following the negotiations in Geneva in July. Ministers then had a short exchange of views examining the reasons for the lack of progress in Geneva and explored possible ways forward. The UK was represented, on this agenda item by Gareth Thomas MP, Parliamentary Under-Secretary of State for Trade and Consumer Affairs.

Somalia

Ministers agreed Conclusions (without discussion) which called for a comprehensive approach to a lasting settlement of the Somali crisis; welcomed the official signing by the Transitional Federal Government (TFG) and the Alliance for the Re-Liberation of Somalia (ARS) in Djibouti on 19 August 2008; reaffirmed the EU's willingness to continue engagement in Somalia, in particular support for Somali police capacity; noted serious concern at the acts of piracy off the Somali coast; and agreed, in conjunction with UNSR 1816, to establish a coordination unit in Brussels to support EU Partners' activities carried out off the Somali coast. The Council also approved a strategic military option for a possible European Union naval operation in the future.

Zimbabwe

Ministers adopted Conclusions welcoming the signing of an agreement between all parties in Zimbabwe. The Council thanked President Mbeki for his mediation efforts and agreed the EU must be ready to support a transitional government with a set of economic support measures, when it puts into place a credible transition process. The Council also expressed concern over the humanitarian situation and pressed for a lifting of all restrictions on the delivery of humanitarian aid and humanitarian activities by non-governmental organisations. The Foreign Secretary supported these points. The GAERC agreed to review the situation at its next meeting on 13 October.

Georgia

Ministers welcomed the results of the 8 September troika visit to Moscow and Tbilisi and approved the decision to send an independent civilian monitoring mission to Georgia. The Council also appointed Pierre Morel (current EU Special Representative for Central Asia) to the position of EU Special Representative for the crisis in Georgia. Ministers also invited the Commission to prepare a donors conference next month in Brussels.

The Council agreed Conclusions which called for full implementation of the 12 August and 8 September agreements; supported the idea of an independent international inquiry into the conflict; and recalled the EU's commitment to strengthening the relationship with Georgia, including through visa facilitation and free trade. The Foreign Secretary intervened to reinforce the need for a thorough audit of the EU's relationship with Russia, in the run up to the 14 November EU-Russia Summit.

Western Balkans

Ministers received a briefing from International Criminal Tribunal for the former Yugoslavia Prosecutor Serge Brammertz over lunch. His presentation covered his visit to Belgrade on 10-11 September and focussed on the extent of Serbia's cooperation with the Tribunal. In this context, Ministers discussed whether or not to implement Serbia's Interim Agreement. The Council did not reach agreement to do so. The Presidency signalled it might come back to the issue at the 13 October GAERC. Ministers also briefly discussed Serbia's intention to refer Kosovo's declaration of independence to the International Court of Justice, with no concrete conclusion.

Belarus

Ministers approved Conclusions, which the Government supports, which welcomed the release of political prisoners in Belarus. The Council saw this as a sign that Belarus is moving towards recognition of the fundamental values of democracy, respect for human rights and the rule of law. Nevertheless, the Council also noted that concerns remained over other areas of human rights in Belarus. The Conclusions also noted that the upcoming elections on 28 September would be a further opportunity for Belarus to demonstrate its respect for democratic values. The Council undertook to review the EU's restrictive measures against Belarus in the light of the elections and to take measures to increase the EU's engagement, including through a meeting between the EU troika and the Belarusian Minister for Foreign Affairs.

22 September 2008

GEORGIA: RECENT EVENTS

Letter from Jim Murphy MP, Minister for Europe, Foreign and Commonwealth Office to the Chairman

As we approach the start of the new Parliamentary term, I thought it would be helpful to update you on events over the summer in Georgia. It might also be helpful if I set out the UK's role.

CONTEXT

As you know, tensions between Russia and Georgia over the separatist regions rose earlier in the year. In April, Russia issued a decree "establishing" closer bilateral relations, including legal relations, with Georgia's separatist regions. Subsequently a Russian aircraft shot down a Georgian Unmanned Aerial Vehicle over Abkhazia, and Russia sent paratroopers to Abkhazia along with associated military equipment. In July, Russia admitted publicly that its aircraft had over-flown South Ossetia.

It is likely that these Russian steps were calculated to prevent Georgia's relationship with NATO from deepening and to demonstrate Russian displeasure at Western recognition of the independence of Kosovo. These events formed the backdrop for events in August.

THE CONFLICT

In the days proceeding 7 August, clashes in South Ossetia between Georgian peacekeepers and South Ossetian irregulars increased in intensity. On 7 August, the Georgian Armed Forces, in an unwise and ill-considered move, attempted to take and hold Tskhinvali, the de facto "capital" of South Ossetia, significantly compounding successive breaches by all parties of international arrangements for the region.

Russian armed forces reacted with massive force. This was widely condemned as disproportionate, including by the EU, NATO and G7 Foreign Ministers. Fighting raged between 8 and 12 August between Russian and Georgian troops leaving large numbers dead and over 100,000 people displaced. During the fighting, Russian forces encroached deep into Georgian territory beyond South Ossetia and Abkhazia, and threatened Tbilisi itself.

The UK Government was given no advance warning of Georgian plans to use military force to try to seize control of South Ossetia. Indeed, in the period before 7 August, the UK actively sought to encourage all parties to avoid stoking tensions, as did other partners, including the US.

SIX-POINT PLAN

On 12 August the EU and OSCE brokered a ceasefire between the parties. This agreement has six key principles:

1. the parties not to resort to the use of force;
2. the parties to stop all military actions for good;
3. the parties to allow free access for humanitarian aid;
4. Georgian armed forces to return to their places of usual permanent deployment;
5. Russian armed forces to withdraw to the line they occupied before the start of military actions. Until such time as an international mechanism is created, Russian peacekeeping forces to implement additional security measures;

6. the parties to engage in international discussions on the modalities of security and stability in Abkhazia and South Ossetia.

Despite this plan, on 26 August Russia unilaterally recognised the independence of South Ossetia and Abkhazia. Russia also refused to withdraw its forces from Georgia and in some cases moved to reinforce them.

INTERNATIONAL ACTION

Since the start of the conflict, the UK and its international partners have been involved in intensive discussions, including through the UN, EU, NATO, G7 and OSCE, to agree a ceasefire and to find a durable and peaceful way forward. The Prime Minister spoke to Russian President Medvedev and to other Heads of State, including Presidents Bush and Sarkozy, to try to find a way forward. The Foreign Secretary visited Georgia where he met President Saakashvili and members of his government and representatives of the opposition.

Throughout this crisis some key concerns have governed our approach:

- Whatever the origins of this conflict, Russia's use of disproportionate force, and its violation of Georgian sovereignty and territorial integrity, had no justification. Russian actions were in breach of successive UN Security Council Resolutions.
- Russia's recognition of Abkhazia and South Ossetia, without negotiation, breaches a number of UN resolutions that Russia has itself signed. The most recent was UNSCR 1808, adopted with Russian support in April 2008, and which explicitly "Reaffirms the commitment of all Member States to the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders..." Recognition also showed contempt for efforts by President Sarkozy to broker peace by prejudging agreement to establish an international process. That only one country (Nicaragua) apart from Russia has formally recognised South Ossetia and Abkhazia shows how isolated Russia is.
- Russian actions exacerbated the humanitarian situation in Georgia.
- By its unilateral recognition of the breakaway regions, and its use of force to achieve its objectives, Russia has damaged the principles of multilateralism and its own reputation as a reliable member of the international community and the UN.

Our response has therefore been to seek to reverse Russia's actions, to deter it (or others) from worse actions or similar actions elsewhere, and to protect the international system. We have sought to do so by supporting peace efforts that end hostilities without entrenching Russia's military gains, and supporting those efforts through international action that ensures Russia pays a political cost for continued or further breaches of the expectations of the international community. We have not sought to isolate Russia; that is not in our interests. But our diplomatic activity has sought to demonstrate to Russia that it risks taking a self-isolating course. We have pressed on partners and international organisations that engagement with Russia needs to be based on a hard-headed assessment: We and partners should be clear when Russia fails to meet the standards we expect in a partnership; uncompromising on the rights of independent nations to choose their own paths; and clear that bilateral and multilateral relations with Russia needs to be based on equal give and take.

For Georgia, our approach together with partners has been to help it deal with the immediate humanitarian crisis, rebuild its economy and demonstrate that it can continue along a path of Euro-Atlantic integration if it so wishes. We have also sought to offer reassurance and thicken relationships with other countries in the shared EU-Russia neighbourhood, such as Ukraine.

There has been broad agreement among partners on this approach. NATO, the EU and Foreign Ministers of the G7 have all responded firmly to unjustified Russian action. NATO Foreign Ministers condemned Russia, established a new Georgia-NATO Commission to deepen Georgia-NATO ties; confirmed the Bucharest Summit decision on eventual membership for Georgia and Ukraine; and began an audit of NATO-Russia relations. G7 Foreign Ministers have met a number of times to discuss Russia's actions, and, in an unprecedented step, issued a statement condemning a fellow-G8 member. The EU held an extraordinary Council meeting on 1 September.

EXTRAORDINARY EUROPEAN COUNCIL

This Council was convened by French President Nicolas Sarkozy, in his capacity as current Presidency of the EU, to discuss the crisis. The previous two extraordinary European Councils were convened to discuss the response to 11 September 2001, and Iraq.

At the 1 September meeting the European Council unanimously condemned Russia's decision to recognise the independence of Abkhazia and South Ossetia; and expressed its grave concern about the consequences of the conflict and Russia's disproportionate military action.

In response to Russian actions, the Council decided to conduct a comprehensive review of EU-Russia relations. This evaluation has begun and will continue up to the next EU-Russia Summit in Nice on 14 November 2008. The EU has also suspended negotiations with Russia on the new EU Partnership and Co-operation Agreement (PCA). The review will allow us to take a considered decision about the future of EU-Russia relations.

Russia's actions in Georgia also illustrate the need for Europe to intensify efforts to ensure its long-term energy security. The European Council tasked the EU with examining initiatives to diversify energy supply, including increased support for infrastructure that diversifies energy sources, an increased commitment to renewable energy, measures to improve energy efficiency and measures to improve the internal market.

For Georgia, the European Council made clear the EU's commitment to supply humanitarian aid and support for Georgia's long-term reconstruction efforts, including in Abkhazia and South Ossetia. The Council and the Commission have been tasked with starting preparations for an international conference to bring focus to reconstruction efforts. The UK will play its part. We have already committed £2million to Georgia in humanitarian aid. The EU has pledged to step up its relations with Georgia, including through visa facilitation measures, appointing an EU Special Envoy and the possible establishment of a full and comprehensive free trade area as soon as the conditions are met.

The EU's response to this crisis also took account of the implications for the EU's common neighbourhood. The European Council agreed that the EU should strengthen its relations with the region, including Ukraine. The EU-Ukraine Summit on 9 September agreed that the new agreement between the EU and Ukraine would be an Association Agreement. On 27 August the Foreign Secretary travelled to Kiev where he made a speech on the need for closer ties between the EU and the region.

8 SEPTEMBER AGREEMENT

On 8 September, President Sarkozy, EU Commission President Barroso and EU High Representative Solana travelled to Moscow to press Russia to abide by its commitments. Agreement was reached on a supplementary set of commitments to those in the six point plan (the 8 September agreement is annexed to this letter). Crucially, these commitments do not replace those agreed previously, but give detail on implementation and specify timelines. These more detailed commitments, and those of the six-point plan, together constitute a serious set of commitments to the international community. We expect them to be met in full.

GAERC/MONITORS

EU Foreign Ministers are likely to adopt a Joint Action launching a civilian ESDP monitoring mission at the General Affairs and External Relations Council (GAERC) on Monday, 15 September. The rapid planning, preparation and launch of this mission is due to the critical importance of deploying 200 EU monitors by 1 October to the zones adjacent to South Ossetia and Abkhazia, as agreed in Moscow on 8 September. I am submitting the Joint Action and Explanatory Memorandum separately. I hope you will understand my decision to over-ride Parliamentary scrutiny in this instance.

KOSOVO COMPARISON

We have had a number of exchanges on Kosovo. So I wanted to be clear here that we do not accept specious comparisons between South Ossetia and Abkhazia with Kosovo. South Ossetia has no history of autonomous development, with a pre-crisis population comprising ethnic Georgian as well as Ossetian villages. An independent South Ossetia could not fulfil its responsibilities as an independent subject of international law. The Ossetian element alone does not represent the views of the whole of the pre-crisis population. In Abkhazia, less than half of the pre-crisis population were able to vote in the referendum on which the claim to independence has most recently been based. This is not recognition of independence, but an attempt to short-circuit the democratic process, relying on the

encouragement and protection of Russia. It produces a form of independence indistinguishable from de facto annexation that flies in the face of numerous UN Security Council Resolutions.

Kosovo on the other hand had long exerted a destabilising influence in the region through its recent history of revoked autonomy and oppression. Independence was therefore the only viable option to achieve and maintain lasting peace. NATO's actions in Kosovo followed well documented dramatic and systematic abuse of human rights; culminating in ethnic cleansing on a scale not seen in Europe since WWII. A large percentage of the pre-crisis population in Kosovo had demonstrated commitment to independence over many years. The international intervention in Kosovo took place only after all peaceful avenues had been exhausted, over an extremely long period. Russia claims a "Kosovo precedent" for its actions in Georgia but seldom mentions the extensive involvement of the international community, including the UN administration of Kosovo for almost ten years, which was so important an element in the resolution of the Kosovo crisis. Unlike in South Ossetia and Abkhazia:

- There was a UN-sanctioned international administration in Kosovo;
- There was an international security force operating there under UN authorization and mandate.

There was also a security guarantee in Kosovo to protect different ethnic communities. In South Ossetia and Abkhazia Russia has failed for nearly two decades to create the conditions for the return of refugees. As one commentator has put it, the international community's response in Kosovo was an attempt to respond to the evils of ethnic cleansing. Russia's recognition of the separatist regions of Georgia risks entrenching ethnic division and makes the return of refugees even more difficult to achieve.

12 September 2008

CRISIS IN THE CAUCASUS

IMPLEMENTATION OF THE PLAN OF 12 AUGUST 2008

- Reaffirmation of the commitment of all the parties to implement in full all the provisions of the Medvedev-Sarkozy six-point plan of 12 August 2008.

Withdrawal of the forces

- Withdrawal of all the Russian peacekeeping forces from the five observation posts on the line between Poti and Senaki, within a maximum of seven days, taking into account the signing on 8 September of legally binding documents guaranteeing non-use of force against Abkhazia;
- Complete withdrawal of the Russian peacekeeping forces from the areas adjacent to South Ossetia and Abkhazia to their positions prior to the outbreak of hostilities. This withdrawal will take place within 10 days of the deployment in these areas of the international mechanisms, including at least 200 European Union observers, which will have to take place no later than 1 October 2008, in view of the existence of legally binding documents guaranteeing non-use of force against Abkhazia and South Ossetia;
- Completion of the return of the Georgian armed forces to their bases by 1 October 2008.

International observation mechanisms

- The UNOMIG international observers will continue to carry out their mandate in their areas of responsibility with the same number of personnel and deployment blueprint as at 7 August 2008, subject to future adjustments decided by the UN Security Council.
- The OSCE international observers will continue to carry out their mandate in their areas of responsibility with the same number of personnel and deployment blueprint as at 7 August 2008, subject to future adjustments decided by the OSCE Permanent Council.
- The preparations will be speeded up to allow the deployment of additional observers in the areas adjacent to South Ossetia and Abkhazia in sufficient numbers to replace the Russian peacekeeping forces by 1 October 2008, including at least 200 European Union observers.
- The European Union as guarantor of the principle of non-use of force is actively preparing the deployment of an observation mission to complement the existing observation mechanisms.

International discussions

- The international discussions provided for in point six of the Medvedev-Sarkozy plan of 12 August 2008 will begin on 15 October 2008 in Geneva. The preparatory talks will begin in September.
- They will focus, inter alia, on:
 - the arrangements to ensure security and stability in the region;
 - the issue of the refugees and displaced persons on the basis of the internationally recognized principles and conflict-settlement practice;
 - any other issue, by mutual agreement of the parties.

GEORGIA: EU SPECIAL REPRESENTATIVE

Letter from Jim Murphy MP, Minister for Europe, Foreign and Commonwealth Office to the Chairman

I am writing to let your Committee know of plans to adopt a Joint Action nominating an EU Special Representative for the Crisis in Georgia.

At the Emergency European Council on 1 September, EU Partners decided to appoint a Special Representative for the Crisis in Georgia. I wrote to you on 12 September setting out the wider context for this decision. At the General Affairs and External Relations Council of 15 September, partners appointed Pierre Morel to fill that role.

A key task for Ambassador Morel will be to prepare for and represent the EU at international talks on the crisis. Those talks start on 15 October. If the EU is to play a constructive role in those talks it is crucial that Ambassador Morel begin his preparations immediately. I hope you will therefore understand my decision to agree to this Joint Action before scrutiny has been completed.

24 September 2008

Letter from the Chairman to Rt Hon Caroline Flint MP, Minister for Europe, Foreign and Commonwealth Office

I am writing to inform you that, at its meeting on 9 October, Sub-Committee C considered the three Joint Actions above and cleared them from scrutiny retrospectively.

Members expressed understanding of the need for the Government to act on these matters during recess before Parliament had had the opportunity to approve the action.

I would at the same time like to express appreciation for the information on the crisis in Georgia contained in letters from your predecessor dated 21 August, 12 September, and in two letters dated 24 September; and in Jim Murphy's letters of 29 July on the 22 July GAERC, 12 September on the Gymnich 5-6 September meeting and 22 September on the 15 September GAERC which also contained information about EU discussions on Georgia. The Members feel that they have been kept fully informed about the situation and they look forward to hearing how matters develop with the monitors on the ground and in the forthcoming international talks in Geneva.

14 October 2008

GEORGIA: FINANCE FOR THE EU MONITORING MISSION

Letter from Jim Murphy MP, Minister for Europe, Foreign and Commonwealth Office to the Chairman

I am writing to let your Committee know of plans to adopt an amending Joint Action for the budget of the European Security and Defence Policy monitoring mission in Georgia.

This Joint Action slightly increases the budget for the mission. This is because Member States are able to mobilise personnel more rapidly than had been anticipated, and provide greater numbers of monitors for the initial deployment. We are pleased that Member States have responded positively and have been able to supply monitors to support the implementation of the six point plan, agreed on 12 August.

The rapid planning, preparation and launch of this mission is due to the critical importance of deploying at least 200 EU monitors by 1 October to the zones adjacent to South Ossetia and Abkhazia, as agreed in Moscow on 8 September by President Sarkozy and President Medvedev.

I wrote to the Committees on 12 September setting out recent events in Georgia and explaining the need to over-ride scrutiny in this instance, to enable the rapid deployment of the mission. I submitted an Explanatory Memorandum on 15 September about the Joint Action to launch the mission, which was adopted by the GAERC on 15 September.

I hope that you understand my decision to agree to this Joint Action before scrutiny has been completed, because of the need to deploy monitors by 1 October.

24 September 2008

GYMNICH: INFORMAL MEETING OF EU FOREIGN MINISTERS, 5-6 SEPTEMBER 2008

Letter from Jim Murphy MP, Minister for Europe, Foreign and Commonwealth Office to the Chairman

I am writing to inform you of the outcome of the informal meeting of EU Foreign Ministers that took place in Avignon, France, on 5 and 6 September. My Right Honourable Friend the Secretary of State for Foreign and Commonwealth Affairs (Mr. David Miliband) represented the UK.

The agenda items were as follows:

TRANSATLANTIC RELATIONS

Ministers debated how to strengthen political dialogue with the US and intensify transatlantic cooperation in response to major global challenges in Afghanistan and Pakistan, Iran, and the Middle East. Ministers will carry out further work on priorities for EU-US dialogue at another informal meeting later in the year.

RUSSIA/GEORGIA

Ministers discussed the ESDP mission proposed at the 1 September European Council and aid for Georgia's reconstruction, which the Government supported. Ministers will return to this issue at the 15 September GAERC. I am submitting the Joint Action and Explanatory Memorandum separately. Some Partners also expressed support for an international enquiry to investigate the causes of the conflict and what had happened on the ground during the fighting.

EUROPEAN SECURITY STRATEGY

Discussion was brief. High Representative Solana confirmed that work was still on track to update the European Security Strategy by the December European Council, focusing on the interconnected nature of security challenges, the need for a more coherent EU response and for Member States to back up their ambitions with adequate, available and sustainable civilian and military capabilities.

MIDDLE EAST PEACE PROCESS

Ministers reaffirmed the EU's commitment to the Middle East Peace Process and agreed to play an active role in supporting the Annapolis process in the coming months.

12 September 2008

IRAN: RESTRICTIVE MEASURES

Letter from Jim Murphy MP, Minister for Europe, Foreign and Commonwealth Office to the Chairman

A Council Decision is likely to be agreed at the Agricultural and Fisheries Council on 19 May to add further names to the EU's autonomous list of individuals and entities subject to a travel ban and assets freeze. I am unfortunately unable to supply you with an Explanatory Memorandum as the text of the Decision contains the names of individuals and entities due to be listed. Release of this information into the public domain before the Council Decision carries a risk of asset flight and it is therefore classified. I felt, however, that it would be helpful to write and inform the Committee of the general purpose of the Decision. I will of course keep the Committee updated and will be able to provide more details after 19 May.

This Decision represents a continuation of the increase in international counter-proliferation measures against Iran. The UN Security Council adopted Resolution 1737 on 27 December 2006 and Resolution 1747 on 24 March 2007 imposing restrictive measures against Iran. The resolutions, under Chapter VII of the UN Charter, are binding on all UN Member States, although not all the measures are mandatory. The measures were given further effect under international law between EU Member States by Common Position No: 2007/140/CFSP adopted on 27 February 2007 and Regulation No: 423/2007 adopted on 19 April 2007. The EU went beyond the UN in implementation of restrictive measures on Iran by adding additional names and entities to the list of those subject to travel restrictions and an assets freeze.

The list of additional individuals and entities to be approved on 19 May was agreed by the COMEM and CONOP working groups in February this year. The EU decided to delay work on the legal texts until after the adoption of UNSCR 1803 on 3 March. The list includes a number of individuals and entities implicated in Iran's nuclear and missile programmes. We are satisfied that all the individuals and entities meet the criteria for listing.

The EU will soon be taking forward discussions on a new Common Position and Regulation to implement UNSCR 1803. We are currently discussing with Member States how far the EU should go beyond the measures included in that resolution. The UK Government would like to see much tougher measures on export credits and financial vigilance of Iranian banks. We cannot say when these discussions will be complete. The FCO will of course submit an Explanatory Memorandum for scrutiny when progress has been made on the further measures to be included in the Common Position.

8 May 2008

Letter from Jim Murphy MP to the Chairman

Thank you for your letter of 14 May [Letter to House of Commons European Scrutiny Committee [not printed] and the Committee's agreement to the proposal in my letter of 8 May to delay receipt of an Explanatory Memorandum on the details of the increase in international counter-proliferation measures against Iran. I informed the Committee that the Council Decision was likely to be agreed at the Agricultural and Fisheries Council on 19 May. However, there has been a delay in the adoption and the Council Decision is now likely to be adopted by the General Affairs and External Relations Council on 16 June.

We, with our E3+3 partners, are currently in the process of making a refreshed offer to the Iranians. We have therefore agreed to postpone this action on sanctions to avoid prejudicing our own offer and give it the best possible chance of prompting positive negotiations.

26 May 2008

Letter from Jim Murphy MP to the Chairman

I would like to apologise for the further delay in submitting the Explanatory Memorandums relating to Iran, and thank you for your understanding on these issues. Council Common Position 2008/479/CFSP and the Council Decision were adopted on 23 June 2008. An Explanatory Memorandum on both the Common Position and the Council Decision will be deposited today.

10 July 2008

LIBYA: FRAMEWORK AGREEMENT BETWEEN THE EUROPEAN UNION AND LIBYA

Letter from Jim Murphy MP, Minister for Europe, Foreign and Commonwealth Office to the Chairman

A Council Decision is expected to be agreed in the near future approving the mandate for negotiating a Framework Agreement between the European Union and Libya. Unfortunately, I am unable to supply you with an Explanatory Memorandum as the text of the mandate contains the EU negotiating position, and is therefore classified. I felt, however, that it would be helpful to write and inform the Committee of the UK's views on this matter. I will of course keep the Committee updated as negotiations progress.

Relations between the EU and Libya have developed significantly since EU sanctions were lifted in 2004. Libya now has the status of observer in Euro-Med Partnership and is also eligible to benefit from assistance under the European Neighbourhood Policy Instrument. However, Libya so far has no framework for its relations with the EU. There is scope and inclination on both sides for further development of bilateral relations in relation to security, energy supply, education, environment and trade, as well as human rights. In relation to trade, the Framework Agreement contains provision for the conclusion of a Free Trade Agreement between the EU and Libya. If agreed, the mandate will allow the EU to open negotiations with Libya on the Framework Agreement.

The Government sees closer EU ties with Libya as a positive step. The UK and Libya are already significant bilateral trade partners, and cementing links with the EU on trade and the full range of issues envisaged in the Framework Agreement can only be of benefit to the UK

16 June 2008

Letter from Jim Murphy MP to the Chairman

I wrote to you on 16 June regarding the near conclusion of discussions between European Union Member States on a mandate for negotiating a Framework Agreement between the European Union and Libya. I am now writing to inform you that a Council Decision has been reached approving the mandate. The Commission intends to open negotiations with Libya in the autumn, although at present no date has been set. I am unable to supply you with an Explanatory Memorandum as the text of the mandate contains the EU negotiating position, and is classified. However, I would like to provide the Committee with an outline of the structure of the mandate as well as the UK's position on this matter.

The Framework Agreement should cover a range of political, social, economic, commercial and cultural relations between the EU and Libya. It will provide a platform for dialogue and cooperation on areas including the promotion of sustainable energy development, enhancement of energy security, combating terrorism, the good governance and protection of the environment in sectors such as water, air and marine environment as well as strengthening respect for human rights and fundamental freedoms. It should include a chapter on migration addressing areas including border management and the fight against illegal migration and organised crime. As mentioned in my last letter the Framework Agreement will also include a section on trade with provision for the negotiation of a Free Trade Agreement between the EU and Libya.

The UK welcomes the conclusion of the negotiating mandate as it presents an opportunity to build on the solid relationship we now share with Libya. The UK has a vested interest in the issues covered in the Agreement and its conclusion will further Libya's integration into the wider international community.

23 August 2008

MILLENNIUM DEVELOPMENT GOALS (MDG E/C): SPEEDING UP PROGRESS TOWARDS THE MDG E/C (8403/08)

Letter from the Chairman to Gareth Thomas MP, Parliamentary Under-Secretary of State, Department for International Development

Sub-Committee C considered the above documents at their meeting on 8 May 2008 and decided to clear them from scrutiny.

The Committee expressed its full support for the EU's and Government's efforts to achieve the Millennium Development Goals (MDGs), and considers that the Commission Communication and its annexes contain useful proposals for further steps at EU and Member State level. The Committee draws the Government's attention to the House of Lords' debate on the MDGs on 1 May, which contains a number of points which are relevant to the Commission Communication under consideration.

Higher levels of, and more predictable aid flows to developing countries are fundamental to achieving the MDGs, yet the Communication points out that overall European aid from both the EU and its Member States actually fell to 0.38% of the EU's gross national income (GNI) in 2007, down from 0.41% in 2006. This is clearly a worrying development. The Committee stressed the importance of the EU as a whole, and the UK in particular, meeting the financing commitments it has entered into, and welcomed the Government's continuing commitment to reach the 0.7% GNI target for UK development aid by 2013.

We would be grateful if you could clarify your position on the EU and its Member States' contribution to meeting the challenge of financing. The Committee noted the graph and table on pages 13-15 of the Communication which give some indication of financing trends. These show that the aid provided by some Member States has remained constant or decreased in recent years. According to the table, the volume of aid provided by the UK dropped from 0.51% of GNI in 2006 to 0.36% of GNI in 2007, although it is projected to recover and increase to 0.44% this year and reach 0.56% by 2010. Do you consider that the EU and its Member States are still on track to meet their commitments on aid volumes? What action has the EU taken to put pressure on established donors, such as the United States and Japan, to meet their existing commitments on financing for development; and on emerging donors, such as China and India, to provide more aid and ensure that they apply internationally-agreed principles on aid effectiveness?

The issue of policy coherence for development (PCD), in particular with regards to bio-fuels, was a second point raised by the Committee. We fully share the concerns expressed in your Explanatory Memorandum (para 14) and on p.10 of the Communication about the social impact of bio-fuel

production, especially on food security. The Committee felt that this was an area which deserves further study, and we therefore welcome the initiative taken by the Government to carry out the Gallagher Review of bio-fuels which is due to report in June. We look forward to coming back to this issue in due course.

We would be grateful if you could keep the Committee informed of developments in respect of the Commission's Communication, including the outcome of the General Affairs and External Relations Council (GAERC) on 26-27 May 2008.

12 May 2008

Letter from Gareth Thomas MP to the Chairman

I am writing in reference to your letter of 12 May requesting further information on Explanatory Memoranda 8403-08, *The EU - a Global Partner for Development - Speeding up progress towards the Millennium Development Goals (MDGs)*. The GAERC of 26/27 May agreed a set of Conclusions (attached to this letter [not printed]) on the initial five Commission Papers and, as requested, I have outlined the contents of these Conclusions and the UK's position.

MDGs: In response to the Commission Paper, *The Millennium Development Goals - State of Play* (SEC (2008) 433), the Council Conclusions echoed the concern over meeting the MDGs by 2015, particularly in Africa. In response, the Council called for an EU Agenda for Action to be prepared for the June European Council including 'specific milestones and actions within timeframes in key areas like education, health, gender equality, water, agriculture, growth and infrastructure that will contribute to ensure the achievement of the MDGs by 2015'. This was a key objective of the UK Government and we strongly support the Conclusions on this aspect.

The UK agrees both with the Conclusion's assessment of MDG progress and the key issues identified. The UK welcomes the progress made in most regions towards reaching the MDG targets but is also concerned by the lack of progress in sub Saharan Africa. The UK agrees with the emphasis on country level ownership of targets and indicators and is working with countries to strengthen their monitoring systems. The UK agrees that achieving the MDGs is a joint responsibility between all partners and particularly notes the importance of the private sector, civil society organisations and the role of parliaments in this joint venture. The UK welcomes the UN Secretary General's initiative to host a high level event on the MDGs in New York in September 2008 and will be attending this event at the highest level.

FINANCING FOR DEVELOPMENT: A section of the Conclusions focused on the response to the Communication: *The Monterrey process on Financing for Development – the European Union's contribution to Doha and beyond*, SEC (2008) 432/2

In response to your question on "the position of EU and its Member States contribution to meeting the challenges of financing", the EU agreed in 2005 to increase its ODA to a collective average of 0.56% GNI by 2010, and 0.7% by 2015, of which, half of the increase should be allocated to Africa. The UK supports the Council Conclusions which "strongly reaffirm" these commitments, and "strongly encourage" Member States to establish rolling multi-annual timetables illustrating how they will reach their targets. The Government has already announced during the 2007 Comprehensive Spending Review that the UK ODA/GNI ratio will increase to 0.43% in 2008, 0.48% in 2009, and 0.56% in 2010. We are on track to reach 0.7% by 2013, two years ahead of the EU target. The Council Conclusions also set out a leadership role for the EU at the Follow-Up Conference on Financing For Development in Doha in late 2008; call for innovative financing mechanisms to increase the predictability and sustainability of financial flows, and to finance adaptation to climate change; and address issues around debt relief, increased import prices for food and oil; and reforms to the international aid architecture. The Government agrees with these Conclusions.

AID EFFECTIVENESS: In response to the Communication: *An EU Aid Effectiveness Roadmap to Accra and beyond from rhetoric to action, hastening the pace of reforms*, SEC (2008) 435, the Conclusions highlight that 2008 is a critical year in the international effort to increase the quantity and quality of aid. The quality of aid is as important to reaching the MDGs as its quantity. Over the next six months, the Accra High Level Forum's drive for better aid stands alongside Doha's 'Financing for Development' meeting for more aid, and the 'MDG Call to Action' for better results. It is vital that Accra delivers concrete measures to accelerate progress. Otherwise there is a risk of further scepticism from partner countries and the wider public on the 2005 commitments to more and better aid. The UK supports the Council Conclusions which will enable the EU to develop its position to maximise its leadership and impact at the High Level Forum in Accra on key issues requiring action, as identified by partner countries. We particularly welcome the positive statement that the EU will provide international leadership on strengthening transparency and accountability and will drive improvements

in delivering more predictable aid, vital to enable governments to plan, spend and deliver aid effectively to meet the MDGs.

AID FOR TRADE: In response to the *Aid for Trade monitoring report 2008*, SEC(2008) 431, the Conclusions confirm that the EU Aid for Trade strategy (adopted in October 2007) is being actively taken forward. They make clear that Member States have made good progress towards their commitment to increase trade related assistance to €1 billion (£0.79 billion) per year by 2010, although sustained effort is required to reach the target. The UK welcomes these Conclusions and is confident that it will meet the two UK targets for increasing bi-lateral and multilateral aid for trade to £409m a year by 2010, and bi-lateral aid for trade to £100m per year by 2010. The UK will continue to press EU donors to increase aid for trade within their overall increases of ODA. DFID is actively participating in strategy implementation in Brussels and at the country level.

POLICY COHERENCE FOR DEVELOPMENT: Concerning *Policy Coherence for Development; Climate Change/Energy/Bio fuels, Migration and Research*, SEC (2008) 434/2, the Conclusions stressed the importance of Policy Coherence for Development (PCD) to achieving the MDGs. Its general recommendations are to strengthen impact assessments and dialogue with partner countries as ways to improve the effectiveness of PCD in the EU context. The UK strongly supports these recommendations and will be working with our EU partners to explore opportunities. The PCD section of the Conclusions, like the initial Commission Communication focuses on three areas of particular interest for the PCD agenda: Climate Change/Energy/Bio fuels, migration and research.

CLIMATE CHANGE/ENERGY/BIO FUELS: The Conclusions represent a positive statement for the UK. While noting the opportunities presented by bio fuels for developing countries, the Council Conclusions recognise the possible negative impacts, in terms of food prices, the environment and climate change. The importance of EU policy being economically, environmentally and socially sustainable is clearly stated. As well as monitoring the situation, and maintaining a close dialogue with producer countries, the EU will look at supporting the faster development of second generation bio fuels, which do not use food products in their production, and should have less of a social and environmental impact. The UK therefore welcomes the Conclusions.

MIGRATION: Given the potential impact which migration policies can have on poorer countries - both positive and negative - it is appropriate that migration should be one of the thematic areas under the PCD initiative. DFID published a policy paper on migration and development in 2007 (*Moving out of poverty - making migration work for poor people*) setting out the links between migration and poverty reduction. The section on migration in the Council Conclusions focuses on brain drain of skilled labour from developing countries and urges continued dialogue with partner countries to investigate different ways of tackling brain drain challenges. The UK agrees with the call for further work as, if well-managed, international migration through legal, regular channels can bring benefits for development.

RESEARCH: The Conclusions set out three main recommendations on research: That there should be more EU research that is directly relevant for developing countries; that research capability in developing countries should be strengthened and this capacity building is a long term facilitation of access to research results; and that there should be greater harmonisation between Member States on their work in research for developing countries. The UK is fully supportive of the three main conclusions and is currently incorporating these elements in our programmes. Our future research strategy emphasises these core actions. On capacity building, we have a strong focus towards regional research institutions in Africa, supporting core budgets and our programmes have capacity building as a component. On harmonisation we have initiated and co-ordinate a programme of research collaboration between Member States on water and sanitation innovation for developing countries.

FOOD PRICES: Although not directly linked to a Commission Communication, the Conclusions do include a section on food prices. The Conclusions rightly highlight that the current challenge is related to prices, not overall availability, so that increasing numbers of poor people are unable to buy sufficient food for themselves and their families. The Conclusions recommends a mixture of coordinated short and medium-term actions, focusing on humanitarian assistance, social protection, and working to increase agricultural production in developing countries, together with the encouragement of policies to restore order to the international trading system in agricultural commodities. This approach is fully in line with the UK's approach and we welcome the Conclusions.

Overall, the GAERC Conclusions have been a success for the UK and development and we look forward to working with our EU partners to take them forward over the coming months.

2 June 2008

Letter from Gareth Thomas MP to the Chairman

In my letter of 2 June I set out the Government's view of the Conclusions of the GAERC on May 26-27 2008. Your letter of 12 May also asked some further questions about EU progress towards the ODA targets, the position of other major donors, and policy coherence for development.

We believe the EU has made good progress, notably by exceeding its target to achieve 0.36% ODA/GNI by 2006. Large-scale debt relief programmes provided a surge in ODA figures but these were largely completed in 2006. This brought a fall in the ODA levels in 2007 of many donors, including the UK. However, the debt relief has brought considerable benefits to developing countries, and the temporary fall in ODA levels was long predicted by the OECD's Development Assistance Committee in 2005.

We accept the Commission's analysis that the EU is broadly on track to meet its commitments. The rapid increases in ODA required to meet the commitments, however, presents a challenge for Member States, including the UK, all of whom face budgetary pressures and have competing priorities. In order to give our developing country partners the confidence to plan ahead, the UK has joined the Commission and some other Member States in calling for multi-annual timetables setting out how each Member State will reach their pledges. The UK has effectively set out its timetable through the 2007 Comprehensive Spending Review. We hope this can provide an encouraging example for other Member States to set out their plans.

The EU will be providing around 80% of the aid increases between 2005 and 2010. The commitments made in 2005 by the USA and Japan, have already been largely delivered. We do of course continue to press other donors to meet their commitments, including through the G8 process. International progress on increasing ODA will also be one of the main themes of the Follow-Up Conference on Financing for Development at the end of the year in Doha.

The UK is in close contact with emerging donors, including China and India. The emerging donors are important, although their overall financial contribution is still well below established donors. In 2006, China made a commitment to double its aid to Africa by 2009, and we understand that it is on target to meet this. The UK and China have now established a formal dialogue on Africa and we use this to raise aid effectiveness issues. India recently announced \$5.4 billion (£2.71 billion) in loans to Africa at the April 2008 India-Africa Summit, as well as an increase in technical co-operation. However, the Government of India distinguishes itself from other donors, stressing south-south collaboration and pursuit of common interests. As such, India does not believe that principles of aid effectiveness apply to its foreign aid programmes. We are encouraging these countries and other emerging donors to engage fully with the High Level Forum on Aid Effectiveness taking place in Accra in September 2008, and with the Doha "Financing for Development" meeting in December 2008.

26 June 2008

MOROCCO: JOINT EU-MOROCCO DOCUMENT ON THE STRENGTHENING OF BILATERAL RELATIONS – ADVANCED STATUS

Letter from Rt Hon Caroline Flint MP, Minister for Europe, Foreign and Commonwealth Office to the Chairman

I am writing to inform the Committee of a joint Advanced Status document adopted at the 13 October EU-Morocco Association Council, which provides a roadmap designed to strengthen the ties between the EU and Morocco. This will give Morocco an advanced status within the European Neighbourhood Policy (ENP). The joint document is not legally binding, but will be developed within the framework of the existing EU-Morocco Action Plan.

At the EU-Morocco Association Council on 23 July 2007, Morocco and the European Union agreed to launch a joint working group with the aim of strengthening bilateral relations. On 16 May 2008 Morocco presented a series of proposals in which they aimed to give substance to their desired aim of Statut Avancé – Advanced Status. At the same time the European Union also presented the Moroccans with a number of proposals that were felt necessary to achieve an advanced status relationship. Discussions between the EU and Morocco resulted in a mutually agreed set of proposals.

The actions and proposals adopted by the working group cover the political, economic, financial, social and human dimensions of the bilateral relationship, whilst also covering the participation of Morocco in certain Community programmes and agencies. I have enclosed an English translation of the "joint EU-Morocco document on the strengthening of bilateral relations – Advanced Status". Progress against the proposals will be reviewed at the next EU-Morocco Association Council.

I wanted to bring to your attention some of the key elements contained within this document. By enhancing the political dimension of the bilateral relationship, the joint proposals grant Morocco more regular dialogue with the EU through a variety of meetings across a range of issues. The joint document should also lead to the creation of a joint parliamentary committee between the Moroccan Parliament and the European Parliament and closer ties between political parties on both sides. In the field of human rights the document calls for enhanced dialogue and co-operation, including action to combat racism and xenophobia, and EU support for strengthened legislation on the protection of women from violence, the rights of disabled people and the rights of the child.

The advanced status document focuses heavily on enhanced economic, financial and social co-operation. There are four key elements to this co-operation;

- a. Alignment of the Moroccan legislative framework with the *acquis communautaire*;
- b. Conclusion of an Extended Global Free Trade Agreement;
- c. Economic and social cooperation;
- d. Morocco's accession to the trans-European networks and sectoral cooperation.

In this context it is important to point out that there will be no additional burden placed upon the UK. The EU funding for Morocco is fixed until 2013. The joint document states that the working group would look to identify ways to optimise funding for Morocco beyond the 2007-2010 financial plan. Throughout the negotiation process, the UK were keen to ensure that EU funding was not diverted away from the eastern countries in the ENP and redirected to support Moroccan aspirations. We are satisfied with the final outcome.

The joint document also covers closer cooperation in a number of specific areas including UK policy priorities such as energy supply and security, agriculture and fisheries, environmental co-operation and greater access to water. The human dimension of the joint document calls for exchanges and consultations between civil society groups, closer links between Moroccan regional and local authorities and their EU counterparts, alignment of the Moroccan system of Higher Education and Research and Vocational Training with the European Higher Education, Scientific Research and Vocational Training Area, greater cooperation on global migration and support for training for Moroccan civil servants and officials.

The UK has always supported the Moroccan desire to achieve an advanced status relationship with the EU and welcome the adoption of the joint document. We value Morocco as an important EU partner in the region, and support the progress towards closer integration. Our bilateral relations with Morocco are good. The UK and Morocco share many common interests and a desire to combat shared threats such as illegal migration and terrorism.

30 October 2008

Letter from the Chairman to Rt Hon Caroline Flint MP

Thank you for your letter of 30 October 2008 informing us of the joint Advanced Status document adopted at the 13 October EU-Morocco Association Council on relations between the EU and Morocco.

Members of Sub-Committee C considered your letter at their meeting on 6 November and expressed pleasure at the developing EU/Morocco relations and the fact that bilateral relations between the EU and participants in the European Neighbourhood Policy had not been adversely affected by the development of the Barcelona Process – Union of the Mediterranean.

10 November 2008

NUCLEAR: COMPREHENSIVE NUCLEAR TEST BAN TREATY ORGANISATION (CTBTO)

Letter from the Chairman to Jim Murphy MP, Minister for Europe, Foreign and Commonwealth Office

Sub-Committee C considered the above document at its meeting on the 22 May 2008 and cleared it from scrutiny.

The Committee expressed its strong support for the Joint Action, which is a useful contribution to implementing the EU Strategy against Proliferation of Weapons of Mass Destruction (WMD). However, your Explanatory Memorandum (EM) highlights a key problem, which is that the

Comprehensive Nuclear Test Ban Treaty (CTBT) cannot enter into force until the nine states listed in paragraph 3 of the EM have ratified it. We would therefore be grateful if you could provide us with information about the steps that the EU is taking to achieve ratification by the states concerned, in particular the United States. Do the Government consider that the EU could do more to put pressure on these states to encourage them to ratify the CTBT?

2 June 2008

Letter from Jim Murphy MP to the Chairman

Thank you for your letter of 2 June indicating that the Committee has cleared this document from scrutiny and requesting information about the steps that the EU is taking to achieve ratification of the CTBT by the nine remaining Annex II states, in particular the United States.

Since 2003 when the EU formally agreed to promote early entry into force of the Treaty, the EU has continued to urge ratification by Annex II states as well as all other states that have yet to sign and/or ratify the Treaty.

EU action operates on a number of levels. For example, the EU undertook comprehensive rounds of démarches during 2007 under both the German and Portuguese Presidencies which involved Annex II states including the US. The EU takes every appropriate opportunity to urge those remaining Annex II states still to ratify the Treaty to do so without further delay through its statements at the CTBTO Preparatory Commission and, in the NPT context, most recently at the NPT Preparatory Commission in Geneva last month. The EU supports the biennial Conference under Article XIV of the Comprehensive Nuclear Test Ban Treaty (CTBT) designed to promote entry into force.

Individual EU Member States support these efforts bilaterally. For example, EU Member States' overseas Embassies have assisted the Executive Secretary of the CTBTO in his regional outreach work. The EU also supports the Special Representative for the CTBT, Ambassador Ramaker, with his programme of visits focussed on promoting entry into force of the Treaty. In addition, individual EU Member States conduct their own lobbying exercises.

The UK plays its part. In the last year alone the Prime Minister, Defence Secretary and former Foreign Secretary have all called for the Treaty's entry into force. We will continue to take appropriate opportunities to lobby individual Annex II countries.

These sustained efforts have helped to encourage six countries to accede to the Treaty since August 2007, including one Annex II state (Colombia). There is still some way to go. For this reason the EU will continue to press the CTBT's case as a key part of the international non-proliferation architecture to those remaining Annex II states still to ratify the Treaty.

10 June 2008

NUCLEAR: INTERNATIONAL CHALLENGE OF NUCLEAR SAFETY AND SECURITY (10049/08)

Letter from the Chairman to Malcolm Wicks MP, Minister of State for Energy, Department for Business, Enterprise and Regulatory Reform

Sub-Committee C considered this document at its meeting of 10 July 2008 and cleared it from scrutiny.

The Committee expressed its full support for continued EU action in the area of nuclear safety and security. We also note that the UK Government is at the forefront of efforts to develop a uranium enrichment bond to help states secure fuel for new nuclear civil power programmes, while minimising the risk of proliferation, as set out in its National Security Strategy. In this respect, we would be grateful if you could inform the Committee as to what action the Government is taking to persuade the other EU Member States to support this initiative, and to what extent the Government's efforts are meeting with success.

17 July 2008

PIRACY: MILITARY COORDINATION ACTION IN SUPPORT OF THE UN OFF THE COAST OF SOMALIA (2008)

Letter from Jim Murphy MP, Minister for Europe, Foreign and Commonwealth Office to the Chairman

I am writing to inform the Committee that the European Union is preparing to commence Military Coordination Action in support of United Nations Security Council Resolution 1816, concerning the threat from piracy off the coast of Somalia. The attached Explanatory Memorandum covers a Council Joint Action establishing the Military Coordination Action. Work on this Action has accelerated during the recess period, and the Joint Action is set to be agreed during the week commencing 15 September.

My officials have raised the issue of national parliamentary scrutiny and asked if a decision might be postponed. However, the primary purpose of the Military Coordination Action is to ensure that World Food Programme humanitarian shipping can be escorted into Somalia. Canada is currently providing escorts but will stop at the end of September. If the Joint Action is not agreed before then, and the Coordination Cell not established, there will be a gap in the delivery of humanitarian aid, with harmful consequences for the region.

If the Joint Action is adopted by written procedure during the week commencing 15 September, then this will unfortunately mean that there is not enough time for your Committee to scrutinise the Decision. In light of the need to ensure the delivery of humanitarian aid to Somalia, I hope the Committee will understand if I agree to this proposal before scrutiny has been completed.

16 September 2008

Letter from Rt Hon Caroline Flint MP, Minister for Europe, Foreign and Commonwealth Office to the Chairman

In the light of the worrying increase in the number of incidents of piracy and armed robbery at sea in the region and the consequent rapid pace of developments within the EU in response, I am writing to provide an update on the planning of potential EU activities towards a counter piracy operation off the coast of Somalia.

The UK remains committed to international action to counter piracy effectively in the region. In addition to existing and ongoing consultation with maritime organisations, effective prevention measures (for example urging the importance of compliance with notices to mariners) and our existing contribution to counter-piracy activity by the multinational Combined Task Force 150 in the Gulf of Aden, the UK continues its effort to tackle on land the causes of piracy in Somalia, the only long term solution to this problem.

But more now needs to be done. In the light of recent developments in the region, and also in response to UN Security Council Resolutions 1816 and 1838, EU Member States have agreed that planning should proceed towards a potential operation on the basis of a mission designed to protect shipping in the region, including World Food Programme shipping to Somalia, other humanitarian shipping to Somalia, European flagged ships in the Area of Operations and other flagged ships, as well as creating an additional presence in the Gulf of Aden for deterrence and surveillance of piracy. The operation would be envisaged to last for one year from launch, starting once EU planning has finished – possibly as early as December, but subject to final ministerial decisions. Since Jim Murphy's letter of 16 September, EU military planners conducted a fact finding mission to the region and have refined the Military Strategic Option to which he referred. This has given EU Member States sufficient confidence to agree to move forward to the next stage of planning.

The Military Strategic Option will be developed into an operational plan once the Operation Commander has been appointed and his Operations Headquarters established. To be clear, no Council decision to implement the operation will be taken until after the Operation Commander's proposed Operation Plan is agreed and sufficient forces to implement the operation have been generated.

The next stage of planning activity requires the appointment of an Operation Commander and Operation Headquarters. This will require a Joint Action. An initial outline draft has just been made available, which I will forward to your committee for scrutiny as soon as possible with an accompanying Explanatory Memorandum. Our support for further planning, with full co-ordination and co-operation with other international and national actors in the region (for example CTF 150 and now probably also NATO for an interim period until the EU operation begins), will be dependent upon the need for the smallest possible scale command structure, not least to ensure that the operation is affordable and constructed in a cost effective way to ensure it remains that way.

To signal the UK's commitment to making a success of this operation, MOD Ministers have agreed that the UK should offer to provide the Operation Commander and Operation Headquarters, at the multinational facilities alongside PJHQ at Northwood. This offer was accepted today by Ambassadors at the Political and Security Committee. I will continue to keep you updated on the progress of planning and preparations for this potential operation.

14 October 2008

Letter from the Chairman to Rt Hon Caroline Flint MP

Sub-Committee C considered this document at its meeting on 9 October 2008 and cleared it from scrutiny.

The Committee expressed a continuing interest in efforts to tackle piracy off the coast of Somalia, and was grateful for your letter of 14 October 2008 on the planned EU mission, which we very much welcome. In addition, we particularly welcome the UK's offer to provide the Operation Commander and Operation Headquarters of the mission at the multinational facilities alongside PJHQ at Northwood.

The Committee would be grateful if the Government could provide it with some further information. In your letter you noted that the UK was providing naval vessels to help combat piracy off the coast of Somalia as part of the multinational Combined Task Force 150. In addition to this existing contribution, does the UK plan to send navy ships to the region as part of the European Security and Defence Policy (ESDP) mission? What will be the division of responsibilities and the relationship between the ESDP mission and the existing multinational (CTF 150) and NATO naval operations in the area?

A second point on which we would be grateful for general clarification relates to the rules-of-engagement of UK navy vessels despatched to the region. The Committee expressed the view that British contingent should be authorised to take effective action to combat piracy. In this respect, we note the article in *The Times* of 15 October 2008 (p.30) indicating that emergency legislation addressing this question is likely to be presented to Parliament. We would be grateful if you could provide the Committee with information on the current situation regarding rules-of engagement and the Government's legislative plans insofar as they relate to the EU's proposed mission.

16 October 2008

Letter Rt Hon Caroline Flint MP to the Chairman

I am writing in response to the Committee's request for further information following my Explanatory Memorandum of 17 October on the Joint Action and to inform you of a Council Decision which will launch the EU military operation against acts of piracy and armed robbery off the coast of Somalia.

I am grateful to your Committee for clearing the draft Joint Action on the proposed operation before a final English language version was available (a copy of which has now been sent to you) [not printed]. I can confirm that the Joint Action was adopted by the General Affairs and External Relations Council (GAERC) on 10 November 2008. The Council Secretariat is now drafting the Operations Plan (OPLAN) for this mission. The will OPLAN describe the logistics of the proposed operation and the Rules of Engagement. We expect to receive this draft on 24 November.

I am providing as much detail as possible about the upcoming mission in this letter. I shall also update the Committee more fully once the draft OPLAN and Council Decision have issued. However, I hope that the Committee will understand that, given the pressing need to launch this operation and ensure that there is no gap in escorting World Food Programme shipping, I may need to agree the Council Decision at the GAERC on 8-9 December, before scrutiny has been completed.

The UK's offer to provide the Operation Commander, Rear Admiral Phil Jones and the Operational Headquarters, the Multinational Headquarters at Northwood has been formally accepted. You asked what the command and control arrangements would be and what interaction there will be with Combined Task Force 150 and NATO forces. The Member States will exercise political control and strategic direction of the EU military operation via the Political and Security Committee (PSC).

A covering mandate confirms that Operation Atalanta will "liaise with organisations and entities, as well as States, working in the region to combat acts of piracy and armed robbery off the Somali coast, in particular the "Combined Task Force 150" maritime force which operates within the Framework of 'Operation Enduring Freedom'". At the operational level, the EU Operation Commander shall act as the contact point with, in particular, ship owners' organisations, as well as with the relevant departments of the UN Secretary General and the World Food Programme.

NATO has recently agreed a mandate for Standing NATO Maritime Groups to enable them to tackle piracy when transiting through the Gulf of Aden. There is also a specific mandate for Standing NATO Maritime Group 2, currently on deployment until December, to take action to counter piracy and escort World Food Programme aid ships. The end date of the operation will be 20 December but the UK is keen that this remains flexible so that there is no gap with the launch of Operation Atalanta. EU and NATO are determined that their activity must be fully co-ordinated.

The UK has offered a Royal Navy frigate for at least part of the operation, subject to ESDP force generation requirements and UK operational priorities. Enhanced Rules of Engagement have been issued to Royal Navy units; they can deter and disrupt those suspected of pirate activity and they can also seize and dispose of pirate property, including the sinking of unmanned pirate skiffs (small boats). But at present there is a lack in UK law of clear arrest and evidence gathering powers for Royal Navy officers, so if Royal Navy officers were to arrest pirates, there is a real risk that such prosecution would fail on procedural grounds if they had to be brought back to the UK for prosecution (although it is not our intention in this operation to bring pirates back to the UK). The Department for Transport plans to address this in a forthcoming Bill. For this operation our plan remains to hand over any detained pirates to a state in the region for prosecution, subject to obtaining suitable assurances from that state with respect to treatment, and work is in hand to enable this. Rules of Engagement for Operation Atalanta will be available when the OPLAN issues from the Council Secretariat and the Operation Commander on 24 November. Details of these will be included in the Council Decision.

Under the standard ATHENA mechanism that covers funding of ESDP operations, current estimates lead us to expect that the UK share of common costs for the entire one year operation to be approximately £1.2million. Although naval operations to counter piracy directly are important and necessary, we also need to focus on tackling the root causes of piracy in this area – instability in Somalia. This operation is thus part of a wider HMG effort to stabilise the region, with DFID already active with a £25 million programme. The European Commission is also providing significant funding which is being discussed with Member States in the light of this planned operation.

You will be aware of the incident on 11 November involving HMS CUMBERLAND who boarded a foreign flagged fishing vessel, now known to be Yemeni, which had been hijacked by Somali pirates. The Yemenis were innocent victims of Somali piracy. This was a successful example of the Royal Navy's on-going efforts to counter piracy, deterring an attack and rescuing a pirated vessel and its crew.

As you will also know, the Sirius Star, a Liberian flagged oil tanker operated by a Saudi-owned, Dubai based company VELA INTERNATIONAL, was hijacked on 15 November approximately 500 miles off the coast of Kenya. Twenty-five crew were on board including two British Nationals. Discussions are currently underway to find a peaceful resolution and secure the safe release of the hostages. This incident only serves to underline the importance of the ESDP mission.

19 November 2008

RUSSIA: EU RUSSIA SUMMIT NOVEMBER 2008

Letter from the Rt Hon Caroline Flint MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

The 21st EU-Russia Summit took place on 14 November in Nice, France. The EU side was led by the French Presidency represented by Mr Sarkozy, the High Representative for CFSP Javier Solana, and European Commission President Jose Manuel Barroso. The Russian side was led by President Medvedev.

The discussions focused mainly on Georgia, pan-European security and the international financial crisis.

With regard to Georgia, the EU noted that Russia had fulfilled a large part of its commitments: endurance of the ceasefire, withdrawal from most parts of the buffer zones, the deployment of EU observers, and the beginning of international talks in Geneva. Events in Georgia have had a significant impact on the EU-Russia relationship, casting a serious shadow over it. The EU used the opportunity of the Nice Summit to continue calling for full implementation of the ceasefire agreements, and especially for Russian commitment to the Geneva process. President Sarkozy emphasised the need to make progress with regard to the withdrawal of Russian forces from two specific areas - the Akhgori valley in South Ossetia and the village of Perevi in west Ossetia.

A resumption of negotiations on the new EU partnership and cooperation agreement (PCA) with Russia was announced at the Summit. High level discussions will begin in December. We welcome this as hard headed engagement and not isolation is the way forward in the EU's relationship with Russia. The PCA provides a mechanism for the EU to engage Russia in a more coherent and united way. And the mandate is ambitious and comprehensive and covers a range of issues important to us such as Climate and Energy Security, Trade, Human Rights etc. Negotiations on the PCA will also provide further opportunities for the EU to press the Russians on the need to work to resolve frozen conflicts. But we are clear that this does not mean a return to a "business as usual" relationship between the EU and Russia. We will continue to insist on full Russian implementation of the ceasefire agreements and their cooperation in the Geneva talks. We also welcome the earlier EU commitment to ensure that the EU-Russia audit will inform negotiations on a possible successor to the PCA.

On the issue of pan-European security, the European Union expressed its concern about President Medvedev's speech in Berlin and his statements on the potential deployment of Russian missiles, stating that no missiles should be deployed until the new geopolitical conditions of pan-European security had been discussed. President Medvedev reiterated Russian views that current "European security mechanisms in Europe are imperfect" and pressed for a discussion on their proposals for a new "European Security Architecture". President Sarkozy proposed holding a meeting in mid-2009, in the framework of the OSCE, to discuss these proposals. We are open to this suggestion and will coordinate with Allies how to move forward. It is too early to say what would be on the agenda for such a conference or where would ultimately be the most appropriate forum for discussion but we are absolutely clear that any discussion on European security should include transatlantic allies.

President Sarkozy appraised the Russian proposals to address the international financial crisis to be of high quality on the technical, financial and economic fronts. We believe they provide a good basis for further cooperation as it is in the joint interests of the Russian Federation and Europe to work on the perspective of a common economic area. President Medvedev agreed on the importance of implementing an action plan to deal with the current economic crisis. Both sides agreed to stay in close touch on these important matters.

President Barroso recalled the European Commission's support for Russia's entry into the World Trade Organisation. It is in our interest for Russia to become more integrated in the world economy and WTO membership would provide an institutional framework to underpin trade and investment between Russia and European and other partners.

President Barroso also emphasised the importance of intensifying dialogue on energy, and welcomed the Russian decision to postpone increasing the export tariffs on certain forestry products.

26 November 2008

RUSSIA: MANDATE FOR A NEW EU-RUSSIA AGREEMENT

Letter from Jim Murphy MP, Minister for Europe, Foreign and Commonwealth Office to the Chairman

As you will be aware, on 26 May EU Ministers adopted a mandate that will allow the EU to negotiate a new agreement with Russia. This new agreement will eventually replace the current EU-Russia Partnership and Cooperation Agreement (the title of the new agreement has yet to be decided).

This is good news for the UK and the EU. The adoption of the mandate will allow the EU to get off on the right footing with the new Russian President, who will attend his first EU-Russia Summit in Siberia on 26-27 June, when we expect negotiations to begin. Negotiating a new agreement to regulate the EU-Russia relationship also accords well with the emphasis that President Medvedev has placed on the importance of the rule of law. The mandate is ambitious: it aims for real substance, including on difficult topics. Negotiations will help the EU develop common positions in relation to Russia on substantive issues. And the mandate is comprehensive, covering a range of issues of key importance to the UK. These are:

INTERNATIONAL RELATIONS

- Effective multilateralism;
- International security and crisis management;
- Counter-Terrorism;
- Counter-Proliferation;

ECONOMIC RELATIONS

- Trade and Economic cooperation;
- Free Trade;
- Macro-economic and financial cooperation;
- Energy (including climate change);

FREEDOM, SECURITY AND JUSTICE

- Migration, asylum;
- Law enforcement;
- Judicial cooperation;

RESEARCH, EDUCATION AND CULTURE

- Harnessing knowledge capital to economic growth;
- Optimising scientific, education and cultural links.

The mandate also covers a thorough enforcement and dispute settlement procedure and will be based on the principles and commitments that the EU and Russia have both signed up to in other contexts, such as the OSCE and the Council of Europe.

ANNEXES

In addition to the main negotiating directives, the mandate also contains an annex referring to the Litvinenko case and the EU's continued expectations of Russian cooperation. The mandate also has annexes containing further detail on energy, judicial cooperation and the unresolved conflicts in Moldova and Georgia.

NEXT STEPS

It is likely that the negotiations themselves will be lengthy and, at times, tough. As reflected in the mandate, we want the EU to negotiate an agreement that fully addresses issues of substance. This will take time. And Russia will, of course, have its own view on what an agreement should look like. But I do not think we should shirk these challenges. The alternative is to say that the relationship between EU and Russia is insufficiently important to deserve real time and effort. That would be a mistake. And nor should we fear a lengthy negotiating process: the negotiations themselves will give us the opportunity to engage Russia on issues of substance. In the meantime the current agreement will continue to apply.

Given that the negotiations for this agreement are likely to be lengthy, high-profile and complex, I will continue to update you as the negotiations proceed.

4 June 2008

RUSSIAN PARTICIPATION IN THE QUARTET

Letter from the Rt Hon Caroline Flint, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

When I gave evidence before your Committee on 11 November, I undertook to write to you regarding Russian participation in the Quartet, to let you know whether events in Georgia had impacted upon Russian participation in the Quartet, and what the outcomes of the recent Quartet meeting had been.

The Quartet is an important mechanism for coordinating the international community's support for the ongoing Israeli-Palestinian negotiations. It also plays a key role in galvanising support for the Annapolis process and the foundation of a viable Palestinian state. We continue to fully support its efforts.

Russia remains fully engaged in the Middle East Quartet (alongside the UN, US, and EU). Russian Foreign Minister Sergei Lavrov attended the Quartet meeting in Sharm el-Sheikh on 9 November. The Quartet issued a statement outlining the key areas of discussions and reiterated their support for the

negotiations between the Israelis and the Palestinians and commitment to a two-state solution. Foreign Minister Lavrov offered Moscow as the venue for an international MEPP meeting, and the Quartet agreed in its statement that spring 2009 could be an appropriate time for a Moscow meeting. I have attached a copy of the Quartet's statement.

The Foreign Secretary discussed MEPP issues with Russian Foreign Minister Lavrov on 31 October and underlined the importance of sustaining momentum on the MEPP into 2009. Lavrov agreed and highlighted the need for a comprehensive approach to peace in the region – an approach that we strongly agree with. He and the Foreign Secretary agreed to stay in close touch on the MEPP in the months ahead.

The MEPP remains a critical issue for wider Middle East stability, and a key priority for the whole of the international community, including for the UK and for Russia.

This should not be affected by other concerns. We remain convinced that this is an area where we can work very constructively with Russia, particularly given Russia's key role in driving forward progress through the Quartet.

26 November 2008

SCRUTINY UPDATE FOR SUMMER RECESS

Letter from Jim Murphy MP, Minister for Europe, Foreign and Commonwealth Office to the Chairman

I would like to draw the Committee's attention to EU documents that may need to be agreed during Parliament's summer recess. Unfortunately we are not yet in a position to submit these for Parliamentary Scrutiny for various reasons explained. As you are aware, the last Council before the summer break is the 24-25 July Justice and Home Affairs Council. There are then no Councils scheduled until the 15-16 September General Affairs and External Relations Council. The first Councils after your Committee sessions restart should be the 13-14 October General Affairs and External Relations Council and the 15-16 October European Council.

RENEWED RESTRICTIVE MEASURES AGAINST ZIMBABWE

We are currently waiting for a proposal to amend Common Position 2004/161/CFSP renewing restrictive measures against Zimbabwe. The government is strongly of the view that further EU targeted measures are necessary to help persuade the Mugabe regime to engage in a genuine process of mediation with the opposition, which won the parliamentary elections on 29 March. The restrictive measures will be targeted on those in Zimbabwe who pose the biggest obstacle to a substantive political process. We are pressing for this package to include additional names and, for the first time entities, to be subject to the EU's travel ban and assets freezing measures. We would also like to see a tightening of some of the exemptions to the travel ban and, for the first time, provision made for adding adult family members to the sanctions lists. In addition, the government has secured agreement that the Council should work on all options for reinforcing EU measures against the regime for a possible second round of sanctions.

The text has not yet been received. However, I hope the Committee will understand the pressing need to adopt this proposal and that we may need to agree to this before Parliament returns from recess. It is possible that a first round of measures be adopted as early as the General Affairs and External Relations Council on 22-23 July.

RENEWED RESTRICTIVE MEASURES AGAINST UZBEKISTAN

A draft Council Regulation concerning restrictive measures against certain individuals in Uzbekistan is due to be produced and adopted in October. The Regulation will implement the Common Position which was adopted in May and will align restrictive measures on Uzbekistan with recent developments in sanctions practice regarding the identification of competent authorities. The amendments are already in force across other EU sanctions regimes. The draft is due in early Autumn and we would wish to submit to the Committee at this time. Again, I hope you will understand if operational reasons require that we agree to this issue before the end of recess.

THE EU-RUSSIA SECURITY AGREEMENT

In November 2003, the Council authorised the Presidency, assisted by the Secretary-General/High Representative, to open negotiations in accordance with Articles 24 and 38 of the Treaty on

European Union with certain third States, in order for the European Union to conclude with each of them an Agreement on security procedures for the exchange of classified information. Discussions are continuing on an Agreement between the EU and Russia. A text may be ready for agreement in early autumn.

16 July 2008 (Corrected letter dated 18 July)

SECURITY AND DEFENCE POLICY

Letter from Jim Murphy MP, Minister for Europe, Foreign and Commonwealth Office to the Chairman

I would like to update you on likely developments in European Security and Defence Policy that may occur during the Recess. Unfortunately we are not yet in a position to submit these for Parliamentary Scrutiny because no drafts have been prepared.

CHAD AND THE CENTRAL AFRICAN REPUBLIC: EUFOR TCHAD/RCA

Council Decisions are likely in order to permit contributions from Croatia and Russia to the operation in Chad and the Central African Republic. The Croatian offer – made in late June – is for a small reconnaissance team of 15 personnel to deploy in September. The current Russian offer is for four transport helicopters, which would significantly add to the airlift capacity of the mission and technical negotiations are taking place in Brussels about command and control arrangements and international safety standards. Given that we do not want to delay the deployment of these additional resources, I hope Parliament will understand if we agree to the measures before the Committee returns from recess.

The Mid-Mandate Review of this operation will take place over the summer and I will of course write with the conclusions of the Review.

AFGHANISTAN

The current Joint Action for the police mission in Afghanistan expires on 30 September, but is likely to be renewed through a no-cost extension. Again I hope you will understand that we may have to agree to this measure during Recess. However, after Recess a substantive Joint action is likely to be agreed to put into effect the May General Affairs and External Relations Council commitment to doubling the size of the mission.

I know that Sub-Committee C is particularly interested in this mission, having discussed it briefly at my evidence session on 3 July, and I look forward to providing further information about it in due course.

I will continue to ensure that you are alerted to preparations for European Security and Defence Policy activity at an early opportunity.

16 July 2008

SERBIA: STABILISATION AND ASSOCIATION AGREEMENT (SAA)

Letter from Jim Murphy MP, Minister for Europe, Foreign and Commonwealth Office to the Chairman

I am writing to update you further on the Government's decision to sign the Stabilisation and Association Agreement (SAA) with Serbia at the General Affairs and External Relations Council in Luxembourg on 29 April.

As you know, I have sought to keep the Committee fully updated on developments with regards to Serbia's SAA. I submitted an Explanatory Memorandum on 7 January and wrote to the Committee on 23 January, 13 February and 28 April.

My most recent letter set out the possibility that there would be consensus on SAA signature on 29 April. It explained the government's view that Serbia's sustained commitment to its European perspective was strongly in our interests. And it concluded that the UK would join a consensus in favour of SAA signature if the requirement for full co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY) remained firmly embedded in the accession process. I

apologised for the fact that this might mean signing the SAA before the European Scrutiny Committee had completed its scrutiny.

In the event, there was indeed EU consensus at the 29 April GAERC and Serbia's SAA and Interim Agreement were both signed. ICTY conditionality was safeguarded with GAERC conclusions making it clear that implementation of the Interim Agreement and ratification of the SAA will take place once the Council has decided that Serbia is fully co-operating with ICTY. A formal Council decision on 29 April reiterates these conclusions (both the GAERC conclusions and Council decision are attached [not printed]).

The texts of the SAA and IA are identical to those provided to the Committees, with the exception of the date for application: this was previously left blank but was subsequently replaced with the date of 1 July 2008. However, as noted above, Ministers agreed at the April GAERC that the application of the IA would be postponed beyond 1 July if the Council decides that full co-operation with ICTY has not been achieved by that point.

Although there has been some progress in Serbia's co-operation with the ICTY over the last year we believe that further improvements in co-operation are still needed. Key indictees - notably Mladic and Karadzic - remain in hiding, whilst increased political commitment and improved co-ordination by the Serbian security services are still required in order to locate them. It is for that reason that we insisted on a clear message from the GAERC that full cooperation with ICTY was a requirement for EU accession and must remain firmly embedded in the accession process.

I undertake to keep the Committee up to speed on developments as this issue progresses.

12 May 2008

TRANSFER OF DEFENCE-RELATED PRODUCTS WITH THE COMMUNITY (16534/07)

Letter from the Chairman to Malcolm Wicks MP, Minister of State for Energy, Department for Business, Enterprise and Regulatory Reform

Further to my letter of 3 March 2008⁷, Sub-Committee C again considered this Directive at their meeting on 26 June 2008 and decided to continue hold it under scrutiny. In your Explanatory Memorandum of 21 January, you listed a number of concerns which the Government had. We would be grateful if you could update the Committee on the progress made in the negotiations and whether these concerns have been successfully addressed.

7 July 2008

UZBEKISTAN: RESTRICTIVE MEASURES

Letter from Jim Murphy MP, Minister for Europe, Foreign and Commonwealth Office to the Chairman

Thank you for your letter of 28 April 2008 informing us that the Explanatory Memorandum on the renewal of Uzbekistan sanctions was cleared from scrutiny.

I am writing to inform you of the outcome of the GAERC on 29 April. The Council welcomed the recent progress achieved in Uzbekistan in the promotion and protection of human rights and the rule of law, as outlined in the Explanatory Memorandum of 17 April, and concluded that the suspension of the visa ban should be continued for a further six months with a review after three months.

However, the Council remained concerned about the situation in Uzbekistan in respect of a number of areas of human rights and the rule of law. In particular, the Council called on the Uzbek authorities to take steps to ensure the early release of imprisoned human rights defenders and to cease harassment of human rights defenders; to finalise without delay the accreditation of the new Director of Human Rights Watch; to cooperate with the UN Special Rapporteurs on Torture and on Freedom of the Media; and to revoke restrictions on the registration and operation of NGOs in Uzbekistan.

The Council decided to continue the suspension of the visa ban with a view to encouraging the Uzbek authorities to make positive steps in the areas outlined above and taking into account the commitments which they have made towards improving the human rights situation. After three months, the Council will review the progress made by the Uzbek authorities and present

⁷ Correspondence with Ministers, 2nd Report of Session 2009-10, HL Paper 29, p 117

recommendations to the Uzbek government on possible further steps to take in order to further improve the situation.

The council will closely monitor and assess the human rights situation in Uzbekistan, and will discuss the future of the restrictive measures in October.

26 May 2008

WEAPONS OF MASS DESTRUCTION

Letter from Kim Howells, Minister of State, Foreign and Commonwealth Office to the Chairman

The European Council endorsed the following text on 16 June 2008:

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

I am writing to submit this document to your committee for information, in response to your request of 18 November 2005 to Douglas Alexander.

The progress report focuses on relevant developments and trends in EU Counter-Proliferation work rather than repeating all the items mentioned in the original Strategy.

Your Committee has previously shown interest in the EU Weapons of Mass Destruction Monitoring Centre and requested that we provide updates on its progress. You will note from the Progress Report that during the last six months the Centre has continued its work through regular meetings called by the Personal Representative of the High Representative for the Common Foreign and Security Policy. The meetings, which brought together various experts from the Council Secretariat and the Commission, included discussions on a number of subjects including Chemical, Biological, Radiological and Nuclear (CBRN) risks; bio-preparedness; and mainstreaming non-proliferation into relations with third countries, on which successful negotiations have been concluded so far with almost 100 states.

The Progress Report draws attention to the EU's continuing support for various international organisations and multilateral treaties through a number of specific projects. The Council adopted a fourth Joint Action in support of the Nuclear Security Fund of the International Atomic Energy Agency (IAEA), making the EU the primary contributor to the IAEA Nuclear Security Fund. The necessary financial agreement between the IAEA and the Commission of 1.78 million EUR for IAEA monitoring and verification activities in the DPRK was agreed on 31 March 2008, thereby contributing to the continuation of the shutdown of nuclear facilities. In addition, the Council adopted a Joint Action in support of the World Health Organisation in the area of bio-safety and bio-security, in the context of the Biological and Toxic Weapons Convention.

The EU continues to pursue a twin track approach concerning the Iranian nuclear issue: implementation of sanctions and dialogue with the EU High Representative, Javier Solana, to lead to full negotiations if the Iranians suspend enrichment-related activities. Javier Solana and E3+2 Political Directors (minus the US) visited Tehran on 14 June to deliver a wide-ranging refreshed engagement offer and letter agreed by the E3+3, including the US.

Looking forward, the EU has recognised the need for a full commitment and active contribution towards the nuclear Non-Proliferation Treaty (NPT) review process and, in particular, preparations towards the 2010 Review Conference. The EU has also acknowledged the need to form a position quickly on the increasingly relevant subject of multilateral nuclear approaches. Significant progress on a range of counter proliferation issues is expected during the French Presidency. The French are looking at a number of initiatives including: to develop an EU fund to secure radioactive sources; to advance preparations towards the Non Proliferation Treaty 2010 Review Conference and to establish agreement on the issue of Multilateral Nuclear Fuel Assurances. The UK will attend a seminar in Paris to discuss EU Priorities on counter-proliferation on 15/16 July.

17 July 2008

ZIMBABWE: RESTRICTIVE MEASURES

Letter from the Chairman to Jim Murphy MP, Minister for Europe, Foreign and Commonwealth Office

Thank you for your letter of 16 July [see letter "Scrutiny Update" 18 July] which was considered by Sub-Committee C at their meeting on 17 July. The Members are content for you to proceed as outlined in your letter.

We were particularly interested to hear of the plans for an amended Common Position on restrictive measures against Zimbabwe and agree that further EU targeted measures are necessary. Following the failure to obtain a resolution in the Security Council, we are particularly concerned that President Mugabe will continue to be able to travel and attend international meetings. Could you let me know if steps are being taken to preclude Mugabe from attending meetings similar to the EU/Africa summit in December 2007?

21 July 2008

Letter from Jim Murphy MP, Minister for Europe, Foreign and Commonwealth Office to the Chairman

Thank you for your letter of 21 July (responding to mine of 16 July) in which you expressed interest in the plans to amend the Common Position on restrictive measures against Zimbabwe.

At the General Affairs and External Relations Council on 22-23 July, the EU agreed to add a further 37 names of individuals to the travel ban and assets freeze lists and also added, for the first time, four entities to the list.

The UK took the lead in pushing for tighter restrictions in paragraphs 5 and 6 of Article 4 of the Common Position concerning exemptions from the travel ban relating to attendance at intergovernmental meetings. We succeeded in amending the text so that Member States may now only justify granting exemptions from the travel ban on the grounds of:

- *urgent and compelling humanitarian need; or,*
- *in exceptional circumstances, on the grounds of attending intergovernmental meetings, including those promoted by the EU, where a political dialogue is conducted which will make a direct, immediate and significant contribution to democracy, human rights and the rule of law in Zimbabwe.*

Significantly, such exemptions can only be granted if consensus exists among the Member States rather than, as was previously the case, by qualified majority vote. It was not possible to amend the paragraphs relating to exemptions for travel to States hosting international organisations as host Member States are bound by obligation of international law.

28 July 2008

Letter from the Chairman to Rt Hon Caroline Flint MP, Minister for Europe, Foreign and Commonwealth Office

Mr Murphy's letter of 28 July on Additional Restrictive Measures in respect of Zimbabwe

Sub-Committee C considered the above Council Common Position at its meeting on 9 October and cleared it from scrutiny retrospectively. The Committee understands the reasons for the Government's taking action before Parliament had the opportunity to scrutinise the document.

Members would like to convey their thanks for Jim Murphy's letter of 28 July. They appreciate the Government's efforts to pursue the Committee's concerns about the ability of President Mugabe to attend international meetings without restriction.

Members have also noted the written statement by Lord Malloch-Brown on 6 October.

14 October 2008