



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 December 2009 to April 2010.

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

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AFGHANISTAN: EU POLICE MISSION (EUPOL)

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

I am writing with regard to your letter of 19 November concerning EUPOL Afghanistan. You advocated the creation of a medal for British police personnel serving in Afghanistan. As you recognise, British police personnel working alongside international colleagues are undertaking critical work in Afghanistan, often in challenging circumstances and at risk to themselves. For these reasons it is intended that British personnel serving in support of HM Government objectives in Afghanistan for an extended period of time and who are not eligible for the Operational Service Medal (Afghanistan) will be entitled to an award which will recognise civilian service in Afghanistan. As the Committee will appreciate, detailed eligibility criteria for such a medal need to be developed, and Foreign Office officials are in consultation with other stakeholders across Whitehall to develop these.

You also asked what vetting procedures are in place for the Afghan police. The Committee has again highlighted an area of crucial importance, particularly in light of the recent tragic killing of five UK military personnel. Police reform in Afghanistan is a priority for the international community, though Afghanistan's historical lack of a national civilian police force means that reform, vital for the country's stability, is necessarily a complex and long-term process. Since the country is emerging from three decades of conflict, there are very few official records available, making vetting more difficult.

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The Afghan Ministry of Interior is responsible for police recruitment. The ANP vetting procedures are continually being improved with international support. Police recruits must present credible references from senior community, tribal leaders or government officials attesting to their character. Background checks against official records are then undertaken.

In Helmand, ANP recruits are tested for drug abuse. Further to these existing measures, and following the attack last month in Helmand in which five British military police mentors were killed, the Afghan Government has established a team to re-vet the police in five priority provinces, including in Helmand.

Part of the UK's effort in Helmand is to support the ANP in reviewing their recruitment process and improve police personnel databases. At the command-level, British police attached to EUPOL are working with the ANP to develop their leadership. At provincial and ground-levels in Helmand, our military and civilian police mentors (including EUPOL officers) work alongside the ANP on a daily basis. All this work at the various levels is aimed at improving the ANP's professional standards and strengthening their ability to take action against poor performance, drug abuse, corruption and potential influence by insurgents.

18 December 2009

AFRICA-EU STRATEGY UPDATE (11326/07)

Letter from Gareth Thomas Minister of State, Department for International Development and Baroness Kinnoek, Minister of State, Foreign and Commonwealth Office, to the Chairman

We wrote to your Committee in December 2007 confirming that African and European leaders at the EU-Africa Lisbon Summit had overwhelmingly approved the Joint EU-Africa Strategic Partnership and Action Plan. In that letter we proposed to write to update the Committees on progress following each of the expected EU-Africa Ministerial Troika meetings.

At the latest meeting, in line with the Joint Africa-EU Strategy (JAES) commitment to deepening dialogue, the 14 October joint EU-AU Ministerial Troika discussed current peace and security issues in Africa, including measures taken to address recent challenges to constitutional government in Guinea and Niger.

The Troika also discussed implementation of the Global Political Agreement (GPA) in Zimbabwe and developments in Sudan and Somalia. The Troika called for renewed efforts to meet the requirements of the AU mission in Somalia, AMISOM, so that it can effectively discharge its mandate. Ministers also welcomed and called for increased efforts to strengthen the rule of law and combat terrorism, organised crime and trafficking in the Sahel region. Ministers also noted the particular impact that climate change might have on security and sustainable development.

The Troika also welcomed the latest progress report on the implementation of the JAES and noted a workshop on financing the Strategy held on 5-7 October. The workshop provided an opportunity for the EU to outline the funding being provided through EU instruments and Member State programmes for the JAES. African partners pressed for the creation of a separate EU funding instrument for the JAES. We share the doubts of our EU partners that such an instrument is actually needed. However we recognise that existing instruments need to be more responsive where gaps are identified and where the JAES is the right forum for new activity. The workshop agreed that the matter should be kept under review.

The progress report highlighted developments under the JAES' eight Partnerships. Progress has been mixed. But it is clear that organising 'sectoral' Joint Expert Groups (JEGs) for a Partnership alongside existing expert groups has proved useful in helping to catalyse activity and widen involvement.

MILLENNIUM DEVELOPMENT GOALS (MDG) PARTNERSHIP

In the context of the MDG Partnership (co-chaired by the UK), detailed mapping of ongoing activity on the MDGs shows there is progress towards addressing the MDGs, with substantial funding for most areas of activity provided through existing funding sources and instruments. Examples of progress attributable to the Partnership include:

Finance and Policy: The JEG agreed to explore a common Africa-EU Common Position for the 2010 MDG Summit, possibly combined with a side event to showcase progress and challenges.

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Food Security. There is accelerated progress in implementation of the Comprehensive Africa Agricultural Development Programme (CAADP). The recent Addis Consensus between development partners on how to implement CAADP at a country level in a coordinated way heralds significant progress. Twelve countries have already signed up to the Consensus, more are expected and it has been endorsed by the AU.

Education: The Partnership has helped build stronger links between the UNESCO regional offices, the African Union Commission (AUC) and ADEA (Association for the Development of Education in Africa) and has also revitalised the AUC's involvement with ADEA.

However there are still some notable problems with progress on the areas outlined in the last scrutiny letter, for example in relation to maternal health. And most donor countries are not on target to meet their Gleneagles financial commitments.

OTHER PARTNERSHIPS

Under the *Peace and Security Partnership*, the EU and AU are developing support for the African Peace and Security Architecture (APSA), including for the Continental Early Warning System (CEWS), the African Standby Force through the AMANI command exercise (planned for 2010) and a package of support for African peacekeeping training centres.

The *Democratic Governance and Human Rights Partnership* is developing a proposal to enhance the role of local authorities as drivers of development, as the first step to enhancing the local dimension of the Joint Strategy.

The *Partnership on Trade, Regional Integration and Infrastructure* covers a range of activities supported by the European Development Fund and Member States' aid programmes. Regional infrastructure accounts for a large part of the spend.

The *Energy Partnership* seeks to improve access to energy, to promote renewable energy, to strengthen integration of energy markets within Africa and between Africa and the EU and to build relevant African capacity.

Activities under the *Climate Change Partnership* include preparatory work with AUC, UN-ECA (UN Economic Commission for Africa) and the African Development Bank for support to the ClimDev Africa, in addition to the continuing dialogue for exchange of the Africa and EU respective positions in preparation to the Copenhagen UNFCCC.

The Euro-African dialogue on migration is underway at continental level within the framework of the *Migration, Mobility and Employment Partnership*, at the regional level in the context of the Rabat process, and at bilateral level with several African countries. The recent addition of Libya as an operational coordinator / lead country on the African side is positive, but the lack of visibility and sustainability of the process are obstacles. The employment strand of the Partnership is not yet developed.

The *Science, Information Society and Space Partnership* has expanded the horizon of Africa-EU relations, and has drawn attention to a key area which so far was not a priority for traditional cooperation. Work is being developed by the EC and AU Commission.

However, the progress report recognised ongoing difficulties in the implementation of the JAES, including determining where the JAES Partnerships can best add value to existing activities, and securing more active participation by African partners. The Troika therefore requested an options paper for improving the implementation of the Joint Strategy in time for its next meeting in Luxembourg on 27 April 2010. The paper will help inform a possible 2nd Action Plan to be endorsed at the Africa-EU Summit in December 2010. The options paper will cover the possible content, structure and institutional framework of a new Action Plan as well as the challenges and shortfalls identified so far. The UK will remain actively engaged in the JAES review.

9 December 2009

ARCTIC: COUNCIL CONCLUSIONS

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

I am writing to update the Committee on developments within the EU with respect to the Arctic.

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You will recall the European Commission Communication: The European Union and the Arctic Region COM (08)763, which was published in November 2008 and the European Standing Committee debate in April 2009 which was answered by my predecessor Gillian Merron. The EU has now adopted a further set of Council Conclusions (which I enclose for information).

The Government continues to support the EU in its efforts to become more engaged on the Arctic and considers the Commission has a valuable role to play in many areas as outlined in the Council Conclusions. At the same time, we have striven to ensure that, where competency is reserved or shared, UK interests are protected. We have also sought to ensure that our bi-lateral and multilateral relationships with the Arctic States and the Arctic Council are unaffected.

I should emphasise that these Conclusions do not constitute a formal EU Arctic Strategy but instead provide a set of overarching principles and actions which the Commission can begin to develop in collaboration with Member States. As with the development of these Conclusions, future work will continue to be a partnership between the Commission and Member States. To this end the UK will engage closely, through the relevant EU Working Groups, to further develop policy and ensure that our views are taken into account.

The Conclusions centre on three principle policy objectives:

1. Protecting and preserving the Arctic in unison with its population;
2. Promoting sustainable use of resources; and
3. Contributing to enhanced governance in the Arctic through implementation of relevant agreements, frameworks and arrangements, and their further development.

The first objective stems from recognition of the impact of climate change, not least the rapid decline of summer sea ice and the need to protect the unique Arctic environment and ecosystems. The Conclusions commit the EU to placing greater prominence on the protection of the Arctic as part of the UNFCCC negotiations and to working with other appropriate international bodies to help protect the environment.

Better coordinated science and monitoring are essential to achieving this. The UK science community is already very active in the Arctic and the Natural Environment Research Council has just announced a new Arctic Research Programme which will add significantly to this. We feel that science is where the UK and EU, as non-Arctic States, can have the most influence and impact.

The second principle centres on the need for sustainability. The EU recognises the sovereign rights of Arctic States in this area but believes that active engagement with them is essential to help minimise environmental impacts. The Conclusions also encourage the greater use of Environmental Impact Assessments as tool in protecting the Arctic ecosystem.

Finally, in respect of governance, the EU wishes to strengthen international, regional and bilateral relationships, particularly with the Arctic Council and the Arctic States. The Conclusions recognise that the United Nations Convention on the Law of the Sea (UNCLOS) and International Maritime Organisation (IMO) are key to the effective management of the Arctic marine environment and regulation of shipping etc but also that the EU, and Member States, have legitimate interests.

In summary, these Conclusions usefully highlight the many and varied interests in the Arctic and should help to improve coordination within the EU where this is relevant and beneficial.

The Conclusions commit the Commission to presenting a report on progress by June 2011. The Government looks forward to reviewing their progress then.

9 December 2009

CHINA: CARBON CAPTURE AND GEOLOGICAL STORAGE (14488/09)

Letter from Lord Hunt of King's Heath, Minister of State, to the Chairman

Thank you for your letter of 19 October concerning the EU-China NZEC Agreement. As you know, it was developed and agreed under the UK's Presidency of the EU in 2005, and international collaboration on CCS continues to be a high priority for the UK Government in our efforts to avoid dangerous climate change.

Your letter expresses concern that we are still in the initial stages of the project with no certainty of funding for Phase III, the construction of the plant. In response, I would like to highlight that a

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significant amount has already been achieved, and emphasise my belief that we are well placed to deliver a demonstration plant in China in parallel to those in the UK and elsewhere in the EU.

Under Phase I, the China-UK NZEC Initiative, the China-European Commission COACH project, and the STRACO2 project launched their results in Beijing on 28-29 October. Key findings from the China-UK NZEC Initiative included that:

- there is potential for CCS in China
- on the basis of cost, there is no clear technology winner
- once CCS is commercially established, the cost of deployment in China could be relatively cheap (approximately £25 per tonne of CO₂) due to lower labour and construction costs in the Chinese power sector
- storage in oil reservoirs is possible but limited and may not support a commercial scale demonstration
- there may be significant storage in saline aquifers but further assessment is needed.

More information on the Initiative is included in the attached Summary Report.

These projects have built a significant amount of institutional capacity, expertise, and business interest in CCS in China, which will be essential to the success of the next Phases. It is notable that China's Ministry of Science and Technology now views successful demonstration as a critical pathway to any subsequent programme of deployment. The China-UK NZEC Initiative is also seen by many in the field as a potential blue print for project-based capacity building in developing countries. We should not downplay these achievements.

You are right to say that there is no agreed funding for Phase III, apart from the European Commission's contribution of €50 million, but the immediate objective has been and continues to be to agree funding for Phase II. We have pledged £6 million, on top of the European Commission's contribution of €7 million, on condition that other European countries also contribute. We would like to see further contributions confirmed before the EU-China Summit on 30 November 2009.

The Commission is currently working with the Chinese Government to agree detailed work objectives for Phase II. Once Phase II is underway in 2010, and starts to draw conclusions on what will be an appropriate technology and location for the demonstration plant, we will be in a much better position to estimate the costs and therefore the likely contributions to Phase III. After December's Copenhagen conference, there should also be more clarity as to whether or not the international climate framework will be able to contribute funding to CCS demonstration.

As regards the timing of Phase III, we would also like to see agreement before the EU-China Summit that the demonstration plant should be operational by 2015. The UK and China agreed this accelerated timetable at the China-UK Summit in February 2009. We are working with the European Commission to see how we can make this timetable consistent with their rules for issuing project grants.

Concerning the management of the NZEC project to date, the Chinese Ministry of Science and Technology have been extremely complimentary about how the China-UK NZEC Initiative has been co-ordinated and we have an excellent working relationship with them.

We will continue to work with the European Commission, the Chinese Government, other European Countries, and interested stakeholders in ensuring the success of the next phases of NZEC.

I thank you for your interest in this important subject.

2 December 2009

CLIMATE CHANGE AND INTERNATIONAL SECURITY

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

This report is a follow-up to the report submitted to the Committee on 26 March 2008. Although the original report was not required to be submitted for formal scrutiny by your Committee it was deemed of sufficient interest to the Committee to be deposited with you for information.

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This follow-up report outlines the progress made in the 18 months since the original report and makes recommendations for next steps. The Foreign Office has been closely involved in this work, sitting as a member on the informal EU steering group once it was extended from the original troika, and in the development of the progress report.

The report is in line with UK policy as stated in both 2008 National Security Strategy and the 2009 updated version. Climate change will have significant implications for international security, and the impacts of climate change greatly raise the risk of future instability. Climate change will threaten the basis of our current prosperity and security, through serious impacts on resource distribution and availability, stress in food and water availability, increased migration, and exacerbating the challenges that poverty and poor governance pose.

The progress report makes strong recommendations for implementing policies to ensure the EU makes the necessary plans to deal with the security consequences of unavoidable climate change whilst acknowledging that we can only limit the threat to our security through reducing emissions to limit global average temperature rise to 2 degrees C.

The key recommendations from the report are:

- CCIS needs to have a more formal home and be integrated into the new structures created by the Lisbon treaty.
- CCIS should be integrated into current EU policies and strategies including on development, crisis management, conflict prevention, early warning systems and humanitarian assistance.
- The EU should commission further research to understand the security implications in more detail, particularly looking at the interlinkages between food, energy, water and demographics.
- The EU should drive forward debate in the UN and enhance cooperation between UN agencies.
- The debate needs to continue to be widened particularly to include regional organisations.

The process of implementing and operationalising the report's recommendations will help the UK in following a similar process in preparation for any potential future security review or update of the National Security Strategy. Part of the process for UK policy development is under the Departmental Adaptation Plans, which departments agreed to complete as part of the Climate Change Act 2008 follow-up due for publication in March 2010.

Overall, the UK strongly welcomes this report and the increasing interest among EU Member States and other countries, globally, on this issue. I will endeavour to keep you more regularly informed of progress in this area and any future work relating to this report.

14 December 2010

COMMON SECURITY AND DEFENCE POLICY: IDENTIFICATION AND IMPLEMENTATION OF LESSONS AND BEST PRACTICES

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office

I am writing to update the Committee with a summary of the EU's first annual report on the identification and implementation of lessons and best practices in civilian European Security and Defence Policy missions, renamed CSDP under the Lisbon Treaty.

This report is not available publicly because it draws on classified material, including mission planning documents and reports. Despite this, the UK strongly supports transparency in the learning lessons process and, as such, we are keen to share some of the main points highlighted in the report.

The report reiterates the EU's commitment to the identification and implementation of lessons and best practices, and the continuous learning process essential for the improvement of civilian CSDP missions. The report analyses progress made, drawing on different thematic and mission specific reports from the last seven years.

Since the first civilian mission deployed in 2003, the report notes that civilian CSDP missions have varied in range (police, monitoring, justice and security sector reform), nature (non-executive and

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executive), geographic location (Europe, Asia, Middle East, Africa) and authorised size (from 16 in Guinea-Bissau to 1641 in Kosovo). The report emphasises the progress that has been made in setting up and conducting civilian missions and how increased coordination between Council Secretariat, Commission and Member States has made this feasible, although it notes that there is still work to be done to improve coordination at strategic and operational levels. We strongly support this conclusion and would expect issues of coordination to be addressed as the European External Action Service is implemented.

The report considers the lessons learned from different stages of civilian CSDP missions. For the strategic planning stage, the report includes the following lessons:

- the importance of developing a long term approach to Security Sector Reform (SSR) involving all EU actors, international organisations and other donors, particularly with reference to the EU SSR mission in Guinea-Bissau;
- the need to integrate media and communication expertise from the very start of a mission; and
- the importance of pre-deployment training – including devising a common training package/curricula – for all mission staff.

At the operational and conduct stage, the lessons include:

- the need to have appropriate numbers of trained and expert planning staff contained in the field planning team for new missions;
- the requirement for pre-trained personnel and appropriate equipment that can be rapidly deployed; and
- taking steps to improve the flow of information within some missions.

The report also made a number of other points for further implementation including:

- formulating more precise mission exit strategies;
- integrating gender and human rights expertise into strategic planning for missions;
- bringing together lessons learned from both military and civilian CSDP missions in a more effective way and developing a software tool, including a restricted website, to store and enable easier analysis of these examples.

Finally, the annual report highlights broad future objectives and priorities for 2010. The first is to pursue further work on strategic planning to ensure that missions are clearly integrated into an overall EU policy towards a host country and region. The UK is pushing for such a strategy on EU engagement in Georgia, including the EU Monitoring Mission (EUMM) in Georgia. Secondly, to carry out horizontal lessons reports on topics such as EU-UN co-operation and on mainstreaming of human rights and gender across missions. Thirdly, to ensure that all missions include a lessons identified section in their six-monthly reports. These objectives will require careful monitoring and follow-up throughout the year, which the UK will continue to support. We will work to ensure that the EU builds on this first annual report to pursue even more precise lessons in the future, including benchmarks for implementation.

11 February 2010

CONGO: EU SECURITY SECTOR REFORM (SSR) MISSION TO DEMOCRATIC REPUBLIC OF CONGO (EUSEC DRC)

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

Thank you for your continued interest in the progress of the EU security sector reform (SSR) mission to the Democratic Republic of Congo (EUSEC DRC). In your letter of 19 October, you requested an assessment of the mission, the challenges it faces and to what extent it is achieving its objectives.

EUSEC DRC was launched in 2005 with the main focus of assisting the Congolese Government to reform its Armed Forces (FADRC). The FADRC had long been seen as requiring reform in order to improve its overall capability and to reduce the level of internal corruption. For example, in certain FADRC units, the precise number of legitimate Congolese soldiers was often unknown by Government officials based in Kinshasa. Units included a large number of illegitimate soldiers

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(including children) that were used by their commanders to exaggerate their military strength for various reasons, including personal financial gain. This made it very difficult for adequate resources to be provided to FADRC units leading to individual Congolese soldiers not being provided with essential basic living conditions (for example, adequate levels of food and shelter) and reliable wages. These circumstances, and the frustrations caused as a result have been used by members of the FADRC to legitimise abhorrent criminal acts and sexual and gender-based violence against the civilian population.

These examples highlight the scale of the problems which EUSEC DRC has faced. It has sought to address these key areas by setting up and conducting practical reform orientated projects. To date the mission has helped introduce a biometric census project that has helped identify and record over 130,000 legitimate Congolese soldiers; a chain of payments project that aims to separate the FADRC chain of command from the financial management in order to establish a more efficient administrative structure; and has introduced a military ID card system that has built on the census project and ensures that legitimate soldiers can be quickly and easily identified by their fingerprints.

The biometric census project is seen as an essential step in the restructuring of the FADRC ensuring that personnel levels can be effectively monitored which allows for troops to be provided with more adequate facilities. By monitoring and recording the levels of FADRC manpower more efficiently, the census has led to improvements in soldiers' pay and living conditions. As a result, in the last two years, the basic wage of an average Congolese soldier has risen by 210%. This allows individual soldiers to better support their families which in turn dissuades them from having to resort to criminal activity and contributes towards wider stability efforts.

On 2 November, the mission announced that the chain of payments project has been completed in the Kivu region and had successfully identified 70% of soldiers on the government database for the area, removing 122 child soldiers in the process. This work allows the DRC Government to maintain a better level of control over its Armed Forces. More informed decisions can be made as a result of the more accurate information, the correct military strength of units can be calculated by commanders and child soldiers can be removed from the FADRC accordingly.

Alongside the successes, the mission has faced a number of challenges. The most pressing one at present concerns the co-ordination of SSR in the DRC between the EU, the UN and other international actors. In order for SSR to be given the greatest possible chance of success, in any country, it needs to be as co-ordinated and consistent as possible. EUSEC DRC has the potential to perform this coordination role, but current understaffing has hindered its ability to do so. Discussions are ongoing as to how best to tackle the wider shortages of personnel across EU missions and, in this specific case, there is the possibility of the UN mission taking on a greater coordinating role.

To conclude, EUSEC DRC is the only structure fully dedicated to military SSR in the DRC. The mission therefore has a key role to play and the projects it has helped introduce are widely seen as successful. Its work has addressed key areas of the FADRC that required reform in order to achieve long term, sustainable SSR progress.

22 December 2009

CONGO: ESDP POLICING MISSION (EUPOL)

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

I am writing to you in response to your letter of 23 October in which you requested an update on the work undertaken by the European Union's Police Reform Mission to the Democratic Republic of Congo (EUPOL DRC) to address the issue of sexual and gender based violence (SGBV).

At the time of your request EUPOL DRC had only recently been given the greater emphasis on tackling SGBV so I was unable to provide you with detailed information of the mission's progress. Now that the mission has been working on the issue for a number of months I am able to provide you with a fuller update of its work. I hope you will understand that, given the long term nature of the mission's SGBV work, it would be premature at this stage to offer a final assessment of the mission's success.

Sexual and gender based violence has been a persistent problem in the DRC. According to recent UNFPA statistics (United Nations Population Fund), 21% of acts of sexual violence are committed by members of the Congolese army (FARDC) and police force (PNC). Therefore, in 2009, the EU

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decided to grant both CSDP missions to the DRC (EUPOL DRC and EUSEC DRC) a greater emphasis on combating SGBV through their work with the Congolese Police and Armed Forces.

EUPOL DRC's work on SGBV has not progressed as quickly as expected. This was due to recruitment problems for the multi disciplinary teams that were to be deployed to the eastern DRC in order to take forward the missions SGBV work. Finding suitably qualified staff continues to be an issue but, despite the understaffing, work on SGBV has been taken forward by the mission.

In November 2009 EUPOL DRC participated in the official launch of the DRC government's national strategy to combat SGBV. This national strategy is intended to co-ordinate the UN's support behind the DRC Government's efforts in order to reduce the levels of sexual violence, bring perpetrators to justice and ensure that the victims of SGBV receive the necessary levels of assistance.

Within the framework of this strategy EUPOL DRC has developed a number of training courses for the PNC covering procedures and techniques that will be used when investigating SGBV cases. These courses are intended to provide the participants with a greater level of knowledge and understanding of the sensitivities that come with dealing with such cases. On completion, participants should be able to better interpret the signs of SGBV crimes and to conduct investigations while respecting and protection the victim's rights. Once finalised, these modules will be presented to the Police Reform and Monitoring Committee (CSRP) and other international partners.

In November 2009 EUPOL DRC organised a 'train the trainer' programme for the PNC in the eastern city of Goma. The training and teaching manuals for the course were developed by the CSRP with the support of EUPOL DRC police experts, UNPOL (United Nations Police) and the funding program for the restoration of justice in eastern DRC (REJUSCO). Participants that completed the course will go on to train other Congolese police officers in the provinces of North Kivu, South Kivu and the Ituri district, increasing the number of officers that have the necessary skills to be able deal with SGBV cases.

The graduation ceremony for the train the trainer course was held on 29 January 2010. During the training cycle a dozen Congolese officers, supervised by EUPOL DRC experts, trained and monitored thirty other officers on various theoretical and practical tools to be used to tackle SGBV. These tools included the procedure for listening to victims, the accurate drafting of minutes and rules of criminal procedure and laws governing such matters. It is too early at present to accurately assess the level of impact that this training has had but EUPOL DRC support for the training will continue over the coming months.

EUPOL DRC has also been working closely with the UN. MONUC (the UN mission to the DRC) is also reorganizing its internal structure to better reinforce efforts against SGBV and to support the the implementation of the Congolese National Strategy. EUPOL DRC representatives attended a meeting with UN experts to discuss plans for the creation of a permanent mechanism of co-ordination between MONUC and EUPOL DRC to cover SGBV. The installation of this mechanism will be one of the primary goals of the mission over the coming months.

The current mandate for the EUPOL DRC's is due to expire in June. No decision has yet been made on the mission's future beyond this point but I will update both Select Committees with further information when it becomes available.

23 March 2010

COTONOU AGREEMENT: UPDATE LETTER

Letter from Gareth Thomas MP, Minister of State, Department for International Development, to the Chairman

Further to my letter of March 2009 and that of Caroline Flint MP, who wrote to the House of Commons Scrutiny Committee in May 2009 (attached for your reference), I am writing to update you on the status of negotiations on the Second Revision of the Cotonou Agreement and the actions that my Department needs to take over the coming months.

Due to the upcoming Parliamentary recess and the June deadline for a General Election, we will be unable to deposit an Explanatory Memorandum (EM) in time for the UK Parliamentary Scrutiny Committees to scrutinise it before the proposed signing of the final agreement at the ACP-EU Council of Ministers meeting to be held in Ouagadougou on 3 June. Negotiations have just concluded and the final consolidated text was circulated on 24 March. It should be approved by the Council of Ministers on 21 June before being formally ratified by the ACP-EU Ministerial Council on 23-25 June. I

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am therefore requesting a waiver of normal Parliamentary Scrutiny requirements to allow UK officials to formally approve this important Agreement during the recess.

In due course my department will produce an EM. In the meantime, I provide details below on the outcome of the negotiations and attach the most recent version of the revised Agreement.

BACKGROUND

The Cotonou Partnership Agreement between the African, Caribbean and Pacific (ACP) states and the European Community and its Member States was signed in June 2000 for a period of twenty years, subject to five-year reviews. The European Commission (EC) negotiates with the ACP on behalf of the EU on the basis of a mandate agreed by Council (as detailed in my letter of March 2009).

Negotiations on the second review of the Agreement started on 29 May 2009 and were concluded at an extraordinary Joint Ministerial meeting in Brussels on 19 March. The EU negotiator, Commissioner Piebalgs, and the Gabonese Minister Bunduku-Latha as the ACP representative, initialled the attached revised Agreement with amendments as detailed in the covering note.

Negotiations over the year have taken place in three thematic groups: (i) Political Dimension, institutional issues and sector specific policies; (ii) Economic Co-operation, regional integration and trade; and (iii) Development finance cooperation and related issues. The EC kept Member States informed of the progress of negotiations in these thematic groups through the ACP Council Working Group.

The main outcomes in each of these themes are outlined below:

POLITICAL DIMENSION, INSTITUTIONAL ISSUES AND SECTOR SPECIFIC POLICIES

The revised text provides for greater synergies between the Cotonou Agreement and the EU/Africa Strategy, as well as other regional strategies. The African Union has now been included as a key interlocutor in peace and stability matters (Article 8, political dialogue and Article 11, conflict prevention). There is now a clearer explanation of the linkages between the EU/Africa, Cotonou and Economic Partnership Agreements (EPA) institutions (Articles 14 to 17). There is an explicit reference to the role of ACP National Parliaments in the Partnership so they can play a greater role (Article 4).

There are slight amendments to Article 96 Annex VII to allow for an exchange of information with the ACP Secretariat. Article 96 provides for intense dialogue and appropriate measures against any state party that significantly fails to uphold the essential elements of the Agreement (human rights, democratic principles or the rule of law). Appropriate measures could be a reallocation, reduction or - in extreme cases - a suspension of development aid from the European Development Fund (EDF), until the situation improves. The EC resisted requests for further changes by the ACP that would have weakened the effectiveness of Article 96 or prolonged the process. The EC also defended the current language on the International Criminal court (ICC), consistently turning down requests by the ACP to weaken the language or to introduce individual reservations to the agreement.

The EC (with strong backing from the European Parliament) pushed for language on non-discrimination (Article 8.4) to include a specific reference to sexual orientation. This was strongly resisted by the ACP side, and a compromise was found on the basis of language in the Universal Declaration on Human Rights.

There are important new references to climate change (Article 32), HIV/AIDS (Article 31a) a strengthening of the commitment to accelerate efforts to meet the MDGs (preamble and Article 1) and an acknowledgement of the security/development nexus (Article 11). An ACP request to hold high-level consultations on fisheries has been included (Article 23a), with a view to enhancing coherence between fisheries policies and development cooperation. The impact of the food crisis has been recognised through strengthened language on food security and promoting agriculture.

Article 13 on migration, includes an agreement for EU and ACP countries to accept the return and readmission of any citizen who is illegally present in the other region and provide appropriate identity documentation to facilitate this. The Commission's mandate was to restructure the Article in line with the Global Approach to Migration (the EU's strategy for third country engagement). In particular, the EC was mandated to strengthen the language on readmissions and 'operationalise' it through specific procedures, e.g. the issuing and accepting of travel documents. ACP countries resisted this addition on readmissions. As a compromise the attached Joint Declaration was negotiated which commits the EU and the ACP to further negotiations on enhancing cooperation on migration, without affecting Article 13. A progress report will be made to the ACP-EU Council in June.

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(ii) Economic Co-operation, regional integration and trade

The trade provisions were significantly updated to include EPAs and the expiry of the former WTO waiver. Articles 34 – 39 cover both technical and procedural necessities and set out principles around EPA implementation, consultation and regional cooperation. Aid for Trade is introduced as a concept (Article 35). The challenge of preference erosion for the ACP has also been recognised (Article 37).

The Articles on regional cooperation and integration have been strengthened in recognition of the increased regional differentiation within the ACP grouping and to ensure consistency with the 2008 Communication on Regional Integration (particularly Articles 20, 23, 29 and 30).

Article 33 (taxation) has been revised to include a strong focus on support for domestic revenue-raising through enhanced tax administration. The Article also promotes the participation in international tax cooperation processes and compliance with international standards.

(iii) Development Finance Co-operation, including humanitarian and emergency assistance and new development advances in aid programming and management

The negotiations in this area have focused on improving the programming and implementation of aid. In particular a role for ACP national parliaments in programming has been included and further detail provided on 'Intra-ACP programming' to harmonise this with programming at the national and regional levels (Annex IV). Provisions have been introduced for greater flexibility to respond to 'unforeseen needs' at the regional level (in 'B envelopes' within the European Development Fund), as well as flexibility to increase allocations in response to crisis situations (in 'A and B envelopes').

There is also a greater emphasis on humanitarian, emergency and post-emergency assistance financing under the multi annual financial framework (Article 72).

UK VIEW

The UK welcomed the EC's regular communication with the Council and its request for further guidance on the more challenging areas of the negotiations. The UK has been actively involved in the process and believes that the revised Agreement represents a good outcome and meets the overall EU aims as agreed at the outset.

We welcome the clear references throughout the negotiations to the Accra Agenda for Action, the Monterrey aid commitments, the Paris aid effectiveness principles and the need for all parties to make a concerted effort to achieve the MDGs. The inclusion of new text reflecting the serious global challenge of climate change reinforces the importance which the EU places on tackling climate change and addressing its impact in developing countries. The approach is fully in line with that of the UK: integrating climate change into development strategies, focusing on mitigation for development purposes, and supporting adaptation measures.

We welcome the revised Article 33 on taxation. The UK believes that taxation has a key role to play in mobilising domestic resources for development and reducing reliance on external aid. The Agreement promotes the participation in international tax cooperation processes and compliance with international standards which is very much in tune with the G20 tax transparency initiative taken at the London Summit in March 2009. In this context, a number of ACP countries, particularly Caribbean countries with significant financial sectors, are concluding tax information exchange agreements with G20 and OECD countries. The UK is keen to encourage this process. The Article on taxation should also facilitate a wider range of ACP countries participating in and benefiting from international tax transparency.

The UK welcomes the Joint Declaration on migration to continue dialogue to enhance cooperation in this area. We supported the EC in not reopening Article 13 at the end of negotiations, particularly as it risked reopening agreed provisions on legal migration and delaying a wider agreement on Cotonou without a clear opportunity to make progress on readmissions. The lack of immediate resolution on this issue will not adversely affect the UK, as we maintain bilateral readmission agreements with many ACP countries that are not directly dependent on Cotonou.

As highlighted in the letter from Caroline Flint of May 2009, the potential of the 2005 changes to Article 96 are yet to be realised. We are therefore pleased that no significant changes have been made to this Article and we will continue work to improve its effectiveness. The UK is particularly pleased to see the reference to the ICC remain clear and undiminished in Article 8.

We welcome the updated language on trade and the inclusion of new text to reflect EPAs. The UK successfully intervened on preference erosion to ensure that the resulting text reflected a balance

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between the real development challenges involved and the EU's freedom to negotiate trade agreements with third parties.

The UK welcomes the modifications to the programming sections of the revised Agreement, in particular the streamlining of the Intra-ACP programming and the increased flexibility of the 'B-envelope' allocation. The latter will ensure that the EC is better placed to respond to global shocks such as the financial crisis, for which it had to develop a specific response mechanism (the Vulnerability-Flex) due to the limited flexibility of allocations under the current Agreement.

FINANCIAL IMPLICATIONS

The revised agreement does not commit the EU to any revised funding after the current European Development Fund 10 (EDF10) which expires in 2013. Discussions on ACP funding post-EDF10 will take place alongside the broader discussions for the Financial Perspectives (2014 – 2020). However, the Commission will use the revised Agreement to influence their programming for ACP countries up until 2015 when this Agreement will next be considered for revision.

NEXT STEPS

The final Agreement should be adopted by the Council in June (likely on 21 June Environment Council as an 'A Point') and formally ratified at the ACP-EU Ministerial Council on 23-25 June.

Due to the forthcoming recess, I would like to request a waiver of normal Scrutiny Requirements. I hope that you would agree with me that this is an exceptional but necessary way forward.

25 March 2010

Letter from Gareth Thomas MP, Minister of State, Department for International Development, to the Chairman

I am writing to advise you of items that are likely to emerge during the Easter Recess and pre-election period from the Commission which would normally be scrutinised. First, I would like to signal areas where it is possible that decisions will be taken during recess.

— Second Revision of the Cotonou Agreement

I have sent a separate letter on this matter to your Committee detailing the outcome of negotiations on the Second Revision of the Cotonou Agreement. An Explanatory Memorandum will be produced once we receive the final text. The proposed signing of the final agreement will take place at the ACP-EU Council of Ministers meeting to be held in Ouagadougou, Burkina Faso on either 23, 24 or 25 June.

In the past week the following three Commission documents covering support to traditional ACP suppliers of bananas were deposited in Parliament:

- 7703-10 COM (2010) 103 final Biennial Report on the Special Framework of Assistance for Traditional ACP suppliers of Bananas
- 7717/10 COM(2010) 101 final Banana Accompanying Measures: Supporting the Sustainable Adjustment of the Main ACP Banana-Exporting Countries to New Trade Realities
- 7709-10 COM (2010) 102 final Amending Regulation (EC) No 1905/2006 establishing a financing instrument for development cooperation

The first item is a report on the Special Framework for ACP suppliers of bananas, which is due to finish soon. The second and third items propose successive arrangements by way of a Regulation and an information paper. We do not yet know the timeframe for these decisions but it is possible that we will need to vote on these at Council within the coming two months. These three documents will be covered in one Explanatory Memorandum, to be submitted to your Committee during recess, ready for review on your return.

Additional items we expect to see on Council meeting agendas in the coming two months, Conclusions of which will be agreed at either the May or the June Foreign Affairs Council (FAC), include:

- The 'April Package' Communication

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This Communication will be accompanied by four Staff Working Papers. The Communication will pull together various strands and set out an action plan for the EU's contribution to get the MDGs back on track by 2015. Anticipated Council Conclusions setting out the EU position for the MDG Summit will be agreed at the June FAC. The four staff working papers are:

- Financing for Development
 - Policy Coherence for Development
 - Aid Effectiveness
 - Aid for Trade
- Commission Communication on Global Health

This paper will put forward an EU Global Health statement, following extensive consultation with Member States and civil society organisations. We expect Conclusions to be adopted at the May FAC.

- Commission Communication on Food Security

This Communication constitutes a proposal for a new EU framework on food security. We have been involved in its development throughout the drafting process. We expect Conclusions to be adopted at the May FAC.

- Commission Communication on Tax and Development

We have been working closely with HMT to provide input on this paper, which sets out proposals to help developing countries build up their own development tax base. The paper will also cover 'mobilising domestic resources for development'. We expect Conclusions to be adopted at the May FAC.

- Commission Staff Working Document - Food Facility: Interim report on Measures Taken - 7517/10 COM (2010) 81 final

An Explanatory Memorandum on the last item will reach Committee Clerks before the start of Easter recess.

31 March 2010

CSDP (PREVIOUSLY ESDP): UPDATE ON DEVELOPMENTS

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

I am writing to update you on developments in the field of European Security and Defence Policy (ESDP), re-branded by the Lisbon Treaty as the Common Security and Defence Policy (CSDP), during the Swedish EU Presidency of the latter half of 2009. Unlike previous Presidencies, the Swedish Presidency has not produced a separate end of Presidency report on ESDP developments. Instead, the conclusions from the usual biannual GAERC with Defence Ministers, held on 16-17 November, which were endorsed by the 10-11 December European Council, contain a detailed update on ESDP over the last six months. Other decisions relating to ESDP were concluded in the most recent Foreign Affairs Council.

The UK welcomes the ESDP conclusions as a comprehensive description of progress and achievements in ESDP under the Swedish Presidency. The UK has continued to take a leading role in the development of ESDP to ensure that it remains in line with our objectives of having a more capable, coherent and active policy that remains supportive of, and complementary to, NATO.

With the support of Member States, the Presidency has pushed forward progress in developing both civilian and military capabilities. In particular, the UK welcomes:

- the substantial progress in the field of civilian capabilities, especially improving the EU's ability to respond rapidly to a crisis by reworking the mechanism for deploying Civilian Response Teams, and establishing a temporary warehouse to store civilian equipment in order to ensure rapid deployment to new or existing missions;
- the increased focus on coordinating civilian and military capabilities where this is useful. We support this logical step which is an important component in delivering the comprehensive approach. The work has re-emphasised the need for greater coherence and consultation between the civilian and military capability development processes and

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institutional bodies. In delivering a more coherent approach to civ/mil capability development we have stressed (and the Presidency has supported) the urgency in establishing the Crisis Management Planning Directorate and the centrality of the directorate in all future civ/mil cooperation. We will continue to support further work in developing more concrete areas for co-operation, for example in logistics;

- agreement that EU Battlegroups could be used in a more flexible manner, on a voluntary and case-by-case basis, when Battlegroups' participants are willing and subject to unanimity in the Council that the Battlegroup is the best instrument for a given situation; and
- the progress made on the EU/NATO strategic partnership in crisis management, which is vital, given that 21 European countries are members of both organisations. Progress includes better use of the EU/NATO capability group and agreement that the EU and NATO defence planning processes should be more coherent with each other.

OPERATIONAL ACTIVITIES

On operations, countering piracy remains a key priority, with the UK-led EU Operation ATALANTA successfully escorting over 300,000 tonnes of World Food Programme aid to Somalia over the last year. Operations in Bosnia and Herzegovina and civilian missions, most notably in Kosovo, Georgia and Afghanistan, also continue to provide stability in areas of strategic importance.

Western Balkans

Bosnia and Herzegovina (BiH)

The EU/US BiH initiative was launched by Swedish Foreign Minister Bildt, Enlargement Commissioner Rehn and US Deputy Secretary Steinberg in early autumn. The aim is to bind Bosnian leaders into reforms that would: (i) complete the '5+2' conditionality for closure of the Office of the High Representative (OHR) and transition to an EU-led presence only; and (ii) set BiH more credibly on the path to the EU and NATO. Two meetings have been held to date. While there has been no breakthrough, Bosnian leaders are continuing discussions. The UK is a strong supporter of the initiative.

There are still around 2000 international peace-keeping troops in BiH under EU command (EUFOR). The UK currently contributes 10, reducing to 5 by the end of the financial year. While we agree that EUFOR's military tasks are largely accomplished, we believe the time is not yet right to draw down the executive mission, taking into account the political situation in BiH and the need to maintain stability.

The operation manages residual elements of the Dayton Agreement, and we believe this remains crucial, not least for the strong psychological deterrent it provides. We are also concerned that the period around OHR closure and transition solely to an EU presence led by an EU Special Representative could be an unstable time. We have argued that the current EUFOR presence should be retained in BiH up to and through to a point beyond Office of the High Representative (OHR) transition; and that we should keep open options which retain an open-ended executive mandate for EUFOR.

The EU Police Mission (EUPM) was the first civilian ESDP operation launched by the EU in January 2003. The mission followed on from the UN's International Police Task Force and focuses on raising the standards of policing in BiH in accordance with European and international best practice. The mission is playing an important role as part of overall EU efforts to stabilise BiH.

Kosovo

The EU Rule of Law mission (EULEX) aims to support the Kosovo authorities by monitoring, mentoring and advising on all areas related to the rule of law and exercising limited executive functions. It started operations on 9 December 2008 and reached Full Operational Capability on 6 April 2009. EULEX now has more than 1600 international staff deployed on the ground.

The mission has progressed significantly in the first 10 months since Initial Operating Capability, but in order for mission objectives to be met, we would like to see changes to the mission structure and working methods: for example, better cooperation between the police, justice and customs pillars of the mission needs to be institutionalised at working level. The UK has recommended a rebalancing of staff to support the customs and legal pillars, which is currently being implemented. We expect to roll over the mission's mandate under the Spanish Presidency.

South Caucasus

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Georgia

The EU Monitoring Mission (EUMM) was deployed to Georgia on 1 October 2008 in the zones adjacent to South Ossetia and Abkhazia to monitor the terms of the 12 August 2008 ceasefire agreement.

Although the mandate encompasses all of Georgia, the EUMM does not have access to the two break-away regions and cannot fulfill all of its mandate. The mission has currently 306 international staff deployed on the ground, including 13 UK secondees.

The mission has contributed significantly to the overall EU effort towards conflict resolution in Georgia, especially by monitoring the implementation of the Agreements of 12 August and 8 September 2008. Following the Russian veto of the UN and OSCE monitoring missions' mandates, EUMM is now the sole international monitoring mission in Georgia. This has increased the significance of its activities. During the Swedish Presidency, the mission played a key role in defusing increased tensions around the anniversary of the 2008 conflict and the publication of the Tagliavini report into the conflict by increasing its patrols. It also increased its role in local-level confidence-building measures. The mandate of the mission was extended by the Council for another year until 14 September 2010 in line with UK policy. The mandate is largely unchanged except for a reconfiguration of field offices to split them into functional teams focused on human rights, compliance and confidence-building. Discussions are ongoing in Brussels to agree a wider EU policy on Georgia with consideration of how EUMM fits in with this wider strategy.

Asia

Afghanistan

The EU police mission (EUPOL) in Afghanistan was launched in June 2007 to support strategic-level reform in the Afghan Police and supporting institutions. In May 2008, the EU agreed a target of deploying 400 international staff members. Despite the slower than expected pace of recruitment, numbers have now increased to 278 personnel, and a force generation conference in November led to promises for further international contributions. The UK will be increasing its contingent to 19 personnel from January 2010.

EUPOL plays a unique role in Afghanistan with its strategic-level civilian policing expertise which is key to the sustainability of police reforms in Afghanistan.

By focusing on six key priorities the mission has established its credibility with the international community and delivered some important projects, including the Kabul City Security Project, and involvement in training 35,000 Afghan National Police ahead of the August elections, and a "train the trainers" programme.

Challenges remain for the mission. Whilst numbers of international staff are rising, they need to be sustained and it is essential to encourage Member States to contribute good quality officers.

Middle East

Palestinian Territories

The EU Police Co-coordinating Office for Palestinian Police Support (EUPOL COPPS) was launched on 1 January 2006 with an initial duration of three years. It has a long-term reform focus and provides enhanced support to the Palestinian Authority in establishing sustainable and effective policing arrangements. The mission mandate was extended in November 2008 for two years and, under the Swedish Presidency, the budget for the final year of the mission was set.

In 2009, under the leadership of the British Head of Mission, EUPOL COPPS has made progress in all areas of its mandate, ensuring Palestinian ownership for reforms. The mission has made particular progress in coordinating Member States' bilateral contributions and in starting implementation of an ambitious Criminal Justice Action Plan. The advisory section maintained its regular visits to the Palestinian Civil Police (PCP) Districts, supporting and advising PCP Officers, particularly District Commanders. Management training has also been developed and delivered to assist the commanders.

The UK plans to increase the size of its contingent going forward.

Rafah

The opening of the Rafah Crossing Point represented the only part of the 2005 Agreement on Movement and Access to be fully implemented. After the 2007 Hamas takeover of the Gaza Strip, the Rafah Crossing Point was closed and the mission put on standby with 18 staff ready to reactivate should a settlement be reached. Following the crisis in Gaza at the end of 2008, the mission increased to 43 staff in country, with border monitors on stand-by ready to deploy. Under the Swedish

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Presidency the number of staff was reduced to 18 as part of a further six month extension of the mandate. The UK will continue to monitor the readiness of the mission to redeploy, whilst working to ensure that scarce EU resources are used most effectively in support of wider EU aims in the region

Iraq

The EU rule of law mission in Iraq (EUJUST LEX) has been involved in training Iraqi police, penitentiary and judiciary officers since 1 July 2005. Originally the mission operated solely by taking groups of Iraqis out of the country for training courses provided by Member States, but it has recently begun conducting training activities within Iraq. So far the mission has successfully hosted activities in Baghdad, Sulaymaniyah and Tallil covering training on serious crimes, best practice and cross-sector cooperation. The mission aims to hold up to 18 in-country activities under its current mandate (July 2009 - June 2010).

Since the summer of 2005, the mission has provided 107 training courses, 21 work experience secondments and three in-country activities for over 2,819 Iraqis (including 116 female participants). In that time, the UK has provided 15 training courses and 5 work experience secondments. The UK recently hosted a Management of Training course at the National Police Improvement Agency in Bramshill in which senior Iraqi police officials were taught training management skills.

Africa

Somalia

Operation Atalanta was launched in December 2008 with a one-year mandate. The mandate, due to conclude on 12 December, has now been extended for a further year. The UK continues to provide the Operation Commander and Operation HQ at Northwood.

Atalanta continues to contribute successfully to maritime security off the coast of Somalia by protecting World Food Programme chartered vessels delivering aid to Somalia, vessels supplying critical shipments to the AU peace support operation in Somalia (AMISOM), and other vulnerable vessels, notably in the critical trade artery of the Gulf of Aden and in the Somali Basin. So far countries have provided sufficient ships and other assets for the operation but more will be required, including maritime patrol aircraft early in 2010. The UK plans to provide a frigate in the latter half of 2010. Particularly welcome has been the growing participation of third states, either inside or working closely with the EU operation, including from countries who have not traditionally been involved with major international maritime operations such as China, Russia, India and Japan.

Due to the complex challenges involved in combating piracy over vast maritime areas, the EU is pressing all actors to continue to coordinate their efforts closely, for example by exchanging information and intelligence.

Atalanta has taken a leading role in the coordination between the multinational, national and regional naval forces operating in the area to ensure de-confliction, shared awareness and coordination in the disruption of piracy.

Kenya has made a crucial contribution by detaining and prosecuting suspected pirates apprehended by Atalanta's warships. The EU and the Republic of Seychelles concluded an exchange of letters on 30 October 2009 for the transfer of suspected pirates and armed robbers apprehended by Atalanta, constituting an important new contribution to the counter-piracy efforts.

The EU is currently considering ways in which the EU might contribute to international efforts in Somalia, including in the security field. The EU has approved a Crisis Management Concept on a possible ESDP mission to contribute to the training of the security forces of Somalia's Transitional Federal Government (TFG) and has requested further planning work. Whilst the UK supported this Concept, we believe that a final decision on a mission must consider the resources available and ensure it meets those needs identified in the joint needs assessment conducted in the region with the US and UN. The GAERC decision on the Concept was "without prejudice to subsequent decisions on a possible EU action".

The UK has pressed that any further EU support to the Somali security sector should be considered within a comprehensive EU approach and any support should be part of a larger and coherent framework involving close EU cooperation with the AU, the UN and other relevant partners, in particular the US. In regard to the AU, the role of AMISOM is especially important. The EU has also stressed the importance of a clear TFG commitment to build a viable and sustainable security sector.

Democratic Republic of Congo (DRC)

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The EU's security sector reform mission (EUSEC DRC) was launched in 2005 with the primary focus of providing assistance to the Congolese authorities in order to prevent the resumption of civil war and contribute to the establishment of security conditions compatible with the preparation and holding of national elections. Following the deal between the Congolese government and the CNDP (Congress for the National Defence of the People) political-military organisation on 23 March, the CNDP officially ended its armed struggle and is reintegrating its military forces into the main DRC army. Making real advances now towards implementing this agreement will help stabilisation efforts.

The mission has delivered a number of projects to help establish a professional Congolese Army including: a biometric census project which has registered and identified 130,000 Congolese soldiers; the introduction of a Military ID card system; and a chain of payments project to ensure that soldiers are paid correctly.

Under the Swedish Presidency, the mandate for EUSEC DRC was extended until 30 September 2010. In negotiating the new mandate the UK argued successfully for a new focus on tackling sexual and gender-based violence (SGBV) and promoting human rights as part of the Army reform process.

EUPOL DRC followed on from EUPOL Kinshasa (April 2005 – June 2007). The mission has supported and advised the Congolese authorities on strategic reform and re-structuring of its national police force, as well as on police interaction with the criminal justice system.

The mission's activities include advising the police on the creation of a border police service, supporting the Inspectorate General on Police Auditing, and advising on police aspects of the peace process in eastern DRC.

Under the new mandate, the mission has expanded to include two multidisciplinary teams to aid the fight against SGBV. The teams will be based initially in eastern DRC where the majority of SGBV crimes are committed, but their competence will cover the whole of the country. One of the main tasks for these teams will be to ensure that legal services are provided for victims of SGBV and that offenders are successfully prosecuted.

Guinea-Bissau

The EU has a small Security Sector Reform (SSR) mission (EUSSR Guinea-Bissau), supporting the national government's efforts to create the conditions to implement its national security strategy. The aim is to help the government improve the effectiveness of the country's security actors, such as the army, navy, coastguard, prison service and judiciary, so that they can tackle major security threats.

EUSSR Guinea-Bissau's work has been hampered by difficult circumstances and a climate of political instability. However, a number of positive developments, including successful presidential elections, present a more promising outlook for progress on SSR reform. The new President has expressed his intent to re-engage in the SSR process through a letter sent from the Prime Minister to the Secretary General of the EU. We have taken this letter to be a sign that the mission will receive the necessary political support over the next six months to complete the tasks in its mandate.

In November 2009 the mandate for EUSSR Guinea-Bissau was extended for a further six months until 31 May 2010. The main purpose of the extension is to complete the activities foreseen in the current mandate and to prepare the ground for the future implementation of the legal framework by the authorities of Guinea-Bissau.

A strategic review on the future of the EU engagement in Guinea-Bissau, taking into account regional aspects, will be carried out by January 2010.

CAPABILITIES EU

Civilian Capabilities

The biggest challenge to the success of civilian ESDP missions is the availability of sufficient resources: both personnel and the rapid availability of equipment. If the EU is to capitalise on the full range of stabilisation and development tools that it has at its disposal, addressing the persistent shortfalls in personnel is crucial.

The UK has been fully behind the Presidency's focus on improving the stock of civilian personnel at a national level, supporting more rapid deployment of those personnel, and building up mission support functions, including more flexible financing and the rapid availability of equipment.

Enhancing the availability of civilian personnel

The December 2008 European Council Conclusions set out that Member States would draw up national strategies to facilitate the deployment of civilian experts. The Swedish Presidency has made

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considerable progress in facilitating exchanges of best practice between Member State experts in this field and has focused on four areas of action: national regulatory measures, national budgetary measures, national rosters and training. In line with the 2008 UK National Security Strategy commitment to develop a pool of 1000 deployable civilian experts, the Government has been fully engaged in the EU-level discussion. We will continue to build considerations of EU requirements into our national planning for international civilian expertise. Sharing best practice and lessons at an EU level will continue to be an important way to link EU ambitions to resource at Member State level.

Rapid deployment: Civilian Response Teams (CRTs), preparatory measures, temporary warehouse

Improving the EU's ability to deploy civilian personnel rapidly is a key aim of the Civilian Headline Goal 2010. To take this forward, the Swedish Presidency revised the policy framework for the rapidly deployable Civilian Response Teams in order to reflect the changing demands of ESDP activities. The new concept adds more flexibility into the decision-making procedures for mobilising the teams, and increases the size of the pool of experts available to participate in CRTs to 200 personnel. Additional areas of expertise have also been added to reflect the situations in which CRTs have so far been asked to deploy. The UK fully supports these changes and we plan to review how we engage with the pools on a national level.

A key lesson from civilian ESDP missions to date has been the difficulty that the EU has experienced in deploying equipment rapidly to support ESDP operations. Under the Swedish Presidency, greater flexibility has been agreed for the use of the EU budget line that supports funding for the early stages of preparation for possible operations. In addition, a temporary warehouse to store equipment that is released from civilian ESDP missions as they downsize has been established in EUPM Bosnia. This should enable the EU to recycle equipment and use it to quickly meet many of the equipment requirements of existing or future missions.

Cooperation on Justice and Home Affairs

The UK has pushed for greater cooperation between EU activities in the Justice and Home Affairs sphere and civilian ESDP operations. A number of ESDP operations deliver on EU external JHA objectives: for example, support from EULEX Kosovo is central to the EU's aims of combating organised crime in the Western Balkans. The Swedish Presidency established initial dialogue on this topic and we hope to take forward further collaboration between the ESDP and JHA sides under future Presidencies and through the establishment of the European External Action Service.

Military Capabilities

EU/NATO Defence Planning

As separate organisations with different memberships, the EU and NATO have operated separate defence planning processes. However, both face many common security challenges and 21 of the EU Member States that take part in the Headline Goal process are also members of NATO and participate in the NATO defence planning process.

Germany has initiated a series of extra-institutional workshops aimed at 'brainstorming' ways of improving the links between the two planning processes at a technical level. The UK fully supports the initiative as a way of exchanging detailed ideas on an informal basis as to how these two processes might be closer aligned.

We have taken an approach aimed at agreeing some broader principles, which would serve as guidance to the institutions for further work. We hosted a seminar in London for all EU Member States, NATO Allies and the two institutions to discuss these principles. The seminar was well attended and the main themes of coherence and transparency were endorsed at November's GAERC.

EU Battlegroups

In May 2004 the EU launched its Battlegroup initiative for rapid response operations: a force of around 1500 troops able to deploy within 15 days of a crisis, capable of operating for a period of between 30 and 120 days. They are designed to meet a short-term need, either working in isolation or as an interim measure prior to the arrival of a larger peacekeeping force.

Since 1 January 2007, the EU has had the ability to carry out two simultaneous Battlegroup operations, if required. The EU Battlegroups rotate every six months. Each Battlegroup is supported with a fully deployable set of military capabilities – including combat and logistical support and transport.

Battlegroup operations may include evacuations, humanitarian assistance, conflict prevention and 'initial entry' operations.

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To date, 22 EU member states have announced their participation in EU Battlegroups. Non-member states may also take part; Croatia, Macedonia, Norway and Turkey are accordingly involved in multinational Battlegroups. The following Battlegroups have been promised for 2010:

Jan to Jun 10

- British-led EU Battlegroup with the Netherlands using the UK/NL Amphibious Force
- Polish-led EU Battlegroup with Germany, Latvia, Lithuania and Slovakia

Jul to Dec 10

- Italian-led EU Battlegroup with Romania and Turkey
- Spanish-led EU Battlegroup with France and Portugal

The six-monthly Battlegroup Coordination Conference was held on 15 October, where Member States' commitments, with the related pre-identified Operation Headquarters, were confirmed until the end of 2011. It encouraged Member States to make new offers for Battlegroups from 2012 onwards and to fill in particular the vacant slot in first semester of 2012. Under the Swedish Presidency, Member States have reached agreement on more flexible guidelines on increasing the flexibility and usability of the EU Battlegroups, on a voluntary, case-by-case basis.

UK-France Multinational Helicopter Initiative

We announced at the Anglo-French Summit in March 2008 that both countries were establishing a funding mechanism aimed at addressing the shortfall in mission-capable helicopters for operations outside of the Euro-Atlantic theatre. This was given further impetus by the Prime Minister at the 2008 NATO Bucharest summit and subsequently, the initiative has received high-level political support across the EU and NATO. In order to drive this forward, the UK established a project fund to be administered by SHAPE to assist NATO Allies and EU Member States in accessing funding to upgrade their helicopters or to train the necessary personnel to operate them in theatre. The UK operates as the secretariat to the initiative. France has offered cash for upgrades and for training of crews. Currently, other countries who have indicated they will make a direct financial contribution to the initiative are: the Czech Republic, Hungary, Norway, Sweden, Iceland, Norway, Denmark, Finland, Lithuania, Luxembourg, Estonia, the Netherlands, Greece, Turkey, Japan and Australia.

In-kind offers have been made by Spain (training ranges), the United States and Ukraine. Currently, the fund stands at approximately €28m of pledged contributions, most of which has already been allocated to finance various projects.

So far, the Czech Republic, Hungary, Bulgaria, Slovenia and Macedonia have indicated they wish to utilise the initiative to improve their ability to deploy to operational theatres. A number of others have indicated their interest, but as yet have not made a firm proposal. At this stage we expect most if not all deployments emanating from the initiative to be in Afghanistan. This is in line with operational requirements and the wishes of contributors. It is likely that most upgrade work will be on Soviet-built Mi bureau helicopters, such as the medium transport Mi-8/Mi-17 family, although Slovenia has asked for work to be undertaken on their Puma helicopters and this has been agreed by the initiative's Steering Board.

The first helicopters and crews funded and trained as a consequence of the Initiative are expected in theatre in December 2009.

COOPERATION WITH INTERNATIONAL ORGANISATIONS

EU-UN Relations

Co-operation between the UN and the EU in crisis management has significantly increased in the past few years with the launch of around twenty ESDP military and civilian missions. Several EU and UN missions are currently deployed in the same theatres, including:

- i. Kosovo (UNMIK handed over the rule of law lead to EULEX in Dec 08, a residual UNMIK presence remains)
- ii. Afghanistan (EUPOL Afghanistan and UNAMA)
- iii. Chad (EUFOR was handed over to MINURCAT II in Mar 09),
- iv. DR Congo (EUPOL Congo, EUSEC Congo and MONUC)
- v. Guinea-Bissau (EU SSR and UNPBOGB)

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With a current focus on Somalia the UK is clear that the EU must coordinate with the UN and other partners in the efforts to step up international support to peace, security and development in the country.

EU-UN cooperation is mutually beneficial: EU operations can benefit from the political legitimacy conferred by the UN Security Council mandates and the UN benefits from the credibility and operational capabilities provided by the EU to conduct complex operations in difficult regions. The EU-UN partnership was formalised in a joint declaration signed in 2003 and updated in 2007. In July 2007, concrete proposals were approved for strengthening EU-UN cooperation in areas such as early warning, planning and Security Sector Reform.

Progress has been made in implementing this, including through the implementation of the agreed action points of the 10th EU-UN Steering Committee, and in this context encouraged further work on developing concrete co-operation, notably in the area of planning and arrangements between the EU and UN for transition between operations.

The UN Department of Peacekeeping Operations (DPKO) has put forward a proposal to support and reinforce the EU-UN partnership in peace and security issues by establishing a UN Secretariat Partnerships Liaison Capacity. This would consist of two staff, and associated administrative costs, to act as liaison with the EU for DPKO, the Department of Field Support and the Department of Political Affairs. The aim would be to enhance the communication and operational planning coordination between the UN and the EU. The UK is supportive of this proposal, but is of the clear view that it must be met from within existing UN resources and not be seen as an extra budgetary request for new or additional funding.

The UK's mandatory share of UN and EU peacekeeping assessed costs has become more expensive both because of the growth in global peacekeeping and because of the decline in sterling's value against the dollar and euro. The UK has therefore undertaken a prioritisation exercise to focus remaining resources for discretionary expenditure on countries where the risk and impact of conflict is greatest. Within a tightened budget the UK has prioritised strategically our contributions to ESDP civilian missions. We maintained our contributions to the crucial police reform and rule of law mission in Afghanistan and important monitoring mission in Georgia. In EULEX Kosovo, we have concentrated resources on key areas where UK secondees can add real value e.g. in the judicial component.

EU/NATO

Both institutions agree that they must improve their relationship. NATO recently reaffirmed its support to a stronger and more capable European defence and welcomed the EU's efforts to strengthen European capabilities and its own capacity to address common security challenges. We continue to see the two organisations as complementary vehicles through which European forces can be deployed. Co-operation between the two organisations is a key part of this. The Berlin Plus arrangements continue to work well in Bosnia (Operation Althea). And NATO continues to play a role in anti-piracy operations off the coast of Somalia through Standing NATO Maritime Group 2, which is working in harmony with the EU's Operation Atalanta.

There has been good progress under recent Presidencies of the EU on improving the information exchange between the two institutions. This has notably been through the EU-NATO Capability group, which has met at both expert and Policy Director level in the last year. We have also made good progress (as outlined earlier in this brief) on a more coherent approach to defence planning.

Despite this progress there are still fundamental political problems which seriously undermine the EU and NATO's relationship. The sensitivities of some Member States and Allies regarding the exchange of classified information remain an immediate problem which impacts directly on operational theatres. We will continue to work with partners and Allies to take practical steps to improve relations, building on, for instance, the work we have done in increasing transparency in the two organisations' defence planning processes.

22 December 2009

Letter from the Chairman to Chris Bryant MP

Thank you for your letter of 22 December on the above subject which Sub-Committee C considered at its meeting on 7 January.

The Sub-Committee noted your, and the Presidency's, comments on the difficulties in the EU-NATO relationship and the work being undertaken in particular by the German Government, as well as the UK.

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We would like to understand in greater depth the work and outcomes of the German initiative in terms of improving this vital working relationship.

We look forward to hearing from you.

8 January 2010

Letter from Chris Bryant MP to the Chairman

Thank you for your letter of 8 January on the EU-NATO relationship. You are right to highlight that this is a vital working relationship and improving the partnership is a UK Government priority.

The work being undertaken by Germany is focused on identifying areas where the defence planning processes of the EU and NATO might be better aligned. Defence planning is the process whereby the two organisations identify the capabilities required to achieve their respective Levels of Ambition. Given the significant overlapping membership of both the EU and NATO (21 nations enjoy joint membership), we, along with a number of other nations notably UK, Germany, Netherlands, and the USA, consider it essential that the two processes should be more coherent with one another.

The German initiative is ongoing and is conducted outside any institutional framework. This has encouraged free flowing, informal discussions amongst EU Member States, NATO Allies and representatives of both institutions. These discussions have identified necessarily technical elements in the two processes where closer alignment is possible. So far, the German workshops have highlighted those areas of defence planning where harmonisation is possible and where further work might yield positive results. We look forward to and encourage the transfer of these discussions into the respective institutional frameworks. This positive venture sits well with both the current transformation process within NATO (including the recently agreed new NATO Defence Planning Process) and the continuing work in the EU to improve the capabilities of Member States, in order that European nations can better contribute to multinational operations.

As I mentioned in my previous letter, the November 2009 General Affairs and External Relations Council endorsed the principles of improving coherence and transparency between the two processes. We continue to strive for greater harmonisation of these processes and are hopeful that the useful discussions in the German workshops will be harnessed to good effect by both institutions.

27 January 2010

Letter from Chris Bryant MP to the Chairman

The European Neighbourhood Policy aims to strengthen EU relations with its Eastern and Southern neighbours. The Eastern Partnership furthers this relationship with the Eastern neighbours: Armenia, Azerbaijan, Georgia, Belarus, Moldova and Ukraine. The Committee may welcome an update on the Eastern Partnership, as there have been some developments since last year, notably: finalisation of the budget for 2010-2013 in December 2009; the completion of the Mid-Term Review of the European Neighbourhood and Partnership Instrument (ENPI) in March 2010; progress in the negotiation of new Association Agreements with the partner countries; and recent progress made in the four thematic platforms of the Eastern Partnership's multilateral dimension. Let me address each in turn.

EASTERN PARTNERSHIP BUDGET

The Eastern Partnership is funded as part of the overall European Neighbourhood and Partnership Instrument (ENPI), which supports EU policy in the eastern and southern neighbourhood by reinforcing and promoting political and economic co-operation and integration between the EU and its neighbours. An overall allocation of €5.7 billion for the ENPI for the period 2011-2013 has been agreed. Financing for the Eastern Partnership for this period was approved in December 2009 by the EU Budget Committee. The March 2009 European Council agreed to find €600 million additional resourcing for ENPI to fund the Eastern Partnership. The UK was successful in reducing this to €350 million additional funding. This amount will be taken from the margins of the External Relations, Heading 4, EU budget and will require annual approval in Budget Committee Meetings. The remaining €250 million has been reallocated from existing ENPI funding for activity in the East.

There are 3 main areas of funding engagement under the Eastern Partnership: (i) The Comprehensive Institution Building programme, which supports capacity building in individual partner countries to enable reforms to be carried out (€175 million); (ii) Regional programmes aimed at addressing economic and social disparities within partner countries (€75 million); and (iii) the multilateral dimension (€350 million).

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ENPI MID-TERM REVIEW

At the ENPI mid-term review in December 2009, Country and Regional Strategy Papers for 2007-13 were reviewed and new three-year National and Regional Indicative Programmes for the period 2011-13 agreed with five of the six Eastern Partnership countries. The 2007-10 National Indicative Programme for Belarus will be extended to one more year, to include 2011, to allow a review of the most recent developments in democratisation, respect for human rights and the rule of law to be carried out before a new one is developed. We will monitor the situation closely.

We are satisfied that the new National and Regional Indicative Programmes and financial allocations are in line with our and Partners' priorities, and reflect progress against medium and long-term objectives and absorption capacity. We will continue to press for the aims and objectives which are outlined in strategy documents to be implemented. Our priority is to ensure spend continues to be used effectively and supports concrete political and economic reform.

MULTILATERAL DIMENSION

The Eastern Partnership has both bilateral and multilateral dimensions. Multilateral working groups allow Partners and Member States to share best practice and guidance in areas of common interest. The groups are structured around four key areas of work, referred to as 'platforms': Platform 1 Democracy, Good Governance, Stability; Platform 2 Economic Integration & Convergence with EU Policies; Platform 3 Energy Security and Environment and Climate Change; and Platform 4 Contacts Between People.

Flagship initiatives in Integrated Border Management, Prevention of, preparedness for, and response to natural and man-made disasters, SME Development, Regional energy markets and energy efficiency and Environmental Guidance are now being developed and the initiatives on border management and response to disasters have already been launched.

ASSOCIATION AGREEMENTS

Bilateral Association Agreements between the EU and each Partner country will require Partners to make progress in ensuring rule of law, respect for human rights and improved economic governance. The Eastern Partnership offers Association Agreements to five of the six partners (i.e. excluding Belarus). Negotiations on an Association Agreement with Moldova have begun and the EU is currently putting together negotiating mandates for Association Agreements with all three South Caucasus countries. Much progress has been made in negotiating the Association Agreement with Ukraine and I hope work on this will be finalised by the middle of next year.

Belarus remains ineligible for an Association Agreement whilst respect for democratic values and the rule of law are not clearly demonstrated. The long term EU goal for Belarus is for it to become a democratic, stable and prosperous partner with whom we share a common agenda based on common values. We support the Commission approach to progressing work with Belarus with this aim, which consists of a two track approach of restriction of political contact and links with, and assistance to, other actors in civil society.

We will continue to work closely with other government departments, and our representations in Brussels and the region to ensure the Eastern Partnership delivers real progress in our priority areas. I will continue to update the Committee on progress at key stages.

30 March 2010

Letter from Ivan Lewis MP, Minister of State, Foreign and Commonwealth Office, to the Chairman

Further to Chris Bryant's March letter, I would like to update the Committees on the likely timings for Council Decisions on the mandates for three civilian CSDP missions that are due for discussion soon after the General Election. The expected timings are as follows:

- the mandate for EUBAM Rafah expires on 24 May with a Council Decision on its future expected at the Foreign Affairs Council on 10 May;
- the mandate for EUPOL Afghanistan expires on 30 May, with a Council Decision expected at the 17 May AGRIFISH or the 18 May ECOFIN Council;
- the mandate for EUSSR Guinea Bissau expires on 30 May and a Council Decision is expected at the 18 May ECOFIN Council.

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An attempted coup occurred in Guinea Bissau on 1 April, which has affected planning for a new CSDP mission in the country. Considerations are on-going in Brussels as to how best to ensure continuity of EU engagement in the country, whilst taking account of political developments.

29 April 2010

DELAY IN RESPONSES TO SCRUTINY LETTERS

Letter from the Chairman to Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office

I am writing to express concern about the delay in responses to my letters on scrutiny.

Currently there are two letters still outstanding after several months: my letter of 15 October 2009 on the Implementation of the European Neighbourhood Policy in 2008 – Union for the Mediterranean (9029/09) and my letter of 30 October 2009 on the establishment of a European Union Satellite Centre (13224/09).

I recognise that the response time for more recent letters has improved, but a number of letters have received a response only after some months and after considerable chasing by officials here: for example, my letter of 23 October 2009 on the EU Police Mission in the Congo, answered on 23 March 2010, and one dated 27 November 2009 on the Agreement between the Russian Federation and the EU on the security of classified information (15227/09) to which you replied on 24 March 2010.

The Committees here try to assist the FCO by clearing documents from scrutiny without necessarily always waiting for a response to a letter seeking further information if an urgent Decision is needed in Brussels. However, parliamentary scrutiny is seriously damaged when letters expressing concerns about a document, or seeking further information, do not receive a prompt reply, or receive no reply at all.

I would be grateful if replies to the outstanding letters could be sent before dissolution, and if arrangements could be embedded in the system which will avoid a recurrence of delays in future.

6 April 2010

Letter from Baroness Royall to the Chairman

Thank you for your letter of 6 April enclosing a copy of your letter to the Minister for Europe relating to the fulfilment of undertakings given by Ministers in relation to access to limited documents; making publicly available the Cabinet Office's scrutiny guidance; and subsidiarity scrutiny and the Council of Ministers.

As Leader of the House, I am, of course, determined to ensure that we as a Government comply with the commitments we have given to Parliament. I therefore very much hope that the Minister for Europe, to whom I am copying this letter, will be able to respond swiftly and substantively to the various points you have raised.

I am grateful to you for drawing this to my attention.

8 April 2010

ENLARGEMENT: CROATIA, TURKEY, THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA, MONTENEGRO, ALBANIA, BOSNIA AND HERZEGOVINA, SERBIA AND KOSOVO (14513/09, 14515/09, 14516/09, 14748/09, 14749/09, 14751/09, 14754/09)
KOSOVO: FULFILLING THE EUROPEAN PERSPECTIVE (15872/09)

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

Thank you for your letter of 30 November informing me that Sub-Committee C had considered the Commission's enlargement strategy report and Communication on Kosovo's European perspective and cleared them both from scrutiny.

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You asked to what extent the EU will rely on the assessment of the ICTY Chief Prosecutor, Serge Brammertz, to evaluate Croatia's cooperation with the International Criminal Tribunal for the former Yugoslavia. The Chief Prosecutor has a mandate from the UNSC to report to them on the level of cooperation of the various parties with the ICTY. He made his most recent report on 3 December. In this he said that the central issue of concern remains the still unresolved request to locate and obtain key military documents related to Operation Storm. He welcomed positive steps taken by Croatia to establish a task force to investigate the location of the documents, and a recent report it had submitted. However, he urged Croatia to continue and further develop investigations without delay.

The UK has confidence in the judgement of the Chief Prosecutor and supports this assessment.

EU member states have made clear to Croatia and other candidate countries that reaching and maintaining full cooperation with ICTY is an essential requirement for progress towards EU membership. It is therefore for member states to make their own judgements on the level of cooperation as appropriate when considering relevant decisions on the accession negotiations. The UK assessment is separate from, but will draw on, the advice of the Chief Prosecutor.

You also asked for an update on the positions of the EU Member States on the recognition of Kosovo as an independent state. Five EU Member States (Cyprus, Greece, Romania, Slovakia and Spain) do not recognise Kosovo. These Member States are concerned about the legality of Kosovo's declaration of independence and/or believe that recognising Kosovo might set a precedent for secessionist movements.

8 December 2009

ENLARGEMENT: ICELAND

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

I am writing to update the Committees on the progress of Iceland's application for membership of the EU since Baroness Kinnock's letter of 20 July 2009.

The Committee will recall that Iceland applied for EU membership on 16 July 2009. We and other member states welcomed this and at the General Affairs and External Relations Council (GAERC) on 27 July passed the application to the European Commission for an Opinion on Iceland's readiness to open accession negotiations. The Commission has analysed Iceland's application on the basis of the country's capacity to meet the criteria set by the Copenhagen European Council of 1993.

On 24 February 2010 the Commission published their Opinion recommending opening accession negotiations and a detailed Analytical Report. We are considering this carefully. I will provide an explanatory memorandum in due course as normal but I want to take this opportunity to highlight some key aspects of the Opinion and our reaction.

In its Opinion the Commission notes that Iceland is a parliamentary republic with deeply rooted traditions of representative democracy and assesses that it satisfies the political criteria. It assesses that Iceland can be considered a functioning market economy as required by the economic criteria. It further assesses that Iceland has a generally satisfactory track record in implementing its obligations under the EEA and is well prepared to take on the obligations of membership. The Commission highlights a number of areas where serious efforts will be needed to align legislations with the acquis and ensure its implementation and enforcement including: fisheries; agriculture and rural development; the environment; free movement of capital; financial services; as well as customs union; taxation; statistics; food safety, veterinary and phytosanitary policy; regional policy and coordination of structural instruments; and financial control. Fisheries negotiations are likely to be particularly sensitive. We remain determined to see an early end to Icelandic whaling.

The UK Government has responded to the Commission's Opinion by making clear both that we fully support Iceland's application to join the EU and that it is essential that Iceland meets its international obligations, including those under the Deposit Guarantee Directive which is part of its obligations under the EEA agreement. As the Committees will recall, after the collapse of Landsbanki in October 2008 the Icelandic compensation scheme had insufficient funds to reimburse all depositors as required by the Directive. On 30 December the Icelandic Government agreed the terms of a loan with the UK and Netherlands to enable Iceland to discharge its obligations. However, the Icelandic President refused to sign the bill into law it is now due to be put to a referendum in Iceland on 6 March. As I

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write, talks on the Icesave loan are continuing between officials from HM Treasury together with their Dutch colleagues and representatives from Iceland.

The UK, along with every other Member State, will want to consider the Commission's recommendation carefully before deciding whether to open accession negotiations. The accession process is based on strict criteria. Iceland – like all candidate states – will have to meet these. The Commission has made it clear that Iceland must address the weaknesses in its financial supervisory system and the deposit guarantee scheme at an early stage. A satisfactory resolution of the Icesave issue is necessary to rebuild confidence of the international financial community, aid the recovery of the Icelandic economy and enable Iceland to meet the criteria and obligations for EU membership.

I will keep the Committees informed of the progress of Iceland's membership application.

25 February 2010

EUROPEAN DEVELOPMENT FUND: ESTIMATE OF PAYMENT AND OF CONTRIBUTIONS TO BE PAID BY MEMBER STATES FOR 2009-13 (14932/09)

Letter from Gareth Thomas MP, Minister of State, Department for International Development, to the Chairman

On the 26 November your Committee cleared the above-mentioned EM from Scrutiny and asked for further information concerning *“how the strain on EU Member State public finances is being taken into account in decisions on spending on EU development aid”*.

The seven-year Financial Perspective, running from 2007-2013, governs the EU budget level. This ensures that the level of EU development aid committed for the period is maintained. While we are legally obliged to make contributions to the EU budget, we push strongly in each annual budget negotiation for good value for money, including pressing for key developmental priorities to receive appropriate levels of funding. The UK consistently pushes hard against any attempts to increase the spending levels set in the Financial Perspective.

Equally, we are legally obliged to meet our share of the off-Budget European Development Fund. The current agreement runs from 2008-2013 and we continually seek to ensure value for money for programmes through discussions in the European Development Fund committee, Council Working Groups and ad hoc experts meetings.

The next Financial Perspective and the new EDF will commence from 2014. Negotiations on Member States' levels of contribution to both will begin from next year.

11 February 2010

EUROPEAN EXTERNAL ACTION SERVICE (EEAS)

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

In my contacts with you and your Committee I have given assurances to keep you up to date with discussions on the European External Action Service (EEAS) and specifically to let you have sight of the High Representative's draft Decision to establish the EEAS. Because there is no draft decision ready yet, this letter updates you on discussions in Brussels to date and offers the opportunity for you to meet informally with me and my senior officials to go over the key issues for the Decision.

Baroness Ashton has formed a High Level Working Group, the Ashton Group, to help her with preparing the draft Decision. This comprises senior members of the Commission, Council Secretariat and three Member State Ambassadors. The Group has met a few times and has started to pass notes to Coreper Ambassadors on issues related to the EEAS – responsibility for the geographical programme funding instruments; a possible recruitment procedure for the EU Head of Delegation positions coming available this year; likely changes to the staff and financial regulations to accommodate the establishment of the EEAS. The discussions that are resulting from these papers will help the High Representative decide what to propose in her draft Decision.

On programming, the majority view from Member States to date is that splitting the responsibilities for the main development instruments (the development Cooperation Instrument and the European Development Fund) in a horizontal way will allow both the High Representative and the Development

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Commissioner to play a full role in ensuring that the EU's external effort is as joined up as possible. By horizontal, we mean that the High Representative would take responsibility for the strategic planning and setting of the overall financial envelope for both the DCI and the EDF, and the Development Commissioner would lead on the multi-annual programming, annual programming and implementation of the instruments. In addition, we have made it clear that the High Representative should have the authority to lead on countries of political sensitivity and those in crisis, as necessary.

On staffing, the discussions have been around what needs to happen to ensure that Member State representatives are able to be a part of the EEAS and make a valuable contribution from day one of its establishment. Any recruitment procedure, even a temporary one for the first Head of Mission appointments this year (the process for which will need to start before the formal EEAS Decision has been passed) needs to be transparent and merit-based to enable the best candidates to take up positions in the EEAS.

The discussion on changes to the Financial Regulation have focussed on what is needed to ensure that the High Representative and EU Heads of Delegation have the necessary financial authority to carry out their responsibilities. We have not yet seen any specific suggested changes to the regulations themselves but will examine them closely when we do.

Given that there is as yet no formal draft of the Decision to pass to you, but that we expect the pace of discussions to speed up over the next month and I have promised to keep you as informed as I can for scrutiny purposes, I should like to offer you and your Committee the opportunity of an informal meeting with me and my senior team to discuss all of the above in more depth. If you agree, then my scrutiny co-ordinator will be in touch to explore possible dates at your earliest convenience. I would be happy to attend an informal round-table meeting in Parliament both with Members of your Committee and with Members of the House of Lords Select Committee on the European Union.

I am enclosing the draft fiches as they currently stand, in confidence. As they are detailed, I am also taking this opportunity to enclose for your information the annex on the EEAS adopted by the European Council in October 2009 which is its guidance to the High Representative on key issues related to the setting up of the EEAS. I will of course also send you the draft EEAS Decision itself as soon as I can.

12 February 2010

ANNEX I

NON PAPER

SUBJECT: CHANGES REQUIRED TO THE FINANCIAL REGULATION AND ITS IMPLEMENTING RULES TO ACCOMMODATE THE CREATION OF THE EUROPEAN EXTERNAL ACTION SERVICE (EEAS)

After the entry into force of the Lisbon Treaty on 1 December 2009, we are now entering a critical phase for the EEAS, whereby secondary legislation needs to be adopted or amended to the extent required to allow its rapid set up¹ and to ensure it functions smoothly and efficiently.

The present non paper presents a number of changes required to the Financial Regulation (FR) and its Implementing Rules (IR), which govern all the rules and procedures applicable to the use of EU funds and which must be respected by all institutions. It concentrates in particular on the situation of Heads of Delegation in the EEAS who will also have delegated responsibility for implementation of operational credits². Changes to the Staff Regulation necessary for the proper functioning of the EEAS in line with the Treaties will be put forward in a separate Commission proposal. Moreover the Financial Regulation applicable to the EDF will also need to be aligned on the changes to be adopted for the Financial Regulation applicable to the general budget.

The changes proposed build on the guidelines endorsed by the European Council of October 29-30, 2009 for the creation of the future EEAS.

In line with the target date set for adoption of the legislative package for the EEAS, the Commission has indicated that it will make a proposal to revise the FR and IR limited specifically to what is required for the EEAS. This will not affect the commitment, as foreseen in Article 184 of the Financial Regulation, to make a proposal for the triennial review of the Financial Regulation at the end of the first semester. Other aspects relating to the impact of the Lisbon Treaty on the FR will be covered by a separate proposal to be tabled soon by the Commission.

¹ The European Council of October 29-30, 2009 has invited the High Representative/Vice-President of the Commission to put the EEAS in place 'by the end of April 2010'.

² Other issues are still under discussion within the Commission and may lead to further changes to the financial regulation, notably as regards the scope of the financial responsibilities of the EEAS HQ services.

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Changes relating to the creation of the EEAS

1. EEAS as an Institution in the sense of the FR/IR

In budgetary terms, the EEAS will be considered as an Institution in the sense of the Financial Regulation (hereinafter "Institution") so that it will have budgetary autonomy, i.e. its own section in the EU budget. It will implement its own administrative expenditure (like all institutions other than the Commission) and will therefore receive separate discharge from the EP. The European Parliament will therefore exercise its full budgetary and control powers towards the EEAS.

As a consequence, reference to the EEAS should be made:

- in Article 1 FR to foresee that the EEAS is treated as an Institution for the purpose of the FR, and,
- in Article 31 FR to foresee that the EEAS draws up an estimate of its revenue and expenditure, which it then sends to the Commission before 1 July each year.

2. Union Delegations

Former Delegations of the Commission around the world became Union Delegations with the entry into force of the Lisbon Treaty and will be part of the EEAS. Because Heads of Delegations will continue being responsible for managing external aid, they will need to be specially authorised to implement operational expenditure once they belong to an Institution other than the Commission, taking also into account that the relevant part of their staff, i.e. operational and financial staff in delegations, will remain Commission staff.

To achieve this, specific provisions are necessary in the Financial Regulation in order to integrate the EEAS within the financial governance framework of the Commission where the EEAS participates in the implementation of the operational budget. In this context, it is essential that the EEAS builds on the experience, guidance, support and training for financial management and internal control in the external relations field which have been developed by the Commission over many years. Specific rules are therefore proposed so that Heads of Union delegations, when they implement part of the Commission section of the budget, apply the Commission rules for the implementation of the budget and are submitted to the same duties and obligations as any other sub-delegated authorising officer of the Commission. To this effect, they have to sign the Charter for sub-delegated authorising officers, before starting to implement the EU Budget, which stipulates in detail their duties and obligations.

The proposed approach is that Heads of Union Delegations would become authorising officers by sub-delegation (AOSDs) of the Commission. They would be given sub-delegated implementation powers by the responsible Commission Directors General (DG). They would therefore be responsible for budget implementation before the DG which has sub-delegated such tasks to them.

In order to give Heads of Union Delegations full management responsibility over this part of their work, the following articles would need to be adapted:

1. A new Article 60a should be introduced to ensure that, when Heads of Union Delegations act as AOSDs:
 - they cooperate with the Commission in order to safeguard the legality and regularity of the operations, the sound financial management and the effective protection of the EU financial interests;
 - they take the necessary measures to prevent situations susceptible to put at stake the responsibility of the Commission for the implementation of the budget and avoid any conflict of interests that might have an impact on the implementation of financial management tasks sub-delegated to them by the Commission. If such situations occur they should inform both the High Representative/Vice-President of the Commission and the responsible Directorate General of the Commission without delay.
2. Article 66(3) should be completed to provide that authorising officers by delegation (AODs) of the Commission, in this case Directors-General of the Commission, continue to be responsible for the definition of internal management and control systems. For their part, even if Heads of Union Delegations belong to the EEAS and are therefore outside the services of the authorising officers by delegation, they should be responsible for the adequate set up and functioning of internal management and control systems, as defined by the Director-General responsible, and for the management of the funds sub-delegated to them by the Commission and of the operations they carry out within the EU Delegation under their responsibility. They should also provide the responsible AOD within the Commission with an annual activity report relating to

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the efficiency and effectiveness of internal management and control systems in their delegation, the results of their operations and the risk associated with these operations. These reports will be summarised and integrated into the annual activity report of the Commission's Authorising Officer by Delegation who has delegated implementing powers to the Heads of Delegations. This is necessary as it is the Commission which will continue to receive discharge for the implementation of this part of the budget, not the EEAS.

3. In Article 66(4), a specific provision should be introduced so that the panel of irregularities of the Commission is also the panel of irregularities for the EEAS in cases where the Commission sub-delegates implementation powers to Heads of Union Delegations. Such provision is required to ensure coherence and proper information of the Commission concerning the implementation of operational appropriations by Heads of Delegations.
4. In the same Article, there should be adequate rules for proceedings relating to disciplinary action or payment of compensation because the line of disciplinary authority would be within the EEAS, whereas the line of responsibility for financial management would remain within the Commission. This specificity should not break the necessary link between financial management responsibility and disciplinary action: to that effect, the Commission should be entitled to request the High Representative/Vice-President – in his capacity as Appointing Authority – to initiate proceedings entailing liability to disciplinary action or to payment of compensation over authorising officers by sub-delegation if irregularities concern the use of funds of the Commission sub-delegated to them³.
5. The sui generis nature of the EEAS and the integration of Union Delegations in its structure are particularly challenging for the continuity of operations in Delegations during the setting up of the EEAS. Appropriate transitional provisions will be required to ensure the continuity of the administrative management of delegations.

3. Specific role of the High Representative/Vice-President of the Commission

Given the key role of the High Representative/Vice-President, under whose authority the EEAS operates, a new Article 51a should be introduced to ensure that the High Representative/Vice-President of the Commission plays a central role in the coordination and information between the EEAS, its Heads of Delegations and the Commission.

4. Accounting officer

In Article 61(1), a new provision should be introduced in order to clarify the responsibilities of the Accounting Officer of the EEAS, which should only concern the EEAS section of the Budget implemented by the EEAS. This clarification aims at avoiding any overlapping with the responsibilities of the Accounting Officer of the Commission, who will naturally be responsible for the entire Commission section of the Budget, including accounting operations relating to operational expenditure sub-delegated to Heads of Union Delegations. It also covers, if necessary, the situation of the transitional period mentioned under point 2 (5) above until the EEAS becomes fully operational.

5. Internal auditor

In respect of the budget implementation of the EEAS section of the Budget, the EEAS should appoint its own internal auditor, as is the case for each Institution.

Article 85 FR should also foresee that Heads of Union Delegations should be subject to the internal Auditor of the Commission for the financial management sub-delegated to them.

Conclusion

The revised Financial Regulation should enable the EEAS to fulfil the task of a unified external action in line with the provisions of the Treaties, without leading to a weakening of sound financial management, accountability and the protection of the financial interests of the Union.

The changes proposed concerning Heads of Union Delegations aim at submitting them, when they implement part of the Commission section of the budget, to the same duties and obligations as any other sub-delegated authorising officer of the Commission. Naturally, the European Parliament will continue to grant discharge to the Commission for the implementation of the Commission section of the Budget, including operational appropriations implemented by Heads of Union Delegations who will act as sub-delegated authorising officers of the Commission.

³ Administrative issues relating to Heads of Delegations will also be covered in modifications to Staff regulations.

PROGRAMMING OF FINANCIAL INSTRUMENTS

Division of responsibilities

In line with the Lisbon Treaty, the future programming of the EU's financial instruments needs to respond a number of different objectives:

- the need to respect the objectives set out in the Treaty which govern financial instruments (articles 209 and 212 TFEU);
- the need to ensure that development plays a full part in increased coherence of EU external policy, including definition of country allocations; sectoral policy dialogue and high-level programming priorities;
- the agreement that the EEAS should have geographical desks covering all countries/regions of the world;
- the responsibility of the Commission for the execution of the budget;
- the desirability to continue the process of increasing aid effectiveness and successful delivery of EU development aid through EU delegations.

These principles were reflected in the report of the Presidency endorsed by the October 2009 European Council. In particular, the report to the European Council:

- Left open how to organise the responsibility for programming in respect of instruments including the ENPI, the DCI, and the EDF;
- Allocated the responsibility for programming the IPA to Commission services;
- Recalled the importance of close cooperation between the HRVP and the EEAS, and other relevant Commissioners and their services, to be reflected in decisions prepared jointly before presentation to the College
- Recognised the implementation of all programmes as a financial responsibility for Commission management, with an enhanced role for delegations in both programming and implementation.

It is proposed that for the following instruments, lead responsibility for programming proposals should fall inside the **EEAS**: the European Neighbourhood and Partnership Instrument, the Development Cooperation Instrument (geographic part), the Instrument for Cooperation with Industrialised Countries, the European Instrument for Democracy and Human Rights, the Instrument for Nuclear Safety Cooperation and the Instrument for Stability.

Given the centre of gravity of the European Development Fund and the role of "development" as the essential content of our action vis-à-vis ACP countries, lead responsibility for the EDF should fall inside the **Commission services** (DG Development). This would also reflect the historic importance of the relationship with the ACP under the Cotonou framework. The Commission services would also retain lead responsibility for thematic programmes under the Development and Cooperation Instrument managed today by DG Development.

Implementation would be ensured by Commission services under the responsibility of the DEV Commissioner. Geographic and thematic Annual Action Programmes would be proposed by DG AIDCO and agreed by other Commission services (DG DEV and other DGs concerned) as well as EEAS as appropriate.

As recognised in the report endorsed by the European Council, political responsibility at all stages must be shared between the HR/VP and the relevant Commissioners.

Practical implications

- For countries covered by the Development and Cooperation Instrument, desks in the EEAS would cover both bilateral political relations and programming (CSPs, NIPs, any revision). All decisions would be prepared by the EEAS in collaboration with DG Development and be brought to the College by the HR/VP in agreement with⁴ the Commissioner responsible for development.

⁴ In all cases, the agreement of other Commissioners may also be added where appropriate.

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- Policy-driven contributions for the DCI thematic programmes managed by DG Development would come from relevant services within the EEAS and the Commission and be considered in collaboration with the EEAS. They would be brought to the College by the Commissioner responsible for development in agreement with other relevant Commissioners and the HR/VP.
- The European Instrument for Democracy and Human Rights managed now by DG Relex would be programmed by the EEAS in collaboration with Commission services and brought to the College by the HR/VP, where appropriate in agreement with the Commissioner responsible for development. With the exception of financial execution, the management of election observation will fall under the responsibility of the EEAS.
- For countries covered by the European Neighbourhood and Partnership Instrument, bilateral political relations and programming (CSPs, NIPs, any revision) will be managed by the EEAS and proposals will be brought to the College by the HR/VP and the Commissioner responsible for enlargement and neighbourhood policy, in agreement with the Commissioner responsible for Development when there is a development component.
- For countries covered by the European Development Fund, responsibility for political relations with third countries managed by DG Development today will fall to the EEAS. The EEAS will prepare the EU position on *political issues* in collaboration with the Commission/DG Development, and this would be brought to the College by the HR/VP in agreement with the Commissioner responsible for development (or, if appropriate, prepared for decision by the Council by the EEAS with relevant input from DG DEV/COM). A decision would then constitute a common line to be taken in contacts, summits etc with ACP partners.
- For *programming issues*, the proposals (budgetary and legal framework, guidelines, CSPs, NIPs, any revision of these documents) would come from the Commission services (DG DEV lead), in collaboration with the EEAS, and be brought to the College by the Commissioner responsible for development in agreement with the HR/VP.
- *Implementation* will be ensured by Commission services under the responsibility of the Commissioner for development (i.e. the Annual Action Programmes would be proposed by DG AIDCO and agreed by respectively EEAS or Commission DG DEV).
- The allocation of lead responsibilities for the programming of aid will be reviewed at the time of the consideration of the new financial instruments proposals for the next Multiannual Financial Framework.

ANNEX III

EEAS – AMENDMENTS REQUIRED TO THE STAFF REGULATIONS

As with all the EU's institutions and bodies, the EEAS' staffing and personnel policy will operate within the framework established by the Staff Regulations (SR).^[1] In order to allow the EEAS to operate as set out in the Treaty on European Union (notably Art 27) and in line with the guidance provided in the Presidency Report endorsed by the European Council on 29 October 2009, certain amendments are required. The modifications proposed are strictly limited to what is necessary for the establishment of the EEAS.

Note: This fiche only covers the issue of the Staff Regulations. It does not prejudice the future discussions that will be needed on the size of the EEAS, its recruitment policy and methods, its organigramme or any of the other staff related issues that are still to be decided.

- A fundamental aspect of the EEAS is the equality of treatment between the sources of EEAS staffing. The Staff Regulations need to ensure that:
 - Selection procedures for posts will be open on an equal basis (rather than the current situation, where internal candidates, and then inter-institutional candidates, take precedence). So staff from the national diplomatic services of the Member States will be able to apply on an equal footing with officials for vacant posts in the EEAS. The selection will be based on merit, whilst respecting geographical balance (new Article 98(1) SR derogating for EEAS posts only from Article 29 SR).
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- As set out in the report endorsed by the October European Council, “Staff from Member States should have the status of temporary agents which grants them the same opportunities, rights and obligations (including functions, responsibilities, promotion, pay, leave and social benefits)” (amendment to Article 2 CEOS and new Article 50c CEOS).
 - The Staff Regulations should be amended so that the EEAS under the authority of the HR/VP will be treated as an institution for the purposes of the Staff Regulations. The High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the Commission will be the Appointing/Contracting Authority for the staff of the EEAS (with the possibility of delegating these powers to members of the staff of the EEAS). Special arrangements will be required to reflect cases where EEAS staff will have a "double hatted" responsibility to perform functions on behalf of both the EEAS and the Commission (amendment to Article 1b SR and new Article 95(1) SR).
 - It could be considered whether, once the levels of Member States staff in the EEAS reaches the objective set out in the report endorsed by the October European Council^[2], ways could be found to open the possibility for officials of the European Parliament and the other institutions of the Union to apply for posts in the EEAS.
 - The EEAS will need to determine its own approach to find the balance between maintaining a stable enough body of staff in the EEAS (both in Brussels and in Delegations) to build expertise, consistency and a common approach; and ensuring the continued two-way flow of staff with its core sources. The goal of changes to the Staff Regulations should be to create the scope required for the EEAS to exercise this choice. This should include:
 - Officials who were transferred on “day one” from the Council or the Commission to the EEAS should be able to apply for vacant posts in their respective institution of origin on the same basis as officials inside those institutions – so their applications will be considered as applications within the institution which publishes the post (provided the applicants also meet the conditions for eligibility for the post). The same principle could also apply to officials who, following the publication of a vacancy notice, have been appointed to a post in the EEAS (new Article 98(2) SR).
 - The EEAS should have the power to renew the contracts of temporary agents if this is in the interest of the service and in agreement with the relevant national diplomatic service (new Article 50b CEOS).
 - For use in exceptional circumstances only, a transfer in the interests of the service, i.e. without prior publication of the post, from the EEAS to the Council or the Commission could be made possible (new Article 97 SR).
 - Article 11 of the Staff Regulations stipulates that an official shall neither seek nor take instructions from any government, authority, organisation or person outside his institution. The Staff Regulations should be adapted in order to take account of:
 - the specific situation of Commission officials who work in EEAS Delegations and who will in many circumstances take instructions from the Head of Delegation (who will be an official or temporary agent of the EEAS) (new Article 96 SR).
 - the fact that staff members of the EEAS will have to carry out tasks delegated by another institution as part of their duties, and will therefore need to seek and take instructions from the delegating institution with regard to those tasks (for example, Heads of Delegation who will carry out financial management tasks in the framework of the implementation of the Commission budget, and Heads of Delegation who implement a negotiating mandate within the Commission's area of responsibility). In respect of those staff members, the AIPN powers concerning appointments, transfers and renewals should be exercised together with the delegating institution. Disciplinary proceedings should be initiated in respect of those members of staff if the delegating institution so requests (new Article 95(2) SR).
 - Other, more technical amendments could concern Annex X to the Staff Regulations (applicable to staff serving in third countries), contract agents and local agents. The
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whole of Annex X (and not only certain provisions) could apply to contract agents serving in a Delegation, including Commission staff. Employment conditions for contract agents engaged for the performance of duties in Delegations could also be addressed. As regards local agents, it could also be expressly stipulated that the institution may set up an autonomous or complementary system of social security (new Article 9a of Annex X, amendments to Articles 3a, 118 and 121 CEOS.

- For the start-up phase, it needs to be clear that – where stipulated in the Council Decision establishing the EEAS that an entity in the Council or Commission organigramme is transferred to the EEAS – the staff occupying posts in those entities are transferred from their respective institutions to the EEAS.

Letter from Chris Bryant MP to the Chairman

I wrote to you on 12 February about the European External Action Service (EEAS), passing to you in confidence copies of papers that Coreper Ambassadors had received to date. I explained that we had yet to see the High Representative's draft text of the Decision to establish the EEAS, which will need to be adopted by unanimity by the Council.

In the meantime, I attach in confidence a set of three papers from the High Representative (not printed): a vision for the EEAS; a note on the key issues; and, some detail around a suggested organisation structure. These were presented to Coreper Ambassadors on 24 February. We expect discussion on these to commence this week. None of these papers are the text of the Decision but they do bring out the key elements that the Decision will need to address.

Finally, my offer to host an informal round table to discuss the European External Action Service still stands. My preference would be to have a joint session with the scrutiny committees of both Houses. But I am happy to fit in with whatever works best for you.

1 March 2010

Letter from Chris Bryant MP to the Chairman

I am pleased to say that we have today received Cathy Ashton's draft proposal for the European External Action Service. This is attached at annex A. Officials here and across Whitehall are studying the proposal in detail. But in the interest of using the short time we have as effectively as possible, I thought it best to share the proposal with you immediately.

I will submit the Explanatory Memorandum to you before the House rises on Tuesday 30 March. I am grateful to the Committee for agreeing to meet on 6 April 2010 to discuss this issue. I very much hope that we can complete scrutiny at that time. I am, of course, at your disposal to this end.

25 March 2010

Letter from Chris Bryant MP to the Chairman

Further to my letter, dated today, about Cathy Ashton's draft proposal for the European External Action Service (EEAS), I am now able to share with you the draft proposals for Regulations amending the Staff and Financial Regulations respectively in relation to the EEAS. Again, the Explanatory Memorandum will follow for the Committee to consider and clear these documents from scrutiny.

25 March 2010

Letter from Chris Bryant MP to the Chairman

I am pleased to say that we received on 20 April the latest revised draft Decision to establish the European External Action Service. The draft text is attached at annex A, and is sent in confidence. The text should be discussed at the General Affairs Council on 26 April 2010. In order to keep this, or any future configuration, of the EU Select Committee engaged on the EEAS I thought it best to share the proposal with you immediately.

21 April 2010

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Letter from Chris Bryant MP to the Chairman

Thank you for your letter of 7 April about the European External Action Service (EEAS). I was glad to learn that in general you support the draft proposals and support the Government's position. I am also grateful to your Committee for waiving the scrutiny reserve under Article 5(b) of the House of Lords Scrutiny Reserve Resolution to allow us so far as necessary to agree the proposals in the Council of Ministers.

You also raised a number of issues about which you continued to be concerned. I shall take them in the order you raise them.

First, on the length of time that seconded national diplomats will spend in the External Action Service. I agree absolutely that Member State secondees should be able to compete for jobs in the top echelons of the Service. I think it is also well understood in the Council and the Commission that this should be the case. Indeed, Member State participation in all levels of the Service is a key point for many Member States. Partly for this reason the current draft Decision text contains an aspiration of one third of the EAS's employees eventually coming from Member States and a positive discrimination clause in favour of Member States secondees' employment during the set-up period (if they are substantially equally qualified with Commission or Council Secretariat candidates). The draft Decision also includes a consultative committee on recruitment (the "CCA"), which you also refer to in your letter. The CCA will include Member State representatives and monitor the recruitment policies of the Service.

Taken together, I am confident these measures will ensure that Member State representatives will not be ruled out of the top EAS jobs. As an early sign of that, the Commission has just agreed to open up its slate of 32 Head of Delegation jobs coming free this year to Member State candidates, even before the EAS Decision has formally been taken. But if the balance of jobs were to go wrong, I think you can rest assured that Member States would shout loudly enough in either the CCA or the FAC for equilibrium to be restored. Jobs continue to be a top priority for a number of Member States in the negotiations.

I also agree with you that Member State secondees should be able to spend sufficient time in the EAS to be able to build up their knowledge of its structures and culture, in order to be as effective as possible in their work. However, I do not think that they should as a rule stay permanently in the EAS, since one advantage of the Service comes from the mixture of experience that having officers of both Member State and EU origin in one organisation will provide. We hope that a regular renewal of Member State secondees can keep the EAS fresh and full of modern ideas. I also think that if there are a large number of relatively fresh Member State secondees in the EAS then – in reference to your previous question – it would also in no way be strange to have a Member State official as the SG or DSG.

The latest draft of the Decision text includes a norm of up to eight years of secondment, with a possible extension of a further two years. I am not wedded to this as an absolute limit, but it feels about right to me (not least so that the FCO can also make use of the skills our officers learn while in the EAS) and some Member States are keen to write in a limit of some description. However, this is perhaps the kind of issue that might be reviewed in either 2011 or 2013, when the High Representative is due to report on the functioning of the Service.

On the question of who should deputise for the High Representative, you are right that the Minister from the rotating Presidency formally replaces her if she is absent from the FAC (though I expect such occasions to be very rare). I also agree with you that, in meetings with third countries or foreign ministers, the EAS will need to be represented at a suitably senior level. I believe that in many countries, a very senior official would be fine in this role, if he or she were able to say that they are representing the High Representative and the EU. In other cases, I agree that a politician might make more sense. Baroness Ashton has already said that she is ready to use individual Foreign Ministers (not necessarily the rotating Presidency), as appropriate for this, as well as Commissioners from her 'cluster', in particular Commissioners Fule or Piebalgs, if the subject of a meeting is substantially about their aspects of the neighbourhood, or development. Using Foreign ministers would be very much the exception. However, I think this has the makings of a reasonable system, not least since the EAS will only work in any case if the Commission and Council are both able to work closely with it.

However, I am aware too that members of the European Parliament are asking for the High Representative to have political deputies within the EAS. As you know, there is no Treaty provision for this, and we are cautious of this idea. In particular, we would be concerned if what the European Parliament actually wants is an extension of their authority over CFSP and CSDP in a way that goes beyond the Treaty, in other words to have deputies politically answerable to them with particular responsibilities, including on CSDP missions. To my mind, it would be just as easy, and more in line

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with the Treaty, for Commissioners Füle or Piebalgs to take up much of the demand by representing in the EP on their parts of the world, accompanied by EAS officials (indeed we particularly want Piebalgs to be able to represent on development spend), or for senior officials to represent in Committees, with the High Representative herself covering the most sensitive subjects and anything with a particular overview. But this will of course be the subject of further consultation with the EP in the coming weeks.

On the selection methods for EU Heads of Delegation, I have taken on board your point about the Commission's apparent veto right. As I made clear in the evidence session, I still think it makes sense for the Commission to have a co-right to judge the financial competence of candidates, given its responsibilities to the European Parliament on budget matters. But you might like to know that the latest draft of the Decision text has a square-bracketed section that seeks to make clear the Commission's agreement is only on this financial aspect.

Finally, on your last point, I am afraid I still cannot give you the list of units and directorates that are currently part of the Commission or Council Secretariat but which will be transferred to the EEAS and should be referred to in an Annex to the Decision, since Member States have still not received this Annex. We, and others, have been asking for it and I will send it to you as soon as we receive it.

21 April 2010

Letter from Chris Bryant MP to the Chairman

I sent you on 21 April the latest revised draft Decision to establish the European External Action Service. I now attach, on an in confidence basis, two annexes to the Decision. In order to keep this, or any future configuration, of the European Scrutiny Committee engaged on the EEAS I thought it best to share the proposal with you immediately.

23 April 2010

Letter from Chris Bryant MP to the Chairman

I am writing to inform you that at the General Affairs Council on 26 April the Council gave its political agreement to the High Representative's proposal to establish the European External Action Service (EEAS). She is now able to consult the European Parliament on the basis of the attached text and accompanying amendments. I was content for the Government to join this political agreement for three reasons.

First, for operational reasons I am convinced we need to establish the EEAS as soon as possible to give the High Representative the support she needs to achieve the coherence we are seeking on EU external action.

Second, we believe this is now a good text. Following our robust interventions at the General Affairs Council, the text now clearly underlines the need for cost efficiency and the principle of budget neutrality in the development of the Service. This is particularly important at a time of tight financial pressure in all Member States. There is also a specific reference to the Treaty Articles on consular protection. This makes clear that Member States lead in this area and the Service will only provide a supporting role in line with the existing provisions in the Treaty that allow a European National to access the consular support of a Member State in a country where their own Member State has no provision. On development programming and crisis management structures we are content with what is in the Decision, but are still keen for assurances over the next few weeks about exactly how the structures will work on a day to day basis.

Third, this is not the final decision point. There is a clear reference in the cover note to the draft Decision stating that a number of Member States still need to consult their national Parliaments on the text. I made it absolutely clear that this includes the UK. Once the European Parliament has been formally consulted on the draft Decision it will come back to the Council for any further discussion and eventual adoption. This will still be by unanimity. The timing of Council adoption is unclear, but it could be by the end of July. The High Representative made it clear that she wishes to be able to start appointing staff as soon as possible - a position we firmly support.

30 April 2010

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EUROPEAN INVESTMENT BANK'S EXTERNAL MANDATE 2007-2013 MID TERM
REVIEW

**Letter from the Chairman to Gareth Thomas MP, Minister of State, Department for
International Development**

Sub-Committee C considered your Explanatory Memorandum on the above documents by written procedure and cleared them from scrutiny.

We would be grateful for your views on whether consideration should be given to the adoption of a Memorandum of Understanding (MoU) on cooperation between the European Investment Bank (EIB) and the European External Action Service once it has been set up, to complement the MoU that the EIB has already agreed with the European Commission.

We look forward to hearing from you.

8 April 2010

Fiji

**Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office,
to the Chairman**

I am writing with regard to my Explanatory Memorandum for amending Decision 2007/641/EC on the extension of the Article 96 measures in respect of Fiji for a period of six months.

No changes to the current arrangements will take place during this six month extension. Member States are in agreement. Any documents on new arrangements will be put before the Committee, for scrutiny in the normal way, prior to agreement.

16 March 2010

FOREIGN AND COMMONWEALTH OFFICE: EU BUSINESS AFTER EASTER

**Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office,
to the Chairman**

I thought it would be helpful if I were to share with you what we know to be upcoming dossiers subject to the Scrutiny Reserve Resolution and of interest to the Committee in the coming months. These are set out in the attached annex. This forward look is based on existing Working Group discussions. Some of the dossiers will need to be agreed at Council, though, as they are subject to ongoing negotiations, we can't always be certain exactly when decisions will need to be taken on individual dossiers.

I hope that the Committee find this read-out useful. As the Committee will be aware I am writing separately on ongoing actions on the European External Action Service, so this dossier is not included here.

24 March 2010

GENERAL AFFAIRS COUNCIL

**Letter from Baroness Kinnock, Minister of State, Foreign and Commonwealth Office, to
the Chairman**

I am writing in place of the Written Ministerial Statement normally issued by the Foreign and Commonwealth Office before General / Foreign Affairs Councils (GAC/FAC). Please find the agenda of discussion points for the GAC/FAC on 26 April detailed below.

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MINISTERS OF DEFENCE MEETING

On this occasion Defence Ministers will attend the FAC, meeting informally over dinner on Sunday night, then in a formal session chaired by Baroness Ashton on Monday morning, before holding a joint session with Foreign Ministers.

The European Defence Agency (EDA) Steering Board will meet in Defence Ministers formation. Ministers will be briefed on a number of current programmes as well as discussing the relationship between the Agency and NATO's Allied Command Transformation; the 2010-2013 work plan; R&T, including the European Framework Co-operation; the Counter IED project; and future European aviation industrial capabilities. Meeting as the Foreign Affairs Council, Defence Ministers will discuss how best to direct EDA activities in order to improve European capabilities.

Ministers will also continue their discussions on Maritime Surveillance, including defence aspects of Maritime Security.

In the light of the Haiti earthquake, Defence Ministers will also discuss the EU's ability to respond to natural disasters, including the possible relevance of military assets in disaster relief situations.

JOINT MEETING OF FOREIGN MINISTERS AND MINISTERS OF DEFENCE

Afghanistan

Foreign and Defence Ministers will discuss Afghanistan in a joint session with NATO Secretary General Rasmussen. The discussion should focus on improving coordination of the international civilian effort in Afghanistan.

The London Conference in January emphasised the need for closer coordination between the NATO Senior Civilian Representative, the UN Special Representative of the Secretary General (UNSRSG) and the EU Special Representative (EUSR) as the best way to drive forward delivery of civilian efforts. Ministers may also discuss the first assessment of the EU's Action Plan. Vygaudas Usackas, the newly appointed EUSR, will be tasked to drive this forward.

Common Security and Defence Policy (CSDP)

Ministers will discuss Council Conclusions on CSDP. The Conclusions will summarise developments in CSDP over the last six months and cover EU civilian and military missions, capabilities and a number of related areas. Ministers may discuss the 1 April coup in Guinea Bissau and its impacts on the EU Security Sector Reform (EUSSR) mission there. The Government supports the EU's intention to continue monitoring developments in Guinea Bissau, and to return to the mission's future once the situation becomes clearer.

FOREIGN AFFAIRS COUNCIL (FAC)

Sudan

Ministers will discuss the conduct of elections in Sudan, which took place 11 – 15 April 2010, noting the results, to be announced this week. Discussion should include reports from the EU Election Observer Mission. Conclusions should reflect issues with the polls and encourage full implementation of the Comprehensive Peace Agreement. We expect the Conclusions to stress the importance of a peaceful path to the referendum on independence, for Southern Sudan, to take place in January 2011.

Kyrgyzstan

Ministers will discuss the EU's response to the political upheaval in Kyrgyzstan earlier this month. A key question will be whether or not to "recognise" the legitimacy of the Provisional Government that has taken over from Kurmanbek Bakiev's regime. The United Kingdom's longstanding position is to recognise countries rather than governments. Pending further elections in Kyrgyzstan (which are expected within 6 months), the UK will determine, in the light of events on the ground, the extent to which any new administration represents the legitimate Government of Kyrgyzstan.

Strategic debate on EU resource allocation

Ministers will discuss the balance of the allocation of EU resources around the world. The Government welcomes debate on ensuring that the EU's resources are matched to its strategic priorities. Discussion should consider a range of EU tools including political power, EU budgets, and how the EU's human resources, including through the European External Action Service, can be best configured to secure EU goals in the world.

Burma/Myanmar

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Ministers will consider the renewal of restrictive measures against Burma. They may discuss recent developments, including the election laws published last month, by the regime, and the elections planned for later this year.

AOB: Georgia

The Council will briefly discuss Georgia, with a view to a comprehensive discussion later in the year. We expect discussions at this session to focus on Georgia's conflicts, upcoming local elections, and a review of EU support.

AOB: Kosovo

Ministers are expected to discuss Kosovo and of how to ensure a proactive EU approach toward the Western Balkans region.

AOB: Somalia / Kenya

Ministers are likely to discuss piracy off the coast of Somalia and the need for continued commitment to assist Kenya and the Seychelles to the fight piracy. It is likely that Conclusions will be agreed that recognise the success of Operation ATALANTA and which request the High Representative to prepare work for a potential extension of Operation ATALANTA beyond December 2010.

GENERAL AFFAIRS COUNCIL (GAC)

External Action Service

The negotiations on the text of the draft Decision to establish the European External Action Service (EEAS) will continue at working level in Brussels this week. Ahead of that, it is still not yet clear what stage the texts will have reached by the time they come to Ministers at the GAC.

Follow up to Spring European Council

Discussion of the Spring European Council is likely to focus on two areas, the Europe 2020 strategy and climate change. Substantive discussion of Europe 2020 is more likely to occur at the Economic Policy Committee on 27 April with final agreement on targets expected at the European Council in June or October.

European Citizens Initiative

There will be an initial discussion of the European Commission's proposed Regulation on the European Citizens' Initiative. The Government welcomes the proposal in principle. The Initiative stems from the Lisbon Treaty and will give citizens, for the first time, a direct means to request EU action on specific issues.

20 April 2010

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

I am writing to inform you of the outcome of the General Affairs Council and the Foreign Affairs Council in Brussels on 25-26 April. Baroness Taylor in her Ministry of Defence role and I attended both joint and separate sessions of the Foreign Affairs Council. I attended the General Affairs Council.

The agenda items were as follows:

GENERAL AFFAIRS COUNCIL

The provisional summary of Conclusions adopted, including 'A' points, can be found at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/genaff/114045.pdf

External Action Service (EAS)

The Presidency sought Ministers' views on a draft version of a decision establishing the EAS. Following a discussion, a text was agreed which will allow Baroness Ashton to begin consultations with the European Parliament. It was noted that a number of Member States still needed to conclude their Parliamentary scrutiny requirements. I made it clear that this applied to the UK. The final decision will be taken once the discussions with the European Parliament have been completed.

European Citizens' Initiative

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A number of Ministers set out their views on the European Citizens' Initiative. The main themes of the discussion were admissibility and verification checks; the number of signatories required from each Member State and the conditions for collecting supporting statements; and verification by Member States about online collection systems.

The Presidency concluded that it would aim to reach a general approach at the June General Affairs Council.

I underlined our commitment to make this as open, as transparent and as readily accessible a process as possible.

Europe 2020

The Presidency set out work which was underway in the sectoral Councils to take forward the Conclusions of the Spring European Council. Member States would have a further opportunity to express their views at the June General Affairs Council.

Volcanic ash – disruption of airspace

The Presidency set out the current situation and the actions taken by the EU. Sweden called on the Council Secretariat to investigate the use of video-conferencing to help the EU coordinate its response to such events in the future.

FOREIGN AFFAIRS COUNCIL

Foreign and Defence Ministers met both in joint and separate sessions chaired by Baroness Ashton. The full text of all Conclusions adopted can be found at:

<http://www.consilium.europa.eu/App/newsroom/loadbook.aspx?BID=78&LANG=1&cmsid=1850>

European Defence Agency (EDA)

Defence Ministers heard a presentation by the Chief Executive on the Agency's 2011-13 work plan and noted the increased emphasis on cooperation with NATO. They also received a presentation on the work of the team of five admirals on the integration of maritime surveillance systems.

Defence Ministers' FAC

During an informal discussion over dinner with High Representative Baroness Ashton, Defence Ministers reached broad agreement that they would continue to meet as a formation of the Foreign Affairs Council under the chairmanship of the High Representative to discuss issues falling wholly within their responsibility, as well as joint sessions with Foreign Ministers. Ministers were also briefed by the High Representative on the establishment of the European External Action Service and discussed ongoing EU-led operations in Bosnia, Somalia and the Indian Ocean.

During their formal session, Defence ministers discussed the continuing development of a maritime surveillance strategy and lessons learnt from the EU's involvement in the Haiti earthquake disaster. On the latter, there was broad agreement that while EU coordination mechanisms for dealing with such circumstances could be improved, the focus should be on achieving effect on the ground rather than creating additional institutions.

Afghanistan

Defence and Foreign Ministers discussed the way forward on the implementation of the EU Action Plan for Enhanced Engagement in Afghanistan and Pakistan and noted the first six-monthly implementation report.

The NATO Secretary General, Anders Fogh Rasmussen, joined the meeting for a discussion of military and civilian cooperation on and prospects for further EU - NATO cooperation in Afghanistan. He set out the recent NATO agreement in Tallinn on the framework for transition to Afghan ownership. He appealed for further contributions to the NATO Training Mission and stressed the importance of coordinating EUPOL's contribution with NATO's, allowing it to focus its efforts on areas that EUPOL were not able to deploy.

Sudan

Ministers agreed Conclusions and discussed the recent elections. Although the elections had not met international standards, they were an important milestone in the lead-up to the referendum on the succession of Southern Sudan under the Comprehensive Peace Agreement. A number of Member States expressed a wish to see greater EU engagement on the issue. Baroness Ashton concluded that Ministers would have to discuss the issue again ahead of the referendum of January 2011.

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Kyrgyzstan

Baroness Ashton set out the EU's approach in line with the agreed Conclusions. Member States broadly agreed on the need to encourage preparations for new elections and to provide the necessary support.

Burma

Member States discussed the worsening situation in Burma and agreed Conclusions, expressing concern over its election laws and calling for genuine dialogue between all ethnic and opposition groups and the release of political prisoners. Restrictive measures were renewed for another 12 months.

I reiterated our commitment to the sanctions and to a tough approach towards the Burmese region.

EU Resource Allocation

Ministers had a preliminary discussion on how to align EU resources with strategic priorities. There was agreement for Ministers to revert to this issue at a later date.

AOB

Somalia / Piracy

Ministers welcomed Baroness Ashton's plans to engage with those countries in the region in May that could help achieve EU objectives with regard to the prosecution of pirates.

4 May 2010

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

The next General Affairs Council and Foreign Affairs Council will be held in Brussels on 10 May. Separate sessions have been scheduled for Foreign and Development Ministers respectively. The agenda items are as follows:

FOREIGN AFFAIRS COUNCIL

Strategic Partners: China and Japan

Foreign Ministers will discuss the development of the strategic partnership between the EU and China. We expect the High Representative to brief Ministers on her recent visit to China accompanying President Barroso and other Commissioners. The focus of the visit was to develop a forward looking agenda for strategic relations under the new framework provided by the Lisbon Treaty. The High Representative will brief Ministers on the EU/Japan Summit which she attended in Tokyo on 28 April with President Van Rompuy.

EU-Russia Summit

We expect Ministers to discuss the forthcoming EU-Russia Summit on 31 May – 1 June in Rostov. There is likely to be a broad exchange of views on EU-Russia relations, touching on the key issues for the Summit. These include the economic crisis, climate change, energy and the Partnership for Modernisation.

Iran

Ministers are likely to receive an update on discussions in New York on the nuclear issue and possible UN sanctions. They may also discuss the possibility of EU measures to accompany the UN process.

Non-Proliferation Treaty

Ministers are likely to discuss the progress of the Non-Proliferation Treaty (NPT) Review Conference (RevCon), at the start of its second week. This will include an update on prospects for securing consensus on a balanced mandate to strengthen all three pillars of the NPT (non-proliferation, disarmament and peaceful uses of nuclear energy).

Somalia/Piracy

We expect Ministers to discuss piracy off the coast of Somalia and in particular mechanisms for the prosecution of suspected pirates in the region, as well as the High Representative's planned visit to

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the region in mid-May which should highlight EU commitment to working with regional partners to tackle piracy effectively.

Development Ministers

In a separate session Development Ministers will discuss Haiti, the EU Gender Action Plan, the Millennium Development Goals (MDG) and the External Action Service.

The Commissioner for Development, Andris Piebalgs, will brief on his recent visit to Haiti and set out the joint EU programming for the Haiti Recovery and Reconstruction Plan.

Baroness Ashton will discuss with Development Ministers her ideas on the External Action Service.

There will be a discussion on what is needed to achieve the MDGs by 2015 ahead of the MDG Summit in New York in September 2010.

GENERAL AFFAIRS COUNCIL

June European Council

We expect Ministers to focus on EU2020 (the successor to the Lisbon agenda). The Toronto G8/G20 Summits in June 2010, climate change and the Millennium Development Goals are also on the agenda. The on-going economic crisis might also be discussed.

5 May 2010

ICELANDIC BANKS: REPAYMENT OF FUNDS TO UK

Letter from the Chairman to Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office

At its meeting on 7 January, EU Sub-Committee C discussed the refusal by the President of Iceland to ratify the plan to repay the UK for the funds lost by savers in Icelandic banks, and the referral of the matter for decision by a referendum.

The Sub-Committee would be grateful if you could inform them of the position of the Government and the EU on Iceland's application to join the EU in the light of these developments.

We look forward to hearing from you.

8 January 2010

Letter from Chris Bryant MP to the Chairman

Thank you for your letter of 8 January 2010 about Iceland. You wanted to know the UK government and the EU's position on Iceland's application to join the EU in light of the referral of the Icesave bill for decision by a referendum.

The UK continues to fully support Iceland's application for EU membership. At the General Affairs Council on 27 July 2009 EU member states unanimously agreed to accept the application and forward it to the Commission for advice on whether to open accession negotiations. The Commission's opinion (avis) on this is expected soon. In the 2009 Enlargement Strategy, the Commission confirmed that Iceland's track record in implementing its obligations under the EEA Agreement will be an essential element of the Commission's assessment. The UK welcomes the Government of Iceland's commitment to honoring these obligations. Iceland needs to be in compliance with EEA law.

Providing a positive avis is received and circulated in sufficient time, the Spanish Presidency hopes that the Spring European Council will take the decision to open the negotiations.

21 January 2010

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INSTRUMENT FOR PRE-ACCESSION ASSISTANCE (IPA): MULTI-ANNUAL INDICATIVE
FINANCIAL FRAMEWORK 2011-13 (14685/09)

**Letter from the Chairman to Mike Foster MP, Parliamentary Under Secretary of State,
Department for International Development**

Sub-Committee C considered the above document on 3 December and cleared it from scrutiny.

The Sub-Committee noted that there seemed to be an assumption in many cases that funding should grow annually in real terms, and quite substantially. In particular, the amount of funding foreseen for Turkey increases significantly over the period of the financial perspective. By contrast, some of the Western Balkan countries do not receive an increase over the same period. Given the very challenged nature of member state budgets over the next few years we are anxious to understand the rationale behind these figures.

We look forward to hearing from you.

16 December 2009

Letter from Mike Foster MP to the Chairman

Thank you for your letter of 16 December concerning the Multi-Annual Indicative Financial Framework (MIFF) for the Instrument for Pre-Accession (IPA), and the increasing amount of funding foreseen for Turkey in contrast to the Western Balkans.

When the IPA was negotiated, Western Balkans countries secured a guarantee from the Commission that they would receive at least the same amount of funding under the new Instrument (IPA) as they had received with the previous instrument (CARDS). This amounted to a per capita figure of €23 (£20.43) for non-candidate countries. However, as all allocations have to fit within the overall financial envelope for IPA, amounting to €11.47 billion (£10.19 billion) for 2007 to 2013, resources for Turkey were constrained by this agreement, with it initially receiving significantly less on a per capita basis than the Western Balkan countries. Over time this is being rectified, and, if the Multi-Annual Indicative Financial Framework (MIFF) is agreed, then Turkey will receive €935.5 million (£831 million) in 2013, up from €497.2 million (£ 441.56 million) in 2007. As you point out this is a rapid increase. However, in contrast to other recipients of IPA, Turkey will still be receiving only approximately €13 (£11.55) per capita by 2013.

The other part of the rationale is that these are very substantial funds for any country to absorb effectively. It was therefore decided that the priority should be to build up Turkey's capacity. Recent evaluations have shown that initially Turkey did indeed have some difficulties in managing EU funding, but due to the capacity building support, this has improved markedly. The stepped approach to Turkey's IPA funding has therefore been the right course.

9 February 2010

INTERNATIONAL TRIBUNAL FOR THE FORMER YUGOSLAVIA: CROATIAN
COOPERATION

**Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office,
to the Chairman**

I am writing to update the Committee on recent developments in Croatia's cooperation with the International Tribunal for the Former Yugoslavia (ICTY) and progress on accession negotiations.

The UK and 3 other Member States have put a brake on progress of that part of the accession negotiations dealing with the judiciary and fundamental rights in order to encourage Croatia to improve investigation into the whereabouts of missing documents requested by ICTY prosecutors for the trial of General Gotovina.

Since September, under new Croatian Prime Minister Kosor there have been several positive developments. A Croatian taskforce was established to investigate the whereabouts of the requested documents. Prime Minister Kosor has been personally involved in efforts to resolve this issue. She has assured us that she is serious about searching for these documents and does not wish to put Croatia's EU membership at risk over this issue. In December, Croatian authorities raided several addresses including those connected to Gotovina's defence team and seized hundreds of military documents.

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Some new material welcome to Brammertz has been provided. Brammertz reported progress to the UNSC on 2 December and to the General Affairs Council on 7 December. Croatia has also asked for outside assistance in order to improve its investigation into the whereabouts of the documents requested by Brammertz.

The Government believes that this recent improvement in Croatian activity and renewed commitment is welcome and should be recognised, and Kosor's initiative supported, by allowing the chapter to progress to the next stage. We will therefore lift our reserve agreeing that the opening benchmarks (which did not include ICTY conditionality) had been met. If others, as we expect, do likewise, this will allow us to start negotiation on opening the chapter. The EU will invite Croatia to submit its negotiating position and EU member states will negotiate our common position including closing benchmarks (that will cover, amongst other things, the important areas of tackling corruption and reform of the judicial system).

However, as Croatian investigations and the Gotovina trial are still ongoing and we want to see these positive steps maintained, we will not agree formal opening of the chapter unless Croatia continues constructive cooperation with ICTY Prosecutors. We also aim to secure EU agreement to make full cooperation with ICTY a condition for closing the chapter. We will also continue to raise ICTY cooperation with the Croatian Government in bilateral and other EU contacts.

This issue may be discussed when I appear before the European Scrutiny Committee on 19 January.

12 January 2010

LATIN AMERICA AND THE EUROPEAN UNION (14120/09)

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

You wrote to me on 12 November asking for a more detailed assessment of the policy implications of the Commission Communication on the European Union and Latin America: 'Global Players in Partnership'. This was in response to the Explanatory Memorandum I submitted on 22 October 2009. I apologise for the delay in replying to you. This was the result of an administrative error in my office.

You asked whether the FCO consulted with Other Government Departments on the Communication. I can confirm that the FCO consulted both the Department for International Development (DfID) and the Department for Business, Innovation and Skills (BIS).

We strongly support the Commission's proposals to step-up bi-regional dialogues on global issues. Global challenges such as the financial crisis, climate change, poverty and drugs require global solutions. The countries of the Latin America region are important partners to address these challenges. We believe the Commission's proposals, including those to make the EU Latin America and Caribbean Summits more action focused, will further the understanding between the two regions and stimulate joined up actions.

We believe greater regional integration in Latin America will bring economic, social and political benefits. We are strongly supportive of deepening sub regional cooperation with Central America and Andean nations, and Mercosur, through satisfactory Association Agreements and trade agreements. We welcome that the Commission's Communication shares this priority. We believe that deeper economic and political cooperation can further advance poverty reduction, economic development, corporate standards as well as political and economic openness. We accept, however, that differing political and economic ideologies sometimes limit what can be achieved at the regional or sub-regional level. We therefore support the Commission's proposal to step up dialogues with individual countries in the Latin America region.

We welcome that the Mid-Term Review of EU cooperation programmes has been used to further sharpen the priorities and effectiveness of the EU's cooperation with the Latin America region.

The Latin America Investment Facility (LAIF) is modelled on the Neighbourhood Investment Facility (NIF) used in neighbouring countries of the EU. LAIF will provide grant funding from European development assistance institutions to support infrastructure investments in Latin America. The facility will focus on energy, environment and transport investments and will also provide support to SME development and to social sector infrastructures (including regional integration projects).

The prime objective of LAIF is to mobilise additional financing to support investment in Latin America. Stimulating investment by making the financing packages more attractive for beneficiary countries will directly contribute to the main EU priorities in the region: regional integration, equitable and

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sustainable socio-economic development and addressing environmental threats – priorities which the UK shares. LAIF will operate using a variety of co-financing measures through direct grants, loans guarantees, risk-capital operations, interest rate subsidies and technical assistance.

As to funding, the LAIF will use resources from the Development Cooperation instrument. The amount proposed for 2010 is €10.85m. It is too soon to say yet whether other Member States will be contributing to this new facility. The UK will not be making any contribution to the LAIF. DFID's assistance in this region is modest in financial terms but strategic, aimed at achieving greater impact on poverty and inequality. Total funding for Latin America in 2010/2011 will be £98m through civil society organisations (CSOs) and international institutions.

The Latin America Investment Facility has the potential to leverage more funding for the region. It will be important that the facility has in place governance structures that are transparent and build on lessons learned from other such funds. In line with aid effectiveness principles, finance investments will need to be identified through a country led identification process. Projects proposals will need to have a high positive economic, social and environmental rate of return. It is proposed that projects will be submitted for review by a single Strategic Board – the LAIF board.

The Facility will enable joint European operations in line with the Paris Declaration principles, aiming at more coherence and better coordination between donors and financing institutions' operations and in compliance with the new Financial Regulation.

We will monitor performance of the proposed facility through our representation at the DCI Management Committee. We have asked the Commission to ensure that the recommendations from the Expert Working Group on Blending are taken into account and have also recommended that any improvements to the Neighbourhood Investment Facility (on which the LAIF is based) will automatically be taken into account for the LAIF. It will be important to ensure that the outcomes of LAIF impact in the countries which are beneficiaries of these investments.

We share your assessment that improved governance is key to improving economic development and reducing poverty in the region. Social Cohesion is a key and shared policy area between the EU and Latin America. It intends to build fairer societies by giving everyone, including the most disadvantaged, access to fundamental rights, employment opportunities, and the chance to play a full role in society. Social Cohesion is inextricably linked to the consolidation of democracy and is fundamental to the fight against poverty, inequality and exclusion. We will continue to ensure that the EU prioritises improving governance throughout relations with Latin America, in particular EU development cooperation.

26 January 2010

Letter from the Chairman to Chris Bryant MP

Thank you for your letter of 26 January in reply to mine of 12 November 2009 and for your apology for the delay in replying.

Could you please let us know what provisions the FCO currently make, or intend to make, for sharing facilities in Latin America with other EU Member States? In what ways do you believe the establishment of the European External Action Service will assist the UK in making better use of the restricted resources available for diplomatic representation?

I look forward to hearing from you.

8 February 2010

Letter from Chris Bryant MP to the Chairman

Thank you for your letter of 13 October regarding the above proposals and my apologies for the delayed reply and for not providing a written explanation of the circumstances of the agreement on the signing of the Statute of IRENA at the Agriculture and Fisheries Council in October 2009 at the time.

This letter is to give you further clarification as requested and to update you on the negotiations.

Initial progress on this dossier was made more quickly than we expected, and in October Member States were asked to adopt a draft Council Decision on the signing of the Statute of IRENA. Although we felt the case for Community membership of IRENA could have been made more fully, other Member States were fully supportive of Community membership and participation in IRENA.

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References to early enforcement of the IRENA statute were removed from decision 11598/09, reducing this to a straightforward decision on whether the Community could participate fully in IRENA, and in this case we had no in principle objections.

As this was still under Parliamentary scrutiny however, following discussion on handling with your officials and the Cabinet Office, we decided to abstain from the vote which passed this Decision at the Agriculture and Fisheries Council on 19/20 October. As the vote was under qualified majority voting, my officials were advised that we would not be in breach of our scrutiny obligations, but I apologise that I did not write after the Council to provide this explanation.

The Commission and Presidency subsequently signed the IRENA Statute on 23 November, allowing the Commission to participate in the third Preparatory Commission meeting of IRENA in Abu Dhabi in January 2010.

Decision 11593/09 on the exercising of the rights and obligations of the Community as a member of IRENA was more contentious and has been discussed several times in the Energy Working Party, and is still under discussion, but the Presidency will seek final agreement during early March.

The original draft of this decision contained a Declaration of Competence and a Code of Conduct in relation to the shared competence of the Member States and the Community. Many Member States found the suggested Code of Conduct unworkable, and the Commission accepted its removal.

The draft declaration of Competence is still being discussed with the Commission. Whilst we consider that the EU does have competence in relation to certain areas covered by the IRENA Statute, we do not think it has competence in relation to all areas covered. Issues of competence have been raised most strongly by the UK and Germany, including suggested revised text. We are working to ensure that there is greater precision in relation to the extent of the EU's competence and to avoid any suggestion that the EU has competence in relation to the entire Statute. Final wording is being negotiated with the Commission and its legal services.

I hope that the Committee will allow me to proceed with negotiations to achieve a final outcome in line with our objectives as set out above.

19 February 2010

MARITIME SURVEILLANCE: COMMON INFORMATION SHARING ENVIRONMENT (13465/09)

Letter from the Rt Hon Baroness Taylor PC, Minister for International Defence and Security, Ministry of Defence, to the Chairman

I am writing to apologise for being unable to present an explanatory memorandum (EM) to Parliament on the documents mentioned below and to formally request an extension to the deadline.

The relevant documents are:

- a. 13465-09: Towards the integration of maritime surveillance: A common information sharing environment for the EU maritime domain
- b. 13465-09 Add 1: EU led actions relevant for the integration of maritime surveillance activities.

Following the Government's commitment to Parliament on explanatory memoranda the deadline for the production of this EM expired on the 5 November 2009 and therefore I apologise for the delay in replying to you on this matter. The delay was caused by the need to establish a firm timetable as to when we will be in a position to present a comprehensive EM to Parliament.

My officials have undertaken extensive discussions with other government departments to assess the implications of these papers. It has become clear that the issues at stake are closely associated with a wider review of our broader policy on Maritime Security. We do not expect this review to report to Ministers and, therefore, to be able formally to assess the implications of the above documents before the end of January 2010. Once this review is complete we will of course provide the full explanation that Parliament is entitled to expect.

I should note that the General Affairs and External Relations Council on the 17 November 2009 adopted conclusions on Maritime Surveillance. These welcomed in broad terms the work done on maritime surveillance to date and called for further preparatory scoping work to be done. However,

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they did not approve either of the documents mentioned above, which remains subject to scrutiny by your committee.

I will of course inform you if the situation changes.

3 December 2009

Letter from the Chairman to the Rt Hon Baroness Taylor PC

House of Lords EU Sub-Committee C considered this document at its meeting on 25 February 2010 and cleared it from scrutiny.

However, we felt that the Government's view on the main proposals contained in the Commission Communication was not set out sufficiently clearly in the Explanatory Memorandum. We would be grateful for further details of the Government's position and an update on discussions within the EU on these proposals. Are you satisfied that the proposals respect the principle of subsidiarity? Are they consistent with any international initiatives being taken in this area?

We look forward to hearing from you.

3 March 2010

Letter from the Rt Hon Baroness Taylor PC to the Chairman

Thank you for your letter of the 3 March 2010 containing further questions on the Communication from the Commission on "Towards the integration of Maritime surveillance: a common information sharing environment for the EU maritime domain". We are still finalising the Government's response to the EU's proposal and while responsibility for the impact of EU Maritime Surveillance currently rests primarily with the Ministry of Defence, this work involves consultation with a number of stakeholders. It will therefore take some weeks to provide a full answer. I hope to be able to respond to your letter by the end of March.

10 March 2010

Letter from the Rt Hon Baroness Taylor PC to the Chairman

Thank you for your letter of 3 March 2010 seeking further details following the submission of the Explanatory Memorandum on the Commission Communication on "Towards the integration of maritime surveillance: a common information sharing environment for the EU maritime domain".

The Commission Communication has four 'guiding principles' for the development of a common information sharing environment for the EU maritime domain. Taking these in turn and clarifying the Governments position:

Principle 1: An approach interlinking all user communities. HM Government has recognised the need to share maritime surveillance information, including between civilian and military authorities, to improve our National security and we welcome the Commission's desire to seek unity of effort and efficiency in this work.

Principle 2: Building a technical framework for interoperability and future integration. HM Government recognises the need to avoid duplication and supports the Commission Communication's recommendation that EU Agencies support and help coordinate the efforts of member states and regional groups. The Communication specifically recommends the use of common standards and wide connectivity (within the limits imposed by national laws on data sharing and personal information) in order to minimise the need for a centralised system. The Government supports the recommendation.

Principle 3: Information exchange between civilian and military authorities. To address the emerging needs of the UK, HMG will establish a multi-agency National Maritime Information Centre (NMIC) at Northwood in North London. This Centre will act as the single point of contact for UK national maritime surveillance information data exchange with the EU and other key partners.

Principle 4: Specific legal provisions. HM Government welcomes the recommendation of the Commission Communication that any cross-border exchange of data is made subject to a clear legal framework on a need-to-know basis; as well as incorporating the necessary safeguards with regard to the confidentiality and security of data and the protection of personal data.

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HM Government remains satisfied that the principles and recommendations of the Commission Communication respect the principle of subsidiarity. The Commission Communication is fully consistent with other international initiatives that the UK is currently engaged with.

31 March 2010

OVERRIDES OF SCRUTINY

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

I know that your Committee have expressed some concerns about the FCO's recent scrutiny performance. I too am conscious we have had to use the override provision several times since Parliament returned from its summer recess. One of these, the Council decision concerning the conclusion of the Agreement between the EU and Russia on the security of classified information, resulted from an administrative error in the FCO. This is unacceptable.

It is particularly disappointing that this dip in performance comes on the back of just one FCO override in the first half of 2009. I have asked officials to look again at our internal procedures and will write to the Committee about what I intend to do to stop these types of mistakes from occurring again. I am committed to getting this right.

I hope that the Committee is otherwise content with the general level of service that the FCO provides. As I mentioned in my evidence the FCO has sent approximately ninety letters to the Committee in the last year on top of nearly 150 Explanatory Memoranda. This is testament to the FCO's commitment to keeping Parliament as informed as is possible on EU issues.

2 December 2009

PIRACY: TRANSFER OF PERSONS TO KENYA (EUNAVFOR)

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

I am responding to your letter of 23 October on the points raised by its initial scrutiny of the above paper by the House of Lords Select Sub-Committee C on the European Union.

The Committee raised the issue of an Explanatory Memorandum not having been submitted after the then Minister of Europe Caroline Flint sought override for the Exchange of Letters in December 2008. This was a mistake by an FCO official new to parliamentary scrutiny who later apologised for the omission. Please be assured that the FCO has and continues to implement measures to improve and strengthen the FCO's expertise on parliamentary scrutiny and of course, its relationship with the committees. This includes a series of scrutiny themed workshops, one to one briefings and on-line guidance for desk officers on 'Parliamentary Scrutiny of Common Foreign and Security Policy (CFSP) Proposals'. I am aware the Committee are very interested in piracy and my officials have been regularly updating both yours and the House of Lords European Scrutiny Committees on progress made on counter piracy operations.

I note the Committee has asked how the agreement between the EU and Kenya is working and are interested in hearing if negotiations on similar agreements are under way with other countries and the status of the agreement with the Seychelles. The arrangements are working well. Kenya has raised concerns regarding the number of suspected pirates handed over to them but are pleased with support from the international community that means Kenya is given the necessary assistance in order to effectively manage the issue of pirate suspects. Kenya also recognises that along with the Seychelles, they are proactively responding to a regional challenge.

With support from the UN Office of Drugs and Crime (UNODC), the EC has provided €1.75 million funding for a judicial capacity building programme. Assistance provided in relation to prosecution and prison standards is enhancing Kenya's capacity to deal with the high level of demand. We are grateful for the support being offered by Kenya and more recently by the Seychelles. Piracy is a challenge for the region, and all regional countries have committed themselves through the Djibouti Code of Conduct, signed in January 2009 to implement legislation against piracy and to then prosecute pirate suspects. A total of 117 suspect pirates have so far been transferred to Kenya for prosecution, of

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which 75 were transferred by the EU (Kenya has prisoner transfer agreements with other countries). Ten of those pirates have been convicted and 107 are on remand awaiting trial.

The Government of the Seychelles signed a bilateral Memorandum of Understanding (MOU) with the UK on 27 July 2009 to accept the handover of pirate suspects. This is an important, direct response to the threat of Somali piracy to the Seychelles' economic interests, which include maritime tourism and fishing. The EU in October 2009 agreed to an Exchange of Letters with the Seychelles allowing EU forces to handover pirate suspects to the Seychellois. The UK is continuing in its efforts to identify other countries that could accept suspected pirates for prosecution and detention, if found guilty. However this is a complex area as we need to satisfy ourselves that inter alia human rights assurances have been met. Discussions about prospects for establishing similar arrangements with a number of countries in the region are continuing but no formal negotiations are taking place.

7 December 2009

POLICY FRAMEWORK FOR A WHOLE-OF-THE-UNION APPROACH (13323/09)

Letter from Gareth Thomas MP, Minister of State, Department for International Development, to the Chairman

On the 5 November your Committee cleared the above-mentioned EM from Scrutiny and asked for further information as follows: *“we strongly believe that a coherent trade policy is essential for development and should feature as a priority area in the EU’s work”*.

Ensuring coherence across the different EU policies is a key objective for the UK. We are a prominent supporter of the overhaul of the EU processes for policy coherence for development which was agreed at the last Ministerial Council in November. While work is still ongoing on the details, this revised framework will refocus EU efforts on tackling holistically the five greatest challenges to development. The challenges are: Trade and finance; security and development; food security; climate change; and migration and development.

Specifically on trade, the UK government is firmly committed to coherent, pro-development trade policies, which are essential to achieving growth and poverty reduction. In 2007 this commitment was institutionalised by the creation of the Joint Trade Policy Unit (JTPU), which sits across the Departments of International Development (DFID) and Business Innovation and Skills (BIS).

The UK has played a leading role in lobbying for trade and development policy coherence, not least through our approach to Economic Partnership Agreement (EPA) negotiations (where we have pressed for flexibility and the prioritisation of developing countries’ needs from the outset). We have called for more and better Aid for Trade which has been accompanied by an important increase in UK and EU support in this field, and delivered strong messages on development within the context of the Doha Development Agenda trade negotiations.

As such, we welcome the conclusions adopted on trade and development at November’s General Affairs and External Relations Council (please see attached).

Indeed, working closely with the new Commission and MEPs in order to press the trade and development agenda has been a key priority for JTPU moving into 2010. Officials are currently in discussion with the European Parliament Development Committee (DEVE) members over raising the profile of trade and development issues within both DEVE and the Committee on International Trade (INTA), in addition to ongoing engagement with both the Commission and the Parliament. We support closer collaboration across DEVE and INTA and look forward to working together in furthering this dialogue in the near future.

12 February 2010

PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

Letter from Ivan Lewis MP, Minister of State, Foreign and Commonwealth Office, to the Chairman

The European Council endorsed the following document on 8 December 2010:

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

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I am writing to submit this document to your Committee for information, in accordance with your predecessor's request of 18 November 2005 to Douglas Alexander.

The progress report draws together the numerous aspects of counter-proliferation work in which the EU is heavily involved.

We welcome the EU's specific goals (in line with those of the UK) in preparations for a successful Nuclear Non-proliferation Treaty Review Conference (NPT RevCon) in New York in May 2010. The EU continues to have lively discussions internally and with its international partners on the three pillars of the Treaty; nuclear disarmament, nuclear non-proliferation and peaceful uses of nuclear energy. The UK will continue to maintain its balanced approach to these pillars.

The Progress Report highlights positive steps in the field of Chemical, Biological, Radiological and Nuclear (CBRN) Security by the European Commission to adopt an EU CBRN Action Plan in June 2009 in response to possible threats deriving from the misuse of CBRN materials. The EU CBRN Action Plan makes recommendations in the areas of prevention, detection and response to be carried out internally within the EU by individual Member States.

The EU continues to maintain a tough stance against Iran's nuclear ambitions. Firmness from EU Member States as well as from the US, Russia and China is central to our efforts to work towards a negotiated solution on the Iranian nuclear issue. The UK has been at the heart of negotiations within the EU and International Atomic Energy Agency to find a diplomatic solution.

The EU has continued to be supportive of the Six-Party-Talks process with the Democratic People's Republic of Korea (DPRK). The EU has strengthened calls for the DPRK to abandon all nuclear weapons and existing nuclear programmes in a complete, verifiable and irreversible manner. The DPRK's admission of the existence of enrichment activities in September 2009 was noted with serious concern and seen as a development which could further aggravate existing tensions in the region.

Ratifying the Lisbon Treaty brings together work of the Commission and Council Secretariat on counter proliferation under the new EU High Representative for Foreign and Security Policy. Other than this change, there is no indication that the Lisbon Treaty will affect internal mechanisms of the EU's WMD Strategy. We will continue to monitor any developments that may occur.

This latest Report shows good progress towards the envisaged aspirations of EU WMD strategy. These developments reflect substantial UK input, and support our counter-proliferation goals.

20 January 2010

RAFAH: EU BORDER ASSISTANCE MISSION

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office to the Chairman

Thank you for your letter of 6 November requesting further information about the size of EUBAM Rafah mission.

I note your concern regarding the number of international staff currently deployed in EUBAM Rafah. The Government is keen to ensure that EU resources are used in the most effective way and, as such, we have consistently pushed for the lowest possible number of international staff in the mission necessary to fulfil its functions at a given time. As a result of the Gaza crisis in December 2008 mission strength was increased to 43 international staff. In this case the additional staff undertook planning to ensure that the mission could respond to a range of contingencies, including making assessments of the state of the infrastructure at the Crossing Point, in order that the mission was ready to resume full operations in the event of a political agreement. This sort of flexibility to increase numbers rapidly at short notice building on a core team of staff is central to the mission's overall readiness.

Likewise, in July 2009 as the need for personnel decreased, the mission was reduced to 29 international staff. The UK strongly supported this reduction. During tough negotiations over the recent mandate extension for the mission, the UK again argued successfully for a further reduction to 18 international staff to match current conditions. The Government will continue to look for further opportunities to better utilise resources. However, the UK and EU remain committed to reactivating EUBAM Rafah as soon as political and security conditions allow. The mission should, therefore, retain a certain level of operational readiness and flexibility.

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The current 18 international staff deployed in the mission focus on operational and logistical planning to ensure that the mission is ready to respond to developments on the ground. As such, mission staff perform a range of tasks including: monitoring of the local political and security situation; providing reports and analysis to Member States on relevant developments; administrative and security support for the mission; and, liaising with a range of local stakeholders to ensure that the EU is involved in developments affecting the crossing point as appropriate. The Head and Deputy Head of mission coordinate this work to ensure that the mission is able to deploy at short notice.

18 December 2009

RUSSIA-EU SUMMIT

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

As you and your Committee members will be aware, the 24th EU-Russia Summit took place in Stockholm on 18 November 2009. I am writing to give you a flavour of the event, though as always this comes with the caveat that, as this was an event where we were represented by the Presidency, we are reliant on those present for a readout.

The Summit was hosted by Swedish Prime Minister Fredrik Reinfeldt in his capacity as President of the European Council, assisted by the High Representative for Common Foreign and Security Policy, Dr Javier Solana, and by the President of the Commission, José Manuel Barroso. The President of the Commission was accompanied by the Commissioner for External Relations and European Neighbourhood Policy Benita Ferrero-Waldner, Trade Commissioner Baroness Cathy Ashton, Swedish Deputy Prime Minister and Minister for Enterprise Maud Olofsson and Swedish Foreign Minister Carl Bildt. Russian Federation President Dmitri Medvedev led the Russian delegation, accompanied by Minister of Foreign Affairs Sergei Lavrov, Presidential Advisor Sergey Prikhodko, Minister for Economic Development and Trade Elvira Nabiullina, Minister of Trade Alesander Konobalov, Minister of National Resources Yuri Trutnev, and Minister for Regional Development Viktor Basargin.

A meeting of the 'EU-Russia Industrialists Roundtable' took place immediately after the Summit. Issues discussed included conditions for trade and investment between the EU and Russia, future Russian accession to the WTO and problems arising from corruption.

DELIVERABLES

The following agreements were reached at the Summit:

- European Commissioner for Energy Andris Piebalgs and Russian Energy Minister Sergei Shmatko signed an Enhanced Early Warning Mechanism on energy. This agreement will enable EU monitors to observe developments in the Russia-Ukraine gas relationship.
- Five agreements were signed launching Cross Border Cooperation Programmes between the EU and Russia.
- Expert level talks were initiated on cooperation in crisis management, building on the positive experience in Central African Republic/Chad.
- Russia was invited to participate in a 'partnership for modernisation'. This initiative will focus on aligning regulatory frameworks.

SUMMIT DISCUSSIONS

The Summit focused on a number of common challenges including climate change; economy and energy; EU-Russia relations; and international issues.

Climate Change

The EU expressed its hope for a constructive Russian contribution at the Copenhagen climate summit. President Medvedev pledged to reduce Russian greenhouse gas emissions by between 20 and 25% emissions by 2020 against 1990 levels (the previous Russian offer was a reduction of 10-15%), subject to the positions adopted by other major emitters.

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Russia and the EU agreed on the need to involve big business in Russia and the EU in discussion of using energy efficiency as a key tool in the fight against climate change.

Economy

The EU underlined its continuing support for Russian accession to the World Trade Organisation (WTO) and, noting the EU-Russia agreement currently being negotiated, raised concerns as to the forthcoming entry into force of a customs union between Russia, Belarus and Kazakhstan. President Medvedev reiterated Russia's desire to join the WTO. Elvira Nabuillina, Minister for Economic Development, confirmed that recent tariff increases as a result of the economic crisis would not be made permanent. The parties agreed that much had been accomplished with the G20 and G8 to tackle the economic and financial crisis. Russia and the EU still needed to work with the other leading economies, particularly on a consolidated strategy of recovery.

Energy

The EU and Russia stressed the need for continued, constructive cooperation on energy, underlining the importance of stability of supply. Russia suggested that cooperation on energy be extended to alternative energy sources, including biofuels and hydrogen fuel. The EU regretted Russia's decision to withdraw from the Energy Charter Treaty.

Both sides agreed on the importance of new pipelines for the delivery of hydrocarbons to the EU. Russia was grateful to Sweden, Denmark and Finland for agreeing to Nord Stream.

EU-Russia Relations

Progress in negotiations between the EU and Russia on a successor to the Partnership and Cooperation Agreement was noted.

The parties discussed a broad range of issues under the four EU-Russia Common Spaces. The EU expressed concern regarding the situation in the North Caucasus and the state of human rights, democracy and rule of law in Russia. The EU encouraged Russia to ratify Protocol 14 to the European Convention on Human Rights as soon as possible.

The EU welcomed the good cooperation on crisis management and looked forward to an early signing of the agreement on classified information. It had been anticipated that this agreement would be signed at the summit, but the Russians were unable to do so for administrative reasons.

The Commission briefed Russia on the implications of the Lisbon Treaty, explaining that the Commission President and the High Representative would work together effectively in tandem.

International issues

Six external issues were discussed. These were the Iranian nuclear issue; Afghanistan and Pakistan; the Middle East Peace Process; Western Balkans; European Security; and stability and security in the EU-Russia common neighbourhood. The EU called on Russia to comply fully with its commitments under the Sarkozy/Medvedev agreements following the August 2008 war in Georgia; and for EUMM to be able to access South Ossetia and Abkhazia. Russia insisted on agreement from the entity authorities.

The EU acknowledged the constructive role played by Russia in recent improvements in Turkish-Armenian relations and stressed the need to find a solution to the conflict over Nagorno Karabakh.

ASSESSMENT

The Summit delivered positive outcomes on several EU priorities. The new Russian commitment on climate change, and the endorsement of a new Early Warning Mechanism are important, and the latter reinforces the EU's message that Russia and Ukraine must take their energy responsibilities seriously if we are to avoid another winter gas crisis. Engagement with Russia on the full range of issues, not shying away from those where we disagree, is in the EU's interests.

8 December 2009

Letter from the Chairman to Chris Bryant MP

Thank you for your letter of 8 January on the EU-Russia Summit in Stockholm. You asked for further information about the Energy Charter Treaty and the European Security Treaty.

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ENERGY CHARTER TREATY

President Medvedev launched an energy initiative on 21 April 2009 to establish a new international legal framework governing the whole energy industry and to bring together all major energy producing countries, transit states and consumers. This is the latest and most wide-ranging of a series of Russian proposals to replace the Energy Charter Treaty (ECT). The Russian Federation signed the Energy Charter Treaty in 1991, but never ratified it. It finally withdrew from the Treaty in August 2009.

I attach a list of countries which are parties to the ECT.

We continue to believe that the Energy Charter Treaty offers significant benefits to signatories through the establishment of a multilateral framework for the trade in energy and a legally-binding dispute resolution mechanism. We are disappointed that Russia did not ratify and has subsequently renounced the Treaty as we believe that Russia's involvement would bring mutual benefits. We are continuing to work with other Treaty signatories, in particular our EU partners, to determine how the Treaty can be made more effective. The question of whether and how Russia can be encouraged to participate further in the Energy Charter Treaty will be included within this process.

EUROPEAN SECURITY TREATY

President Medvedev first spoke of his idea for a new European Security Treaty in 2008. The discussion on how to enhance all our security led to a meeting of OSCE Foreign Ministers in Corfu in June 2009, which agreed to establish the 'Corfu Process'. That Process rightly takes a broad definition of our security, covering both "hard" and "soft" security, and involves all participating States of the OSCE.

In advance of the OSCE's Ministerial meeting in December, President Medvedev wrote to the Prime Minister (and other OSCE Heads of State and Government) with a draft European Security Treaty text. We, alongside our EU and NATO partners, welcomed the draft as a contribution to the wider European security debate but made clear that it should be discussed within the OSCE in the context of the Corfu Process.

The text itself focuses exclusively on hard security issues and we have concerns that were it to be implemented, elements of the Treaty could effectively undermine both the OSCE and NATO. Throughout this process EU and NATO partners have made clear to the Russians that discussions must: cover a broad definition of security, including issues of human rights and good governance; respect existing principles and commitments; and strengthen, not weaken, existing institutions.

While we will of course discuss security matters with Russia in other fora, including at the NATO-Russia Council and in the EU-Russia Dialogue, it is right that the OSCE should continue to be the primary forum for this dialogue given its broad membership and multi-dimensional approach to security. We will continue to work with our partners to use the Corfu Process to address both Russian and our own concerns on how to build greater security for all.

20 January 2010

ANNEX

LIST OF COUNTRIES WHICH ARE PARTIES TO THE ENERGY CHARTER TREATY

The Signatory States of the Energy Charter Treaty are: Albania, Armenia, Australia*, Austria, Azerbaijan, Belarus*, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, European Communities, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Mongolia, the Netherlands, Norway*, Poland, Portugal, Romania, Russian Federation^, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, The former Yugoslav Republic of Macedonia, Turkey, Turkmenistan, Ukraine, United Kingdom and Uzbekistan.

Observers to the Energy Charter Conference are: Afghanistan**, Algeria, Bahrain, Canada**, China, Egypt***, Indonesia**, Iran, Jordan**, Korea, Kuwait, morocco, Nigeria, Oman, Pakistan**, Palestinian National Authority, Qatar, Saudi Arabia, Serbia**, Tunisia, United Arab Emirates, United States of America**, Venezuela.

International Organisations with observer status are: ASEAN, BASREC, BSEC, CIS Electric Power Council, EBRD, IEA, OECD, UN-ECE, World Bank and WTO. The Energy Charter Secretariat also has signed

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in November 2007 a Letter of Understanding on Cooperative Activities with the Secretariat of the International Energy Forum.

* - denotes state in which ratification of the Energy Charter Treaty is still pending

^ - the Russian Federation signed the Energy Charter Treaty and was applying it provisionally until 18 October 2009 inclusive

** - denotes observer state which has signed the 1991 Energy Charter

*** - denotes observer state in which signing of the 1991 Energy Charter is pending

RUSSIA: PROTECTION OF CLASSIFIED INFORMATION

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

I am writing in response to your letter of 27 November 2009 about the Council Decision concerning the conclusion of the Agreement between the Government of the Russian Federation and the European Union on the protection of classified information, received by Sub-Committee C on 26 November 2009. You are concerned about the potential for criminal misuse of personal data and the late deposit of the documents, resulting in an override. I am very sorry that you are only now receiving a reply. I understand however that FCO officials have already provided you with additional information on this issue, both orally and in writing.

I agree that mistakes were made when submitting a copy of this document for scrutiny. It is unacceptable to make administrative mistakes and I signed off this override because of the operational concerns regarding the then upcoming EU-Russia Summit. I have reinforced with officials that such errors are unacceptable. In this case there was an additional issue with timing, that because of ongoing negotiations we had to be careful that documents were not released and thus influence negotiations. The document deposited to the Committee represented the earliest, published, version of the text.

In response to your concerns over privacy: This is a standard agreement aimed at ensuring that classified information exchanged between Russia and the EU (in this case the Council of the European Union, the Secretary-General/High Representative and the General Secretariat of the Council and the European Commission, not specific Member States) is protected. The agreement does not cover unclassified personal data such as aircraft passenger information which is exchanged under other arrangements. Any classified information originating in the UK which is passed to the EU will be covered by the separate Intergovernmental Security Agreement and will not be disclosed to any third state such as Russia without the prior written consent of the originator.

It is in the EU's interest to set out more clearly the rules around the exchange of classified information with Russia. This agreement will help to safeguard our interests by binding Russia into implementing a set of measures that safeguard EU classified documents. The requirement for the release of classified documents set out in the agreement to be decided on a case by case basis will ensure that only exchanges agreed by EU Member States will take place.

24 March 2010

SANCTIONS AGAINST BURMA

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

As part of our commitment to keep your Committee better informed on matters concerning sanctions, I am writing to inform you that the current EU Common Position on Burma and the restrictive measures it contains are due to expire on 30 April. We are therefore about to begin negotiations to secure the rollover of these restrictive measures.

Since 1996 the EU has adapted and strengthened its overall policy, including its package of restrictive measures, towards Burma in response to deteriorating circumstances on the ground. These circumstances include the failure of the Burmese regime to improve the human rights situation or make progress on the UN Security Council's demands for the release of political prisoners and creation of conditions for inclusive political dialogue and national reconciliation. The EU has worked

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to achieve positive change in Burma through political dialogue directly with the regime and with Burma's neighbours, the provision of humanitarian aid, and by placing pressure on those responsible for Burmese policies through targeted sanctions whilst minimising any adverse impact of these on the general population.

The aim of EU policy towards Burma, including through sanctions, is to bring an end to human rights abuses in Burma and to encourage an early transition to civilian, democratic rule. The last change to the EU's Common Position was in August 2009 when we designated several more individuals and entities for asset freezes and travel bans in response to the sentencing, following a sham trial, of Aung San Suu Kyi, leader of the National League for Democracy (NLD), designed to prevent her participation in elections planned for 2010.

In late 2009, the Burmese authorities showed some willingness to engage with Aung Sang Suu Kyi and the international community. In October, Aung San Suu Kyi was permitted to meet the British Ambassador, in his capacity as the EU representative, for the first time in 6 years, to discuss western sanctions along with American and Australian officials. She was also allowed to meet US Assistant Secretary of State Kurt Campbell in early November. These were small but welcome developments, and we continue to pursue dialogue.

In December, Swedish Foreign Minister Carl Bildt, representing the EU Presidency, met with his Burmese counterpart in the margins of the Copenhagen conference, and preparations are underway for a senior officials visit to Burma. However dialogue with Aung San Suu Kyi has since stalled and the regime has failed to engage with the US or EU on any issues of substance. The recent release of National League for Democracy Vice-Chairman U Tin Oo, whilst welcome, does not change the fact that we have seen minimal progress towards the changes that we are looking for.

HMGs position is that there should be no easing of sanctions in the absence of tangible progress. We will therefore look for a renewal of the Common Position for a further 12 months. There appears, at this stage, to be a broad consensus amongst Member States on this approach, although formal discussion of the issue has not yet begun.

25 February 2010

Letter from the Chairman to Chris Bryant MP

Sub-Committee C considered your Explanatory Memorandum on the above at its meeting on 18 March 2010 and decided to hold it under scrutiny.

We appreciate your efforts to provide the Committee with early warning of the need to amend this Regulation. However, we are deeply concerned about the plight of ordinary people in Burma who should now be benefiting from UK and EU aid programmes. We therefore strongly support the principle of the proposed amendment, but we cannot clear a document we have not seen. We therefore request that you send us the document as soon as it becomes available, at which point the Chairman of the Sub-Committee will be in a position to clear it from scrutiny.

It is of particular concern to us that the failure by the Commission to transpose the original CFSP Common Position – which rightly contained an exemption for development activities – into an EU Regulation without that exemption has directly resulted in the prolonged suffering of ordinary Burmese. To be specific, the urgently-needed rebuilding of homes, following the recent Cyclone Nargis, with the help of EU and UK assistance cannot take place because EU legislation prohibits EU aid agencies from purchasing local timber.

We sincerely hope that this serious error by the Commission in transposing the Common Position will not be allowed to happen again. We note that the Government, together with other Member States, also failed to identify and rectify this problem when the Regulation was at the draft stage. As it is a matter of public interest, we may alert the media to this occurrence.

We would also like clarification of the following issues.

What further consideration has been given in relation to the EU's sanctions regime on Burma to maximise its punitive effects on the military junta, while minimising its impact on the welfare of ordinary Burmese? The Sub-Committee are particularly concerned that sanctions should be carefully targeted and smart.

Is the Government satisfied that the Commission has adequate quality control mechanisms in place to ensure that appropriate exemptions for development and humanitarian purposes are included in all future proposals for EU legislation?

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Does this case illustrate the need to ensure that, in planning the structure and internal rules of the External Action Service, full consideration be given to all relevant factors, including both foreign policy and development aspects, in draft decisions proposed by the Commission in the area of external relations; and if so, how do the Government propose to pursue this aim?

To what extent is Burma a topic of discussions between the EU and China, and is there any prospect of a shift in Chinese policy on Burma?

We look forward to receiving a reply before the dissolution of Parliament.

22 March 2010

Letter from Chris Bryant MP to the Chairman

Thank you for your letter of 22 March 2010 in relation to amending EU Regulation 194/2008.

Since 1996 the EU has adapted and strengthened its overall policy towards Burma in response to the deteriorating human rights situation. And also the lack of progress in releasing political prisoners and creating conditions for an inclusive political dialogue.

In November 2007, after the Saffron Revolution, a restrictive measure on timber was introduced as this commodity is a large source of income to the ruling junta. It has become clear that the resulting Regulation (194/2008) banning the in-country purchase of timber and related goods is having a detrimental effect on the ability of European agencies and NGOs to provide humanitarian aid and assistance within Burma.

It was never the intention of the EU to restrict humanitarian aid. The expressed purpose of EU sanctions is to target the military regime, not individual Burmese citizens or international aid programmes. Humanitarian and other limited sectors of aid are permitted under the EU Common Position, but this was not carried across into Regulation 194/2008. You will note that this Regulation was drawn up before Cyclone Nargis hit Burma. The Cyclone naturally created an unprecedented need for EU aid for people whose homes and livelihoods had been destroyed and therefore for the purchase of timber by donors. It is not uncommon for sanctions to require some fine-tuning in the light of experience to ensure that humanitarian and related exceptions are effective. Both EU institutions and Member States will undoubtedly take steps to ensure that these difficulties raised in relation to Burma are not repeated elsewhere.

Now that the issue has come to light, the European Commission, with UK support, is working to get the regulation amended as soon as possible. A draft of the amended regulation has just been produced by the Commission, and is attached to this letter.

I do hope you are now in a position to clear this from scrutiny.

You also ask what further consideration has been given to the EU's sanctions regime on Burma to maximise its punitive effects on the military junta, and to ensure the measures in place are carefully targeted and smart. EU and UK policy is that sanctions should be used to coerce governments to change their behaviour, not punish them. The aim of the EU sanctions policy towards Burma is to bring an end to human rights abuses in Burma and to encourage an early transition to civilian, democratic rule. The current EU Common Position on Burma expires on 30 April 2010 and negotiations are underway to secure a rollover of these measures. The Government believes that any relaxation of the current sanctions should only be in response to tangible progress.

EU sanctions on Burma are designed to target senior members of the regime, while minimising harm to the ordinary people of Burma. For example, a visa and asset freeze has been imposed on the senior members of the military junta, similar measures were imposed on the four judges involved in the sham sentencing of Aung San Suu Kyi and a comprehensive arms embargo enforced. The UK is working closely with other Member States to ensure that measures taken against Burma continue to be targeted. The 2009 EU Sanctions Guidelines also states that "measures taken should target those identified as responsible for the policies or actions that have prompted the EU decision to impose restrictive measures. Such targeted measures are more effective than indiscriminate measures and minimise adverse consequences for those not responsible for such policies and actions".

On the question of the structure and internal rules of the External Action Service (EAS), you will know that we have just received the High Representative's draft Decision on the establishment of the EAS. We are currently studying this ahead of detailed discussions on it in Brussels, but it reflects the High Representative's view (with which we agree) that the EAS should include geographical desks covering countries and regions of the world, as well as some multilateral and thematic desks. The EAS will also co-ordinate and consult with the services of the Commission. We expect that the issue you

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have highlighted in your letter would be the sort of issue where there should be a co-ordinated EU view. The EAS should play an important role in helping to bring this about.

In addition, the EU Delegations will be an integral part of the EAS under the responsibility of the High Representative and the Head of Delegation should have authority over all staff in the delegation, regardless of their status or to whom they report in Brussels. Again, this should lead to a coherent approach on EU policy towards a particular country such as Burma.

Finally, your Committee expressed an interest in the EU's engagement with China and asked whether there had been any shift in Chinese policy on Burma. The EU last raised Burma with the Chinese at the 12th EU-China Summit held in Nanjing, on 30 November 2009. At this meeting the Chinese and EU delegation discussed the November visit to Burma by US Assistant Secretary of State Kurt Campbell and the US policy of engagement towards Burma. The UK continues to engage the Chinese government on Burma. The Foreign Secretary raised Burma with Chinese Foreign Minister Yang during his recent visit to Beijing. In addition, officials at the British Embassy met in March with Chinese counterparts to discuss the recently announced Burmese election laws. We continue to encourage China to use its influence to press for genuine political reform in Burma. China maintains its policy of non-interference in Burma's affairs, but did agree to a UK instigated Security Council discussion on recent developments on 24 March. China also participated in a meeting of the UN Secretary General's Group of Friends of Burma the following day, allowing Ban Ki-moon to make a strong statement of concern about the prospects for free and fair elections in Burma. China also reacted with an uncharacteristic, public expression of concern when an outbreak of fighting between the Burmese army and the Kokang ethnic group led to around 30,000 civilians to cross into China in August 2009.

7 April 2010

SANCTIONS AGAINST THE LEADERSHIP OF THE TRANSNISTRIAN REGION OF THE REPUBLIC OF MOLDOVA

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

I am writing with regard to the Council Decision amending Common Position 2008/160/CFSP concerning restrictive measures against certain officials in Transnistria.

I regret that we have not been able to provide you with the Explanatory Memorandum in sufficient time for it to be considered by your Committee before the Decision must be adopted in the EU. It is necessary to adopt the measures in this Council Decision at the FAC on 22 February so they are in effect before the current measures expire on 27 February. There is a Justice and Home Affairs Council on 25 February, but this would not provide sufficient time for both Committees to scrutinise the proposals. As a result, I will have to agree to the adoption of this Decision before your Committee has cleared it from scrutiny.

This failure to allow your Committee to fully scrutinise the Decision has come about as negotiations on the rollover of restrictive measures continued until 10 February, after your last meeting before the FAC.

The Decision further extends the restrictive measures imposed on the Transnistrian Region of Moldova for a further 12 months, whilst at the same time suspending the travel ban until 30 September 2010. I enclose an Explanatory Memorandum, which provides more detail.

In February 2009 my predecessor (Caroline Flint) made a commitment, which I too take seriously, to keep your Committee better informed on issues concerning sanctions. Since then we have written to you on several occasions to keep you updated. I wrote to you in January forewarning you of the impending rollover and again in February when I updated you on the progress of the negotiations.

12 February 2010

Letter from Chris Bryant MP to the Chairman

Thank you for your letter of 10 March where you highlighted discussions your Committee had about my letter of 25 February on Moldovan sanctions.

The negotiations on Moldova were very protracted and the letter you received had been written at the end of January to update you just in case there was a need to rush scrutiny of the Decision. This

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may have been necessary as the measures were due to expire at the end of February. However, due to an administrative error in my office it was not sent until 25 February, reaching you after you had received the Decision and EM to scrutinise the renewal of the measures. Please allow me to apologise for any confusion caused by this.

I regard keeping your Committee, and that of the House of Commons, informed on sanctions matters as an important task and will endeavour to ensure that all future such letters reach you in a timely manner.

25 February 2010

Letter from the Chairman to Chris Bryant MP

Sub-Committee C considered this document at its meeting on 25 February 2010 and cleared it from scrutiny, noting that it was an override. The subject was further discussed at the Sub-Committee's meeting on 4 March in the light of your letter of 25 February.

We appreciate your efforts to keep the Committee informed (your letters dated 12 and 25 February) but were puzzled that your letter of 25 February referred to a decision still to be taken on Moldova despite the fact that the Foreign Affairs Council had already agreed the restrictive measures on 22 February.

10 March 2010

Letter from Chris Bryant MP to the Chairman

Thank you for your letter of 10 March where you highlighted discussions your Committee had about my letter of 25 February on Moldovan sanctions.

The negotiations on Moldova were very protracted and the letter you received had been written at the end of January to update you just in case there was a need to rush scrutiny of the Decision. This may have been necessary as the measures were due to expire at the end of February. However, due to an administrative error in my office it was not sent until 25 February, reaching you after you had received the Decision and EM to scrutinise the renewal of the measures. Please allow me to apologise for any confusion caused by this.

I regard keeping your Committee, and that of the House of Commons, informed on sanctions matters as an important task and will endeavour to ensure that all future such letters reach you in a timely manner.

23 March 2010

SERBIA-EU AGREEMENTS

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

I am writing to the Committee to update on further developments surrounding Agreements with Serbia.

I am aware my predecessors have sought to keep the Committee fully informed of any development with regards to Serbia's Interim Agreement (IA) and Stabilisation and Association Agreement (SAA) and have noted the Committee's interest in this matter. As my predecessor informed the Committee, the Government's policy until now has been that the UK would be content to implement Serbia's Interim Agreement, on the basis of Serbia's significantly improved co-operation with the ICTY, while keeping ratification of the SAA conditional on Serbia's full co-operation with the ICTY. As my predecessors have also informed the committee, the Government's view is that 'full co-operation' means committed and sustained activity from the Serbian Government, demonstrating 100 percent effort and political will in co-operating with ICTY – and that that co-operation covers efforts in a wide range of areas including: tackling support networks; meeting requests for documents; allowing access to archives; ensuring protection of witnesses; as well as in locating and transferring the remaining indictees.

ICTY Prosecutor Brammertz is scheduled to deliver his next report on ICTY's completion strategy to the UN Security Council on Thursday 3 December, just days before the 7/8 December GAERC (at

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which we expect Serbia's relationship with the EU, including in relation to progress on ICTY co-operation, to be discussed). Brammertz' report will include an annex on the co-operation of regional states with his office, including Serbia. I am enclosing, in confidence, the main points of his draft assessment of Serbia's cooperation, on an informal basis (although the report will not formally be finalised until 3 Dec, we do not expect this draft to be changed).

It is Brammertz's most positive report on Serbia to date. The main points are that:

- Serbia's co-operation has continued to improve and develop;
- The Serbian authorities are providing timely responses to requests arising during trials at The Hague for access to documents and archives, with no requests outstanding;
- They have responded quickly to facilitate the appearance of witnesses before the tribunal and made the necessary arrangements to safeguard them;
- They are actively conducting search operations for the two remaining indictees.

The report concludes that Brammertz is 'satisfied' with the current level of efforts undertaken by the Serbian authorities in their co-operation. While it does not say that Serbia is 'fully co-operating' with ICTY, this reflects Brammertz's view that this phrase has become too politicised, and would be interpreted by some as an instruction by him to the EU. But nowhere in his nine paragraphs on Serbia is there any suggestion that greater efforts are needed, or that things are being left undone. The Serbs' efforts are praised, across the board; Brammertz's remarks are now entirely directed at encouraging them to maintain these efforts until the end.

I have noted the Committee's request in their letter on 10 September to be informed of any decisions ahead of any GAERC where Serbia's progress along the EU path may be discussed. The decision of whether or not Serbia is fully co-operating with the ICTY is one for individual member states to take. However as you are aware a unanimous decision is required by all EU Member States to implement the IA and ratify the SAA.

Given the very short window between Brammertz's formal report to the UNSC on 3 December and EU discussion at the GAERC on 7-8 December, I wanted to inform the Committee that, provided Brammertz' report to the UNSC confirms his draft assessment, the Government will assess that Serbia is now fully co-operating with ICTY and therefore would be ready in principle to support an EU decision both to implement Serbia's Interim Agreement and also to start the process of SAA ratification. Our judgement is that this would be the right way to incentivise further sustained co-operation by Serbia. In doing so, we shall make clear to the Serbian Government, EU partners and Chief Prosecutor Brammertz that, should Serbia fail to maintain full co-operation at any stage during its EU accession process, we would be ready to support appropriate measures in response.

1 December 2009

Letter from Chris Bryant MP to the Chairman

I am writing to the Committee to update on further developments surrounding Agreements with Serbia.

Following my letter of 1 December 2009, ICTY Chief Prosecutor Brammertz gave his formal presentation to the UNSC on 3 December. His assessment of Serbia's co-operation with ICTY was very positive and he described their level of co-operation as 'satisfactory'. The General Affairs Council (GAC) discussed Serbia on 7/8 December and agreed to unblock implementation of Serbia's Interim Agreement (IA). Although there was no consensus to unblock ratification of the Stabilisation and Association Agreement, it was agreed to consider this in 6 months time, provided Serbia's improved level of co-operation with ICTY is sustained.

I would like to reiterate that, while the Government's position is that Serbia is now fully co-operating with ICTY, we continue to make it clear to the Serbian Government, EU partners and Chief Prosecutor Brammertz that, should Serbia fail fully to co-operate at any stage during its EU accession process, we would be ready to support appropriate measures in response which could include delaying, slowing or stopping UK ratification of Serbia's SAA, and/or holding back the granting of Candidate Status and the opening of accession negotiations. We could also seek, as we did for Croatia, to incorporate within the Negotiating Framework a requirement for Serbia to maintain full cooperation with ICTY thereby allowing any new concerns to affect the advancement of negotiations once they are opened.

I also want to inform the Committee that Serbia submitted an application for EU Membership on 22 December. The Government supports the principle whereby applications for EU membership are

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referred promptly by the Council to the Commission for the Commission to prepare detailed advice (an Avis) on whether, in the Commission's opinion, the applicant is ready to open accession negotiations. However, as you are aware, a unanimous decision by EU Member States is required before referral can take place. In our view it is unlikely that all Member States will be willing to take this step without there first being consensus on beginning the SAA ratification process. I will keep you informed of developments.

14 January 2010

EUROPEAN UNION SATELLITE CENTRE

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

Thank you for your letter of 30 October regarding the Council Joint Action amending Joint Action 2001/555/CFSP on the establishment of a European Union Satellite Centre (EUSC). I am sorry for the delay in sending this final signed reply.

The political sensitivities of some Member States and Allies, notably Cyprus, Greece and Turkey, regarding the exchange of classified information remain an immediate problem for both the EU and NATO. It is also an issue of concern to the UK and we continue to make our concerns known in forcible terms. But it is clear that the origins of these blockages are deep-seated and are not easy to resolve in isolation from the political relations between these countries.

Both institutions recognise that the relationship needs to be improved. The 2008 Report on the Implementation of the European Security Strategy makes clear the importance of the EU-NATO relationship to the EU, highlighting the need to "deepen their strategic partnership". In the April 2009 Declaration on Alliance Security, NATO affirmed its determination to make "the NATO-EU relationship a truly functioning strategic partnership".

Progress has been made under recent Presidencies of the EU, as well as in NATO, on improving the information exchange between the two institutions, including regarding capability development. The EU-NATO Capability Group has met at both expert and Policy Director level in the last year and has become more focused on sharing information and co-ordinating approaches on key capability issues such as helicopters. Progress has also been made in both organisations in creating greater transparency in capability development planning.

The UK supports strongly the efforts by both organisations to move the situation forwards positively and pragmatically, recognising that sensible and practically effective workarounds both between commanders in operational theatres and through intensified staff-to-staff contacts at all levels in Brussels are less than optimal or ideal.

Finally, while the EU Satellite Centre does not offer an essential service, it has made a useful contribution to Operation ATALANTA, since it provides imagery and detailed analytical studies of the pirate camps, although if necessary this could be sourced from elsewhere.

7 April 2010

SOMALIA: POSSIBLE CSDP MISSION

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

I am writing to keep the Committee informed of a possible Common Security and Defence Policy (CSDP) mission for training Somali troops.

The UK Government has been discussing with our partners how the EU can increase its commitment to Somalia in a variety of areas, including reinforcement of Somalia's capacity to manage security challenges. This was reflected at the General Affairs and External Relations Council on 17 November 2009 where a crisis management concept was adopted. This details a possible CSDP training mission for the Somali security forces. Closer analysis is currently being undertaken with research and planning expected to continue into next month.

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A CSDP mission could make a useful contribution to increased international action on Somalia. We believe that the UK should work with the international community and regional partners and welcome further planning of this possible EU mission. However, we have been clear that our agreement to continue planning should not prejudice any future decisions regarding whether or not to agree to the Mission. We need to be fully convinced that, if launched, it will be workable and contribute to progress in Somalia.

I will endeavour to keep the Committee fully informed of any future developments on this issue.

Somalia is a failed state and has been for nearly two decades. A protracted conflict has been caused by a breakdown in the rule of law and frequent conflicts at national and local level. This has resulted in an humanitarian crisis, increased migration, and the growth of terrorism and piracy. There is no “easy fix” and no state can deliver progress in Somalia alone. The UK Government therefore believes that the international community (including regional actors) needs to engage effectively and develop a common approach. A CSDP mission could make a useful contribution to increased international action on Somalia.

The UK, EU and the UN fully support the UN-led Djibouti process which we believe must provide the basis for a lasting and stable political settlement. We support the efforts of the Transitional Federal Government of Somalia (TFG) and welcome signs of progress made to achieve peace and stability. Progress towards peace and security in Somalia must be a Somali-led process, but the UK coordinates closely with the UN and the rest of the international community.

The EU is already involved in the region through Operation ATALANTA. I have written separately to provide more detail on points raised by the Committee relating to this issue.

9 December 2009

Letter from the Chairman to Chris Bryant MP

Thank you for your letter of 9 December on the possible CSDP mission on Somalia which Sub-Committee C considered at its meeting on 7 January.

The letter was of particular interest to the Committee as they are currently undertaking an inquiry into the piracy off the Somali coast.

Although the Sub-Committee looked with some favour at the idea of a mission to assist in the training of Somali Government troops, Members felt strongly that any such mission must be part of a well-defined broader international strategy to bring stability to Somalia.

We would at this stage welcome the Government’s assurance that this will be the case, and some explanation of how this proposed mission is currently seen to fit into such a strategy.

We look forward to hearing from you.

8 January 2010

Letter from Chris Bryant MP to the Chairman

I am responding to your letter of 8 January on the concerns raised by the European Union Sub-Committee C around a possible CSDP mission on Somalia and the points raised by members of that Sub-Committee at their meeting of 21 January.

The Committee sought assurances that any Mission must be part of a well-defined broader international strategy to bring stability to Somalia.

The UN takes the lead internationally on Somalia, working with the international community and regional actors, including the EU. At the recent International Contact Group on Somalia meeting in Jeddah on 17 December 2009 the Transitional Federal Government (TFG) presented papers which set out their strategy. One of these papers pertained to security.

The Joint Security Committee (JSC), chaired jointly by the TFG and the United Nations (UN) and including representatives from the international community, leads on work on Somalia’s Security Sector. A Joint Security Sector Assessment with UN, US, African Union (AU), EU, TFG and other international actors involvement, has been drawn up. This proposed mission meets a clear need defined in that document, a gap currently unfilled by other actors. The UN, US and AU all fully support this mission.

The TFG is committed to the Security Sector process through the JSC. The TFG has expressed its appreciation for EU efforts to carry out the training of the Somali National Forces.

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A possible CSDP mission continues to be considered by EU Member States and will be discussed by the Foreign Affairs Committee on 25 January 2010. One of my officials, Jonathan Allen, has today assisted in your scrutiny of this proposed training mission. He set out our pre-requisites for the mission which we will argue must be fully addressed before the final decision to launch. I wanted to set out formally what these pre-requisites are, which support the delivery by Ugandans/AMISOM of a training syllabus and should in due course be handed over to them:

1. A Force structure to incorporate newly trained Platoons, and a mentoring process to develop TFG security forces.
2. A structure, process and funds to ensure regular payment to returning trainees for at least one year.
3. Logistical arrangements to house, feed and supply such forces.

We will only achieve these prerequisites by working with our international partners.

It might be helpful to set out the EU history of this proposal. In the Council Conclusions of 27 July 2009 the Council decided to step up the engagement for promoting peace and development in Somalia. The Council went on to study possibilities for the EU to contribute to international efforts, including in the Security field, before identifying a need to support the development of the Somali Security Sector.

In its Conclusions of 17 November 2009 the Council stated that further EU support to the Somali security sector should be considered within a comprehensive EU approach to the situation in Somalia and that this support should be part of a larger and coherent framework involving close EU cooperation and coordination with the African Union (AU), the UN and other relevant partners, such as the United States of America.

The EU continues to be aware of the need for a broader, comprehensive approach to Somalia. Whilst plans for a possible CSDP mission have progressed, working groups have considered simultaneously other areas in which the EU can make a positive contribution. On 18 November 2009 an Africa Working Party (COAFR) discussed EU work on development within Somalia.

I am aware that Baroness Kinnock will be giving evidence as part of your current inquiry into Piracy off the Somali coast in March. I look forward to hearing your findings and reading the report that will be produced in due course.

21 January 2010

Letter from the Chairman to Chris Bryant MP

Sub-Committee C considered this document at its meeting on 25 March 2010 and cleared it from scrutiny.

We would like to express our strong support for this mission and for the UK and EU's efforts to address the long-term security and development challenges in Somalia.

We would also be grateful for information on two points. What are the prospects for additional contributions of troops from African nations to AMISOM, the African Union's mission in Mogadishu? What is the Government's assessment of the role of Eritrea with regard to the Somali peace process, and what further measures could the UK and the EU take to prevent Eritrea destabilising Somalia?

We look forward to hearing from you.

30 March 2010

Letter from Baroness Kinnock, Minister of State, Foreign and Commonwealth Office, to the Chairman

Thank you for your letter dated 30 March 2010 to Chris Bryant on the Council Decision to launch an EU military mission to contribute to the training of Somali security forces (EUTM Somalia). I am replying as Duty Minister.

Following the scrutiny of this Council Decision by both UK Parliamentary Scrutiny Committees, EUTM Somalia was officially launched by the EU on 7 April 2010.

The African Union Mission in Somalia (AMISOM) currently has approximately 6,200 Ugandan and Burundian troops. In addition 450 Djiboutian troops as well as four staff officers from other African nations for AMISOM's Force Headquarters have been pledged. Until trained Somali Security Forces

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and supporting institutions are in place, AMISOM has a leading role to play in maintaining security around key locations in Mogadishu.

The UN has visited both existing and potential Troop Contributing Countries to encourage AMISOM to reach its core strength of 8,000 troops and we hope that further troop contributions will be possible from these or other countries.

The UK is very concerned by evidence of Eritrean support for groups seeking to undermine the Transitional Federal Government of Somalia. We are deeply concerned by the UN Monitoring Group Report that Eritrea has breached the UN arms embargo through the breach of weapons and finding to Somali armed opposition groups. The EU has regular discussions with Eritrea on a number of issues, including Somalia.

It is important that we send a clear message to Eritrea about its actions in Somalia. To this end, in December the UK supported the UN Security Council in taking strong measures on the matter by supporting UN Security Council Resolution 1907. This imposed sanctions on Eritrea in the form of an arms embargo.

20 April 2010

SPECIAL REPRESENTATIVE TO AFGHANISTAN

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

The FAC will meet on 22 March to discuss the appointment of Vygaudas Usackas as the European Union Special Representative (EUSR) to Afghanistan. The mandate of the current EUSR, Ettore Sequi, will run out on 31 March.

The EUSR role is important in focusing the EU effort, ensuring that it dovetails with the work of other bilateral and multilateral partners. The Government continues to believe in the importance of our work in Afghanistan and in the benefits of continued international co-ordination.

Given that this is the last opportunity to agree a Decision before the date of Usackas' appointment I will have to agree to the adoption of this Decision before your Committee has cleared it from scrutiny. The failure to allow your Committee to fully scrutinise this Decision has come about due to an administrative oversight by my Department. This is something I sincerely regret. I attach an Explanatory Memorandum and the draft Decision for your consideration and for deposit in the House.

19 March 2010

Letter from the Chairman to Chris Bryant MP

Thank you for your letter of 19 March and your Explanatory Memorandum of 22 March on the above subject, which the EU Sub-Committee C considered at their meeting on 25 March 2010. They decided to clear the document from scrutiny.

The Sub-Committee noted that this was an override, and that your letter explained that the failure to allow the Committee to scrutinise the Decision was due to an administrative oversight. As this is not the first time this has occurred, I have tabled a Question for Written Answer.

30 March 2010

TAJIKISTAN: PARTNERSHIP AGREEMENT

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

I am writing to inform you of the final stages regarding a decision of the Council and of the Commission on the conclusion of a Partnership and Cooperation Agreement between the European Communities and their Member states and the Republic of Tajikistan.

The original proposal for a Partnership and Cooperation Agreement with Tajikistan dates back to 26 July 2004. The UK agreed to the proposal later that year, and the proposal passed scrutiny. The Tajik

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authorities did not ratify the agreement until December 2005. The UK ratified on 19 December 2007 after a debate in the House of Commons the previous October. Greece was the final country to ratify in July 2009, with the European Parliament giving its assent on 17 September 2009.

The Explanatory Statement on the Protocols extending EU Partnership and Cooperation Agreements with Tajikistan and Turkmenistan to take account of EU enlargement was submitted to the Committees on 13 July 2007. The House of Commons European Scrutiny Committee cleared it as not legally or politically important on 18 July 2007. The House of Lords Select Committee on the European Union cleared it at the Chairman's sift on 17 July 2007. Given these previous events we elected not to submit for further scrutiny.

The EU's General Affairs and External Relations Council adopted the Partnership and Cooperation Agreement in November and the decision is now expected to be published in January.

7 December 2009

THE EU, AFRICA AND CHINA

Letter from Gareth Thomas Minister of State, Department for International Development, to the Chairman

On 21 May 2009, I gave evidence to your Committee's inquiry into the European Union, Africa and China. In recent correspondence between Committee staff and DFID officials several points of clarification were raised and further information was requested.

The Committee had noted that the "Extractive Industries Transparency Initiative (EITI), under which information on mining deals agreed with corporations is published...". This is not correct. The EITI focuses on revenues paid and received by Governments and companies but this is after the deals have been struck. EITI currently has no influence on transparency of the contracts themselves, although there is growing interest in extending transparency beyond revenues.

Your Committee staff also asked for clarity on whether the UK Government would like China and Chinese companies to join the EITI and what challenges this would represent. In response, the UK is strongly supportive of China joining the EITI in some form and, in certain respects, it is already engaged in the process through subsidiary companies.

Given its status as a major importer and exporter of energy, by joining the EITI China would have a major influence on the credibility of the EITI's claim to be a global standard. Although China is the world's second largest energy consumer and a major overseas investor in energy resources, the structure of the Chinese energy sector means that the greatest gain for the EITI would be for Chinese companies rather than the Government to join. Our initial objective therefore is to see Chinese companies like Sinopec (China Petroleum and Chemical Corporation), China National Petroleum Corporation (CNPC) and CNOOC Limited, express their support for the EITI and extol its virtues. DFID is currently organising a conference in China on 'Corporate Social Responsibility and Voluntary Initiatives'. EITI will be at the core of this conference.

Chinese companies, although largely owned by the State, are still active in international financial markets. Participating in the EITI would contribute to mitigating the political risks of their investments. Companies adopting the EITI would benefit from a better assessment of risks in international financial markets. The EITI already helps Chinese national oil companies in promoting an improved business climate with major international oil companies. It is important to note that several Chinese subsidiaries are already reporting according to the EITI requirements (Mongolia, Liberia are cases in point). This is mandatory in some of the countries where they operate.

9 February 2010

THE EU AND CHINA: STARS AND DRAGONS

Letter from the Chairman to Ivan Lewis MP, Minister of State, Foreign and Commonwealth Office

Thank you for your response to the Committee's report: "Stars and Dragons: the EU and China", published on 23 March 2010. I have forwarded it to the current Members of the EU Sub-Committee

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on foreign affairs, defence and development, who prepared the report, for their information. It will also be considered by the new Committee after the forthcoming general election.

We appreciate the speed with which you replied to our report, but would be grateful for a response to each of our recommendations, as is standard practice, from the Government that is in place after the election.

8 April 2010

THE EU AND THE RUSSIAN FEDERATION

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

I am writing in response to your letter of 27 November 2009 about the Council Decision concerning the conclusion of the Agreement between the Government of the Russian Federation and the European Union on the protection of classified information, received by Sub-Committee C on 26 November 2009. You are concerned about the potential for criminal misuse of personal data and the late deposit of the documents, resulting in an override. I am very sorry that you are only now receiving a reply. I understand however that FCO officials have already provided you with additional information on this issue, both orally and in writing.

I agree that mistakes were made when submitting a copy of this document for scrutiny. It is unacceptable to make administrative mistakes and I signed off this override because of the operational concerns regarding the then upcoming EU-Russia Summit. I have reinforced with officials that such errors are unacceptable. In this case there was an additional issue with timing, that because of ongoing negotiations we had to be careful that documents were not released and thus influence negotiations. The document deposited to the Committee represented the earliest, published, version of the text.

In response to your concerns over privacy: This is a standard agreement aimed at ensuring that classified information exchanged between Russia and the EU (in this case the Council of the European Union, the Secretary-General/High Representative and the General Secretariat of the Council and the European Commission, not specific Member States.) is protected. The agreement does not cover unclassified personal data such as aircraft passenger information which is exchanged under other arrangements. Any classified information originating in the UK which is passed to the EU will be covered by the separate Intergovernmental Security Agreement and will not be disclosed to any third state such as Russia without the prior written consent of the originator.

It is in the EU's interest to set out more clearly the rules around the exchange of classified information with Russia. This agreement will help to safeguard our interests by binding Russia into implementing a set of measures that safeguard EU classified documents. The requirement for the release of classified documents set out in the agreement to be decided on a case by case basis will ensure that only exchanges agreed by EU Member States will take place.

19 March 2010

UKRAINE-EU PARTNERSHIP AGREEMENT AND ASSOCIATION AGENDA

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

Thank you for your letter of 18 November in which you asked for further information about (i) the involvement of civil society in the implementation of the EU-Ukraine Association Agenda and (ii) the Eastern Partnership Civil Society Forum on 16-17 November.

The EU and Ukraine have made an explicit political commitment within the EU-Ukraine Association Agenda to promote "the involvement of citizens in decision-making processes, in particular through the activities of civil society organizations, notably by co-operation on legal framework and practice that facilitates the work of civil society organizations". This is an indication of how the involvement of civil society is becoming an integral part of the EU's relations with Ukraine. Ukrainian civil society is routinely invited to contribute to reviews of Ukraine's European Neighbourhood Policy Action Plan, and the European Neighbourhood and Partnership Instrument. This practice will continue under the new Association Agenda.

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For Ukraine's part, in March 2008 the Cabinet of Ministers approved the first one year action plan for the implementation of the concept of civil society development in Ukraine. And in August 2008 the Civil Expert Council of the Ukrainian side of the EU-Ukraine Co-operation Committee was officially formed with a membership of around thirty civil society organisations. The Civil Expert Council subsequently developed principles concerning its role and co-operation with the executive branch of government and the joint bodies established in the process of European integration.

The EU's new Eastern Partnership will also contribute to the implementation of the EU-Ukraine Association Agenda. On 16-17 November over 200 civil society representatives from Armenia, Azerbaijan, Belarus, Georgia, Moldova, Ukraine, EU Member States, international organizations/networks and third countries gathered in Brussels for the first Eastern Partnership Civil Society Forum. The Forum demonstrates the EU's commitment to take on board the views and ideas of civil society in the Eastern Partnership countries. Commissioner Ferrero-Waldner and Swedish Foreign Minister Carl Bildt represented the EU. The Forum will make recommendations to Ministers attending the Eastern Partnership Ministerial meeting on 8 December.

Almost 450 expressions of interest to attend the Civil Society Forum were received from grass-roots organisations, trade unions, employers' organisations, professional associations, NGOs, think tanks, non-profit foundations, national and international networks and other relevant civil society actors. For budgetary and organisational reasons the number of participants in the first meeting of the Forum was kept to 220 following a selection process made by a Steering Committee composed of independent personalities, representatives of the European Commission, the EU Presidency and the European Economic and Social Committee.

Further information about the Eastern Partnership Civil Society Forum can be found at the following webpage:

http://ec.europa.eu/external_relations/eastern/civil_society/index_en.htm

4 December 2009

THE WESTERN EUROPEAN UNION (WEU)

Letter from the Chairman to the Rt Hon David Miliband, Secretary of State for Foreign Affairs

Thank you for your letter of 20 March which the EU Sub-Committee C considered at their meeting on 25 March.

The Sub-Committee agree that the WEU has served its purpose well. They also agree that national parliaments should retain the key scrutiny role for CSDP (your penultimate paragraph). They did however express concern that it might not be possible to gain acceptance for a new body in the next year and would be grateful if you could confirm that you are confident that it will be possible to do so.

30 March 2010

Letter from the Rt Hon David Miliband, to the Chairman

Thank you for your letter of 30 March 2010 in reference to the Western European Union (WEU).

As you will now be aware, Chris Bryant has issued a Written Ministerial Statement on the 30 March 2010 confirming our intention to withdraw from the WEU.

We have also been discussing this issue with our European partners. There is a clear desire to move forward on this and I am sure the Committee will welcome the news that, on 31 March 2010, the Spanish Presidency of the WEU issued a declaration on behalf of the other nine member states stating that all "have collectively decided to terminate the [modified Brussels] Treaty".

Our intention in announcing withdrawal was to focus discussion on future arrangements with a clear deadline to ensure that negotiation did not drag on. The Spanish declaration is a sign that our efforts are working. We will step up engagement on this issue with both parliamentary colleagues and European partners in the new parliament. I want to see new arrangements for cross-European parliamentary contacts on European defence which preserve the intergovernmental nature of CSDP and the central role of national parliaments in its scrutiny; do not involve an expansion of the European Parliaments' competencies; and are cost-effective for the taxpayer.

I would welcome any thoughts the Committee might have on the format of future arrangements.

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3 April 2010

UNION FOR THE MEDITERRANEAN (9029/09)

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

Thank you for your letters of 15 October and today on the Union for the Mediterranean (UMED). I am sorry for the delay in replying.

Let me update you on developments, especially around scrutiny and oversight of the Secretariat following the agreement of the Secretariat Statutes and provisional appointment of the Secretary General H.E. Ahmad Masa'deh by Senior Officials on 3 March.

We firmly believe that the Union for the Mediterranean should be an effective, light and technical organisation with proper oversight mechanisms. It is for this reason that the United Kingdom has pressed for and secured agreement on European Council Conclusions on the Secretariat Statutes. We have also secured the following aspects of scrutiny:

- The European-Mediterranean Parliamentary Assembly can join Union for the Mediterranean Senior Official Meetings.
- The Secretary General must maintain links with other bodies of the Union for the Mediterranean.
- The budget, structure and work plan of the Secretariat must be unanimously agreed by Senior Officials.
- Any European Commission contributions to the Secretariat must be agreed by the EU's European Neighbourhood Partners Instrument management committee.
- There must be an annual audit by an external auditor appointed by Senior Officials.

SECRETARIAT NEGOTIATIONS

We are now in the process of discussing the Secretariat's budget in detail. We think that the budget needs to adequately reflect the mandate given to it by the Paris Summit and Marseille Foreign Ministers meetings and what is reflected in the Statutes agreed on 3 April: a technical body promoting projects and coordinating their funding. It must be modest and allow for flexibility for the Secretariat to grow and contract, without pushing the European Commission to fund the entire project. It is envisioned that the Commission would contribute a maximum of half the budget with the rest coming in the form of voluntary contributions from all 43 UMed members. It is necessary to keep down the budget as a whole to make it sustainable as voluntary contributions in the long term are not secured, leaving the Commission as the only long-term funder, increasing pressure on the whole EU budget.

There are currently several draft budgets circulating from the co-Presidencies (France and Egypt) which set out this grander vision. It is likely that we will agree a transitional budget for four months to allow a small group to start work in the Secretariat with responsibility for designing the project guidelines, writing full staff regulations and physically setting up the Secretariat. The transitional budget would then be enlarged, following discussion, to run into a full annual budget but we need to set the vision now as it will be taken as a precedent. The transitional budget includes the following elements:

- Secretary General: There is an expectation, especially amongst some Partners, that the Secretary General's salary and allowances should be paid from the Secretariat's budget. We disagree as we think it imposes too much pressure on the budget. However, we are in the minority on this and it would make the Secretariat out of line with other international bodies whose heads are paid for from the core budget to prevent any accusation of shared allegiances. We see a potential compromise with the overall amounts proposed in the budget being reduced, especially the high salary and allowances requested by the Secretary General to ensure that the overall figure is reasonable.
- Deputy Secretary Generals: It has also been proposed that the salaries of the six Deputy Secretary Generals from Greece, Turkey, Malta, Italy, Israel and the Palestinian Authorities should be paid for from the core budget. We disagree, with the exception of the Palestinian Authorities. The Deputy Secretary Generals are seconded members of staff and costs should be paid for by the

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seconding state, as set out in the Statutes. We could not accept that EU member states' secondees are subsidised from the EU's budget contributions. It would be the same for Seconded Officials.

We interpret the Statutes to say that all remittances should be covered by the seconding state, we will face significant pressure on this point claiming that some states cannot afford to cover the full costs of the secondment. We do not think this creates value for money and is not in line with a 'lean' Secretariat. The current proposal is that UMed Member States pay what they can to second an official to the Secretariat and then the Secretariat 'tops up' the salary to ensure equal pay of staff with equal responsibilities. We think that this creates an incentive for seconding states to pay low wages which would increase the pressure for the Secretariat's budget to provide compensatory allowances. We want a more transparent system setting out the minimum level of allowances that a state would pay. We can limit our liability through:

- Money used to pay any allowances to come from contributions other than the EU's budget commitment to ensure that the structure of the secretariat reflects the political will of its members, however the Secretary General and the Palestinian Deputy Secretary General would be an exception;
- Only the neediest countries that receive overseas development money, should be able to apply for top up allowances (this excludes all EU countries). We are working up an exact mechanism, but OECD criteria could provide a good basis.
- Travel Budgets: The current budget proposes business class travel for several visits per person per month. This is unacceptable. We understand that some travel will be necessary however we do not see the case for business class travel nor how this fits in with the work plan. We will push for a clear pegging of planned travel to the work schedule and for costs to be kept to a minimum.
- Local Staff: It is envisaged that the Secretariat will employ administrative grades locally. The current figures for salaries and number of staff appear high and not in line with administrative work in comparison with our consulate in Barcelona, nor the mandate for a 'lean' Secretariat. We are pushing for these costs and numbers to be reduced and brought inline with the grading of the jobs and a smaller Secretariat.
- Running costs for the Secretariat: computers, paper, utilities and an element for consultancy time. The Secretariat needs enough money in this element to be successful however we do not see the need for consultancy elements, especially in a transitional budget and will push for its removal. The building itself is of a high quality and has been donated by the Spanish authorities and so is cost neutral.

The budgets set out a vision which we do not share. We have been in regular touch with other EU Member States and a number broadly share our position on the Secretariat's budget, which is:

- It must not increase the UK's overall contribution to the EU budget
- It must be consistent with the mandate agreed in the Statutes, transparent, publically defensible and open to scrutiny, i.e. it must not be extravagant or provide for expenses which are not in line with the Secretariat's technical, project focused mandate, such as lavish entertainment, excessive travel or high allowances
- In the first instance, any costs for secondees (salary and allowances) should be covered by the sending state
- Any allowances that are paid from the Secretariat's budget are lean, minimal, in line with other international organisations and only go to the most needy, e.g. those on the OECD's list of development aid recipients
- It must ensure co-ownership amongst all members of the Union for the Mediterranean
- The EU's contribution should
 - o allow the Secretariat to fulfil its role in the long term, i.e. on running costs and not on any support for secondees' salaries and allowances, perhaps the biggest liability in the budget.
 - o not detract from other priorities in the region, such as bilateral European Neighbourhood Partners Instrument funding
 - o be limited

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7 April 2010

ZIMBABWE UPDATE

Letter from Chris Bryant MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman

Thank you for your letter of 19 October which asked me to write to EU Sub-Committee C with an update on the situation in Zimbabwe, including the UK Government's view of the current situation.

You may be aware of the ongoing problems surrounding the implementation of the Global Political Agreement (GPA), agreed between the Zimbabwean parties in September 2008 and brokered by the Southern African Development Community (SADC). The lack of willingness by ZANU (PF) to engage fully in the GPA led Prime Minister Tsvangirai to announce, on 16 October, the suspension of routine co-operation with ZANU (PF). He also appealed to the Southern African Development Community (SADC) to carry out their duties and monitor and support effective implementation of the agreement they brokered in September 2008.

We were encouraged by the outcomes of the SADC Maputo Summit on 5 November at which SADC leaders signalled their clear support for GPA implementation, gave a deadline of 6 December for talks on further reform and reiterated SADC's role as facilitator. South Africa subsequently appointed a facilitation team led by Charles Nqakula, President Zuma's political adviser; Special Envoy Mac Maharaj; and, international relations adviser Lindiwe Zulu. Although the political parties in Zimbabwe have yet to resolve any of their outstanding issues, talks are currently under way.

Without major progress on the GPA, the Inclusive Government will not have kept its promises to the Zimbabwean people, and the international community will be unable to re-engage fully with Zimbabwe. Although the MDC are involved in the political process, we are concerned that violence and intimidation against MDC supporters and civil society activists appears to be continuing.

We will continue to monitor developments in Zimbabwe to gauge the appropriate response when deciding how to review the EU sanctions regime in February 2010.

9 December 2009

Letter from Chris Bryant MP to the Chairman

As part of my commitment to keep your Committee updated on matters concerning sanctions, I wish to inform you that the EU Common Position imposing restrictive measures on Zimbabwe (an arms embargo, travel ban and assets freeze on 40 companies and 203 individuals) expires on 20 February.

In ZIMBABWE progress on implementing the Global Political Agreement remains mixed. Political reform continues to lag behind economic progress as hardliners obstruct reform. Human rights abuses including farm seizures and the detention of activists and reformist politicians continue. Following the MDC withdrawal from Government in October to protest against inadequate GPA implementation, South Africa has engaged in intensive mediation. The results so far have been limited. The GPA signatories agreed in December on the formation of human rights, electoral and media commissions, plus land and media reform. Implementation will be the key test. The negotiators have agreed a 15 January deadline to progress outstanding issues, but in practice further progress before the end of January is most unlikely. This makes it likely that decisions on the future of the EU targeted measures on Zimbabwe will have to be taken on the basis of the situation as it is now.

Although the measures expire on 20 February, associated procedural deadlines mean that new texts have to be agreed by the end of January. In considering our approach to extending the EU measures we will want to balance maintaining pressure on hardliners to reform with demonstrating that the EU is prepared to respond positively and gradually to incremental reform in Zimbabwe. Against the current background, major change would not be appropriate.

I would also like to take this opportunity to inform you of some other upcoming EU negotiations on sanctions measures.

The EU restrictive measures in place on MOLDOVA expire on 27 February 2010. Some Member States, and the EU Special Representative for Moldova, have suggested the lifting of sanctions on the Transnistrian leadership.

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We feel it is too early to completely lift sanctions but agree with others, including the Government of Moldova, that the list should be reviewed resulting in perhaps one that is more targeted. We will therefore be working with the other Member States to achieve the unanimity required to retain sanctions and discuss the options including a more targeted list.

Three UN Security Council resolutions were passed at the end of December concerning sanctions. These UN resolutions will be implemented by the EU 'translating' them into EU legislation in the coming weeks – they will need both Council Decisions and Commission Regulations.

LIBERIA has been the subject of UN sanctions since 2003. The resolution passed on 17 December 2009 (UNSCR 1903) lifts the arms embargo for supplies of military equipment and training for the Government of Liberia.

New restrictive measures were imposed by the UN Security Council on ERITREA on 23 December 2009 (UNSCR 1907) as a result of its actions "undermining peace and reconciliation in Somalia" and its role in the dispute with Djibouti. A revised Commission Regulation concerning restrictive measures against SOMALIA is also due to be negotiated in the coming weeks.

On 21 December 2009, the UN Security Council passed resolution 1905 on IRAQ, extending a measure contained in UNSCR 1483 (2003) that deposits proceeds from export sales of petroleum, petroleum products and natural gas into the Development Fund for Iraq and other related mechanisms. The Prime Minister of Iraq wrote to the Security Council saying that the Government of Iraq recognises that the Development Fund for Iraq plays an important role in ensuring that oil and gas revenues are employed in the best interests of the Iraqi people, and called for the continued assistance of the international community by means of the adoption of this Security Council resolution.

14 January 2010