



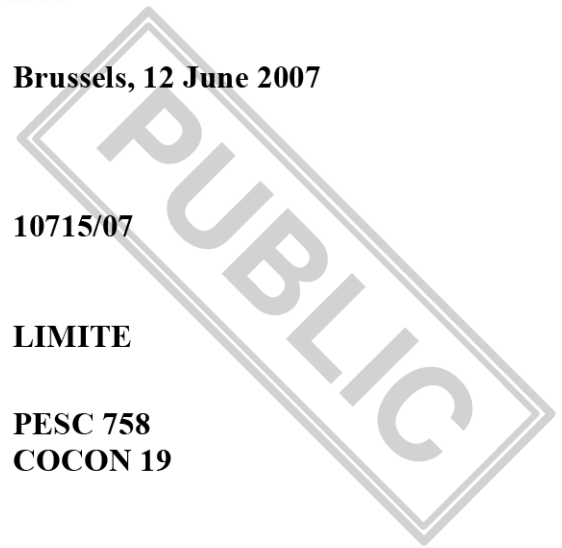
**COUNCIL OF
THE EUROPEAN UNION**

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COCON 19**



NOTE

From::	Secretariat
To::	Delegations
Subject :	Lead State Concept

Delegations will find attached the Lead State concept as approved by PSC on 12 June 2007.

LEAD STATE IN CONSULAR CRISES

SECURITY OF EUROPEAN UNION CITIZENS IN THIRD COUNTRIES IN CRISES

In light of EU Member States' efforts to increase the effectiveness of their crisis management mechanisms in third countries, and on the basis of a non-paper presented by France and the United Kingdom, this paper establishes the principles of the Lead State approach and sets out the next steps as agreed at the informal COCON meeting of 12 October and endorsed by the PSC meeting of 17 November 2006.

I. Principles

Notwithstanding national responsibility for the Consular Protection of EU Member States' citizens and the necessary compliance with the Treaties, the Lead State approach demonstrates solidarity and close cooperation among Member States, and is in line with the principles governing European consular cooperation in third countries (Art 20 of TEC). Taking a role in a crisis as Lead State on behalf of other EU countries would be voluntary and require active support and participation of all Member States. In all cases, other EU Member States will continue to monitor the situation of their nationals on the ground, share intelligence and situation assessments and provide reinforcements and additional resources as required.

The Lead State approach comprises the following:

1. **Where no Member State is represented in a third country**, the designated Lead State will facilitate from a neighbouring country coordination for Member States participating in the response.
2. **Where only one or two Member States have an embassy in a third country**, in most cases the Lead State approach is already established.
3. **Where several Member States are represented in a third country**, responsibility for **unrepresented** EU nationals would be carried out by one or more Lead State(s), as appropriate. Where there is more than one Lead State, responsibilities will be shared as appropriate and coordination arrangements clearly defined.

In the event of an evacuation, the Lead State's responsibility will end when the evacuees arrive at the Lead State's designated place of safety. There will be no obligation on the Lead State to take them to any country other than the designated place of safety.

The final decision to evacuate EU Member State citizens will rest with the Lead State. If, for national reasons, a Member State decides not to evacuate or wishes to evacuate its citizens outside the framework set by the Lead State, the Member State concerned will be responsible for making other arrangements for its citizens.

Ideally, Lead States should be designated in the contingency planning process, but they could also be designated in the early phases of a consular crisis.

II. Implementation at Missions Overseas

The Lead State, in close consultation with the Presidency,

- will take appropriate action to respond effectively to a crisis, such as: making situation assessments, including unrepresented EU Member States' nationals in their Mission's emergency plans, warden arrangements, communications, providing a processing centre if an evacuation were necessary, facilitating cooperation on searching for missing persons and Disaster Victim Identification as required.
- alert other Member States to the need to send reinforcements if the situation requires. As part of the consultation between the capitals, the Lead State's capital will be able to direct any requests to the Presidency and their partners.
- facilitate the cooperation on the ground between Member States which have sent additional personnel, financial resources, equipment, and medical assistance teams.
- assess the financial consequences of assisting nationals of other Member States, according to the principle of "per capita" reimbursement of the costs incurred.

- inform other Member States of the conclusions and lessons learnt after the crisis.

The Presidency will be responsible for strategic information management and Brussels based coordination as appropriate.

III. Role of Commission delegations

The 2006 June European Council endorsed the Presidency's report on reinforcing EU's emergency and crisis response capabilities (document ref 10551/06). The document refers to the updated consular guidelines which allow for a pragmatic and limited supporting role for Commission delegations. Whilst the guidelines are non-binding, there are circumstances in which Commission delegations might usefully provide elements of logistical support to Member States such as office accommodation and use of their existing transport resources, according to need as assessed by the Lead State(s). Commission staff might usefully assist with administrative arrangements. This role should be agreed in the planning phase between the Lead State and the Commission delegation concerned. Commission staff shall not undertake front-line consular work (dealing with the public from Member States directly) as this is not legally possible.

IV. Advantages of this proposal

Designating a Lead State will:

- ensure no EU Member State citizen is left unassisted;
- improve Missions' contingency planning by including details of any unrepresented EU Member States' nationals who may need assistance (number, location, special medical cases, etc.);
- ensure the compatibility (and inter-operationality) of contingency plans in countries where several Member States are represented and seek compatible warden arrangements;
- provide one point of contact for unrepresented Member States, through which they could receive information about their citizens and coordinate any assistance they might send;

- facilitate access to resources (accommodation, chartering of planes or boats, distribution of food and medicines, military capabilities) with a complete picture of those requiring assistance.

V. Implementation

COCON has been tasked by PSC to agree Lead States in third countries.

A phased approach will be taken.

Phase 1 will implement the Lead State framework in countries with two or fewer missions. In parallel, in a selection of countries where there are several missions, consular crisis exercises will be carried out to explore how the Lead State framework would operate there.

Phase 2 will assess progress in the Lead State framework and establish next steps, including the possible consolidation of the approach in countries where several Member States are represented.

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