



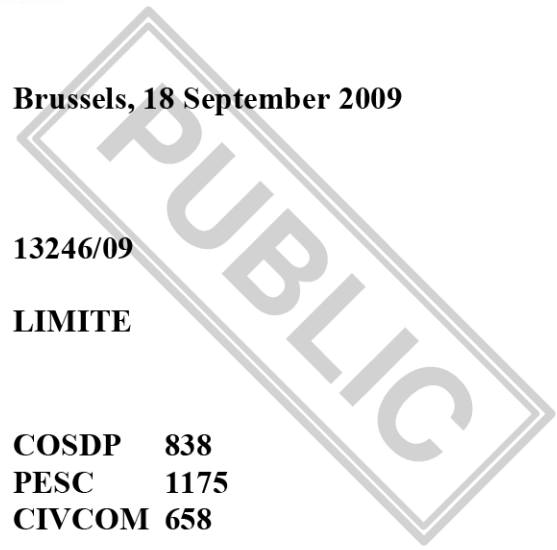
**COUNCIL OF
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NOTE

To : Political and Security Committee
From : Secretariat

Subject : Security Sector Reform - deployable European Expert teams
- Establishment of a pool of experts and deployment of experts

In view of approval by the Political and Security Committee, delegations find attached a draft document in relation to Security Sector Reform - deployable European Expert teams. The document deals with the financial and legal aspects of the deployable European Expert teams. It has been drafted in consultation with the Commission services.

The document has been agreed by the Politico and Military Group and RELEX Counsellors in accordance with their respective competencies. CIVCOM has been consulted.

Security Sector Reform - deployable European Expert teams

Establishment of a pool of experts and deployment of experts

I. INTRODUCTION

1. On 20 November 2008, the Council approved a framework concept document "Security Sector Reform - draft document on deployable European expert teams"¹. The Council General Secretariat in collaboration with the European Commission was tasked to submit a number of documents relating to various aspects of the implementation of the framework concept. The document on profiles of experts² was noted by the PSC on 10 June 2009.
2. The purpose of this document is to take the strand of legal and financial aspects forward, including aspects related to the setting up of the pool of experts. Accordingly, the document sets out the modalities for:
 - Establishment and management of the pool.
 - Deployment of the SSR experts from the pool.
3. Within the framework concept and the agreed requirements and expert profiles, the modalities take into account those established for the CRT database as well as experience gained with the CRTs and with due regard to the specificities of the SSR domain.
4. The SSR expert pool should when established contain a certain number of deployable highly qualified experts within each expert profile, covering a broad spectrum of geographical expertise, thus ensuring a wide coverage of expertise available for carrying out SSR tasks and missions.

¹ Document 14576/1/08 REV 1.

² Document 10793/09.

5. At the European Council in December 2008 Member States agreed to develop National Strategies in order to build up their capabilities in civilian personnel at national level and to facilitate their deployment to respond to calls for contributions to civilian ESDP missions. In that framework, implementing measures are contained in doc. 12018/09. In developing such National Strategies, Member States are encouraged to bear in mind the need to contribute to the SSR expert pool. When implementing training activities aimed at civilian personnel potentially available for ESDP missions, Member States are invited to provide training that would enhance expertise outlined in the profiles of SSR experts.

II. ESTABLISHMENT OF THE POOL

A. Eligibility for inclusion in the pool

6. As stated in the framework concept, the pool of SSR experts will consist of experts from the Member States, the Commission and the Council General Secretariat (hereinafter called "Secretariat").

To be included in the pool, a candidate must fulfil the Generic Requirements set out in document 10793/09 and, depending on which expert profile the candidate aspires to, the specific requirements set out in each of the profiles. Only candidates proposed by Member States, the Commission and the Secretariat will be taken into account. No formal ceiling concerning the size of the pool will be set at this stage. However, the aim will be to have approximately 100 experts in the pool evenly spread across the different expert profiles.

Candidates should be available to perform the tasks set out in the framework concept, including tasks that involve deployment on a mission³.

³ Commission Staff cannot at present be deployed within ESDP missions due to legal constraints.

B. Procedure for inclusion of experts in the pool

7. The Secretariat will issue a call for contributions for candidates to the pool of experts to Member States, the Commission and to the relevant services of the Secretariat. The call for contributions will specify the information to be submitted in order to process the candidature.

Candidates must be informed of the data that will be included in the database containing the pool of experts and the purposes for which these data can be used.

8. The Secretariat will, on the basis of the candidates proposed, include the SSR experts that fulfil the eligibility criteria set out above in the pool.
9. As set out in the framework concept, SSR expertise in civilian fields could inter alia be drawn from the CRT database. To ensure that CRT experts are taken into consideration, Member States will be invited to do a screening of their CRT experts in order to identify those that fit the SSR expert profiles and put forward the names. The names and the SSR expert profile of these CRT experts will be included in the SSR Pool of experts with an indication that they are part of the CRT database. All other data concerning these experts will be kept in the CRT database.
10. The Secretariat will subsequent to the selection of SSR experts for the pool inform Member States and the Commission of the outcome of the selection and on any shortfalls relating to particular requirements. If the Secretariat deems that the number of candidates selected in one or more profiles are not sufficient, it will issue a renewed call for contributions.

C. Management of the pool

11. The pool of experts will be contained in a database to be managed by the Secretariat. The database will include the following information⁴:
- Name, gender and Member State of the expert;
 - Indication of the expert profile he/she has been selected for. An expert can have more than one profile;
 - Language skills and country/region profile;
 - Application and accompanying CV of the chosen candidates.

The Secretariat may for specific purposes make a request to the Member State or to the Commission for information not contained in the database.

12. Member States, the Commission and the Secretariat will keep a roster of their own experts in the pool with all relevant data pertaining to the experts which they will be responsible for maintaining and updating regularly. They must make sure that their SSR experts contained in the pool are available in principle for deployment and training and must inform the Secretariat if an expert is no longer available for the purposes of the pool or if an expert is unavailable for a longer period.
13. All handling of data in relation to the pool of SSR experts will be done in accordance with Council Regulation 45/2001 of 18 December 2001. Access to the database will be restricted to a limited number of Secretariat staff on a need to know basis.
14. The Secretariat will direct all official communication to the experts via the Member State of which the expert is a national or the Commission as the case may be. Member States and the Commission will appoint a contact person for the SSR pool of experts⁵.

⁴ Specific rules will be applied for sensitive data relating to intelligence and criminal justice experts.

⁵ Such contact points are used for the CRT experts.

15. The Commission in the context of the European Community's external assistance will have access to the database in accordance with Article 7 of Regulation 45/2001. To this end practical arrangements for the relevant Commission Services' consultation of the database will be made with the Secretariat.

D. Costs

16. The Member States, the Commission and the Secretariat will each be responsible for costs related to their own activities in the context of establishing and managing the pool.

E. Renewed call for contributions

17. The Secretariat will, based on an assessment of needs, on a regular basis issue Calls for Contributions but no later than a year after the first Call for Contributions was issued.

On that occasion, the Secretariat will request Member States and the Commission to confirm the availability of their experts already in the pool.

III. DEPLOYMENT OF SSR EXPERTS

A. Types of deployment of SSR experts

18. As set out in the framework concept (para 20) "*SSR experts may be used in support of the GSC or the European Commission, as the case may be, in the preparation of an SSR mission, or actually within the framework of an ESDP mission or a Community action, as a member of the mission or temporary reinforcement for a short-term task.*"

Further to the concept (paragraph 13) they could in this context be used to perform audits, to contribute to planning of a SSR action, to reinforce on an ad hoc basis an EU SSR action, as members of an ESDP mission⁶ or a Community SSR action.

19. In addition to operational tasks and as set out in the framework concept, the SSR experts may be entrusted with the following general tasks: (a) promoting shared expertise on SSR-related matters within EU institutions and between MS and (b) contributing to reflection on the development of SSR theory within the EU by providing analyses for submission to the relevant Council working parties and/or the relevant European Commission departments.

In order to ensure coherence of EU action the Secretariat, the Commission and the Member State experts are invited to work together in performing the above mentioned tasks. These tasks fall outside the modalities for deployment of SSR experts, as set out in this document.

B. Legal and financial framework for deployment of SSR experts (ESDP)

20. This section focuses only on actions/operations within the ESDP framework. Community actions are subject to the relevant Community framework and rules.
21. In the context of ESDP, the legal and financial framework for deploying SSR experts depends on two main factors:
 - whether the action is considered civilian or as having "military or defence implications".
 - at which phase in the decision making process (within the crisis management procedures), the action should take place. For easy reference, the terms exploratory, preparatory and implementation phases are used.

⁶ The terms mission(s) and action(s) in this document are used in accordance with the framework concept. As such, they have no legal significance. For legal purposes, what matters is whether an activity qualifies as "an operational action" in the sense of Art. 14 TEU and/or as "an operation having military or defence implications" in the sense of Art. 28(3). TEU. When the term "ESDP mission" is used it covers both civilian and military operational actions.

22. A simple overview of the current legal and financial framework is set out in the table below.

	Civilian	Military⁷
Phase		
1. Before mission is established (before adoption of Joint Action)		
- <i>exploratory phase (eg. exploratory missions, audits) before (political) agreement on ESDP mission</i>	No specific legal framework Costs lie where they fall (to be borne by respective sending States/Institutions)	No specific legal framework Costs lie where they fall (idem)
- <i>preparation of missions - (political) agreement has been reached on ESDP mission</i>	- CFSP budget - preparatory measures. Preparatory measures to be agreed by the Council). ⁸ The use of preparatory measures is optional, ie. actions can be undertaken outside this framework (with no CFSP financing).	After approval of CMC⁹: ATHENA Art. 15 (2) (Operational common costs relating to the preparatory phase) Costs listed in ATHENA, Annex II
2. Mission is established (after adoption of Joint Action) - <i>implementation</i>	Joint Action: <u>CFSP budget</u> - costs within the scope of the Financial statement, MS secondment of staff.	Joint Action: <u>ATHENA</u> (common costs as defined in the ATHENA decision) ¹⁰ , Force Generation/MS secondment.

⁷ Defined as operations "having military or defence implications" under Article 28 (3) TEU and the ATHENA Decision . This category also covers military "supporting actions" within the meaning of Article 1 d) of the ATHENA Decision ("*military supporting actions*" shall mean the EU operations, or parts thereof, decided by the Council in support of a third State or a third organisation, which have military or defence implications, but which are not under the authority of European Union Headquarters.")

⁸ Cf. the Financial Regulation, Article 49 (6) (c). See also document 10238/07, in particular para 9 a).

⁹ There is a possibility to advance the period for the funding of "Operational common costs relating to the preparatory phase" subject to a decision by the Special Committee following consultation of the PSC, cf. Article 15(2), 2nd sentence of the ATHENA Decision ("*in particular circumstances, after the Political and Security Committee has been consulted, the Special Committee may modify the period during which these costs shall be borne by ATHENA*").

¹⁰ For so called military supporting actions (ATHENA, Articles 1 d) and 15 (4)), costs as decided by the Council on an ad hoc basis by reference to Annex III of the ATHENA Decision.

23. Under the current rules, the use and deployment of SSR experts in the context of contributing to a political decision whether to undertake an ESDP mission, is not subject to any specific legal framework and there is no joint financing scheme foreseen under normal circumstances. Each institution/body or Member State must bear their own costs related to activities in this phase.
24. Once a political decision has been taken to conduct an ESDP mission, a framework is available for the preparations of the mission. However, its use is subject to certain conditions, depending on whether the mission is of a civil or military nature.
- In preparation of military operations/supporting actions the ATHENA mechanism cannot be used to finance activities that contribute to the elaboration of a crisis management concept (CMC) as a general rule. However, the ATHENA Special Committee may in particular circumstances decide to allow financing of actions prior to the approval of the CMC. Under the ATHENA rules, appropriations and funds are immediately available after the approval of the CMC (or, as the case may be, the Special Committee's decision on funding)¹¹.
 - The use of the Preparatory actions budget line for civilian ESDP missions is subject to the procedures set out in the document "Procedure for having recourse to the "Preparatory measures" budget line within the CFSP budget"¹² endorsed by the Council in June 2007 and the Commission Framework Decision¹³. These procedures for financing, in principle, enables the deployment of the necessary resources within 5 days after the PSC has agreed to launch the preparatory measure. The budget line has not been used prior to the approval of the CMC.

¹¹ The operational common costs as set out in Annex II of the ATHENA Decision.

¹² Document 10238/07.

¹³ C (2009) 6341 of 17 August 2009.

C. Modalities for deployment of SSR experts from the pool

Scope of the modalities for deployment

25. Modalities for the deployment of SSR experts from the pool are set out below in paragraphs 27- 35. However, for the following cases of deployment, the use of the modalities is not feasible:

- a. The deployment of SSR experts as members of an established ESDP mission, after the Joint Action has been adopted, must follow the rules and procedures decided within the framework of that Joint Action and relevant guidelines contained in planning documents and other documents such as SOPs related to the different types of ESDP missions. For military operations the OHQ is responsible for manning in the context of the force generation process¹⁴. The recruitment of personnel for civilian ESDP missions is done through a call for contributions and this could also be the case for military Supporting Actions financed by ATHENA. In case of SSR type missions, the SSR expert profiles could be used in formulating the call for contributions.
- b. Deployment of SSR experts for Community actions is subject to the relevant Community framework and rules.
- c. Deployment of Commission experts from the pool will take place in accordance with Commission rules and procedures.

In this context it is recalled that preference will, when appropriate, be given to carrying out joint Secretariat - Commission assessments/audit missions also involving the Member States. For such joint missions, specific arrangements should be agreed as to which institution engages the SSR experts.

¹⁴ Should circumstances occur where the use of SSR expertise is required and decided, appropriate arrangements on an ad hoc basis should be made in agreement with the Operation Commander.

26. Consequently, the modalities set out in paragraphs 27-35 cover:

Deployment of SSR experts from the Member States and the Secretariat:

- a. outside an established ESDP mission, i.e. before the Joint Action is adopted (for missions undertaken in the exploratory and preparatory phases),
- b. as temporary reinforcement of civilian ESDP missions and military Supporting Actions financed by ATHENA for a short term task¹⁵, as well as
- c. for other planning support in relation to ESDP missions.

General principles

27. The modalities for the use and deployment of SSR experts should take into account the need to ensure that appropriate expertise is procured within reasonable timelines. A decision to use SSR experts in the exploratory or preparatory phase should be made within the normal context of actions decided and undertaken in these phases of the crisis management procedures leading up to the adoption of the Joint Action and the establishment of an ESDP mission. Whatever the framework for deployment, the deployment of an expert from Member States and the Secretariat will remain a decision by the sending Member State or the Secretariat respectively¹⁶.
28. A decision to engage SSR experts in support of tasks and missions to be carried out, e.g. in the context of an audit, exploratory mission or as planning support, can be taken by either the Council, the PSC or the SG/HR. When there is such a decision, the relevant paragraphs of the current Guidelines on fact-finding missions¹⁷ apply, regardless of the nature of the mission. Tasks and missions will be carried out under the responsibility and leadership of the Secretariat within the framework of its competences and responsibilities in preparing decisions by the competent Council bodies.

¹⁵ In agreement with the Head of Mission and within the budgetary means of the operation/action in question.

¹⁶ In relation to personnel seconded to the Secretariat, Council Decision 2007/829/EC concerning the rules applicable to national experts and military staff on secondment to the General Secretariat of the Council apply as well as special provisions for personnel seconded to EUMS (cf. Document 6249/09).

¹⁷ Document 15461/02.

In case of temporary reinforcements of a civilian ESDP mission or of a military Supporting Action financed by ATHENA, the decision is taken in agreement with the Head of Mission and the SSR experts will be under the chain of command of the Head of Mission.

Procedure for selection of SSR experts to be deployed.

29. Once a decision is taken to use SSR expertise, the Secretariat will issue a "call for SSR experts' deployment" to Member States. The call for deployment will state that priority in the selection of experts for deployment will be given to the SSR experts from the pool.

The call for deployment will specify the objective of the deployment, including as the case may be, the country or region for deployment, the requested SSR expertise, the expected timing for deployment and duration of the mission and the deadline for responding to the call for deployment.

30. Member States will communicate the name of the SSR experts from the pool that are available for the mission. If no experts from the pool are available or if Member States have candidates that better suit the specific requirements of the task, they may propose other experts to be deployed.
31. For short duration deployments, where a limited number of experts with specific competence is required, the Secretariat may, upon identification of suitable experts from the pool, directly contact the Member States of those experts in order to request their agreement for deployment.
32. The Secretariat will select the SSR experts to be used for the mission and will inform Member States of the result of the selection.
33. Council Secretariat experts are deployed within the context of carrying out their normal tasks in the Secretariat.

Time lines for deployment

34. The timelines for deployment of SSR experts will vary according to the type of mission and the urgency of action. Experts should be available for deployment within the requested timelines.

Preparation and conduct of missions and specific tasks

35. Decisions on the number of experts and composition of expert teams for a specific task or mission and the specific requirements and modalities for the preparation and conduct of a mission or a task will be taken on an ad hoc basis and will follow any existing frameworks, procedures or rules, such as in relation to safety and security of deployed personnel.

D. Use of the pool of SSR experts by relevant Commission Services

36. As set out in the framework concept, the Commission should be able to call on the pool in the event of Community action. Should the Commission wish to avail itself of experts from the SSR pool, it will inform the Secretariat and Member States. The Commission will make the necessary arrangements directly with the concerned Member States for the use of the experts.

IV. CONCLUSION

37. The establishment and management of a pool of experts should not be an aim in itself. As stated in the framework concept, it is a tool to reinforce expertise on European level in the SSR domain in order to support the European Union's SSR efforts within the framework of crisis management. Therefore the experts in the pool should be used as widely as possible and it should be ensured that their expertise is up to date with the developments in their fields of expertise and on activities of the European Union and other international actors as the case may be.

In order to maintain a high and broad level of expertise, measures should be taken so that the pool is refreshed regularly with new experts or expertise.

38. The development of the strand of training and creating "a community of experts", including through regular exchanges between experts and with EU actors, are key elements in achieving the above mentioned goals. As concerns training of the experts in the pool, the focus should be on further developing and sharing their expertise.
39. The functioning of the pool of experts should be assessed on a regular basis and the Secretariat should inform Member States regularly on developments. The first lessons learned to be submitted by the Secretariat one year after the pool has become operational should focus on the initial experiences gained concerning the establishment and management of the pool (including in relation to its size and composition) and the use of the experts of the pool. The lessons learned exercise should enable a review of the modalities contained in this document and, if need be, of the framework concept itself.

A first review should be carried out as soon as possible after the lessons learned exercise has been completed. Reviews should then be conducted regularly on the basis of experience gained.