



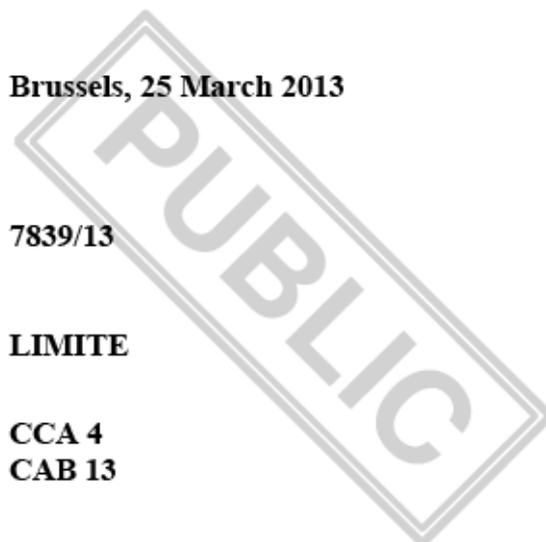
**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 25 March 2013

7839/13

LIMITE

**CCA 4
CAB 13**



OUTCOME OF PROCEEDINGS

Subject: Outcome of proceedings of the Friends of the Presidency Group (on the CCA Review and on the Solidarity Clause Implementation) - Discussion on the Solidarity Clause Implementation - 20 March 2013

The Chair welcomed the delegations for this first meeting on the joint proposal on arrangements for the implementation by the Union of the Solidarity Clause.

The agenda was adopted.

I. Additional mandate of the FoP CCA/SCI and SCI workplan

= Discussion

The Chair recalled that the CCA Review is being dealt with in a separate track and informed the FoP on the planned meetings dedicated to the SCI during the Irish Presidency. The indicative dates for the next meetings are 26 April and 3 June.

The Presidency then presented the overall approach it intends to take in handling the dossier. In light of the cross-cutting nature of the file, the Chair recalled that the FoP shall cover and integrate all the different facets. Quoting the mandate of the FoP (doc. 6598/13) with regards to the involvement of PSC, COSI, PROCIV, and TWP, the Chair underlined the FoP's role to do the spadework, in order to allow other working parties to focus their efforts. The FoP CCA/SCI Chair will liaise in particular with PSC and COSI ahead of the June FoP meeting.

The Chair then informed delegations that the aim of today's meeting is to get general views on the joint proposal (to be submitted in writing) in order to establish an overall picture and help define the way the discussion will take place in the next meetings.

The Presidency aims at reporting to COREPER in June at the latest, without excluding other opportunities before if needed. With regards to reporting to the Council, the Presidency recalled the General Affairs Council lead on the file, and identified its 25 June meeting as a possible target date. Finally, the Chair also informed the FoP about the fact that the incoming Lithuanian Presidency is associated with the preparatory work in order to ensure a smooth transition.

Member States took note of the Presidency's information and indicative schedule of work for the FoP.

II. Commission/High Representative Joint Proposal for a Council Decision on the Arrangements for the Implementation by the Union of the Solidarity Clause

= Discussion

The Commission and the European External Action Service presented the Joint Proposal for a Council Decision on the Arrangements for the Implementation by the Union of the Solidarity Clause. The presentation (available on the CCA Web Platform) covered in particular the general principles of the proposal (legal basis, extraordinary circumstances, umbrella framework, activation after all other means have been employed, etc.) and its main features article by article.

Member States thanked the Commission and the HR for the joint proposal. They welcomed the pragmatic approach presented and agreed notably with the guiding principles of avoiding duplication with existing instruments and of not creating new structures. In accordance with the Chair's request, delegations commented on salient issues rather than specific wording. Contributions focused on:

- geographical scope: with different views on the application of the clause to domains beyond the territory of Member States but under their jurisdiction (e.g. ships, planes, offshore platforms, embassies, overseas countries and territories). This issue will need to be further examined in light of legal and political appreciations;

- activation: underlining the exceptional nature of the Solidarity Clause and drawing attention to issues of threshold definition and political judgement for invoking the Clause. Some delegations suggested that the triggering of the SCI should result from a political decision of the Council following a request by one (or more) Member State;
- role of the Council and Member States, relation with the CCA: several delegations considered that the role of the Council and Member States was under-represented in the proposal. The importance of coordination between all the different actors involved and the need to better link art.5 (response at Union level) and art.6 (coordination in the Council) of the proposal was underlined. Some delegations drew attention to the necessity of ensuring a prior agreement of the affected Member State for all measures to be taken;
- financial issues: including the possibilities and limits in the use of EU financial instruments (e.g. Solidarity Fund, Asylum and Migration Fund, etc.);
- terrorism prevention, integrated threat assessment: the need to clarify or highlight the link with well-established products, mechanisms and organisations (e.g. INTCEN, CTC);
- military dimension: amongst others, the possible contradiction between preamble 13, which states that the joint proposal has no defence implications, and the proposal itself which refers to military resources;
- review clause: suggesting to add a review mechanism to assess the usefulness of the proposed arrangements after an activation of Art.222;
- termination: the process of termination of the implementing arrangements is not covered by the joint proposal.

The Commission and the European External Action Service thanked the Member States for their contributions which will be examined on the basis of the written comments. The Commission agreed on the link with the CCA but underlined the difference in scope (the CCA being wider) and the fact that the two arrangements are separate (Council arrangement for the CCA vs Treaty provision for the SCI), thus justifying distinct activation processes. Concerning the role of Member States and the Council, the Commission replied that the proposal covers already this aspect and that the legal basis of the proposal is Art.222(3), while the coordination between Member States relates to Art.222(2).

The Presidency concluded by summarizing the discussions and invited Member States to send their comments in writing to the General Secretariat of the Council (CCA@consilium.europa.eu) by 28 March.

III. AOB

The General Secretariat of the Council recalled that, in line with the FoP CCA/SCI mandate, the CCA Web Platform was adapted to include information and documents on the discussions related to the Solidarity Clause. The GSC distributed a short briefing package and presented the relevant sections of the Web Platform, including a new forum that has been created therein to facilitate informal exchanges between FoP members. The EEAS/EU Situation Room provided information on how to get access to the CCA Web Platform, which will apply until a new user management system is set-up in June 2013.
