EXPLANATORY MEMORANDUM ON EUROPEAN UNION DOCUMENT


Submitted by the Ministry of Defence, 18 April 2013

SUBJECT MATTER

1. The European Defence Agency (EDA) has invited Member States to endorse a draft Administrative Arrangement (AA) with the Ministry of Defence of the Republic of Serbia by the Foreign Affairs Council on 23 April 2013. The AA allows the EDA to establish mutually beneficial and practical cooperation, including potential participation in the EDA's projects and programmes with MOD Serbia.

SCRUTINY HISTORY

2. The main decision to sign and conclude an agreement with Serbia on security procedures for exchanging and protecting classified information was the subject of an FCO EM on 27 Oct 2010 which was considered as not important and cleared in Committee by the Commons and cleared at the sift by the Lords. This agreement then came into force on 1 August 2012, and covers the exchange of any classified information between the EU (including the EDA) and Serbia.

3. Two EDA Administrative Arrangements decisions went through scrutiny in 2012:
   a. EDA-OCCAR AA and Security of Information agreement;
   b. EDA-European Space Agency (ESA) AA.

   The ESA AA was cleared as not important in the Commons and at the sift in the Lords. The OCCAR AA attracted interest with an informal officials briefing in the Lords and the Commons reporting twice, before being cleared by both.

MINISTERIAL RESPONSIBILITY

2. The Secretary of State for Defence has overall responsibility for policy on defence capability and procurement. The Secretaries of State for Foreign and Commonwealth Affairs, Trade and Industry and the Chancellor of the Exchequer also have an interest.

INTEREST OF THE DEVOLVED ADMINISTRATIONS

3. Defence is a reserved matter under the UK’s devolution settlements and no devolved administration interests arise. The Devolved Administrations have therefore not been consulted in the preparation of this Explanatory Memorandum.

LEGAL AND PROCEDURAL ISSUES

4. There are no legal or procedural issues arising from this Council document.
APPLICATION TO THE EUROPEAN ECONOMIC AREA

None.

SUBSIDIARITY

5. Work carried out by the EDA is in support of Member States' efforts to improve their defence capabilities and is carried out on an intergovernmental basis.

POLICY IMPLICATIONS

6. Serbia was granted candidate status for EU membership by the European Council on 1 March 2012 and they currently have an agreement on the exchange of classified information with the European Union. The UK supports Serbia’s desire for greater Euro-Atlantic cooperation, closer UK-bilateral defence relations and closer involvement with the EDA.

7. The EDA has negotiated a draft Administrative Arrangement between the EDA and Ministry of Defence of the Republic of Serbia. The arrangement would allow the Agency to exchange views and information on matters of common interest and keep MOD Serbia informed of any opportunities for future cooperation. It details the provisions for sharing information and for MOD Serbia participating in specific projects and programmes. Participation in any programmes or projects will still be subject to Steering Board approval by the contributing Member States, including the UK.

8. There are therefore no negative implications anticipated through the approval of this Arrangement. It would help contribute toward the UK objective of improved co-operation between Serbia and the EU whilst maintaining security of classified information. Further to this, the UK would get to approve (or otherwise) any instance whereby an exchange of information was proposed.

IMPACT ASSESSMENT

None.

FINANCIAL IMPLICATIONS

None.

CONSULTATION

MOD (including Legal), FCO, Cabinet Office.

TIMETABLE

Dr Andrew Murrison MP
Minister (International Security Strategy)
Ministry of Defence
EXPLANATORY MEMORANDUM ON EUROPEAN DEFENCE AGENCY DOCUMENT


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Please add the following under the TIMETABLE section:

Due to the Foreign Affairs Council removing the Administrative Arrangement with MoD Serbia from the agenda on 23 April 2013, the document will now be considered at a council meeting, date to be confirmed, but could be as early as 21 May 2013.

Ministry of Defence
29 April 2012