

EXPLANATORY MEMORANDUM ON THE EUROPEAN UNION'S COMMON FOREIGN AND SECURITY POLICY

COUNCIL DECISION amending Decision 2016/2382/CFSP, establishing a European Security and Defence College

Submitted by the Foreign and Commonwealth Office on 8 February 2018.

SUBJECT MATTER

1. The attached draft seeks to amend Council Decision 2016/2382/CFSP to reflect a proposed mandate for the European Security and Defence College (ESDC) to establish a Cyber Education, Training, Evaluation and Exercise (ETEE) platform, as well as a revised reference amount in order to fund this activity.
2. Since establishment in 2005, the ESDC's role is to coordinate and provide strategic level training to promote a common understanding of the EU Common Security and Defence Policy (CSDP). ESDC activity is set by EU Member States and supported by a Secretariat and network of Member State training institutions, with the UK represented by the 'Defence Academy of the United Kingdom' in Shrivenham. ESDC courses are targeted at both military and civilian personnel, mirroring the military and civilian nature of CSDP operations and missions. Courses are primarily delivered by Member States training institutions.
3. Following a presentation by the Commission and the High Representative of the Union of a joint communication on cyber security (Resilience, Deterrence and Defence: Building strong cybersecurity for the EU (JOIN(2017) 450 final) 13 September 2017) and an update study by RAND Europe (Update Study on the EU Cyber Defence Centre for CSDP. Final Project report. October 2017) triggered by the European Union Military Committee (EUMC) Collegiate View (2016). The EUMC proposed creating a Cyber Defence Training platform under the ESDC.
4. On 13 November 2017 the European Defence Agency (EDA) Steering Board together with 27 MS Ministers of Defence agreed with the EUMC collegiate view and decided to request the ESDC to establish said platform. Also on 13 November 2017 the Foreign Affairs Council stressed the need to swiftly establish a Cyber training and education platform for CSDP (FAC Conclusions of 13 November on Cyber (14190/17). On 24 November 2017 the ESDC Steering Committee was informed by the EDA Chief Executive about the recommendations of the RAND update study, the results of the EDA Steering Board and Council Conclusions relevant to the creation of the platform. The Committee then mandated the Head of ESDC to develop an explanatory note for a decision to be taken during a special Steering Committee meeting on 15 December 2018.

SCRUTINY HISTORY

5. An Explanatory Memorandum on this subject was last submitted for Parliamentary Scrutiny on 5 December 2017.

The House of Commons European Scrutiny Committee cleared the documents as “not legally or politically important” on 12 December 2017 (ESC 39304, 6th Report, Session 2017-19). The House of Lords Select Committee on the European Union cleared the documents on 11 December 2017 at the Chairman’s sift.

MINISTERIAL RESPONSIBILITY

6. The Secretary of State for Foreign and Commonwealth Affairs is the Minister with overall responsibility for UK policy on the EU’s Common Foreign and Security Policy. The Secretary of State for Defence has an interest.

INTEREST OF THE DEVOLVED ADMINISTRATIONS

7. The UK’s Foreign Affairs policy 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 EM.

LEGAL AND PROCEDURAL ISSUES

- i. Legal basis: Articles 28(1), 42(4) and 43(2) of the Treaty on European Union.
- ii. European Parliament Procedure: No European Parliament consent needed.
- iii. Voting procedure: Unanimity
- iv. Impact on United Kingdom Law: None
- v. Application to Gibraltar: Yes
- vi. Fundamental rights analysis: No fundamental rights issues apply.

APPLICATION TO THE EUROPEAN ECONOMIC AREA

8. None

SUBSIDIARITY

9. The ESDC supports the delivery of the EU Common Security and Defence Policy, and it is therefore necessary that coordinated training is delivered at the EU level.

POLICY IMPLICATIONS (including Exit implications where appropriate)

10. On 23 June, the EU referendum took place and the people of the United Kingdom voted to leave the European Union. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation.
11. The ETEE will address cyber training needs among civilian and military personnel as identified by the EU Military and Civilian Training Groups. The platform would be governed through established ESDC structures.

- In this regard the ESDC would collect training requirements from the Member States and EU Institutions;
- develop, standardise and harmonise relevant curricula;
- coordinate and include the cyber training offers in its annual training program in line with priorities set by Member States; and
- support Member States in the organisation, conduct and evaluation of the training activities.

Given their efforts in this area, the Commission welcomes the creation of the Cyber ETEE platform. We welcome the importance placed by the Commission on the need to ensure full complementarity of Commission's activities with the platform's activities.

The Commission will also advise the ESDC on funding opportunities, under the provisions of available instruments, for the training activities of the platform. Additionally, the EEAS would increase its in-kind support to the ESDC to cover the additional staff necessary to build up the platform, as well as contribute by making available the necessary policy documents to support the activities of the platform and explore providing expert lecturers to the training activities. The EDA would also provide in-kind support, by feeding the results of their projects and relevant actions related to education, training and exercises to the platform.

We are satisfied that the draft advice ensures that the platform's activities are fully complementary to activities undertaken by NATO, including through the NATO Cooperative Cyber Defence Centre of Excellence in Tallinn.

12. Cyber security is a UK priority, to address this risk the UK in November 2016 published a new five year National Cyber Security Strategy 2016 - 2021, which defines our vision and ambition for the future: a UK that is secure and resilient to cyber threats: prosperous and confident in the digital world. To achieve these goals the UK needs to work with international partners. We are supportive of the European Union making Cyber Security a key priority.
13. We judge that the additional budget request of €390,000 is justified for the following reasons:
 - It is consistent with the extra responsibilities regarding the ETEE. The budgetary increase will cover three additional members of staff, their required travel, cyber pilot activities, a high level kick-off event for the Cyber Platform, and the development, review and revision of IT tools, website and e-learning development. Other additional costs would cover publications, promotion and visibility of the new Platform. These are required in order for the ESDC to perform their cyber role effectively.
 - The ESDC budget is drawn from the already fixed CFSP budget. This amounts only to a reallocation of existing EU funding and an increase in the ESDC budget would therefore require no increase to the UK contribution.
 - This ESDC budget represents only 0.1% of the total CFSP budget. We judge that this figure is too low to represent a real opportunity cost in terms of overall CFSP budget.
14. Specifically the budget covers 6 different headings plus contingencies:

- Heading 1 - Human Resources – daily and monthly allowances for ESDC secretariat staff - €711,145 (an increase of €118,089 to cover three additional staff).
- Heading 2 – Operational Missions of SNEs – official visits to Member States and CSDP partnership countries to support training activities - €76,800 (an increase of €18,975 to cover the missions of staff dedicated to the new platform)
- Heading 3 - Training Activities – Co-financing; maintenance and revision of IT tools; annual network conference; - €274,000 (an increase of €78,000 for new pilot platform activities and high level kick-off event for the new platform)
- Heading 3.2 - Training materials - ESDC Handbook on CSDP, publications, representational duties - €215,000 (an increase of €167,000 to establish a website platform and e-learning packages).
- Heading 4 - Running expenditure – Auditing, external accounting services and banking charges - €20,300 (an increase of €5,300 to cover the audit and external accounting service, plus team building activity due the creation of the new platform)
- Heading 5 – Representation– €1,000 (no change)
- Contingencies - The contingency reserve, which shall be used only with prior written approval of the Commission by the Head of the ESDC, is set at 1.29%, at €16,754.21

CONSULTATION

15. None

IMPACT ASSESSMENT

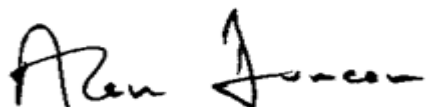
16. Not Applicable

FINANCIAL IMPLICATIONS

17. There will be no additional costs to the UK as a result of this Council Decision. The ESDC draws its funding from a grant from the EU's Common Foreign and Security budget. The new budget period is set for 12 months from 1 January 2018 until 31 December 2018 at a total of €1,315,000.

TIMETABLE

18. The intention is to adopt at the Foreign Affairs Council in April at the latest.



Rt Hon Sir Alan Duncan MP
Minister for Europe and the Americas
Foreign and Commonwealth Office

