

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

**JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT  
AND THE COUNCIL ON THE ACTION PLAN ON MILITARY MOBILITY**

Submitted by the Foreign and Commonwealth Office and Ministry of Defence on 19 April 2018.

**SUBJECT MATTER**

1. On 9 November 2017 the European Commission issued a Joint Communication to the European Parliament and the Council that outlined the physical, legal and regulatory barriers that impede the movement of military personnel across Europe. It reflected on possible areas of focus, identifying existing lines of action and key stakeholders. It concluded by stating that the Commission would present an Action Plan on Military Mobility for Member States' endorsement by March 2018.
2. The Joint Communication published on 28 March 2018 constitutes the delivery of the Commission's Action Plan on Military Mobility, although it is later recognised as a "living plan". It draws heavily from the European Defence Agency (EDA)'s roadmap that was developed by the ad-hoc working group on cross-border military transportation within Europe.
3. The document describes the role of Military Mobility in delivering the Global Strategy for the EU Common Foreign and Security Policy (CFSP), and references the commitment that 25 EU Member States made to improve European mobility under Permanent Structured Cooperation, a political framework based on a set of binding commitments intended to improve the respective military assets and defence capabilities of participating Member States.
4. The Joint Communication sets out the guiding principles of the EU approach, stating that the Action Plan aims to provide a coherent framework for Military Mobility, better coordinating EU activity. It recognises the utility of improved mobility beyond Common Security and Defence Policy (CSDP) operations and missions, and stresses that work will respect the sovereignty of EU Member States where national competence applies. It also recognises the importance of working with NATO to ensure a coherent approach.
5. The Action Plan has three overarching headings and more developed, underlying proposals: military requirements, transport infrastructure, and regulatory and procedural issues. Each subheading includes a list of actions directed at EU or Member State level.

The Joint Communication also includes an assessment that the Action Plan will not have any immediate budgetary impact but additional financial support may be required from the EU for the implementation of dual-use projects that will be taken into account in the upcoming proposal for the Multiannual Financial Framework.

6. The Commission invites EU Member States to endorse the Action Plan with the possibility of future revisions along with periodic progress reports.

### **SCRUTINY HISTORY**

7. An Explanatory Memorandum (EM) on the Joint Communication concerning Improving Military Mobility in the European Union (14237/17) was submitted for Parliamentary Scrutiny under joint FCO/MOD EM dated 4 December 2017. The House of Lords European Union Committee cleared the document at the Chair's sift on 12 December (Sift 1675). The document was cleared by the House of Commons European Scrutiny Committee on 19 December 2017 but asked the Minister to write (by 12 January 2018) setting out which specific initiatives on Military Mobility the UK would like to see included in the Action Plan. It was agreed that policy experts verbally brief the Parliamentary clerks to complete this request. This brief was subsequently delivered.

### **MINISTERIAL RESPONSIBILITY**

8. The Secretary of State for Foreign and Commonwealth Affairs is the Minister with overall responsibility for UK policy on the EU's CFSP. The Secretaries of State for Defence and Exiting the EU have an interest.

### **INTEREST OF THE DEVOLVED ADMINISTRATIONS**

9. 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**

10. Legal Basis: There are no legal or procedural issues. This is not a proposal for legislation but any future legislative proposals arising from the Action Plan will be appropriately assessed.
11. Impact on UK Law: None.
12. Application to Gibraltar: Yes.
13. Fundamental rights analysis: No fundamental rights issues apply.

### **APPLICATION TO THE EUROPEAN ECONOMIC AREA**

14. Not applicable.

## **SUBSIDIARITY**

15. Not applicable.

## **POLICY IMPLICATIONS (including Exit implications where appropriate)**

16. On 23 June 2016, the people of the United Kingdom voted to leave the European Union. The Government respected the result and, on 29 March 2017, triggered Article 50 of the Treaty on European Union to begin the process of exit. 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 also continue to negotiate, implement, and apply EU legislation.
17. The Government recognises the need to improve Military Mobility across Europe and to resolve common impediments. UK policy experts attended the EDA-facilitated ad hoc working group on cross border military transportation within Europe and supported the development of the EDA roadmap. The Commission built on this document in the presentation of the Action Plan.
18. The Government agrees with the content of the Action Plan and its recommendations to undertake further work under the key headings. The UK has experienced first-hand how issues with European transport infrastructure can hinder our ability to rapidly move forces and we are also committed to exploring innovative solutions to improve regulatory issues. The EU is well-placed with its existing competences to support this work, while respecting the sovereignty of national decision-making bodies.
19. However, the UK strongly believes that NATO's role is crucial in the delivery of the action plan. We are keen to ensure, not only that any work is fully coherent with existing NATO work strands, and that the Alliance's requirements are effectively incorporated as part of the implementation. With this approach, the EU can support NATO's objectives using levers that the Alliance could not influence unaided and therefore make tangible progress in an area of strategic importance to the UK. Moreover, the successful implementation of the Action Plan will require cross-Government consultation and approval, as well as interaction with other relevant EU Council bodies. There is widespread recognition and support for both these tenets amongst other EU Member States.
20. EU exit issues are relevant to the implementation of this Action Plan, particularly the longer term objectives that might include regulatory or legislative action. The UK wishes to develop a deep and special partnership on security and defence. Our vision is of a unique third country partnership that enables unprecedented levels of practical cooperation in tackling common threats building on our shared values and interests. While we are a full member of the EU, the UK will engage with the specific initiatives outlined in the Action Plan to assess where the government could negotiate future participation where it is mutually beneficial.

This is particularly relevant for the proposal that the Commission's work to estimate possible investment requirements to improve European transport infrastructure and to adapt the trans-European transport network Regulation by 2019 and 2020 respectively.

#### **CONSULTATION**

21. Not applicable.

#### **REGULATORY IMPACT ASSESSMENT**

22. Not applicable.

#### **FINANCIAL IMPLICATIONS**

23. The Joint Communication does not have any immediate financial implications. However, the Action Plan notes that possible investment in dual-use infrastructure will be taken into account in the Commission's upcoming proposal for the Multiannual Financial Framework.

#### **TIMETABLE**

24. The proposed deadlines for the implementation of the Action Plan are included as part of the Joint Communication.

#### **OTHER OBSERVATIONS**

25. None.

A handwritten signature in black ink that reads "Alan Duncan". The signature is written in a cursive, slightly stylized font.

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