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"I/A" ITEM NOTE

From : PSC
To : Coreper/Council

Subject : Policy of the European Union on the security of personnel deployed outside the EU in an operational capacity under Title V of the Treaty on European Union

1. On 16 May, the Political and Security Committee (PSC) agreed the draft *policy of the EU on the security of personnel deployed outside the EU in an operational capacity under Title V of the Treaty on European Union*, as amended to take into account advice from the European Union Military Committee (EUMC)¹, the Committee for Civilian Aspects of Crisis Management (CIVCOM)² and the Foreign Relations Counsellors Working Party (RELEX)³.
2. To date, the European Union has addressed the issue of security in the context of each field deployment or operation without the benefit of an overall policy framework. This draft policy provides that framework. It defines the core measures, roles, responsibilities and core tasks with regard to the security and safety of personnel in such deployments. It largely codifies and builds on existing practice; in doing so it clarifies the respective roles and tasks when preparing and conducting operations and deployments in the field.

¹ Doc. 8580/06

² Doc. 9068/06

³ Doc. 9350/06

3. This policy will apply to all operational deployments of civilian and military personnel in the field under Title V of the TEU, in particular ESDP crisis management operations and EUSRs and their teams. The advices provided also highlight a number of areas that need to be considered when implementing this policy.

4. In the course of detailed examination by the EUMC, CIVCOM and the Foreign Relations Counsellors Working Party, a number of points were raised on which further work will need to be carried out. It was noted that agreement on this policy does not prejudice the outcome of that further work, which will include *inter alia*:
 - (i) amending the guidelines regarding EU Special Representatives and the model legal instrument to take account of this policy;

 - (ii) providing an appropriate legal framework and elaborating adequate security arrangements for cases where personnel from the Member States are deployed at the request of the SG/HR outside the framework of an existing EU legal act. Solutions will be put forward to address such situations;

 - (iii) ensuring the most practical, coherent and transparent way of providing adequate coverage against malicious acts and third party liability as required by the policy. It is noted that the issue of high risk insurance will be raised in a forthcoming discussion;

 - (iv) further clarifying the measures to be taken by the EU and/or in agreement with the lead organisation to guarantee to the maximum extent possible the security of EU personnel where crisis management operations are conducted under the overall lead of another organisation or constitute supporting actions;

 - (v) further clarifying certain incident and consequence management issues, the reporting system and related procedures as well as the issue of medical care.

The policy will, as appropriate, be reflected in exercises carried out at Member state and EU level.

5. In light of the foregoing, and subject to confirmation by the Permanent Representatives Committee, the Council is invited to approve the policy as set out in the Annex.

Draft Policy of the European Union
on the security of personnel deployed outside the European Union in an operational capacity
under Title V of the Treaty on European Union

I. INTRODUCTION

1. In line with the European Security Strategy, the European Union deploys personnel outside the European Union, in particular in preparation for, or as part of crisis management operations.
2. This document addresses both crisis management operations, which encompass any operation, mission or action, including preparatory missions¹, conducted under Title V of the TEU involving the deployment of personnel outside the European Union, and the deployment of European Union Special Representatives (EUSRs) and personnel under their authority outside the European Union.
3. Deployment of personnel in the field in crisis or potential crisis situations is never entirely risk-free. The level of threat against personnel in crisis management operations has increased significantly in recent years. Working to assist others in situations of strife and political turmoil, personnel deployed in such operations are not only exposed to collateral consequences of conflict and criminal violence; increasingly, they are also themselves becoming targets of forces who wish to disrupt and prevent the return to conditions of peace, stability and a viable society.
4. Bearing in mind the security implications of working in crisis situations, achieving the Union's political objectives requires it to be able to operate effectively with both military and civilian capabilities in less benign environments. Without adequate attention to security issues, the Union risks jeopardising the safety of personnel deployed in crisis management operations, its political objectives and ultimately its credibility as an international actor.

¹ In this context, preparatory missions are missions undertaken under the responsibility of the SG/HR, on the basis of orientations by the Political and Security Committee, to determine the feasibility of conducting, or to prepare, a crisis management operation.

II. AIM AND OBJECTIVES

5. Crisis management intrinsically entails risk. The purpose of security measures is to reduce this risk to an operationally acceptable level. The aim of this policy is therefore to ensure that all reasonably practicable measures are taken to protect personnel deployed outside the European Union from harm and injury.
6. This policy on the security of personnel deployed in the field is designed in particular to ensure a comprehensive and integrated approach between all levels involved in the conduct of crisis management operations while taking all reasonably practicable measures to do so at an acceptable level of risk commensurate with the situation at hand, the objectives of the European Union and the best interests of the personnel involved. This is achieved by assigning roles, responsibilities and tasks in relation to the security of personnel in crisis management operations. These also apply, *mutatis mutandis*, with regard to the protection of material assets, resources and information, as well as to broader aspects of occupational health and safety.
7. Crisis management under Title V of the Treaty on European Union involves an array of resources contributed by Member States and third States, the General Secretariat of the Council, the European Commission and the operation itself under the relevant chain of command. In reaffirming that the security of personnel deployed to the field in the context of crisis management is a matter of primary importance, the objectives of this policy are:
 - (a) to ensure that the security dimension is fully taken into account in planning and deploying crisis management operations and EUSRs;
 - (b) to define the core measures for the security of personnel to be adopted when deciding to undertake a crisis management operation and when conducting such an operation or deploying an EUSR and his or her team (section IV);

- (c) to establish a clear delineation of roles, responsibilities and tasks between the host State, the Council, contributing Member States, contributing third States, the General Secretariat of the Council, the European Union Special Representative and the Head of Mission or Operation and Force Commanders in ensuring that measures are implemented for the security of personnel which are commensurate with the level of risk (section V); and
- (d) in addition to the measures described in (b), to set out the approach with regard to the security of personnel to be followed in crisis management operations involving both civilian and military components (section VI) or working under the lead of another organisation (section VII).

III. SCOPE

- 8. This policy applies to all deployments of personnel to the field in preparation for, or as part of a crisis management operation, including in support of non EU led missions/operations, or under the authority of an EUSR – whether short or long term - including: (i) General Secretariat of the Council and other EU Officials; (ii) National Experts seconded to European institutions; (iii) personnel assigned by contributing Member States or third States to a crisis management operation or to an EUSR; and (iv) international and local staff contracted under the authority of a Head of Mission, Operation and Force Commanders or EUSRs.

IV. CORE MEASURES

- 9. When deciding to establish a crisis management operation or deploy an EUSR in the field, the Council must examine the core measures described below:
 - (a) In the case of a crisis management operation, the security dimension will be addressed when preparing the planning documents, including the Concept of Operations (CONOPS), and the Operation Plan (OPLAN) to be approved by the Council, and the Joint Action (accompanied by a financial statement) to be adopted by the Council. The resulting security measures will be elaborated in a mission-specific security plan and apply to all personnel deployed as part of the operation;

- (b) In the case of deployment of an EUSR, the security dimension will be addressed in the Joint Action (accompanied by a financial statement) on the appointment of the EUSR. The resulting security measures will be implemented by the EUSR on the basis of an assessment of security arrangements for him or herself and assigned personnel in the field.

(i) Risk Assessment

10. The purpose of risk assessments is to identify existing or potential threats to deployment of EU personnel in the field and how they may affect the objectives of the envisaged deployment.
11. Risk assessment is an integral part of planning for a crisis management operation. It should be available to the Political and Security Committee early in the planning phase of an operation, notably when the CONOPS is being prepared. It must be undertaken afresh by suitably qualified personnel at appropriate intervals during the life of an operation, in particular to avoid separation over time of perceived and real risk.
12. The General Secretariat of the Council (Situation Centre) will lead the process of developing the risk assessment for each crisis management operation or EUSR deployment, drawing on the full range of resources available, including input by Member States², other institutions and at the level of Heads of Mission or Operation and Force Commanders, as well as relevant international organisations and third states.
13. The risk assessment will contain risk ratings defined by the General Secretariat of the Council which will guide the level of protection measures to be provided for in preparing and conducting crisis management operations.

² Member States may also, in addition to the risk assessment prepared by the General Secretariat of the Council, conduct their own risk assessment for guidance at the national level.

(ii) Security assessment

14. The purpose of security assessments is to recommend physical, organisational and procedural measures aimed at reducing risks identified in risk assessments to an operationally acceptable level.
15. Except for EU-led military operations, where force protection is an integral part of the military planning and preparation, security assessments for crisis management operations will be conducted by the General Secretariat of the Council (Security Office), drawing on the full range of resources available, including input by Member States, the European Commission, third States and international organisations with a presence in the field.
16. Where an EUSR is to be deployed outside the European Union, and at regular intervals thereafter, an assessment of security arrangements for him or herself and assigned personnel in the field will be conducted by the General Secretariat of the Council (Security Office), drawing on the full range of resources available, including input by Member States, the European Commission, third States and international organisations with a presence in the field.
17. All security assessments and recommendations will be addressed to the Political and Security Committee and the persons responsible for implementing the security recommendations and security measures.

(iii) Protection

18. Based on the risk and security assessments and exchanges with the parties and stakeholders, appropriate protection measures will be put in place to ensure an operationally acceptable level of security of personnel, assets (including premises, transport and communication), resources and information in the theatre of operations. Such measures should include:
 - (a) decisions on the visibility of the mission as well as its distinctiveness, as appropriate, from other actors in the same theatre of operation;

- (b) the conclusion, whenever possible, of arrangements granting a protected status to deployed personnel, including privileges and immunities (e.g. in a status of forces or a status of mission agreement) and the provision of acceptable security measures by the host State;
- (c) the application of a mission-specific security plan. For civilian operations and EUSR teams, this plan will be issued respectively by the Head of Mission or the EUSR based on generic field security operating standards produced by the General Secretariat of the Council. For military operations, the plan will be issued by the Force Commander;
- (d) the establishment of a system for the management of movement of personnel to, as well as within, the crisis area;
- (e) the establishment of appropriate medical care measures, including medical evacuation, for personnel deployed in the field;
- (f) adequate training of personnel in field security;
- (g) the development of resources such as security guidelines and handbooks;
- (h) ensuring that appropriate insurance coverage is provided for personnel deployed in the field; and,
- (i) ensuring the protection of EU classified information in accordance with Council Decision 2001/264/EC.

(iv) Incident and consequence management

19. Incident and consequence management must be addressed in the OPLAN, or, in the case of EUSRs in the Council Joint Action.

20. In order to ensure a timely and effective response to security incidents, a mechanism will be established for reporting serious security incidents to the General Secretariat of the Council. The mechanism will be operational a twenty-four hours a day, seven days a week and cover serious security incidents or threats to the security of personnel, whether caused by accidents, conflict, malicious acts, criminal acts, kidnap and hostage situations or medical emergencies. Appropriate arrangements will be put in place for communicating serious security incidents in crisis management operations, including to participating Member States and contributing third States and to the Political and Security Committee.
21. A system will be established between the General Secretariat of the Council, the EUSR, the Head of Mission or Operation and Force Commanders and the Member States and contributing third States to support them in managing serious security incidents involving personnel and their consequences, including contingency planning.
22. This incident management system will include:
- (a) procedures for effective preparation of political decision making in relation to a serious security incident involving personnel, including decisions related to the extraction of a mission; and
 - (b) a policy and procedures for personnel recovery - e.g. in the case of missing personnel or kidnap and hostage situations, taking into account the particular responsibilities of Member States in this regard. The need for specific capabilities within a crisis management operation in this regard will be considered when preparing the CONOPS and/or in the OPLAN.
23. The incident management system will be regularly exercised at all levels. This includes exercises between the crisis management operation or the EUSR, the General Secretariat of the Council and Member States to be organised by the General Secretariat of the Council.
24. Analysis of serious security incidents will be undertaken regularly by the General Secretariat of the Council to allow for the continuous review and improvement of the measures and structures for the security of personnel deployed in crisis management operations.

(v) Relocation and evacuation

25. Depending on developments in the security situation and the corresponding changes in the risk rating of a geographical area, the Head of Mission or Force Commander may need to relocate personnel within or outside the area of operations.
26. Contingencies and clear procedures for a partial or complete evacuation, including by means of extraction where necessary, of a crisis management operation or an EUSR office must always form part of the mission-specific security plan.

(vi) Information Strategy

27. Based on the risk and security assessments and analysis of the underlying motivating factors in a crisis situation, the information strategy for a crisis management operation will take particular account of the security perspective when:
 - (a) identifying key channels for communication and dialogue with the parties, stakeholders and the local community at all relevant levels of a crisis management operation;
 - (b) formulating clear objectives and messages for communication to and with those parties, stakeholders and local community; and
 - (c) designating the key means of communication and the necessary resources for the successful implementation of the information strategy.

V. ROLES, RESPONSIBILITIES AND CORE TASKS

28. The host State (where consent has been given for a crisis management operation), the Council, Member States and contributing third States all have important roles, responsibilities and core tasks in ensuring the security of personnel in crisis management operations, as do the General Secretariat of the Council, the European Union Special Representative (when appointed), the Head of Mission (for civilian operations or missions) and the Operation and Force Commanders (for military operations or missions). These roles, responsibilities and core tasks are set out below.

29. These roles, responsibilities and core tasks are without prejudice to the responsibility of each individual deployed in the field for exercising common sense and good judgement with regard to their own safety and security, as well as the requirement for them to comply with all security rules, regulations, procedures and instructions.

(i) The Host State

30. The government of the Host State (where consent has been given for a crisis management operation) has the primary responsibility for ensuring the security and safety of personnel travelling or deployed within its borders in the context of a crisis management operation, in accordance with agreements or arrangements to be concluded between the European Union and the Host State in question. This does not obviate the requirement for the European Union to take adequate steps of its own to ensure the security of its personnel, particularly where state authority is limited or non-existent.

(ii) The Council

31. The Council is responsible for ensuring that the necessary measures for the security of personnel deployed in EU crisis management operations are developed at the planning stage and for overseeing their implementation.

32. In this regard, the Council will:

- (a) exercise, through the Political and Security Committee, political control and strategic direction on issues related to the security of personnel deployed in the field;
- (b) oversee the development and implementation of all reasonably practicable measures for the security of personnel to allow the European Union to operate in a crisis environment;
- (c) take due account of the level of assessed threat against personnel in a given crisis management operation in the process leading to a decision to engage in the operation in question;
- (d) endeavour to conclude, whenever possible, arrangements granting a protected status to deployed personnel, including privileges and immunities (e.g. in a status of forces or a status of mission agreement), and arrangements providing for acceptable security measures by the host State;
- (e) ensure that sufficient human, material and financial resources are made available for an operation to implement measures for the security of personnel commensurate with the level of threat assessed in the intended area of operation including, where necessary, the provision of a protection element for the mission;
- (f) take account of developments related to the security of personnel in crisis management operations and making sure that appropriate action is taken to address any areas in need of further attention;
- (g) ensure that sufficient means are made available by Member States and contributing third States, as appropriate, for a partial or complete relocation or evacuation of personnel as rapidly as possible in accordance with the mission-specific security plan; and,

- (h) ensure, without prejudice to paragraph 34(d), that provision is foreseen for appropriate insurance cover against malicious acts and to meet civil liability claims.

(iii) Contributing Member States

33. Member States will ensure that the personnel they assign to crisis management operations have the appropriate level of maturity, skills and training to work in a potentially hazardous environment, and ensure that measures for the security of personnel in crisis management operations which are within the responsibilities of the individual Member States as per the CONOPS or OPLAN are implemented.

34. To this effect, Member States will:

- (a) select individuals with the above characteristics and provide relevant training at the national level;
- (b) ensure that appropriate measures are taken at national level for the security and safety of their respective personnel seconded to crisis management operations in accordance with requirements set out in the CONOPS and/or OPLAN or other arrangements setting out specific requirements for the security of seconded personnel including, but not limited to, their training, protection and insurance;
- (c) ensure that an effective system, consistent with that of the General Secretariat of the Council, is in place at the national level of the Member State and contributing third State for the management of security incidents involving their respective seconded personnel assigned to an operation in the field; and,
- (d) provide appropriate insurance against malicious acts and cover against civil liability claims linked to the secondment, from or concerning personnel assigned by them to a crisis management operation.

In addition, Member States and Commission delegations will provide any assistance to the General Secretariat of the Council as may be required when conducting assessments in the field.

(iv) Contributing third States

35. When contributing personnel to EU crisis management operations, contributing third States must undertake to apply, *mutatis mutandis*, the provisions of paragraphs 33 to 34.

(v) The General Secretariat of the Council

36. The General Secretariat of the Council, acting under the responsibility of the Secretary-General/High Representative assisted by the Deputy Secretary-General, will:

- (a) assist the Council in fulfilling its role and tasks set out in paragraph 32. above;
- (b) provide the Council with a risk assessment, including defined risk ratings, and a security assessment of the threat against personnel in an intended area of operation to help the Council to take a view on security measures required before establishing a crisis management operation;
- (c) inform contributing third States of their responsibilities under this policy prior to the acceptance of their participation in an operation;
- (d) establish a chain of accountability within the General Secretariat of the Council for the security of GSC personnel seconded to crisis management operations;
- (e) draw up guidelines for implementing the core security measures contained in this policy, including: a handbook for the protection of personnel, assets, resources and information owned or managed by a crisis management operation; generic field security operating standards; guidelines for mission security officers; and, a handbook on procedures to be followed in the event of incidents involving serious breaches of, or active threats to, the security of personnel in crisis management operations;

- (f) provide guidance and advice to European Union Special Representatives, Heads of Mission and Operation Commanders on applying measures for the security of personnel, including on drawing up mission-specific security plans;
- (g) monitor, through security assessments, implementation of mission-specific security plans and ensure that they are coherent across the full range of EU crisis management operations; the cost of the measures to implement the recommendations set out in these assessments will be borne by the budget of the operation;
- (h) ensure that appropriate mechanisms are in place twenty-four hours a day, seven days a week for reporting serious threats and serious security incidents and for communicating such incidents to participating Member States, contributing third States and to the Political and Security Committee and that a system is in place for supporting EUSRs, Heads of Mission, Operation and Force Commanders in managing serious threats and security incidents at the field level; and
- (i) ensure that appropriate measures are taken for the security of personnel not assigned to a crisis management operation visiting the field under the administrative authority of the Secretary-General/High Representative to a crisis or potential crisis area. Such measures include, but are not limited to, relevant training, equipment and other support, privileges and immunities (where possible) as well as coverage against malicious acts and civil liability claims; Member States are responsible for covering against malicious acts and civil liability claims made as a result of action by personnel provided by them to assist the SG/HR in such field visits;
- (j) report to the Council annually, through the Political and Security Committee, on progress in implementing this policy, and as necessary in the event of a serious breach of the security of personnel.

(vi) The European Union Special Representative

37. Where an EUSR is to be deployed outside the European Union, an assessment of security arrangements for him or herself and assigned personnel in the field shall be conducted by the General Secretariat of the Council (Security Office), drawing on the input of the European Commission.
38. Follow-up security assessments should be organised at least every year, including visits on the spot if appropriate, or in the event of a significant change in the assessed risk of the deployment. The cost of the measures to implement the recommendations set out in these assessments will be borne by the EUSR budget.
39. The European Union Special Representative will, in relation to the security of personnel, including in the context of a crisis management operation: take all reasonably practicable measures, in conformity with his or her mandate and the security situation in his or her geographical area of responsibility, for the security of personnel under his or her direct authority, by applying, *mutatis mutandis*, the measures incumbent upon a Head of Mission listed below; and
- (a) ensure that any recommendations made following security assessments are implemented and provide written reports at regular intervals on their implementation and on other security issues to the Secretary-General/High Representative, the Council and the Commission;
 - (b) ensure, as necessary and within his or her responsibilities as part of the chain of command, that a coherent approach is taken to the security of personnel across all EU elements present in a crisis management operation or operations in his or her geographical area of responsibility.

(vii) The Head of Mission of a civilian operation

40. The Head of Mission will take all reasonably practicable measures, in conformity with his or her mandate and the security situation in the area of operation, for the security of personnel under his or her authority.

41. In this regard, the Head of Mission will:

- (a) set out a security management strategy and core elements for its implementation, as an annex to the mission OPLAN;
- (b) establish a detailed mission-specific security plan, on the basis of generic security operating standards provided by the General Secretariat of the Council, to include *inter alia* mission specific security measures and operating procedures, management of the movement of personnel to, and within, the mission area and a mission evacuation plan;
- (c) operate an effective system twenty-four hours a day, seven days a week for managing security incidents within the operation, including medical emergencies;
- (d) make sure that all personnel deployed in the crisis management operation are covered by insurance as required by the conditions in the mission area;
- (e) include security as part of the mission induction training, in accordance with guidelines on a core curriculum provided by the General Secretariat of the Council, to be received by all members deployed in the crisis management operation before or upon arriving in the mission area of operations; and
- (f) ensure that any recommendations made following security assessments are implemented and provide written reports at regular intervals on their implementation and on other security issues to the Secretary-General/High Representative, the Council and the Commission.

(viii) The Operation Commander of a military operation

42. The Operation Commander will take all reasonably practicable measures, in conformity with his or her mandate and the security situation in the area of operation, for the security of personnel under his or her authority.
43. In this regard, the Operation Commander will:
- (a) set out a security management strategy and core measures and core elements for its implementation as an annex to the OPLAN; and
 - (b) direct the Force Commander's planning of security measures.

(ix) The Force Commander of a military operation

44. The Force Commander will take all reasonably practicable measures, in conformity with his or her mandate and the security situation in the area of operation, for the security of personnel under his or her authority.
45. In this regard, the Force Commander will:
- (a) undertake, in accordance with the approved OPLAN, detailed planning and effective implementation of the measures required to ensure the security of personnel under his or her authority;
 - (b) establish a detailed mission-specific force security plan to include *inter alia* mission specific security measures and operating procedures, management of the movement of personnel to, and within, the area of operation and evacuation and extraction planning; and,
 - (c) operate an effective system twenty-four hours a day, seven days a week for managing active threats and security incidents within the mission, including medical emergencies.

VI. SECURITY AND PROTECTION IN CRISIS MANAGEMENT OPERATIONS INVOLVING BOTH CIVILIAN AND MILITARY COMPONENTS

46. In situations where crisis management operations include both civilian and military components, care will be taken to ensure coherence in assessing the security situation between both components - at all levels of decision-making - as well as in considering their potential impact on each other and in the choice of measures for the protection of personnel, be they part of the civilian or the military component.
47. The Head of Mission and the Force Commander will ensure that an effective system is in place for sharing information on, as well as their current assessments of, the security situation between their respective components of the crisis management operation. They will also ensure coherence between the mission specific security plan (civilian) and the force security plan (military).
48. The Council will decide whether the protection of the civilian component in such operations is a key military task or a supporting task, based on an assessment of the respective means and capabilities to be put at the disposal of each of the components of the operation. The necessary planning and resources to be included in the force package will be determined in the light of this decision.

VII. WORKING UNDER THE OVERALL LEAD OF ANOTHER ORGANISATION

49. When personnel deployed in an ESDP context are working under the overall lead of, or in support of, an international organisation and covered by the security arrangements of that lead organisation, an assessment of risk and the arrangements in place will always be carried out in accordance with the strategy and core measures for the security of personnel in crisis management set out in this policy. The conclusions of these assessments will form part of the deliberations of the Council before a possible decision to establish an EU crisis management operation under the overall lead of an international organisation.

50. In such circumstances, a division of roles, responsibilities and tasks will be established in arrangements within the European Union, and then between the lead organisation and the European Union. In the light of the risk and security assessments, the Political and Security Committee will recommend any specific security arrangements to be provided for with the organisation in question in line with this policy.
51. Lines of communication will be established between the lead organisation and the General Secretariat of the Council with regard to measures to be agreed and implemented on the security of personnel, as well as for the management of serious security breaches or incidents involving personnel deployed by the European Union.
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