

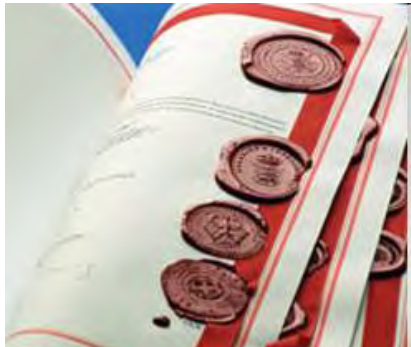
Chapter 3 EU Council roles in the field of CSDP

Role of the Council and Member States in making decisions related to, providing capabilities for, and engaging in CSDP missions and operations.

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Under Article 42 (4) TEU, decisions relating to CSDP *"shall be adopted by the Council acting unanimously on a proposal from the High Representative of the Union for Foreign Affairs and Security Policy or an initiative from a Member State. The High Representative may propose the use of both national resources and Union instruments, together with the Commission where appropriate."* This is consistent with decision-making in the CFSP more generally: Article 31 (1) TEU provides that: *"Decisions under this Chapter shall be taken by the European Council and the Council acting unanimously, except where this Chapter provides otherwise"*.



Lisbon Treaty seals
 Credit "European Commission"

However, abstentions do not prevent the adoption of a decision. Moreover, a **"constructive abstention"** can be used by Member States, pursuant to Article 31 (1), second subparagraph TEU, which provides that: *"Decisions under this Chapter shall be taken by the European Council and the Council acting unanimously, except where this Chapter provides otherwise. The adoption of legislative acts shall be excluded...When abstaining in a vote, any member of the Council may qualify its abstention by making a formal declaration under the present subparagraph. In that case, it shall not be obliged to apply the decision, but shall accept that the decision commits the Union. In a spirit of mutual solidarity, the Member State concerned shall refrain from any action likely to conflict with or impede Union action based on that decision and the other Member States shall respect its position. If the members of the Council qualifying their abstention in this way represent at least one third of the Member States comprising at least one third of the population of the Union, the decision shall not be adopted."*

CSDP CAPABILITIES

According to Article 42 (3) TEU, *"Member States shall make civilian and military capabilities available to the Union for the implementation of CSDP, to contribute to the objectives defined by the Council. Those Member States which together establish multinational forces may also make them available to the CSDP"; "Member States shall undertake progressively to improve their military capabilities" and those member States "whose military capabilities fulfil higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions shall establish permanent structured cooperation within the Union framework. Such cooperation shall be governed by Article 46. ..."*

Those Member States which wish to participate in the permanent structured cooperation and which fulfil the criteria and have made the commitments on military capabilities set out in the protocol on permanent structured cooperation, *"shall notify their intention to the Council and to the High Representative of the Union for Foreign Affairs and Security Policy."* (Article 46 (1) TEU). *"...the Council shall adopt a decision establishing permanent structured cooperation and determining the list of participating Member States. The Council shall act by qualified majority after consulting the High Representative. (Article 46 (2) TEU). "Any participating Member State which wishes to withdraw from permanent structured cooperation shall notify its intention to the Council, which shall take note that the Member State in question has ceased to participate."*(Article 46 (5) TEU). The Lisbon Treaty Protocol on Permanent Structured Cooperation further elaborates on the permanent structured cooperation.



You may wish now to read a short policy analysis on Permanent Structured Co-operation: Sven BISCOP and Jo COELMONT, *Permanent Structured Cooperation - In Defence of the Obvious*, Royal Institute for International Relations, Security Policy Brief No. 11, 2010
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CSDP MISSION SPECTRUM

According to Article 42 (1) TEU, the CSDP shall provide the Union with an operational capacity drawing on civilian and military assets which the Union may use *"on missions outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter"*.

These tasks *"in the course of which the Union may use civilian and military means, shall include joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation. All these tasks may contribute to the fight against terrorism, including by supporting third countries in combating terrorism in their countries."*(Article 43 (1) TEU). Relating to these task, the *"Council shall adopt decisions ..., defining their objectives and scope and the general conditions for their implementation. The High Representative of the Union for Foreign Affairs and Security Policy, acting under the authority of the Council and in close and constant contact with the Political and Security Committee, shall ensure coordination of the civilian and military aspects of such tasks"*(Article 43 (2) TEU).

CONDUCTING CSDP MISSIONS AND OPERATIONS

Relating to these task, the *"Council shall adopt decisions ..., defining their objectives and scope and the general conditions for their implementation. The High Representative of the Union for Foreign Affairs and Security Policy, acting under the authority of the Council and in close and constant contact with the Political and Security Committee, shall ensure coordination of the civilian and military aspects of such tasks"*(Article 43 (2) TEU).

Pursuant to Article 38 TEU: *"the Political and Security Committee [PSC] shall exercise, under the responsibility of the Council and of the High Representative, the political control and strategic direction of the crisis management operations"* and *"The Council may authorise the Committee, for the purpose and for the duration of a crisis management operation, as determined by the Council, to take the relevant decisions concerning the political control and strategic direction of the operation"*. The PSC normally meets twice a week in Brussels.

The Council *"may entrust the execution of a task, within the Union framework, to a group of Member States in order to protect the Unions values and serve its interests"* (Article 42 (5) TEU). In that case, within the framework of the decisions adopted in accordance with Article 43, *"Those member States, [which are willing and have the necessary capability for such a task,] in association with the High Representative of the Union for Foreign Affairs and Security Policy, shall agree among themselves on the management of the task"* (Article 44 (1) TEU). Those Member States which are participating in the task are obliged to keep the Council regularly informed of its progress on their own initiative or at the request of another Member State. They shall also inform the Council immediately should the completion of the task entail major consequences or require amendment of the objective, scope and conditions determined for the task in the decisions referred to in paragraph 1. In such cases, the Council shall adopt the necessary decisions.

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