NEWS FROM THE BRUSSELS’ BUBBLE
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• Defence procurement: Commission opens infringement procedures against 5 Member States (Denmark, Italy, NL, Poland, Portugal) EN – FR – DE – IT (official PR)
• Mogherini answers a parliament question on EU’s position on lethal autonomous weapon systems (see answer below in annex, as link to answer on question’s page does not work for the time being)
• EFAD post: Renewed Effort to Accelerate Armed Drones Debate in EU Is Blocked

European Defence Industrial Development Programme: acceleration of the decision process, amendments on IPR and arms export control rejected, some weapons excluded

The EP Rapporteur on the Defence industrial development programme (EDIDP) wants to speed up the work in order to reach a final vote at the mini-plenary in Brussels on 1 March (so far planned on March 15). The main EP Committee in charge (ITRE for Industry, Research & Energy) should vote the final text on 21 February.

Regarding the question of the legal basis (one of the main points of discussion among MEPs), the legal service of the EP confirmed that article 173, on industrial policy, was the appropriate one as strengthening the European industry is the main goal of the programme. The request by a number of MEPs, in particular the GREENS/EFA and a number of German Social-democrats, to ask for a formal advice by the JURI Committee has been rejected (it was mainly an attempt to delay the procedure).

Regarding the source of funding, The Budgets Committee voted on Wednesday (24 January), that the €500 million euros for this Programme should be exclusively taken from unallocated margins of the EU budget. Although not a binding Opinion, it will be quite difficult for the lead Committee (ITRE) not to take this into account in the final report. And as Member States are to the contrary asking that the whole amount should be diverted from existing programmes, this question will probably be a major issue of negotiation (and thus marginalising other crucial points).

The Foreign Affairs Committee (AFET) also voted its Opinion on the EDIDP on Tuesday 23rd (drafted by the subcommittee on security and defence, SEDE). Despite all the energy put by the left side of the European Parliament to get a number of issues included in the Opinion, in particular regarding armed drones, IPR and arms export control, all these proposals were rejected. The only positive aspect of this Opinion are the 2 annexes that exclude certain categories of military technologies: WMD and related technologies, banned weapons and munitions and other weapons not compliant with international humanitarian law, fully autonomous weapons, and SALW if mainly for export purposes.

A more detailed briefing on the adopted Opinions, the draft Report, the state of play and MS position will come next week.
EIB: move to invest €6 billion in dual-use technologies and security over 3 years, with direct link to 'migration crisis'

Counterbalance shared with us the following worrying information:

The EIB operational plan for 2018 says (p11): “Faced with unprecedented terror and online attacks, the EU leadership has acted to reassure citizens that it is capable of protecting and defending them, and the European Council has asked EIB Group to step up its activities in support of the EU Security and Defence Agenda. The Group has responded by developing a proposal Protect, Secure, Defend: European Security Initiative to provide a framework for increased contributions in this area. The proposal foresees that the Group would significantly scale up its financing to EUR 6bn over 3 years in the areas of dual-use technology, cybersecurity and civilian security whilst leveraging its expertise to provide assistance to the establishment of the Cooperative Financial Mechanism (CFM) under the responsibility of the European Defence Agency (EDA) as well as to the nascent European Defence Fund.” Apparently this was discussed by EIB’s Board of Directors on its latest meeting on 12 December 2017.

Then, security & defence was also highlighted as a challenge for 2018 by EIB President Hoyer in his annual press conference on 18 January. He stated that there will be more emphasis on dual use technologies in the security and defence sector. “We have always been active in the field, for example in space technologies, where dual-use is obvious. We are ready to do more, but we don’t want to invest in weapon production. We need to be cautious, because we need access to capital markets, there might be concerns from investment funds. [...] With the migration crisis, it became obvious that Member states have high expectations from the EIB.” A dangerous link made here between migration & investments in security!

EC creates 2nd Unit dealing with Defence, 1st step toward a full 'security and Defence Directorate General (DG)?'

A second unit dedicated to defence (I5) has been created within the Directorate for "Space and Defence" of DG GROW. This might anticipate the creation of a full "defence Directorate" according to some observers. The objective of the European Commission could be to set up a single DG devoted to homeland security and Defence (the two components of security entrusted to the European Commission) in the next term (from mid-2019), under the political authority of a European Commissioner.

EU programme to support arms export control in third countries through German BAFA (€1.3 million)

The European Union has approved a new program to support the control of arms exports in third countries with a budget of €1.3 million. It will be implemented by the German Federal Office for Economic Affairs and Export Control (BAFA), that already benefited from similar contracts. Implementation will essentially happen through seminars: regional workshops, local workshops, meetings of experts in Brussels. The following countries will benefit from the programme: Balkans countries (Albania, Bosnia and Herzegovina, Macedonia, Montenegro, Serbia and Kosovo), North Africa (Algeria, Egypt, Morocco and Tunisia), Eastern Europe and the Caucasus (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine), Central Asia (Kazakhstan, Tajikistan, Uzbekistan, Kyrgyzstan, Turkmenistan), southern neighbourhood (Jordan, Lebanon) and Turkey. (text of Decision in English, also available in all EU languages here)

Military mobility: European mapping finalised, EC Communication expected in March

The EDA working group on military mobility has just completed the first part of its mission, the mapping of restrictions on military equipments movements across Europe. The document was presented to the High Representative F. Mogherini and should be reviewed by the Steering Committee of the Agency in the coming days. It will be the basis for a Communication and Roadmap that the European Commission should adopt early March.
ANNEX:

Question for written answer to the Commission (Vice-President/High Representative) by Max Andersson (Verts/ALE), Jan Philipp Albrecht (Verts/ALE), Bodil Valero (Verts/ALE)

- EU's position on lethal autonomous weapon systems

The UN CCW Group of Governmental Experts is currently negotiating the UN's approach to lethal autonomous weapon systems (LAWS).

After four years of negotiations, most states are calling for a legally binding instrument on LAWS, while 22 countries support a global ban.

LAWS would remove human responsibility for the battlefield, with weapon systems making lethal decisions of their own accord. If widely spread, this would entail the largest military technological leap since the invention of nuclear weapons, creating existential risks for international peace and the future of humankind.

Leading experts argue that LAWS should be prohibited internationally before they become widespread. Since 2014, the European Parliament has repeatedly called for a ban.

Even so, the EU's position on LAWS is unclear. In its statement to the UN meeting, the EEAS, speaking on behalf of the EU, encouraged 'all States to conduct reviews to ensure that any new weapon, means or methods of warfare comply with International Humanitarian Law'. This begs the following questions:

- What is the Commission's position on a global ban of LAWS through the CCW Convention?
- Will the Commission act in any way to stop Member States from investing in the development of LAWS?

Answer given by Vice-President Mogherini on behalf of the Commission (17.1.2018)

The EU is actively involved in the discussions at the United Nations (UN) on Lethal Autonomous Weapons (LAWS) and supported the setting up in 2016 of a Group of Governmental Experts (GGE) on LAWS within the Convention on Certain Conventional Weapons (CCW).

Discussions on LAWS should take place in the CCW, combining diplomatic, legal and military expertise, and with the involvement of industry and civil society. The EU hence supported the continuation of the GGE beyond 2017.

All weapon systems, including LAWS, and their possible development, use and deployment in armed conflict, must comply with rules, norms and principles of international law, in particular international humanitarian law and human rights law. At the 2016 GGE informal meeting, there was a general understanding that a State will bear the legal and political responsibility and establish accountability for action by any weapon system used by the State's forces in accordance with applicable international law, in particular humanitarian law. This was confirmed by the formal GGE meeting in November 2017.

While fully autonomous LAWS do not exist yet, the GGE should continue to consider issues related to their potential development and regulation, including the question of human control of LAWS. In doing so, it is important not to hamper innovation in high-tech industries, such as robotics and other related areas in the civilian sector.

Finally, legal weapons reviews are a requirement according to Art. 36 of the Additional Protocol I to the Geneva Convention. Such reviews are a key mechanism to establish whether or not possible future LAWS can be developed, produced or used lawfully.