

## **December European Council**

On 15 December 2016, the European Council took decisions on immigration and defence.<sup>1</sup>

The European Council has closed an important year for European defence, because starting from the British referendum of June 23, 2016, which started the process of Brexit, there has been an acceleration of European integration that has affected especially the defence.

Bratislava Roadmap has set the agenda for the deepening of some topics. The December European Council has given the top political approval of documents prepared and published by the Council and the European Commission. Among them, the Implementation Plan on security and defence,<sup>2</sup> which is derived from the Global Strategy of the European Union of 28 June 2016.<sup>3</sup>

The Implementation plan was prepared by the Council and approved on 14 November 2016.

The European Defence Action Plan (DAP) was presented by the European Commission on 30 November 2016.<sup>4</sup>

The European Council of 15 December has first focused on the Bratislava roadmap, to then assess immigration issues, as already debated in the Foreign Affairs Council of 12 December 2016, to deal with international issues such as the Association Agreement with Ukraine, and finally deal with the matter of the internal and external European security. Brexit process was the final point in the agenda.

### **Immigration**

Immigration issues have been discussed by the Foreign Ministers of the Member States meeting at the Council of Foreign Affairs on 12 December 2016. The foreign ministers have noted the progress made by the partnership framework with the five African countries of origin and immigration transit. It was discussed the Valletta action plan for the meeting in the Maltese capital in February 2017, as decided by Bratislava roadmap.

Investments have been made through the two funds for immigration: the EU Trust Fund for Africa, were approved 64 actions worth 1 billion euro; It was discussed the European Fund for Sustainable Development, which should counter the causes of migration by creating job opportunities, encouraging investment and facilitating sustainable development in partner countries.

The European Council of 15 December approved these initiatives, officially endorsing the European Fund for sustainable development and the financing of the European Investment Bank, especially for the Western Balkans.

### **Missions**

The Foreign Affairs Council of 12 December 2016 has extended until 14 December 2018 the mandate of the EU Monitoring Mission (EUMM) in Georgia. EUMM Georgia helps to stabilize, normalize and strengthen confidence between the parties in conflict after the war between Russia and Georgia in 2008. To do this for EUMM Georgia are also earmarked 18 million euro for one year, as of December 15, 2016 .

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1 European Council meeting (15 December 2016) – Conclusions

[http://www.consilium.europa.eu/en/meetings/european-council/2016/12/20161215-euco-conclusions-final\\_pdf/](http://www.consilium.europa.eu/en/meetings/european-council/2016/12/20161215-euco-conclusions-final_pdf/)

2 Implementation Plan on Security and Defence [http://www.consilium.europa.eu/en/press/press-releases/2016/11/pdf/Implementation-plan-on-security-and-defence\\_pdf/](http://www.consilium.europa.eu/en/press/press-releases/2016/11/pdf/Implementation-plan-on-security-and-defence_pdf/)

3 EU Global Strategy [https://europa.eu/globalstrategy/sites/globalstrategy/files/about/eugs\\_review\\_web\\_4.pdf](https://europa.eu/globalstrategy/sites/globalstrategy/files/about/eugs_review_web_4.pdf)

4 European Defence Action Plan

<http://ec.europa.eu/DocsRoom/documents/20372/attachments/2/translations/en/renditions/pdf>

The Foreign Affairs Council of 12 December 2016 has extended until 31 December 2018 the mandate of the two missions in Somalia, within the global approach in Somalia:

- civilian mission EUCAP Nestor, which the Council has renamed "EUCAP Somalia", which aims to help the country strengthen its maritime security capabilities to ensure that the maritime law is applied more effectively;
- the military mission EUTM training that contributes to the development of the Somali national army.

EUNAVFOR Operation Atalanta, which contrasts piracy off Somalia has been extended until 31 December 2018 by the Council Act of 28 November 2016.

In addition, the European Council on 15 December decided to strengthen support for the Libyan coast guard, through EUNAVFOR operation MED Sophia, to strengthen rescue capabilities at sea and the contrast to the activities of traffickers.

## **Ukraine**

The European Council of 15 December 2016 has confirmed its intention to ratify the EU-Ukraine Association Agreement, including the establishment of a free trade area. For the EU, it must be respected the territorial integrity of Ukraine. On 6 April 2016, there was a referendum in the Netherlands on the law approving the EU-Ukraine Association Agreement. The referendum has failed. The Prime Minister of the Netherlands announced his concerns to the European Council.

To press the Dutch Parliament to vote in favour of the Association Agreement, a statement by the Heads of State or Government of the 28 EU Member States was annexed to the conclusions. The statement meets the Dutch concerns, it makes clear that the Association Agreement does not give Ukraine the status of candidate country for accession to the EU; the EU does not in any way guarantee the collective security or Ukraine military assistance in case of aggression, and the application of the EU Treaties; does not guarantee the Ukrainian citizens free movement in the EU; it does not guarantee financial aid; it calls on Ukraine to combat corruption and respect human rights.

Sanctions on Russia for its role in Ukraine have been renewed until mid-2017.

## **Internal Security**

The EU Internal Security Strategy 2015-2020 continues to be the main document on the matter. Among the major initiatives there is the implementation of the new legislation on the Passenger Name Records (PNR) to prevent terrorism on airlines. This is an initiative already announced a few months ago. The European Council also calls for providers of electronic communications services in Europe and third countries to cooperate with the EU in the fight against terrorism and crime, especially cybercrime.

The revised agreement on the Borders "Schengen" requires systematic checks on all travelers crossing the EU's external borders. The European Council of 15 December calls for its swift implementation by Member States, also taking into account the specific situation of some of them, such as Italy and Greece, which act as a gateway to Europe for countries in conflict or extreme poverty.

To ensure that travelers are exempt from the visa screened systematically, Member States should agree on the entry / exit system by June 2017, an EU system of information and authorization to travel before the end of 2017.

## European defence

In 2016, the integration in the European defence has made great achievements. The European Council stresses the need to increase spending and investment in the defence for the Member States which are also NATO members, with additional resources, in compliance with the demands NATO itself.

The European Council of December 2016 also requires strengthening the development of common military capabilities to make the EU able to perform autonomous missions independently of NATO. To facilitate the approval and funding of EU military missions, the operation of the Athena mechanism, which from 2014 regulates the financing of common funds for European military missions, will undergo a comprehensive review by the Member States, within the end of 2017.

As expected, the European Council of December 2016 has also approved the implementation plan of the Council and DAP of the Commission.

The European Councils endorsed the Council conclusions of 14 November and of 17 October 2016 on the implementation of EU Global Strategy in the field of security and defence, and it invited the High Representative, Federica Mogherini and the Member States to follow up the implementation plan.

In the coming months, the High Representative Mogherini will have to submit proposals for the development of civilian capabilities, the parameters of a Member State-driven Coordinated Annual Review on Defence, the process of developing military capabilities taking into account Research and Technology (R&T) and industrial aspects, the establishment of a permanent operational planning and conduct capability at the strategic level, the strengthening of the relevance, usability and deployability of the EU's rapid response toolbox, elements and options for an inclusive Permanent Structured Cooperation based on a modular approach and outlining possible projects, and the covering of all requirements under the Capacity Building in Security and Development (CBSD). In this context, the European Council calls on Member States to work quickly on the Commission proposal relating to CBSD, in order to reach an agreement in the first half of 2017.

For DAP, the December European Council invites:

- Member States to commit themselves to take work forward on the DAP;
- the Council promptly to examine the Commission's proposals;
- the EIB to examine initiatives to support investment in research and development in the field of defence.
- the Commission to formulate, in the first half of 2017, proposals for the establishment of the European Defence Fund, also regarding the joint development of capabilities mutually agreed by the Member States.

Finally, the European Council of 15 December sets out a roadmap for European defence so that in March 2017, the Council will take stock of the situation and in June 2017 the European Council will review progress and provide further strategic guidance.

## NATO-EU relations

On the afternoon of 15 December, the European Council has hosted the Secretary General of NATO, former Danish Prime Minister Jens Stoltenberg, to discuss NATO-EU cooperation.

At the Atlantic Council in Warsaw on 8 July 2016 was approved NATO-EU joint statement signed by President of the European Council, the President of the European Commission and the Secretary General of NATO.<sup>5</sup>

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<sup>5</sup> Joint Declaration By The President Of The European Council, The President Of The European Commission, And The Secretary General Of The North Atlantic Treaty Organization  
[http://www.consilium.europa.eu/en/meetings/international-summit/2016/07/NATO-EU-Declaration-8-July-EN-final\\_pdf/](http://www.consilium.europa.eu/en/meetings/international-summit/2016/07/NATO-EU-Declaration-8-July-EN-final_pdf/)

Council conclusions of 6 December 2016 have implemented the NATO-EU joint statement with 40 common sets of proposals in 7 sectors: f countering hybrid threats; operational cooperation including at sea and, in accordance with the Council Conclusions of November 2016, on irregular migration; cyber security and defence; defence capabilities; defence industry and research; exercises; supporting partners' capacity building efforts in the Western Balkans, the Eastern and Southern Neighbourhoods and strengthening their resilience.

The common sets of proposals of the joint statement shall be applied by NATO and the EU, the latter through the EEAS and the Commission services and the European Defence Agency (EDA) and NATO. The EDA will have to start immediately preparing the work to implement the 40 common sets of proposals in the 7 sectors. From the end of June 2017, it should be submitted semi-annual reports on the implementation of the NATO-EU joint statement.<sup>6</sup>

The December European Council calls for a quick response to the Council Conclusions of 6 December 2016, asking to avoid duplication of activities and ensure complementarity between the EU and NATO for the 7 areas of cooperation.

Since the Berlin Plus arrangements and the EU-NATO Joint Declaration of 2003, the NATO-EU cooperation is a road so paved with good intentions remained on paper, that the author has little confidence that this new joint statement will solve issues that have not been resolved in almost 15 years.

### **Brexit**

The final dinner of the December European Council attended by the 27 EU Member States, but not the UK, was dedicated to Brexit and how the 27 Member States intend to address the negotiation, when the United Kingdom shall notify to the European Council its intention to withdraw from the EU in accordance with art.50 TEU.

The Heads of State and Government issued a statement in which they reaffirmed their unity, especially by standing firm on the point that access to the single market is inextricably linked to the full respect of the four freedoms of movement of capital, persons, services and goods.

It was confirmed the assignment as chief negotiator for the European Commission to Michel Barnier, as the sole negotiator. But he will have to negotiate following the guidelines of the Council. The negotiations on behalf of the EU will be attended by the EU Presidency and the President of the European Council, Donald Tusk. Concerning the European Parliament, the outgoing president, Martin Schulz had asked for Parliament to be associated with the negotiations. Otherwise, as Parliament has to approve by a vote the exit agreement with the United Kingdom, the Parliament would reject the agreement. The solution was found by French President Hollande who said that the European Parliament shall be "associated" to the negotiations, but did not specify by what negotiating powers. Within the Council, the British representatives or officials of the institutions of British citizenship cannot participate in the meetings on Brexit.

The Financial Times of December 15, 2016 published news that the EU would like to take from the 2017 rules to introduce territorial restrictions on "clearing" activities in some of the euro in transactions. The goal is to avoid that these activities are in a third country, in this case the United Kingdom. The goal would be to urge the UK to accelerate the Brexit.

Meanwhile, the British ambassador to the EU, Sir Ivan Rogers, resigned on 3 January 2017. As a diplomatic representative to the EU, Sir Ivan was appointed to act as chief negotiator on Brexit on behalf of the British government. Sir Ivan would resign because of tensions with some members of the British government, but he does not seem to conflict with the Prime Minister Theresa May.

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<sup>6</sup> EU-NATO cooperation: Council adopt conclusions to implement Joint Declaration, Press release 728/16, 6 December 2016 [http://www.consilium.europa.eu/press-releases-pdf/2016/12/47244651633\\_en.pdf](http://www.consilium.europa.eu/press-releases-pdf/2016/12/47244651633_en.pdf)

Sir Ivan has not explained the reasons for his resignation but sources close to him refer to the Financial Times that the ambassador would diminish the importance of the gesture talking about a simple anticipation compared to the end of his appointment scheduled in November 2017.

In December 2016, the BBC has, however, issued a secret conversation between Sir Ivan and Prime Minister May when Sir Ivan said it would take at least 10 years to negotiate a trade agreement between the EU and the UK. Following that leaked conversation, the British press pro-Brexit has revolted against Sir Ivan, until his resignation. Sir Ivan has also stated that the British Government has no strategy for Brexit.<sup>7</sup>

Sir Ivan has been replaced by another career diplomat, Sir Tim Barrow, who was ambassador to Moscow in 2011-2015 and former political director of the Foreign Office. Sir Tim is an expert on Russia and defence matters, but his experience of European affairs goes back to one of his first assignments as First Secretary at the European institutions.<sup>8</sup>

The Supreme Court should rule by January 2017 on the need for parliamentary vote before activating art.50 TEU. Prime Minister May, which in September had planned to start the Brexit by the end of March 2017, is preparing for any eventuality to make vote to the British Parliament by that date (March 2017), hoping that they can count on at least the Conservative Members, who are not all in favour of Brexit. In mid-January, the prime minister May should make a speech on Brexit and may make it more clear about her intentions.

The EU negotiator, Michel Barnier, has in the past claimed to have placed himself as a maximum period 30 September 2018 to conclude an EU-UK Agreement for Brexit.

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<sup>7</sup> Alex Barker "Sir Ivan Rogers quits as UK's EU ambassador" Financial Times, 3 January 2017 <https://www.ft.com/content/b2ec4e31-1f15-3d00-95a2-2ba462fe98e3> "Britain's man in Brussels resigns less than three months before Brexit negotiations begin" The Economist, 7 January 2017

<http://www.economist.com/news/britain/21713809-angry-resignation-sir-ivan-rogers-lays-bare-governments-unreadiness-bargaining> "Sir Ivan Rogers' resignation as Britain's EU ambassador - letter in full" Daily Telegraph, 3 January 2017 <http://www.telegraph.co.uk/news/2017/01/03/sir-ivan-rogers-resignation-britains-eu-ambassador-letter/>

<sup>8</sup> Sir Tim Barrow will succeed Sir Ivan Rogers as Britain's ambassador to the EU, The Daily Telegraph, 4 January 2017 <http://www.telegraph.co.uk/news/2017/01/04/sir-tim-barrow-will-succeed-sir-ivan-rogers-britains-ambassador/>