

**FUNCTIONAL SECURITY AND CRISIS MANAGEMENT
CAPACITY IN THE EUROPEAN UNION
SETTING THE RESEARCH AGENDA**

Annex to Draft Report

**An Inventory of Crisis Management Mechanisms, Procedures and
Institutions Currently in Place at the EU Level
(second edition)**

February 2005

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Abbreviations

ADNS	Animal Disease Notification System
AFIS	Anti-Fraud Information System
AIDCO	EuropeAid Co-operation Office (European Commission)
AWF	Analytical Work Files
BSE	Bovine Spongiform Encephalopathy ('mad cow' disease)
CAP	Common Agriculture Policy
CARE	Community database on Accidents on the Roads in Europe
CCWP	Customs Co-operation Working Party
CECIS	Common Emergency Communication and Information System
CEN	European Committee for Standardisation
CEPOL	European Police College
CERT	Computer Emergency Response Teams
CFSP	Common Foreign and Security Policy
CIREFI	Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration
CIS	Customs Information System
CIVCOM	Committee for Civilian Aspects of Crisis Management
CJD	Creutzfeldt-Jakob's Disease
CMCs	Crisis Management Concepts
CME	Crisis Management Exercise
CMO	Common Market Organisation
ConOps	Concept of Operations
Coreau	Correspondence européenne
COREPER	Permanent Representatives Committee
COTER	Counter Terrorism Working Party
CPCM	Conflict Prevention and Crisis Management
CSI	Container Security Initiative
CTP	Counter Terrorism Program
DG	Directorate-General
DG ADMIN	Directorate-General Personnel and Administration (European Commission)
DG AGRI	Directorate-General Agriculture and Rural Development (European Commission)
DG BUDG	Directorate-General Budget (European Commission)
DG DIGIT	Directorate-General for Informatics (European Commission)
DG E	Directorate-General E - External Economic Relations, Common Foreign and Security Policy (Council of the European Union)
DG ECFIN	Directorate-General Economic and Financial Affairs (European Commission)
DG ELARG	Directorate-General Enlargement (European Commission)
DG ENTR	Directorate-General Enterprise and Industry (European Commission)
DG ENV	Directorate-General Environment (European Commission)
DG ESTAT	Directorate-General Eurostat (European Commission)
DG FISH	Directorate-General Fisheries and Maritime Affairs (European Commission)
DG H	Directorate-General H - Justice and Home Affairs (Council of the European Union)
DG I	Directorate-General I - Protection of the Environment and Consumers - Civil Protection - Health - Foodstuffs - Education - Youth - Culture – Audiovisual (Council of the European Union)
DG INFO	Directorate-General Information Society and Media (European Commission)
DG JAI	Directorate-General Justice and Home Affairs (European Commission)
DG JLS	Directorate-General Justice, Freedom and Security (European Commission)
DG MARKT	Directorate-General Internal Market and Services (European Commission)
DG REGIO	Directorate-General Regional Policy (European Commission)
DG RELEX	Directorate-General External Relations (European Commission)
DG SANCO	Directorate-General Health and Consumer Protection (European Commission)
DG TAXUD	Directorate-General Taxation and Customs Union (European Commission)

DG TRADE	Directorate-General Trade (European Commission)
DG TREN	Directorate-General Energy and Transport (European Commission)
DSN	Dedicated Surveillance Networks
EAGGF	European Agriculture Guidance and Guarantee Fund
EASA	European Aviation Safety Agency
EBRD	European Bank on Research and Development
EC	European Community
ECB	European Central Bank
ECDC	European Centre for Disease Prevention and Control
ECHO	European Community Humanitarian Aid Office (European Commission)
ECSC	European Coal and Steel Community
ECURIE	European Community Urgent Radiological Information Exchange
EEA	European Economic Area
EEC	European Economic Community
EFSA	European Food Safety Authority
EIB	European Investment Bank
EIS	Europol Information System
EMA	European Agency for the Evaluation of Medicinal Products
EMSA	European Maritime Safety Agency
EMU	European Monetary Union
ENISA	European Network and Information Security Agency
ENSEMBLE	System to reconcile disparate national forecasts of medium and long-range atmospheric dispersion
ERDF	European Regional Development Fund
ERM	Exchange Rate Mechanism
ESDP	European Security and Defence Policy
ESF	European Social Fund
ETSC	European Technical and Scientific Centre
EU	European Union
EUMC	European Monitoring Centre on Racism and Xenophobia
EUMC	European Union Military Committee
EUMM	European Union Monitoring Mission
EUMS	European Union Military Staff
EURASIL	European Union Network for Asylum Practitioners
EURDEP	European Radiological Data Exchange Platform
EURODAC	System for the comparison of fingerprints of asylum applicants and certain groups of illegal immigrants
EUROPHYT	European Network of Plant Health Information Systems
EUSC	European Union Satellite Centre
EUSF	European Union Solidarity Fund
EWRS	Early Warning and Response System
FIFG	Financial Instrument for Fisheries Guidance
FVO	Food and Veterinary Office
GAERC	General Affairs and External Relations Council
GDP	Gross Domestic Product
GPSD	General Product Safety Directive
HFC	Helsinki Forces Catalogue
HM	Head of Mission
HR	High Representative
HSC	Health Security Committee
IAEA	International Atomic Energy Agency
IAS	Internal Audit Service
ICAO	International Civil Aviation Organisation
ICONS	Impending Crisis Online News System
IMO	International Maritime Organisation

ISPA	Structural Policies for Pre-Accession
JHA	Justice and Home Affairs
JRC	Joint Research Centre
MIC	Monitoring and Information Centre
MPA	Medroxyprogesterone-acetate (hormone component)
NBC	Nuclear Biological and Chemical
NC	Network Committee
NGO	Non-Governmental Organisation
OHQ	Operational Headquarter
OLAF	European Anti-Fraud Office (European Commission)
OSCE	Organisation for Security and Co-operation in Europe
PEP	Pre-Accession Economic Programmes
PMG	Politico-Military Group
PPEWU	Policy Planning and Early Warning Unit
PRESS	Press and Communication
ProCiv	Civil Protection working Group
PSC	Political and Security Committee
QMV	Qualified Majority Voting
RAPEX	Rapid Alert System for Non-Food Products
RAS	Rapid Alert System
RAS-BICHAT	Rapid Alert System for Biological and Chemical Attacks and Threats
RASFF	Rapid Alert System for Food And Feed
REACH	Registration, Evaluation, Authorisation and Restrictions
RRM	Rapid Reaction Mechanism
SARS	Severe Acute Respiratory Syndrome
SG	Secretary-General
SGP	Stability and Growth Pact
SHIFT	Project on computerization of veterinary import procedures
SIS	Schengen Information System
SITCEN	Joint Situation Centre
SOFA	Status of Forces Agreement
SOLAS	Safety of Life at Sea
SOLVIT	Internal Market Problem Solving Network
SR	Special Representative
TACs	Total Allowable Catches
TECS	Europol Computer System
TE-SAT	Annual Terrorism Situation and Trend Report
TWG	Terrorism Working Group
UN	United Nations
UNICEF	United Nations Children's Fund
US/USA	United States of America
WFP	World Food Programme
WHO	World Health Organisation

Introduction

Method

The method used for the inventory is a mapping of crisis management procedures, mechanisms and instruments across a wide range of policy sectors, all matching the basic systems of the EU.¹ The sectors are made up of both Commission Directorates-General (DGs), and Council General Secretariat DGs. The advantage of using this method is that it makes the inventory include EU crisis management activities in all three pillars, and enables it to capture both the internal and external dimensions of crisis management. It also makes the overview more comprehensive. In addition, a member state oriented view on crisis management has been avoided by not focusing solely on EU crisis management practices available in the Council. Applying this method also distinguishes the inventory from other studies previously performed in the area of EU crisis management.²

However, even though the inventory is looking for crisis management activities across the main EU policy sectors and has integrated most of the DGs in the research, some Commission and Council DGs have still been left out.³ The reason for excluding them has for some of the DGs been that they are most probably not engaged in crisis management activities.⁴ For others, the reasons have been time constraints, and difficulties in finding available interviewees.⁵ To avoid significant loss of empirical data, the DGs and services eliminated due to time constraints are represented by

¹ The policy sectors are Economic Affairs; Energy and Transport; Agriculture and Rural Development; Fisheries and Maritime Affairs; Regional Policy; External Relations; Enlargement; Environment and Civil Protection; Health and Consumer Protection; Justice, Freedom, and Security; External Aid; Information Technology; and Horizontal and Internal Services.

² Examples of reports that have chosen other methods for information gathering and analysis are Jarlsvik, H. and Castenfors, K. (2004): *Säkerhet och beredskap i Europeiska unionen* [Security and Preparedness in the European Union]; and Myrdal, S (ed.) (2002): *EU som civil krishanterare* [EU as a civilian crisis manager]. In *Security and Preparedness in the European Union*, the analysis is carried out with a Swedish perspective, in the sense that the policy sectors investigated primarily are those corresponding to Swedish cooperation areas [samverkansområden] in the area of security and preparedness. Jarlsvik and Castenfors are moreover mainly focused on *internal* EU crisis management activities (p. 8), in contrast to our inventory, which examines both the internal and external dimensions. *EU as a civilian crisis manager* on the other hand looks both at internal and external crisis, but is more concentrated on the future challenges in connection to crisis management, and thus does not set out to establish an inventory of existing crisis management practices. Furthermore, neither of the two reports is using such a large amount of interviews as our report does. Nor have any of the reports divided the information into specific crisis management phases.

³ Included Council DGs are: DG E (External Economic Relations, Common Foreign and Security Policy); DG I (Protection of the Environment and Consumers, Civil Protection, Health, Foodstuffs, Education, Youth, Culture, Audiovisual); DG H (Justice and Home Affairs). Included Commission DGs are: DG Internal Market and services; DG Trade, DG Taxation and Customs Union; DG Economic and Financial Affairs; European Anti-Fraud Office; DG Enterprise and Industry; DG Energy and Transport; DG Fisheries and Maritime Affairs; DG Agriculture and Rural Development; DG Regional Policy; DG External Relations; DG Enlargement; DG Environment; DG Health and Consumer Protection; DG Justice and Home Affairs; Humanitarian Aid Office; DG Information Society and Media; DG Informatics; and DG Personnel and Administration.

⁴ The Commission DGs that have been excluded due to this reason are: DG Eurostat, DG Interpretation; DG Translation service; DG Education and Culture; DG Financial Control; Group of Policy Advisers; Publications Office; Office for Administration and Payment of Individual Entitlements; and European Personnel Selection Office. No Council DGs have been excluded on these grounds.

⁵ The Commission DGs that have been excluded primarily because of time constraints are: DG Competition; EuropeAid Co-operation Office; DG Press and Communication; DG Joint Research Centre; DG Internal Audit Service; DG Research; DG Employment, Social Affairs and Equal Opportunities; DG Development; DG Budget; Legal Service; Offices for Infrastructures and Logistics – Brussels and Luxembourg. The Council DGs that have been excluded for the same reasons are: DG A (Personnel and Administration); DG B (Agriculture, Fisheries); DG C (Internal Market etc.); DG F (Press, Communication); and DG G (Economic and Social Affairs).

others. For instance, the rationale behind excluding EuropeAid Cooperation Office (AIDCO) is that it belongs to the 'External Aid' sector, which in the inventory still is represented by the Humanitarian Aid Office (ECHO). This means that even though some DGs are absent, the *sector*-inventory of EU crisis management is still very thorough.

Data collection

The inventory is largely based on semi-structured interviews with Commission and Council officials. This approach was used because asking practitioners directly what crisis management activities they perform reveals information on both day-to-day and non-routine practices in great detail. This allows the inventory to capture the most important dynamics of the practice.

Interviewees were selected in two ways. Firstly, through e-mails sent to the DG's information offices. This way people at the various DGs were able to direct us to the officials they themselves regarded the most appropriate ones to participate in a study on crisis management in their specific DG. Secondly, the EU Internet websites were consulted in order to see what official was responsible for each particular area in each DG. In the latter approach we made our own judgement as to who would be relevant to interview. This judgement was based on whether the person held a position which could be estimated to be involved in any of the crisis management phases. The advantage of this selection method is that information has been provided from persons that both the object of the study, i.e. the EU, itself has regarded as relevant for crisis research, and persons we as researchers have considered valuable. This enhances the relevance of our inventory to both academics and practitioners.

Both telephone interviews and face-to-face interviews have been carried out, with a total of 42 persons. 41 of these were carried out during the autumn of 2004 and one took place in January 2005. All, except three, of the face-to-face interviews were conducted in Brussels, the rest were performed in Stockholm. Most of the interviews were recorded and later transcribed.⁶ During some, however, only notes were taken. In the cases of the latter, the notes were typed shortly afterwards. Each interview lasted between around 20-80 minutes. In general the telephone interviews were shorter than the personal interviews. The questions asked during the interviews were based on the ones put forward in chapter 3 of the report and are thus corresponding to the crisis management 'phases'; prevention, preparation, coping, and aftermath.⁷ The amount of interviews carried out, makes the information in the inventory current, substantial, and able to encompass the dynamics in the practice of EU crisis management.

Further material used for the inventory has been information found on the Internet websites of each sector or DG. Also publications from the EU, and to some extent other studies and reports have been utilised. In addition, EU treaties and other EU legislation have been used.

Regarding the material used for the inventory it should also be noted that mere initiatives, such as Commission proposals, have, as a rule, been excluded. The reason for this is that the aim of the inventory is to capture crisis management capacity today, (i.e. the autumn of 2004), rather than proposals that may never be adopted.⁸

⁶ They were however not transcribed in their entirety, only to the parts relevant for the inventory.

⁷ The exact interview questions can be found in the inventory appendix.

⁸ Following the same logic, also the draft constitution has been excluded.

Therefore, it might be disingenuous to include them in a mapping of current capacity, since it might give the impression of the EU doing more than it actually is. At the same time, it should be mentioned that excluding proposals also could result in the inventory missing some of the dynamics of what is evolving in the EU at this stage. However, we estimate the risk for this to occur to be relatively small, since we have spoken to a fair amount of practitioners who have presented us the most current and important initiatives, and many of these are subsumed in the inventory footnotes.

Limitations

Even though a large amount of DGs have been mapped in the inventory, it should still be stated that the inventory of crisis management instruments, mechanisms and institutions cannot be claimed to be exhaustive. There is always a possibility some of them have been overlooked. However, to minimise the risk of this, we have consulted many different information sources, which enhances the likelihood of finding the most essential information on EU practices. In addition to this, interviewees have been provided with a copy of the inventory of their specific DG, giving them an opportunity to add information if they felt something was missing, and also to correct any potential misunderstandings. It is thus estimated that the risk of neglecting any important mechanisms etc. should be quite limited.

One of the challenges during the mapping of crisis management mechanisms has been to produce results that are comparable across the different DGs. It has been a challenge as the information base on crisis management differs between DGs. And since there is fuller information on certain DGs than others, the ability to make comparisons between them may be affected. The main reason for the different amount of information is that the DGs with more crisis management activities usually also have more information available. However, other reasons are, for instance, that a larger number of interviews were performed for certain DGs than for others,⁹ and that more information was available on some DGs Internet websites than others. We have therefore been faced with a decision to either exclude part of the information found in some DGs (since other DGs lack equivalent information) in order to enhance the comparability, but at the same time losing important information, or including all important information found, but with that lessen the comparability. We opted for the latter. The main reason is the fact that it is a common problem that the amount of information differs among study objects when performing research, and as such it can never be expected to be fully solved. Instead, it is a weakness that should be kept in mind. Also, since the main aim of the inventory is not to compare between DGs, but rather to list mechanisms etc., and to discover EU crisis management capacities, the inventory still satisfies its goal.

A further implication of the aspect of different amount of information is that if some information is left out or does not appear under a specific heading in the inventory, this does not necessarily mean there are no capacities. Instead, it means we have not found it. For example, if there in a certain section is no information under the heading of 'Aftermath', we simply do not have enough information to determine if there are any aftermath procedures in that DG. If we however mention that there are no aftermath capacities, this means the information found shows exactly that (for instance, it is so told by an interviewee.)

⁹ In DG REGIO and DG ADMIN we were not provided any interviews at all, which means there is less information regarding EU crisis management practices in these areas.

Reading guide

The inventory is arranged into four parts similar to the EU's basic systems. These four basic systems are divided into what we consider to be the 13 main policy sectors of the EU. The crisis management practices in each of these sectors safeguard the EU basic system under which they have been placed.¹⁰ The sectors are further broken down into a varying amount of DGs. All information is then, in each of these DG sections, analysed and categorised as being part of two main elements: 'Legal basis' and 'Practical arrangements'. Legal basis covers EU treaties and further legislation. The reason for including legal basis is that it constitutes the formal basis for EU operations in the different policy sectors, and that the member states have agreed to delegate these abilities to the Union. The Practical arrangements are the actual practices and routines for crisis management. The Practical arrangements-heading is divided into four subheadings, one for each crisis management phase: prevention, preparation, coping, and aftermath. The reason for analysing and dividing the information into these phases is that it allows the crisis management capabilities in each phase to more clearly be displayed. There is however one exception to this way of presenting the crisis management practices, and that concerns system one. For system one, no mapping of crisis management activities per se has taken place. This is so since the crisis management capacity of system one relates to the ability of institutions to adapt to new circumstances and solving problems peacefully. As many other researchers have already dealt with this phenomenon, the inventory only very briefly mentions the crisis management capacity of system one. Instead it provides further references to previously performed studies on the subject. For the three other systems, the outlined structure applies.

The prevention phase includes the EU's ability to timely recognise and effectively intervene. A key issue to look for during this phase is therefore if there are any systematic ongoing monitoring efforts, and what is done with the information acquired through these monitoring efforts. For the preparation phase, the main concern is the capacity to plan for crises. Significant indications of such a capacity are the existence of crisis plans or procedures. Also special crisis resources and instruments are important during this phase. The coping phase relates to how the EU has been able to handle past crises, and is studied more in-depth in chapter 4 of the report. In the inventory, the coping phase therefore only includes short paragraphs with examples of past crises that the EU has either handled or that has worked as driving forces spurring further crisis management activities at the EU level.¹¹ In the aftermath phase, the most important question is whether the EU is able to learn lessons and restore legitimacy. The presence of evaluation procedures hence becomes crucial. Also the issue of accountability, i.e. who is accountable to whom, is significant.

¹⁰ Important to note is, however, that crisis management practices in one sector sometimes can contribute to the safeguarding of more than one basic system. For the purpose of making the inventory easy to read, we still have chosen to put all the activities of one sector beneath the heading of one single basic system.

¹¹ One obvious example of such a driving force is the September 11 terror-attacks, which have triggered further EU co-operation in the fight against terrorism. Many crises cannot be categorised as being either 'handled by the EU' or as being a 'driving force', but involve elements of both. For an overview of EU crises, see Inventory Appendix 2.

System One: Securing Peace and Stability Among the EU Member States

The aim of the first established basic system of the Union was to secure peace and stability among the member states.¹² The Union was created to provide for security against the historical threat of European inter-state wars. This aim was served by means of economic integration and by shifting co-operation issues from the traditional realm of defence into the political domain of bargaining. To that end, the European Community of Coal and Steel (1952), Euratom (1957) and the European Economic Community (1958) were set up.

The first task of the Union thus was to make the member states co-operate through a unique system of international co-operation. The EU institutions were created as a basis for this system: the Council of Ministers, the European Commission and the European Parliament. A European crisis occurred when inter-state cooperation was threatened to such a degree that it endangered these EU institutions (and the EC law *acquis*), impeded further enlargement of the Union, or put the principle of supranationality at risk.¹³ A European crisis was a crisis of the Union due to the origin of these threats, i.e. weaknesses and failures of the cooperation in itself. Examples include the Community's rejection of the British membership applications in 1963 and 1967 and the French threat of not returning to the EC before the other member states changed their views on an issue related to supranationality in 1966 (the 'empty chair crisis').

In order to avoid these types of crises the Union has continually developed its institutions and laws. This ability of adaptation constitutes the 'crisis management capacity' of the first basic Union system. The institutions are secured through the improvement of the institutions themselves and through the nurturing of closer economic integration that makes the cost of leaving the EU increasingly prohibitive. The concrete crisis management capacity of the EU is determined by the ability of the EU institutions to solve conflicts of co-operation, to adapt to new circumstances (such as the entry of new members) and to be sufficiently flexible in dealing with the differing interests of the member states.

In the inventory we have not included an empirical investigation of this capacity of institutional problem solving and adaptation for the reason that it is so well covered in earlier literature. Suffice to mention are the following works that show how the Union has prepared, prevented, coped and, during the aftermath, learned from threats to and crises of the basic system of peace and stability among member states: *Political Community and the North Atlantic Area; Beyond the Nation-state. Functionalism and International Organisation; The New European Community. Decision Making and Institutional Change; A Working Peace System; Governing in Europe - Effective and Democratic?; Policy-Making in the European Union; The Dynamics of European Integration; The Constitution of Europe; Understanding European Foreign Policy.*¹⁴

¹² Technically speaking, the European Union has only existed since 1992. We take into account the history of the European Economic Community (EEC) as well (which began in the late 1950s).

¹³ Wallace, W. *The Dynamics of European Integration*. (London and New York: Pinter Publishers, 1990.)

¹⁴ Deutsch, K. *Political Community and the North Atlantic Area*, (New Jersey: Princeton, 1957); Haas, E. *Beyond the Nation-state. Functionalism and International Organisation*, (Stanford: Stanford University Press, 1964); Keohane, R.O. and Hoffmann, S. (eds) *The New European Community. Decision Making and Institutional Change*, Boulder, Colorado: Westview Press, 1991); Mitrany, D. *A Working Peace System*, (Chicago: Quadrangle

System Two: Securing the European Economy

Sector 1: Economic Affairs

Commission Directorate-General Internal Market and Services (DG MARKT)¹⁵

Legal basis

- Articles 28-29 (prohibiting quantitative restrictions on imports and exports); Article 30 (on exceptions to the free movement of goods); and Article 95 (on member states' safeguard measures) of the Treaty establishing the European Community.¹⁶ However, Title I (on the free movement of goods); Title III (on free movement of persons, services and capital); and Title IV (on visas, asylum, immigration and other policies related to free movement of persons) of the Treaty establishing the European Community also form the overall legal platform.
- Secondary legislation, i.e. directives and regulations, e.g. Council Regulation 2679/1998/EC on the functioning of the internal market in relation to the free movement of goods among the member states. The regulation "establishes an information and monitoring mechanism in order to eliminate the major obstacles to trade."¹⁷

Practical arrangements

Prevention

Permanent monitoring of the internal market, e.g. of trade and foreign investments between member states, direct indicators between member states etc. does exist. An information and monitoring mechanism was introduced in 1998.¹⁸ It aims "to eliminate the major obstacles to trade which inflict serious losses on individuals, such as the obstacles which were the subject of the so-called 'strawberries' Judgment (Commission v. France from 9 December 1997),"¹⁹ and hence the functioning of the

Books, 1966); Scharpf, F. *Governing in Europe - Effective and Democratic?* (Oxford: Oxford University Press; 1999); Wallace, H. and Wallace, W. (eds) *Policy-Making in the European Union*, (Oxford: Oxford University Press, 1996); Wallace, W. *The Dynamics of European Integration*, (London and New York: Pinter Publishers, 1990); Weiler, J.H.H. *The Constitution of Europe*, (Cambridge: Cambridge University Press, 1999); and White, B. *Understanding European Foreign Policy*, (Basingstoke: Palgrave, 2001).

¹⁵ DG MARKT co-ordinates and defines the Community policy for the Internal Market. "The DG's central mission is to secure – for the benefit of the Union's citizens and businesses – ever greater European market integration and to seek the removal of obstacles to the free movement of goods, services and capital and to the freedom of establishment." (http://www.europa.eu.int/comm/dgs/internal_market/mission_en.htm, 23 November 2004). For further assessment see http://www.europa.eu.int/comm/dgs/internal_market/index_en.htm, (23 November 2004). As of 1 January 2005, co-ordination of the European Single Market is the responsibility of DG ENTR. (Follow-up conversation with DG MARKT official 49, 7 February 2005.)

¹⁶ http://europa.eu.int/pol/singl/index_en.htm (24 November 2004); and follow-up conversation with DG MARKT official 49, 7 February 2005.

¹⁷ http://europa.eu.int/comm/internal_market/en/goods/reg267998.htm, (23 November 2004).

¹⁸ Council Regulation 2679/1998/EC on the functioning of the internal market in relation to the free movement of goods among the member states.

¹⁹ http://europa.eu.int/comm/internal_market/en/goods/reg267998.htm, (23 November 2004). "The Regulation should make it possible to apply the principle of the free movement of goods quicker and more efficiently in order to deal with this kind of obstacle, as requested by the Amsterdam European Council of 16 and 17 June 1997." (http://europa.eu.int/comm/internal_market/en/goods/reg267998.htm, 23 November 2004). For further assessment of commitments adopted alongside the regulation on a more intensified approach on the free movement of goods, see: Resolution of the Council and of the Representatives of the Governments of the member states, meeting within the Council of 7 December 1998; and the Report from the Commission to the Council to the European Parliament on the application of Regulation 2679/1998/EC, Brussels COM(2001)160 final, focusing on weaknesses of the Regulation (e.g. the compensation of losses sustained by the operators affected, limits of

internal market with respect to the free movement of goods among the member states. Different DGs have different monitoring and alert systems in networks with the member states for alerting on inconsistencies with the Treaty establishing the European Community, and other EU rules and regulations. The monitoring is part of the daily work. Every day the DG MARKT desk officers, in charge of various subjects or a member state, have a briefing on the current situation. If there is a crisis, or looming crisis situation, provided from a market alert via the electrical monitoring system to the DG, the desk officers gather information and inform the director of the situation.²⁰ It takes from one to two hours from that an alert is given and everyone in the levels above the desk officer is informed.²¹ A major proportion of the ‘crises’ are handled in the daily routines. It is part of the job to manage a situation before it turns into a crisis.²²

In addition, DG MARKT relies on the statistical system from Eurostat, and, when not developed, on ad hoc structures and surveys. There is also an Implementation Report established by the Commission focusing on employment markets, guidelines, policy proposals etc. The Implementation Report is sent to the Council and is followed by a press release if one, or several, member states might be late in implementing the rules and/or restrictions etc. advised by the EU. This instrument of ‘PR-pressure’ works for implementations.²³

The so-called SOLVIT offices (see below) can be seen as preventing conflicts between firms in various member states, and hence prevent that the problem arises at Community level.²⁴

Preparation

Crisis plans as such do not exist. Everything there is on the subject within DG MARKT is found in the legal basis (i.e. the Treaty establishing the European Community) and in existing regulations. These focus on standardised infringement procedures and explain how to deal with a member state ‘in delay’ of implementing rules, restrictions etc. advised by the Community.²⁵ There are however kinds of contingency plans set up, which only target ‘safeguard measures,’ i.e. they are only applied when Article 95 of the Treaty establishing the European Community is invoked on the grounds put forward in Article 30, either by the member state itself or by the Commission. The contingency plans include lists of who is to be available in time of a crisis, (i.e. listing types of expertise as well as personnel).²⁶

Apart from the contingency plans, crises are usually dealt with by ad hoc, informal and non-hierarchical groups. These groups are subject based and are created for direct lines of communication and decision among the people concerned in the units and services involved.²⁷ According to one DG MARKT official, the major challenge in a crisis is to keep the internal excitement at a balanced level, and more specifically to

intervention by the Commission and its member states confronting the obstacles), and sets out possibilities for further reflection. (http://europa.eu.int/comm/internal_market/en/goods/reg267998.htm, 23 November 2004).

²⁰ Telephone interview with DG MARKT official 6, 24 November 2004.

²¹ Telephone interview with DG MARKT official 6, 24 November 2004.

²² Telephone interview with DG MARKT official 6, 24 November 2004.

²³ Telephone interview with DG MARKT official 5, 3 November 2004.

²⁴ Telephone interview with DG MARKT official 5, 3 November 2004.

²⁵ Telephone interview with DG MARKT official 5, 3 November 2004.

²⁶ Telephone interview with DG MARKT official 6, 24 November 2004.

²⁷ The groups consist of administrative and operational level people. I.e. including a case handler, the Secretary-General, the commissioner, someone from the commissioner’s cabinet, and other various cabinets involved.

define the missions and roles of the ad hoc group's participants, to distribute work tasks and establish a quick decision-making procedure.²⁸

A problem-oriented view in DG MARKT is also shown by its general work, which looks at whether impact assessments of proposals are well made, and whether most things have been thought of beforehand. This preparatory work (preparing the area for proposals/regulations) is said to be difficult, and the time limits are significant. Health hazards (linked to consumer safety) must also be taken into account. Most of the practical follow up and enforcement is however performed by the member states with country specific market inspectors.²⁹

The Internal Market Problem Solving Network (SOLVIT), is a conflict resolution mechanism, created for bilateral solutions on cross-border problems related to the application of Internal Market rules.³⁰ Earlier all conflicts were brought to the top in Brussels. SOLVIT is administered by co-ordination centres in the member states. When an individual or a firm experiences a cross-border problem in a member state, he/she/it first goes to the national home co-ordination centre raising the problem. The home office enters the problem and all the relevant information into the SOLVIT database and contacts the SOLVIT office (i.e. lead co-ordination centre) in the member state in which the problem occurred for a quick resolution.³¹

There are no specific resources dedicated for crisis management. As one official puts it: "in times of crisis, we make resources available."³² DG MARKT then makes a proposal to the Council for suggested measures to be taken.

Coping

Example of a past crisis:

- The 'strawberries' case (early 1990s).³³ French farmers did not want Spanish strawberries circulated in France at a lower price than their own. This resulted in trade barriers (due to national safeguard measures) from actions by private individuals where Spanish fruit was destroyed by French farmers.

Other examples of crises within the area of DG MARKT are basically structural problems dealt with in the normal line of work. These are not crises similar to the ones found in other sectors. Work in DG MARKT is more long term.³⁴

Aftermath

The crisis and contingency procedures set up and managed in the units and directorates are regularly discussed.³⁵ A public procurement policy evaluation has also

²⁸ Telephone interview with DG MARKT official 6, 24 November 2004.

²⁹ Telephone interview with DG MARKT official 5, 3 November 2004.

³⁰ A cross-border problem facing an individual or a firm in a member state is a problem "involving the application of internal market rules by a public authority in another member state; this includes situations where a citizen or business having an administrative link (e.g. nationality, qualifications, establishment) with one member state is already in the second member state where the problem occurs." (Commission Recommendation of 7 December 2001 on principles for using 'SOLVIT' – The Internal Market Problem Solving Network (Text with EEA relevance) (notified under document number C(2001) 3901).

³¹ Interview with DG MARKT official 5, 3 Nov 2004; and Commission Recommendation of 7 December 2001 on principles for using 'SOLVIT' – The Internal Market Problem Solving Network (Text with EEA relevance) (notified under document number C(2001) 3901).

³² Telephone interview with DG MARKT official 6, 24 November 2004.

³³ For further assessment of the 'strawberries' case, see Judgement of the Court, C-265/95, Commission vs. France, in the field of free movement of goods from 9 December 1997.

³⁴ Telephone interview with DG MARKT official 5, 3 November 2004.

been launched recently to look into how a policy is doing. An internal, yearly evaluation and risk assessment is moreover made within DG MARKT with formal reports sent to the Commission.³⁶

Commission Directorate-General Trade (DG TRADE)³⁷

Legal basis

- Article 133 (used to be 113) of the Treaty establishing the European Community.
- Council Regulation 2026/1997/EC on protection against subsidised imports from countries not members of the European Community.
- Council Regulation 384/1996/EC on protection against dumped imports from countries not members of the European Community.
- Council Regulation 3285/1994/EC on the common rules for imports.

Practical arrangements

Prevention

Since DG TRADE cannot act *ex officio*, i.e. on its own initiative, on trade defence instruments, it has to wait for a complaint to be filed before it takes steps.³⁸

Preparation

Procedures for trade problems or crises regarding dumping or subsidies start with complaints being filed by member states or by a representative Community industry sector to DG TRADE.³⁹ In practice member states rarely do this. When it comes to safeguards, however, only member states have the right to file complaints. When a complaint has been raised, the next step for DG TRADE is to examine it to see if there is evidence of injury caused by dumping or subsidisation, or, in the case of safeguards, very serious injury. If evidence is found, further investigations are executed. The relevant third country now has to answer a questionnaire on economic issues such as for example cost of production. After this, the accuracy of the replies is examined. If the complaints concern dumping or subsidies, DG TRADE operates on a 15-months deadline, within which the Council has to decide, on the basis of a Commission proposal, whether trade defence measures should be used or not. However, already within 9 months provisional measures can be taken. If the complaints concern safeguards, the deadlines are shorter due to the urgent nature of that kind of crisis.⁴⁰

As seen above, the EU provides three instruments for dealing with different kinds of crisis situations; ‘anti-dumping’ measures, ‘anti-subsidies’ and ‘safeguards’.⁴¹ Anti-

³⁵ Telephone interview with DG MARKT official 6, 24 November 2004.

³⁶ Telephone interview with DG MARKT official 6, 24 November 2004.

³⁷ DG TRADE is in charge of implementing the external trade policy of the European Union, and is responsible for trade negotiations and for making sure third countries comply with trade agreements. It only deals with third country trade relations; internally the single market rules apply (http://www.europa.eu.int/comm/trade/gentools/faqs_en.htm, 18 January 2005; http://europa.eu.int/comm/trade/whatwedo/index_en.htm, 18 January 2005; Interview with DG TRADE official 19, 8 November 2004).

³⁸ Interview with DG TRADE official 19, 8 November 2004.

³⁹ A representative Community industry has been described as a major proportion, at least 25%, of the total production in the Community. (Interview with DG TRADE official 19, 8 November 2004.)

⁴⁰ Interview with DG TRADE official 19, 8 November 2004.

⁴¹ There are also other instruments, like the Trade Barriers Regulation, but they are offensive rather than defensive. (Interview with DG TRADE official 19, 8 November 2004).

dumping measures are the most used trade defence instruments. They are taken to counteract dumping, i.e. when third country companies sell goods in the EU below the cost of production. These measures usually take 15 months to impose and are in place for 5 years, normally.⁴² Anti-subsidy measures are taken to eliminate unfair trade resulting from subsidies given to third country companies from the authorities in that country.⁴³ Just as anti-dumping measures, they take around 15 months to impose and last for 5 years, as a rule. Safeguards are used to protect internal industries in case of a sudden crisis caused by a major flood of imports destabilising the market. They differ from the other two measures in that safeguards are dealing more with immediate crisis, which means the time span for acting is much shorter; waiting 15 months to impose them could cause irreparable damage. Investigations proceeding safeguards are also a lot simpler since they are less technical than dumping- and subsidy investigations. The EU has been very reluctant to use safeguards and, before imposing them to meet US steel protectionism two years ago, they had not been used for ten years.⁴⁴

Coping

Examples of past crises:

- Norway dumping its price on salmon (1980's – 2003). The EU then used anti-dumping measures.
- US steel protectionism (2002). The US started to apply safeguard measures on steel. The EU then began using the same instrument in order to avoid a huge flood of steel on the Community market and a total destabilisation of the market. When the US lifted their measures, the EU did the same.⁴⁵

Aftermath

Throughout the use of a trade defence instrument it is closely followed, and when it is no longer considered necessary it is terminated.⁴⁶ On the imposing of a measure there also has to follow a plan for progressively lifting the measure, as well as a mid-term review on how well it is fulfilling its objectives.⁴⁷

The Commission is accountable to the Council on external trade negotiations and agreements.⁴⁸

⁴² Interview with DG TRADE official 19, 8 November 2004;

http://europa.eu.int/comm/trade/issues/respectrules/tpi_en.htm, (18 January 2005).

⁴³ http://europa.eu.int/comm/trade/issues/respectrules/tpi_en.htm, (18 January 2005).

⁴⁴ Interview with DG TRADE official 19, 8 November 2004.

⁴⁵ Interview with DG TRADE official 19, 8 November 2004.

⁴⁶ The Commission proposes to lift the measure and if the Council does not oppose, the measure is abandoned. (Interview with DG TRADE official 19, 8 November 2004.)

⁴⁷ Interview with DG TRADE official 19, 8 November 2004.

⁴⁸ http://www.europa.eu.int/comm/trade/gentools/faqs_en.htm, (18 January 2005).

Commission Directorate-General Taxation and Customs Union (DG TAXUD)⁴⁹

Legal basis

- Articles 23-27, and 135 of the Treaty establishing the European Community, which for example concern a closer co-operation between customs authorities.
- Council Regulation 339/1993/EEC on checks for conformity with the rules on product safety in the case of products imported from third countries.
- Joint Action 372/1997/JHA adopted by the Council on the basis of Article K.3 of the Treaty on European Union, for the refining of targeting criteria, selection methods, et., and collection of customs and police information.
- Council Act 95/C316/02 drawing up the Convention on the use of information technology for customs purposes (CIS).
- Council Act 98/C 24/01 drawing up, on the basis of Article K.3 of the Treaty on European Union, the Convention on mutual assistance and co-operation between customs administrations (Naples II).
- Council Regulation 515/1997/EC on mutual assistance between the administrative authorities of the member states and co-operation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters.

Practical arrangements

Prevention

Customs are responsible for monitoring goods crossing the borders by land, sea and air, which means they play an important role in detecting illegal goods,⁵⁰ and might be said to prevent creeping crises in the economic area. One tool for customs' monitoring of criminal activities crossing the border is the database called Customs Information System (CIS). CIS, which has been in use since March 2003, contains information on unlawful trafficking and requests for action. The information on it mainly concerns fraud trends, but also persons⁵¹, commodities, businesses, means of transport, and availability of expertise.⁵² Member states' customs authorities have direct access to it, but only the member state that has posted the information on CIS has the right to alter it. Although CIS is used by customs, it is managed by OLAF⁵³ and delivered through AFIS, i.e. OLAF's anti-fraud information system.⁵⁴ So far the real importance of CIS has been limited, according to a report drawn up by the EU's Customs Co-operation

⁴⁹ The role of DG TAXUD in the customs field is to "manage, defend and develop the customs union as a vital part of protecting the external borders of the EU" (http://europa.eu.int/comm/taxation_customs/common/about/welcome/index_en.htm, 18 January 2005).

⁵⁰ *Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EEC) No 2913/92 establishing the Community Customs Code*. COM(2003)452 final.

⁵¹ The type of personal data that is allowed into the database is: name, date and place of birth, nationality, sex, particular physical characteristics, reason for being put in the database, proposed course of action, and warnings if there is a likelihood of arms and violence (http://europa.eu.int/comm/justice_home/fsj/customs/informsystem/printer/fsj_customs_informsystem_en.htm, 18 January 2005).

⁵² In May 2003 it was decided by the Council to further CIS's functions to also include a database on present investigations across the EU, the FIDE (Customs File Identification Database). This database will provide customs with information on whether certain individuals or goods are the subject of a criminal investigation in any of the member states (*FIDE* leaflet, available at http://europa.eu.int/comm/anti_fraud/fide/leaflet.pdf, 18 January 2005; http://europa.eu.int/comm/justice_home/fsj/customs/database/wai/fsj_customs_database_en.htm, 18 January 2005.)

⁵³ OLAF is the European Anti-Fraud Office. For further information, see section on OLAF.

⁵⁴ Telephone conversation with DG TAXUD official 7, 26 November 2004; (http://europa.eu.int/comm/justice_home/fsj/customs/informsystem/printer/fsj_customs_informsystem_en.htm, 18 January 2005).

Working Party (CCWP), in the sense that it is not widely used. The reasons for this are thought to be partly because there have been technical problems, but also because there is a duplication of data-systems. Today there are two parallel systems for customs officers to put the same data in, a national one and a European one, and this might be considered inefficient. Also, officers have indicated there has been confusion on the many systems for fraud alerts at European level.⁵⁵ For monitoring of stolen goods and wanted persons, there is the Schengen Information System (SIS), which is a database on these issues run in pillar III, and both police and customs officers have access to SIS. For further information, see section on DG JAI/police co-operation.

Since not all goods crossing the border can be checked by the customs⁵⁶, each member state has its own so-called risk analysis or risk management. Risk management in this case means a technique to “limit the likelihood of risks occurring.”⁵⁷ This is done through the gathering of information and the assessment of risks. Today this is done at national level, and different member states employ different risk profiles.⁵⁸ Still, as DG TAXUD officials point out, there is exchange of information, and customs in one country knows how other customs carry out their risk management.⁵⁹ This is nothing new; “there is a long tradition of co-operation between customs administrations, even without the Commission.”⁶⁰ The information received through risk management is used at ground level, and usually does not reach the Commission.⁶¹

In April 2004 the EU signed an agreement with the US concerning container security. The aim for this Container Security Initiative (CSI) is to ensure a secure maritime environment. The CSI has some components that can be regarded as efforts for monitoring security. A case in point is the pre-screening of containers before they arrive at US ports. Also the setting up of certain security criteria for identifying high-risk containers is part of the common attempts to prevent crises, as is the development of more secure containers. The procedure proposed to follow the detection of a high-risk container is that the local EU customs officials will inspect it under the observation of US customs officials, and together decide on how to proceed after the inspection.⁶² In the case of container security DG TAXUD has been working closely with DG TREN’s maritime division, since both are affected by keeping ships and ports safe.⁶³

⁵⁵ <http://europa.eu.int/ida/en/document/2625/330>, (19 November 2004).

⁵⁶ Some of the areas customs should control for are: security, safety, public health requirements, correct duties, compliance with veterinary regulations, environmental regulations and Common Agriculture Policy rules (http://europa.eu.int/comm/taxation_customs/customs/customs_controls/general/index_en.htm, 18 January 2005).

⁵⁷ http://europa.eu.int/comm/taxation_customs/customs/customs_controls/risk_management/index_en.htm, (18 January 2005).

⁵⁸ The Commission has made a proposal for creating EU level profiles for risk management and place these as an amendment to Council Regulation 2913/1992/EEC establishing the Community Customs Code. The proposal is being processed by the European Parliament and the Council, and if it is approved, EU level risk management profiles would work as a complement to national controls (Interview with DG TAXUD official 8, 28 October 2004).

⁵⁹ Telephone conversation with DG TAXUD official 7, 26 November 2004.

⁶⁰ Interview with DG TAXUD official 8, 28 October 2004.

⁶¹ Interview with DG TAXUD official 8, 28 October 2004.

⁶² http://europa.eu.int/comm/taxation_customs/customs/policy_issues/customs_security/index_en.htm#What%20is%20the%20Container%20Security%20Initiative, (18 January 2005).

⁶³ Interview with DG TAXUD official 8, 28 October 2004.

Preparation

If there is an emergency situation, customs have to call the member state's relevant authorities, which vary depending on the kind of emergency at hand and what rules apply in that member state. There are no EU level crisis plans, since this is member state competence. If customs for example find stolen goods or drugs, or if a health emergency should arise, customs do not handle these issues themselves. Instead it has to call the police regarding the goods and drugs, and contact the authority dealing with health issues for the health emergency.⁶⁴ Another possibility for customs, if they find goods they are uncertain of, is for them to keep the goods for three days while deciding if it should be released or not. This is regulated in Council Regulation 339/1993/EEC.⁶⁵

In terms of criminal activities, EU legislation has prepared for certain crisis-type situations by providing special rules and procedures for co-operation between customs in different member states in case these occur.⁶⁶ The situations in question are the following: one member state's customs officer can be allowed to conduct undercover investigations in another member state, and officers from one member state are permitted to carry out 'hot pursuits', i.e. to follow an individual seen to have committed a crime, even though this person crosses the border to another member state. Further tasks allowed are cross-border surveillance of suspects, although with certain conditions attached, and controlled deliveries, i.e. waiting to catch a smuggler until he/she reaches the destination.⁶⁷ The kinds of crimes that these special rules apply for are for example illegal cross-border trade in taxable goods, and trafficking in drugs, weapons, and material for the construction of NBC-weapons. It should also be pointed out that member states have a lot of influence on how to execute the co-operation. Member states are for example in charge of appointing a special unit in their customs authorities that will be managing the mutual assistance.⁶⁸

Coping

Example of a past crisis:

- A terrorist was found in a container that was to be exported. Customs then closed the container and called the police, who dealt with the issue. This case shows the need for checking both import and export.⁶⁹

There have been no big crises lately, but small crises are part of customs normal work.⁷⁰

⁶⁴ The next thing that might happen in case of a health crisis is that a warning will be sent in the alert systems that exist for this. For further information, see section on DG SANCO (Interview with DG TAXUD official 8, 28 October 2004; Telephone conversation with DG TAXUD official 7, 26 November 2004.)

⁶⁵ Telephone conversation with DG TAXUD official 7, 26 November 2004.

⁶⁶ One of customs major responsibilities is to fight criminal actions, both organised and individual ones (COM(2001)51).

⁶⁷ http://europa.eu.int/comm/justice_home/fsj/customs/assistance/wai/fsj_customs_assistance_en.htm, (18 January 2005).

⁶⁸ Telephone conversation with DG TAXUD official 7, 26 November 2004; http://europa.eu.int/comm/justice_home/fsj/customs/assistance/wai/fsj_customs_assistance_en.htm, (18 January 2005).

⁶⁹ Interview with DG TAXUD official 8, 28 October 2004.

⁷⁰ Interview with DG TAXUD official 8, 28 October 2004.

Aftermath

Evaluations are carried out on a day-to-day basis in the sense that whenever something is caught in customs, adaptation to the situations takes place. In the words of one TAXUD official; legislation in this area is flexible, which makes possible day-to-day adaptation.⁷¹

Commission Directorate-General Economic and Financial Affairs (DG ECFIN)⁷²

Legal basis

- Title VII (on economic and monetary policy) including Article 99 (on multilateral surveillance and economic policy co-ordination); Article 104 (on the Excessive Deficit Procedure (EDP)); and Article 121(1) (on the four convergence criteria) of the Treaty establishing the European Community.
- Council Regulation 3605/1993/EC on the application of the Protocol on the EDP annexed to the Treaty establishing the European Community.
- Annexed protocols to the Treaty establishing the European Community (no 20 on the EDP, and no 21 on the convergence criteria).
- European Council Resolution on the Stability and Growth Pact 1997.
- Council Regulation 1466/1997/EC on the strengthening of the surveillance of budgetary positions and the surveillance and co-ordination of economic policies.
- Council Regulation 1467/1997/EC on speeding up and clarifying the implementation of the EDP.

Practical arrangements

Prevention

A mechanism taking fiscal problems, country deficits etc. into account is recognised in the Treaty establishing the European Community in order to prepare for euro adoption and avoiding economic crisis. DG ECFIN follows a pre-accession fiscal surveillance procedure where candidate countries, preparing for EU accession, must submit 'pre-accession economic programmes' (PEPs), and provide 'notification of public deficits and debt levels and associated data', in preparation for joining EMU and adopting the euro.⁷³ These are every year assessed by the DG, which also makes reports on each candidate country's submission. DG ECFIN provides its opinion, together with the Commission, on whether the member state has met the criteria. If this is the case a Council decision is made setting the conversion rates, after which the euro is introduced. The annual convergence programmes are often made public by the member states themselves, although the Council also is able to publish them.

Four convergence criteria are presented in Article 121(1) of the Treaty establishing the European Community. All four criteria need to be satisfied to make able transition to the third stage of EMU and introducing the euro.⁷⁴ One precondition is that the

⁷¹ Interview with DG TAXUD official 8, 28 October 2004.

⁷² The mission of DG ECFIN "springs from the Treaty on European Union, on Economic and Monetary Policy. [...] Ensuring a smooth functioning of the Economic and Monetary Union is our most important work." (http://www.europa.eu.int/comm/dgs/economy_finance/index_en.htm, 23 November 2004). For further assessment see http://www.europa.eu.int/comm/dgs/economy_finance/index_en.htm, (23 November 2004).

⁷³ http://www.europa.eu.int/comm/economy_finance/about/activities/activities_thirdcountrieseconomic_en.htm#enargement, (24 November 2004).

⁷⁴ Since the introduction of the euro 1 January 1999, the new Exchange Rate Mechanism (ERM II, succeeding the old European Monetary System (EMS) as of the euro being introduced), consists of four currencies: the Danish krone, Lithuanian lita, Estonian kroon, and Slovenian tolar). Both Denmark and the United Kingdom obtained opt-

member state remains in the “exchange-rate mechanism of the European Monetary System, for at least two years, without devaluing against the currency of any other member state.”⁷⁵ In terms of prevention, ongoing ‘monitoring’ efforts are set up in the Treaty establishing the European Community (Title VII). In the area of economic relations with third countries, i.e. the candidate countries, monitoring is found in the pre-accession fiscal surveillance procedure, i.e. ‘pre-accession economic programmes,’ and ‘notifications of public deficits and debt levels and associated data’ from candidate countries,⁷⁶ but also in regular economic reports, macroeconomic and financial stability assessments, economic forecasts for candidate countries, accession negotiations (i.e. contents on negotiations on EMU, freedom of capital movements, and monitoring of commitments), and subcommittees on economic and monetary issues (within the sphere of Association Agreements with candidate countries).⁷⁷

For member states already within the euro zone, information on budgetary policy and public finances is gathered in the Commission’s ‘Public Finance Report’ since 2000, with in-depth economic analysis and outlook.⁷⁸ Member states have to inform the Commission on their fiscal situation and their plan for the situation. This is done through their fiscal notifications (Notifications of Fiscal Developments) and their stability or convergence programme. DG ECFIN receives reports on member states’ deficits and debts 1 March (on member states’ outturn in the previous year, and what they expect for the ongoing year), and 1 September (on the final outcome from the previous year, the expectations for the current year, and what the member states plan for the next year). According to Article 104 of the Treaty establishing the European Community and annexed protocol, member states are obliged to avoid excessive deficits in their budgets with the reference values set to a deficit of 3% and a debt of 60% to the GDP ratio. However, if excessive deficits are expected for the future, the Council can issue an early warning in advance, acting on a recommendation from the Commission. Moreover, should excessive deficits be found to exist, deadlines and schedules are set for when a Council decision is to be reached.⁷⁹

out clauses in the negotiations from participating in the second stage of EMU. Three of the new member states (Lithuania, Estonia and Slovenia) joined the ERM II in June 2004 with the aim to adopt the euro in two years. Lithuania and Estonia have a Currency Board with the euro that works like a backup (special guarantee) for money circulation, since the currency is already tied to the euro without any margin. Slovenia has neither a Currency Board nor a fixed exchange rate, but has instead chosen to ‘peg’ the currency to the Euro. (Interview with DG ECFIN official 9, 27 October 2004; http://europa.eu.int/pol/emu/index_en.htm, 24 November 2004; <http://www.lb.lt/eng/banknotes/index.html>, 24 November 2004; <http://www.eestipank.info/pub/en/yldine/pangatahed/pangatahed/index.html?objId=283898>, 24 November 2004; and http://www.bsi.si/html/eng/banknotes_coins/index.html, 24 November 2004.)

⁷⁵ Treaty establishing the European Community, Article 121(1).

⁷⁶ Interview with DG ECFIN official 9, 27 October 2004.

⁷⁷ http://www.europa.eu.int/comm/economy_finance/about/activities/activities_thirdcountriseconomic_en.htm#enlargement, (24 November 2004).

⁷⁸ For further assessment see http://www.europa.eu.int/comm/economy_finance/about/activities/activities_publicfinancesinemu_en.htm, (24 November 2004).

⁷⁹ Most of the new member states (i.e. all but Estonia, Latvia, Lithuania and Slovenia) are today in excessive deficit. Also the Netherlands and the United Kingdom have surpassed the 3% reference value, but have, however, not been declared in excessive deficit due to exceptional circumstances foreseen in the Treaty establishing the European Community. “The excess of a government deficit over the reference value shall be considered exceptional and temporary, in accordance with Article 104c(2) (a), second indent, when resulting from an unusual event outside the control of the member state concerned and which has a major impact on the financial position of the general government, or when resulting from a severe economic downturn. In addition, the excess over the reference value shall be considered temporary if budgetary forecasts as provided by the Commission indicate that the deficit will fall below the reference value following the end of the unusual event or the severe economic downturn.” (Article 2 in Council Regulation 1467/1997/EC of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure.)

The directorates mostly concerned with monitoring are the ones on: ‘Economies of the member states’, which include the country desks, and co-ordinate the work on the 25 member states, and the one on ‘Economy of the euro zone and the Union’. The latter is the ‘policy directorate’ including monetary policy, fiscal policy, policy co-ordination for the broad economic policy guidelines, the euro, transition issues related to EMU adoption etc. The day-to-day fiscal country management and early warnings are prepared by the desk officers, based on information from websites, newspapers, bilateral contacts in the member states etc. However, the directorate on ‘Economic evaluation service’ focusing on other policy monitoring, e.g. financial markets and the structural funds, is also involved. All member states are asked to conduct and present monthly surveys on business and consumers in an effort to create short-term predictions in DG ECFIN. The forecasts are e.g. used when a member state submits its stability or convergence programme for the purpose of the Commission to evaluate whether the member state’s own forecast is too optimistic or pessimistic.

Regarding networks, DG ECFIN co-operates with DG MARKT on accession programmes in the economic and financial area. However, DG ECFIN is in closest contact with the national Ministries of Finance and the National Central Banks, from which much information is given directly. Lastly, DG ECFIN also co-operates with the European Bank on Research and development (EBRD), the European Investment Bank (EIB) as well as the European Central Bank (ECB) in order to use other capacity of the internal market to do the work (due to restricted resources in the DG).

Preparation

Article 104 in the Treaty establishing the European Community states the various steps in the Excessive Deficit Procedure (EDP) when the Council has decided that an excessive deficit exists. Firstly, the country is declared in excessive deficit when recommendations are made from the Council to the member state in question. The Council sets a four-month deadline for effective measures to be made (i.e. for providing an end to the excessive deficit the year after it has been identified). DG ECFIN reviews the measures and their implementation for the Commission and the Council. If the problems remain, and the member state fails to correct the deficit, the Council can decide to impose sanctions after ten months of the excessive deficit being reported.⁸⁰

The Stability and Growth Pact (SGP) also includes dissuasive elements demanding the member state to take action to correct for the 3% budget deficit reference value being breached, as well as allowing for imposing Community sanctions.⁸¹

Also, the Economic and Financial Committee (EFC) has been provided a management role regarding the ERM, which makes it an important actor in times of crises. The EFC co-ordinates monthly meetings on the overall economic and financial situation,

⁸⁰ DG ECFIN tried to take the EDP a step further in the cases of Germany and France in 2003, from only providing a recommendation to the Council for issuing a warning to a Commission recommendation to impose sanctions. This was however stopped by the Council. The Commission took the case to the European Court of Justice where the Court cancelled the Council decision to stop the initiative, and ruled in the Commission and DG ECFIN’s favour in July 2004. It is still to be decided where the DG and Commission decides to go from here. In the case of France, the EDP has gone as far as the excessive deficit should be made public. (Article 4, Council Regulation 1467/1997/EC of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure; Interview with DG ECFIN official 9, 27 October 2004; and http://www.europa.eu.int/comm/economy_finance/about/activities/sgp/edp_en.htm, 24 November 2004).

⁸¹ Council Regulation 1467/1997/EC of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure.

within and outside the euro zone, bringing together the Commission, the ECB and the member states.

In terms of training, however, none specific is provided; that is, rather, part of the daily work. “We do not need emergency procedures, for the work here is based on macroeconomic effects,” says one DG ECFIN official, and continues. “If we have a crisis we will react. But a quick reaction from us is not necessarily needed in economic crises.”⁸² Crises and emergencies can be dealt with in normal discussions and the daily work.

There are disaster recovery plans for the most vital applications with regard to Information Technology. The directorate in Luxembourg sees to the treasury management for the Commission. DG ECFIN has recently set up a contingency plan for this purpose, which also includes the existence of alternative locations for treasury management, e.g. if there is a problem with the building and where the personnel should be redirected.⁸³

Coping

Examples of past crises:

- Crises with the Exchange Rate Mechanism (early 1990s), with the largest in 1992. Due to rapid fluctuations in the exchange rate markets, quick reactions were needed. To cope with these crises, ‘reaction mechanisms’, mainly referring to the ‘Monetary Committee’, were used. The reaction mechanism meant that the Secretariats in the DG could quickly be assembled and meetings on the ERM could be held, in person or via conference calls.⁸⁴
- Greek scandal (2004), where the new Greek government revised the deficit and debt numbers considerably at the fiscal notification 1 September. The new Greek government argues that the previous administration (Ministry of Finance and the Statistical Office) had submitted wrong data on the national deficits and debt to Eurostat. The new numbers suggest there might have been a deficit larger than 3 % for at least the last four years, implying that Greece may have entered the euro zone on false declarations. This is not a crisis per se for DG ECFIN, but more of a crisis for Eurostat. Investigations and discussions into whether this in fact could have been discovered, are being carried out as to how this can be avoided in the future.⁸⁵

Aftermath

DG ECFIN has a multi-annual program for evaluating policies and their implementations.⁸⁶

⁸² Interview with DG ECFIN official 9, 27 October 2004.

⁸³ Interview with DG ECFIN official 9, 27 October 2004.

⁸⁴ In the early 1990’s there were frequent crises, with the largest in 1992. Several countries were then forced to leave the exchange rate mechanism. The mechanism was therefore adjusted, allowing more fluctuations in the currency rate. There have not been any recent crises regarding the exchange rate mechanism since it was adjusted.

⁸⁵ Interview with DG ECFIN official 9, 27 October 2004; follow-up e-mail from DG ECFIN official 9, 10 February 2005; and Report of the European Anti-Fraud Office, Fourth Activity Report for the year ending June 2003, European Commission, available at http://europa.eu.int/comm/anti_fraud/reports/olaf/2002-2003/en.pdf, (19 January 2005).

⁸⁶ Interview with DG ECFIN official 9, 27 October 2004.

European Anti-Fraud Office (OLAF)⁸⁷

Legal basis

- Article 280 of the Treaty establishing the European Community, which states that “the Community and the member states shall counter fraud and any other illegal activities affecting the financial interests of the Community”.
- Council Regulation 515/1997/EC on mutual assistance between the administrative authorities of the member states and co-operation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters.
- Commission decision 352/1999EC, ECSC, Euratom: establishing the European Anti-fraud Office (OLAF) (notified under document number SEC(1999) 802)
- Regulation 1073/1999/EC of the European Parliament and of the Council concerning investigations conducted by the European Anti-Fraud Office (OLAF).
- Council Regulation 1074/1999/Euratom concerning investigations conducted by the European Anti-Fraud Office.
- Council Regulation 1338/2001/EC laying down measures necessary for the protection of the euro against counterfeiting.
- Council Decision 861/2003/EC concerning analysis and co-operation with regard to counterfeit euro coins.
- Council Regulation 2182/2004/EC concerning medals and tokens similar to euro coins.
- Commission Decision 37/2005/EC establishing the European Technical and Scientific Centre (ETSC) and providing for co-ordination of technical actions to protect euro coins against counterfeiting.

Practical arrangements

Prevention

Concerning issues of fraud, OLAF largely works on a reactive basis in the sense that its mandate does not allow it to open internal or external investigations without first having received allegations of fraud.⁸⁸ There does, however, exist a system for rapid exchange of information on fraud between member states; the Anti-Fraud Information System (AFIS), which is run by OLAF. The AFIS is used for the sharing of data in the fields of customs and agricultural departments.⁸⁹

Apart from its fight against fraud, OLAF is also responsible for the protection of the euro against counterfeiting. In this area, OLAF is permanently monitoring trends in counterfeiting to find out whether the amount of seized counterfeits is increasing or not and what type of counterfeits are being circulated. OLAF requests the information from the European Central Bank (ECB), which runs a database on counterfeits. Also Europol provides OLAF with data on counterfeit euros, which it, i.e. Europol, has received from the member states in the form of early warning messages.⁹⁰ OLAF then uses the information for analysis on what the possible needs are in counterfeiting and,

⁸⁷ The mission of OLAF is “to protect the financial interests of the European Union, to fight fraud, corruption and any other illegal activity, including misconduct with the European Institutions.” (*Report from the European Anti-Fraud office, fourth activity report for the year ending June 2003.*) Its work is carried out through the conduct of internal and external investigations, which are executed in full independence.

(http://www.europa.eu.int/comm/dgs/olaf/mission/index_en.html#1, 18 January 2005.) In addition, OLAF is also responsible for “combating counterfeiting, piracy and forgery of the euro.” (*The fight against fraud and transnational crime: OLAF and international co-operation.* OLAF brochure. European Commission, 2003, p. 9.)

⁸⁸ Interview with OLAF official 10, 8 November 2004.

⁸⁹ *The fight against fraud and transnational crime: OLAF and international co-operation.* OLAF brochure. European Commission, 2003, p. 15.

⁹⁰ When counterfeit of the euro is found in one member state and there is sufficient reason for several member states to be notified or warned, it rapidly informs Europol. Europol then transmits the message on a direct link to all member states. (Interview with OLAF official 11, 11 November 2004.)

if appropriate, proposes adoption of legislation or other relevant acts.⁹¹ In addition, a decision to establish a European Technical and Scientific Centre (ETSC) has also been made recently. Its purpose is to analyse and classify every new type of counterfeit euro coin.⁹²

Preparation

The procedure for opening fraud investigations is quite clear. It starts with an allegation received by OLAF. Allegations can be received from a variety of resources, for example persons inside or outside the institutions, media reports, or anonymous sources through a free-phone. The free-phone to OLAF is present in every member state, and allegations can be given here. However, the impact of the free-phone scratches zero, meaning almost none of the investigations opened are based on information received through the free-phone. Instead, most investigations are opened on the basis of data received from staff of a specific EU institution. When the allegation has been received by one of OLAF's units, it is subject of an evaluation, which takes around a fortnight to conclude. During the evaluation, the unit determines if the information given to it falls under OLAF competence, and if it is of such a nature that it gives rise to sufficiently serious suspicion to open an investigation. The evaluation ends in a written document called an assessment containing recommendations to open an investigation or not. The decision on whether to open an investigation is then made by a panel consisting of around 12 people from different units of OLAF. Panel meetings are held once a week, and each time the panel decides on around 10-30 cases.⁹³

All cases OLAF deals with concern irregularities damaging the Union. However, some cases are more extraordinary and sensitive than others, and for these, distinctive reaction is provided. Due to the level of discretion and confidentiality needed in these cases, the ordinary panel is not allowed to decide whether an investigation should be opened or not. Instead, the unit that receives the allegation makes the evaluation and then turns directly to the director-general, who decides whether the extreme level of secrecy should continue or not. Apart from this procedure there are no special crisis plans, but there are priority criteria. Cases with greater financial damage, greater potential criminal intensity, more pronounced damage to the reputation of an EU institution, and so on, will be prioritised.⁹⁴

When it comes to operational responsibility, in the sense of law enforcement, this is still member states' competence, both regarding counterfeiting and fraud. Concerning counterfeiting, OLAF is only using the EU level to insist on measures to be taken, i.e.

⁹¹ One example of this kind of action was when there was an abusive production of euro-coin-like objects, which led to the proposal for (and adoption of) Council Regulation 2182/2004/EC concerning medals and tokens similar to euro coins. (Interview with OLAF official 11, 8 November 2004; follow-up e-mail from OLAF official 11, 24 January 2005.)

⁹² Commission Decision 37/2005/EC of 29 October 2004 establishing the European Technical and Scientific Centre (ETSC) and providing for co-ordination of technical actions to protect euro coins against counterfeiting. OLAF also manages the PERICLES programme for training and technical assistance to member states and provides for the protection of euro coins against fraud and counterfeiting. In exercising these responsibilities, OLAF is in close contact with the member states and the competent European institutions, in the framework of the Anti-Fraud Co-ordination Committee. (Follow-up e-mail from OLAF official 11, 24 January 2005; *Commission report - Evaluation of the activities of the European Anti-fraud Office (OLAF) - Parliament and Council Regulation (EC) No 1073/1999 and Council Regulation (Euratom) No 1074/1999 (Article 15)*. COM/2003/154 final, p. 29.)

⁹³ Interview with OLAF official 10, 8 November 2004.

⁹⁴ Interview with OLAF official 10, 8 November 2004.

insist on rules or actions to fight counterfeiting.⁹⁵ When it comes to fraud, OLAF hands over the finished investigations to the relevant national judicial authority.⁹⁶

Coping

Example of a past crisis:

- Internal corruption in the agriculture sector (2000). Someone had accepted bribes in return for illegal favours, and this to an enormous extent, according to one OLAF official. The investigation concerning this case was handled with the special procedure of absolute secrecy, which in practice meant that less than five people within OLAF itself were allowed to know of its existence.⁹⁷

Aftermath

At the end of a fraud investigation the OLAF unit that has been handling the case establishes a non-public final case report and presents this to the same panel that had made the decision to open the investigation. The final case report contains specific recommendations regarding referral of the case to, for example, a national judicial authority, referral of the matter to the disciplinary board of the institution concerned, referral to a financial follow-up unit to recover amounts lost. Often these referrals are parallel. Recommendations can also include the altering of Community law or of administrative procedures if these are set up in a manner that allows loopholes or illegal conduct to occur. The report can either be adopted or rejected by the panel board. If it is rejected, it is normally so because the board wants certain modifications to be made in the report. If the board adopts the report, it is transferred to the national judicial authority, or, if the final case report recommends closure of the case, it is archived.⁹⁸

In order to carry out its tasks OLAF is independent from both the Commission and the member states, in the sense that these are not allowed to give instructions to OLAF or to access information on ongoing investigations.⁹⁹ Instead, there is a Supervisory Committee that, to safeguard OLAF's independence, scrutinises its work and delivers opinions on it. The Supervisory Committee consists of five independent persons from outside of OLAF, appointed by the European Parliament, the Council and the Commission. Its opinions are taken seriously by OLAF, but are still not instructions to be followed at all times.¹⁰⁰

⁹⁵ The concrete actions against counterfeiters are handled by law enforcement, and if there should be a particularly good counterfeit circulating in large quantities, there are contingency plans for rapidly replacing a specific denomination of banknotes with another denomination. This, however, takes place at national level. (Interview with OLAF official 11, 8 November 2004.)

⁹⁶ Because of the fact that OLAF hands over the case to the national judicial authority, they are operating under confidentiality and are very reluctant to talk to the press, in order not to damage the national authority's investigation. (Interview with OLAF official 10, 8 November 2004.)

⁹⁷ Interview with OLAF official 10, 8 November 2004.

⁹⁸ Interview with OLAF official 10, 8 November 2004.

⁹⁹ *Commission report - Evaluation of the activities of the European Anti-fraud Office (OLAF) - Parliament and Council Regulation (EC) No 1073/1999 and Council Regulation (Euratom) No 1074/1999 (Article 15).* COM/2003/154 final, p. 42.

¹⁰⁰ Interview with OLAF official 10, 8 November 2004; and <http://europa.eu.int/scadplus/leg/en/lvb/134008.htm>, (10 December 2004).

Commission Directorate-General Enterprise and Industry (DG ENTR)¹⁰¹

Legal basis

- Articles 95 (on the internal market); 152 (on public health); 157 (on competitiveness); and Title XVIII (on innovation and research) of the Treaty establishing the European Community.¹⁰²
- Secondary legislation, i.e. directives and regulations, e.g. Regulation 726/2004/EC of the European Parliament and of the Council laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency.¹⁰³

There does not exist any comprehensive legal basis for crisis management in the area of DG ENTR, nor does there exist any legal basis for crisis management within the individual business sectors covered by DG ENTR, e.g. pharmaceuticals, automobiles etc.¹⁰⁴ The task of DG ENTR is the free flow of products, which is different from seeing to that stock piles actually exist in case of a crisis.

¹⁰¹ “The following general objectives encapsulate the aims of the Enterprise Directorate-General: Lower barriers to entrepreneurs in Europe and encourage potential entrepreneurs; Foster innovation both in the technical sphere as an adjunct to research, and in the business process; Continue to enhance the efficiency of the internal market, with particular attention paid to its operation in the new member states, and aim to extend its benefits to other regions; Enhance the global competitiveness of European industry within a framework of sustainable development.” (http://www.europa.eu.int/comm/dgs/enterprise/work_programme_en.htm, 25 November 2004). For further reference on European Union Enterprise policy see: http://www.europa.eu.int/comm/dgs/enterprise/index_en.htm, (25 November 2004).

¹⁰² Telephone interview with DG ENTR official 17, 20 October 2004; and http://www.europa.eu.int/comm/dgs/enterprise/work_programme_en.htm, (25 November 2004).

¹⁰³ Available at: http://pharmacos.eudra.org/F2/review/doc/final_publ/Reg_2004_726_20040430_EN.pdf, (25 November). The regulation is the outcome of a legislative procedure underway since 2001, with effective result in Article 57, paragraphs 1 and 2.

Paragraph 1: “The agency shall provide the member states and the institutions of the Community with the best possible scientific advice on any questions relating to the evaluation of the quality, safety and efficacy of medicinal products for human or veterinary use which is referred to in accordance with the provisions of Community legislation relating to medicinal products.” [The agency acts through committees.]

Paragraph 2: “The database provided for in paragraph 1(l) shall include the summaries of product characteristics, the patient or user package or leaflet and the information shown on the labelling. The database shall be developed in stages, priority being given to medicinal products authorised under this Regulation and those authorised under Chapter 4 of Title III of Directive 83/2001/EC and of Directive 82/2001/EC respectively. The database shall subsequently be extended to include any medicinal product placed on the market within the Community.

Where appropriate, the database shall also include references to data on clinical trials currently being carried out or already completed, contained in the clinical trials database provided for in Article 11 of Directive 20/2001/EC. The Commission shall, in consultation with the member states, issue guidelines on data fields which could be included and which may be accessible to the public.”

¹⁰⁴ Telephone interview with DG ENTR official 17, 20 October 2004. Pharmaceuticals are for example evaluated every three years, with the opportunity to foresee the need of e.g. establishing a pharmaceutical agency that can prevent and act in case of a threat to health. Article 57 of Regulation 726/2004/EC is the result of a legislative procedure underway since 2001 which describes the legal basis in the area of pharmaceuticals, (e.g. promoting internal co-ordination in areas of health, cosmetics, biotechnology etc.). It does however not give the Commission any legislative competence. Crisis management in the enterprise policy area entails going back to the original purpose and work tasks of the DG. There are e.g. no EU provisions in the enterprise sector for medicine and biotechnology. These questions are instead dealt with by the European Agency for the Evaluation of Medicinal Products (EMA), with a limited competence for the Commission and DG ENTR. This was agreed by the member states in 2001. It has also been discussed whether there should be European stocks of medicines. However, due to restricted resources and the fact that not all member states wanted to share a medicinal stock, the agency does not include this. As a first stage EMA has instead been asked to look at what dangerous diseases exist and what types of treatments are available to counter them. (Telephone interview with DG ENTR official 17, 20 October 2004.) For further assessment of EMA, see <http://www.ema.eu.int>, (25 November 2004).

Practical arrangements

Prevention

DG ENTR monitors and controls practically everything within the European enterprise sector, however not specifically with regards to crisis. “A crisis is just a problem which is slightly bigger than the ones we manage day-to-day,” as one DG ENTR official puts it.¹⁰⁵ Much of the monitoring also takes place in the form of co-operation with other DGs. DG ENTR is for example working together with DG MARKT to take advantage of its monitoring system in the industrial sector. DG ENTR is also responsible for evaluating and assessing pandemic diseases and proposing actions in the pharmaceutical area. In this area it co-operates with for instance the European Agency for the Evaluation of Medicinal Products (EMA), which receives medicinal products to test and see if they can be authorised for the EU market. The work in DG ENTR takes place in formal work groups together with the member states and, as seen, other Commission bodies for discussing and estimating what the threats are and what treatments there are available.¹⁰⁶ Consultations and inter service relations, as well as good planning are the key tools in preventing problems. In the words of one DG ENTR official; “I consider that crisis management means avoiding the crisis [and], I believe most of the Commission is geared at the avoidance of crises. We are good at knowing where the problems are coming from in terms of external problems.”¹⁰⁷

Preparation

DG ENTR does not have any crisis plans in place.¹⁰⁸ Other Commission DG’s in charge of that kind of crisis management, i.e. in practice any problem with the security of and with food, is dealt with directly by DG SANCO, and/or in co-operation with DG AGRI. If there is a problem with the security of fish, it is dealt with by DG FISH, a threat from third persons is dealt with by DG JAI, just as problems in the car, research industry etc. are dealt with by the industry as such.¹⁰⁹ The only tools for crisis management in DG ENTR are negotiations, common sense, and reactive consultations in making sure that all relevant people in the directorates are informed about the situation in order for the director-general and/or the commissioner to make the right decision. There are no formal procedures or plans for how these are carried out. “We know who our counterparts are, and we just have to make sure we do not forget one or two on our way through.”¹¹⁰ There are however documented standard procedures for the overall work in the DG.¹¹¹ “In a crisis we do the same thing, but a bit faster,” according to one DG ENTR official.¹¹² The only issue then is to decide whether the unit in charge can make the decision, or if it has to go through the hierarchy, i.e. to have the problem solved by the director, the director-

¹⁰⁵ Interview with DG ENTR official 18, 27 October 2004.

¹⁰⁶ Telephone interview with DG ENTR official 17, 20 October 2004.

¹⁰⁷ Interview with DG ENTR official 18, 27 October 2004.

¹⁰⁸ Both interviewees concur in this opinion. “In 30 years in the Commission, I have never bumped into any document saying that these are the crisis management procedures. But it may be I have not had the right type of crisis for it to appear.” Interview with DG ENTR official 18, 27 October 2004.

¹⁰⁹ Telephone interview with DG ENTR official 17, 20 October 2004.

¹¹⁰ Interview with DG ENTR official 18, 27 October 2004.

¹¹¹ An example is the standard operating procedure for making a proposal. DG ENTR starts running a proposal by consultations, and then by getting a working group together. It is then important to make sure the persons involved all agree and that all services are involved. When this is done the proposal is taken upwards through the hierarchy. (Interview with DG ENTR official 18, 27 October 2004.)

¹¹² Interview with DG ENTR official 18, 27 October 2004.

general, or if need be the commissioner.¹¹³ This depends on how the problem is identified and on which level. In many instances problems are solved through sheer experience and are managed well; this is why they never turn into a crisis.

If a problem is external, i.e. comes from outside the Commission, it is much more difficult. If a crisis has been created by a question from the European Parliamentarians, or similar, the decision-making goes directly to the commissioner. In the words of one DG ENTR official; “When it is ‘a hot potato’, it is clear that we in the services do not take the decision.”¹¹⁴ In these cases the commissioner takes the decision and the Enterprise services are there to help prepare the decision (gathering material etc.) together with help from the Legal Service.¹¹⁵

No additional resources for crisis management are made available in DG ENTR.¹¹⁶

DG ENTR has its own Information and Communication Unit that manages press releases and communications of the commissioner and of the DG. In time of external crisis (e.g. in the REACH case), the individual units would not communicate with the media on political crises. Instead, the Information and Communication Unit would deal with this.

Coping

Examples of past crises:

- Thalidomide (1960s). Thalidomide was a drug given to pregnant women to reduce e.g. morning sickness.¹¹⁷ It, however, damaged the foetus and caused disabilities. The Thalidomide crisis is considered the cradle of DG ENTR and its overall work area.¹¹⁸
- The REACH proposal (2003), which is a proposal of the European Parliament and of the Council on a regulation concerning the Registration, Evaluation, Authorisation, and Restriction of Chemicals (REACH).¹¹⁹ This represents a political crisis since resistance to the Commission’s proposals arose. This kind of crisis is dealt with by the DG in the way that it has to negotiate between environmental organisations and the chemical industry.

Aftermath

As a result of the Administrative Reform there is a structured evaluation process of the DG’s activities. The Commission has made all DGs put in place individual Programming and Evaluation Units. They perform constant evaluations of the

¹¹³ Interview with DG ENTR official 18, 27 October 2004.

¹¹⁴ Interview with DG ENTR official 18, 27 October 2004.

¹¹⁵ Interview with DG ENTR official 18, 27 October 2004.

¹¹⁶ Telephone interview with DG ENTR official 17, 20 October 2004.

¹¹⁷ The drug has been sold under different names in different countries, e.g. in Sweden under the name of Neurosedyn.

¹¹⁸ Telephone interview DG ENTR official 17, 20 October 2004.

¹¹⁹ Proposal for a Regulation of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (Reach), establishing a European Chemicals Agency and amending Directive 1999/45/EC and Regulation (EC) {on Persistent Organic Pollutants}. COM/2003/0644 final - COD 2003/0256. Proposal for a Directive of the European Parliament and of the Council amending Council Directive 67/548/EEC in order to adapt it to Regulation (EC) of the European Parliament and of the Council concerning the registration, evaluation, authorisation and restriction of chemicals. COM(2003)644 final - COD 2003/0257. (For further assessment see: <http://www.europa.eu.int/comm/enterprise/reach/index.htm>, 19 January 2005.) It is a proposal for a new EU chemicals system (REACH). Enterprises manufacturing or importing chemical substances of more than one tonne per year are suggested to be required to register their activities in a central database. (<http://www.europa.eu.int/comm/enterprise/reach/overview.htm>, 25 November 2004).

activities in the DG and produce regular (semi-annual) reports for the director-general. Meetings are also held twice a year between the units and the management of the DG to go through and follow-up on the management plan. New instructions are also carried out if there have been any problems.

Sector 2: Energy and Transport

Commission Directorate-General Energy and Transport (DG TREN)¹²⁰

Energy

Legal basis

- Article 2, 24-27, 30-39 of the Treaty establishing the European Atomic Energy Community, (i.e. the Euratom Treaty).¹²¹
- Council Decision 600/1987/Euratom on Community arrangements for the early exchange of information in the event of a radiological emergency.
- Council Directive 618/1989/Euratom on informing the general public about health protection measures to be applied and steps to be taken in the event of a radiological emergency.
- Council Regulation 3954/1987/Euratom laying down maximum permitted levels of radioactive contamination of foodstuffs and of feedingstuffs following a nuclear accident or any other case of radiological emergency.
- Commission Regulation 770/1990/Euratom laying down maximum permitted levels of radioactive contamination of feedingstuffs following a nuclear accident or any other case of radiological emergency.
- Commission Regulation 944/1989/Euratom laying down maximum permitted levels of radioactive contamination in minor foodstuffs following a nuclear accident or any other case of radiological emergency.
- Council Regulation 2219/1989/EEC on the special conditions for exporting foodstuffs and feedingstuffs following a nuclear accident or any other case of radiological emergency.
- Commission Recommendation 473/2000/Euratom on the application of Article 36 of the Euratom Treaty concerning the monitoring of the levels of radioactivity in the environment for the purpose of assessing the exposure of the population as a whole.

Practical arrangements

Prevention¹²²

Article 36 of the Euratom Treaty requires member states to report their radiation conditions to the Commission on a regular basis.¹²³ One system for exchanging this information and monitoring environmental radioactivity is the European Radiological Data Exchange Platform (EURDEP). Participation in this computer system is based

¹²⁰ The mission of DG TREN is to “ensure that energy and transport policies are designed for the benefit of all sectors of the society, businesses, cities, rural areas and above all of citizens. The energy and transport sectors are pivotal to the European way of life and to the functioning of our economy; as such their operation has to be responsible in economic, environmental, safety and social terms.”

(http://www.europa.eu.int/comm/dgs/energy_transport/home/mission/index_en.htm, 18 January 2005).

¹²¹ http://europa.eu.int/comm/energy/nuclear/legislation/radiation_protection_en.htm, (18 January 2005).

¹²² Apart from measures stated here, the EU is also working to prevent nuclear disasters by giving aid to countries outside of the Union. In the framework of the TACIS programme, the EU is for example providing technical assistance to improve nuclear safety culture in the Commonwealth of Independent States. (Interview with AIDCO officials 48, 26 October 2004; http://europa.eu.int/comm/external_relations/ceeca/tacis/index.htm, 18 January 2005).

¹²³ Telephone interview with DG TREN official 12, 12 November 2004.

on Recommendation 473/2000/Euratom, but even though all member states are trying to take part in EURDEP, some are experiencing technical difficulties.¹²⁴ Furthermore, third countries are also allowed to take part in the system. The EURDEP is continuously operational and routine data is updated every 24 hours, and is publicly available on its website.¹²⁵

Another important computer system is the European Community Urgent Radiological Information Exchange (ECURIE), whose main purpose is an early warning and rapid information exchange function, in case of emergency. In addition to this, ECURIE is also used on a voluntary basis for sending so-called ‘ECURIE information messages’ in case of smaller scale incidents. In these cases ECURIE is used as a tool for preventing for example rumours from growing out of control.¹²⁶

Information to the Commission, based on Article 36 of the Euratom Treaty, is published annually.¹²⁷

To prevent crisis the EU has also adopted a directive that requires member states to designate a competent authority to keep records of holders of high-activity radioactive sources, which in their turn have to live up to certain safety requirements. Another directive states that there shall be uniform control of transfer of radioactive waste between member states. Still, however, it is the member state that makes the inspections, EU does not have that kind of competence.¹²⁸

Preparation

In case of emergency member states have a legal obligation to send an ‘ECURIE alert’, which is a rapid alert in an urgent situation, and the only sort of operational capacity given to the EU in case of a nuclear/radiological crisis.¹²⁹ It is used as a complement to bilateral agreements.¹³⁰ The crisis procedure is the following: each member state has to have a contact point, i.e. a competent authority, which sends an alert message to the Commission’s Radiation Protection Unit.¹³¹ The Radiation Protection Unit then, within one hour, has to notify the ECURIE alert to all other member states and states outside the EU that are also part of the alert system. In addition to reporting the actual accident or emergency, member states also have to inform about the actions they are taking in response to it. This information exchange

¹²⁴ Telephone interview with DG TREN official 12, 12 November 2004.

¹²⁵ http://europa.eu.int/comm/energy/nuclear/radioprotection/emergency_en.htm, (18 January 2005); Power point presentation called “*Representatives’ Meeting Articles 35 and 36 of the Euratom Treaty*”, DG Energy and Transport.

¹²⁶ An example of when ECURIE has been used this way occurred when Greenpeace attacked a power plant in Spain in 2003. Rumours that there had been an accident started circulating, but were stopped when Spanish authorities notified ECURIE that no accident had taken place, only a Greenpeace raid. (Telephone interview with DG TREN official 12, 12 November 2004.)

¹²⁷ Telephone interview with DG TREN official 12, 12 November 2004.

¹²⁸ Telephone interview with DG TREN official 12, 12 November 2004; Council Directive 3/1992/Euratom of 3 February 1992 on the supervision and control of shipments of radioactive waste between member states and into and out of the Community; and Council Directive 122/2003/Euratom of 22 December 2003 on the control of high-activity sealed radioactive sources and orphan sources.

¹²⁹ In a crisis, the threshold for having to report to ECURIE is however quite high, according to one DG TREN official. (Telephone interview with DG TREN official 12, 12 November 2004.)

¹³⁰ Power point presentation called “*Representatives’ Meeting Articles 35 and 36 of the Euratom Treaty*,” DG Energy and Transport.

¹³¹ Telephone interview with DG TREN official 12, 12 November 2004; www.europa.eu.int/comm/energy/nuclear/radioprotection/emergency_en.htm, (18 January 2005).

is managed from the ECURIE room, which is a crisis room administered by the Commission.¹³²

As for EURDEP, this computer system is also used in another way in case of a crisis. Participants then have agreed to update the environmental radioactivity data more frequently. Instead of doing it every 24 hours, in an emergency it is done about every two hours. The information is available on two different websites, one for the public and one restricted for the participants' authorities.¹³³

As a tool for dealing with the different weather predictions that might appear due to diversity in national models, a webtool named ENSEMBLE has been established in the Commission framework. In case of a radiological emergency it will be imperative to view forecasts, and in ENSEMBLE a range of meteorological organisations participate to make the comparison of national predictions easier. ENSEMBLE is only used in case of emergency.¹³⁴

There are both crisis plans for how to use ECURIE, EURDEP and ENSEMBLE, as well as simulations and exercises on them.¹³⁵ On ECURIE there is a so-called level-3 exercise once a year simulating a real accident.¹³⁶ One example of these level-3 exercises is the one from 2002, where the evaluation shows that ENSEMBLE was also tested at the same time. The result of the simulation was in this case that most things worked according to planned procedures, but it was also established that "more exercise is needed to bring this action to an automated level."¹³⁷ In addition to that, some minor changes were suggested, such as improved ventilation in the ECURIE crisis room and the avoidance of handwriting in fax-messages.¹³⁸

Other procedures in case of an accident are the restrictions on levels of radioactive contamination to be put on foodstuffs and feeding stuffs in the market. The course of action is that the Commission makes an urgent decision by itself on the levels allowed. At a later stage, after consultation with an Article 31 expert group, the Council decides if the urgent decision should be sustained, modified or removed.¹³⁹

The more hands-on part of managing a nuclear or radiological crisis is still member state competence. It is for example up to the member state to enforce evacuation.¹⁴⁰

Coping

Example of a past crisis:

- The Chernobyl disaster (1986) has been a major driving force for EU co-operation in the energy field.

¹³² Telephone interview with DG TREN official 12, 12 November 2004.

¹³³ Telephone interview with DG TREN official 12, 12 November 2004.

¹³⁴ Telephone interview with DG TREN official 12, 12 November 2004; <http://ensemble.ei.jrc.it>, (18 January 2005); and www.europa.eu.int/comm/energy/nuclear/radioprotection/emergency_en.htm, (18 January 2005).

¹³⁵ Telephone interview with DG TREN official 12, 12 November 2004.

¹³⁶ <http://rem.jrc.cec.eu.int/Projects/ECURIE>, (18 January 2005).

¹³⁷ *ECURIE Level 3 exercise 2002, Evaluation report*. European Commission.

¹³⁸ *ECURIE Level 3 exercise 2002, Evaluation report*. European Commission.

¹³⁹ Telephone interview with DG TREN official 12, 12 November 2004; Council Regulation 3954/1987/Euratom of 22 December 1987 laying down maximum permitted levels of radioactive contamination of foodstuffs and of feeding stuffs following a nuclear accident or any other case of radiological emergency.

¹⁴⁰ It should also be mentioned that the EU, in 29/1996/Euratom Title 9 on Intervention, requires member states to have emergency plans, although these according to a TREN official are rather basic. (Telephone interview with DG TREN official 12, 12 November 2004.)

Aftermath

Except for the evaluations of exercises and simulations, there are no systemic mechanisms for evaluating the measures stated above after having been used in a real accident. One DG TREN official, however, claims there still most likely would be evaluations.¹⁴¹

Transport/Road

Legal basis

- Articles 70-80 of the Treaty establishing the European Community.
- Council Regulation 3916/1990/EEC on measures to be taken in the event of a crisis in the market in the carriage of goods by road.
- Council Decision 704/1993/EC on the creation of a Community database on road accidents.
- Council Directive 50/1995/EC on uniform procedures for checks on the transport of dangerous goods by road.
- Directive 30/2000/EC of the European Parliament and of the Council on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community.
- Directive 54/2004/EC of the European Parliament and of the Council on minimum safety requirements for tunnels in the Trans-European Road Network.

Practical arrangements

Prevention

For tunnels in the trans-European road network, the EU has established a directive requiring member states to ensure that safety inspections are carried out on all tunnels longer than 500 metres.¹⁴² An authority set up in each member state executes this, as well as other safety tasks assigned to it by the EU, such as ensuring emergency plans are in place and that there are procedures for an instant closure of the tunnel in case of emergency. If non-compliance with the safety requirements is found, restrictions, or even closure, on the use of the tunnel can be introduced until corrective measures have been taken.¹⁴³

Another kind of monitoring is the roadside inspection of roadworthiness, which is a complement to the roadworthiness inspection that annually takes place in a testing centre.¹⁴⁴ The roadside inspections are regulated in Directive 30/2000/EC, which requires member states to perform unexpected inspections on commercial vehicles, although no number or percentage on how many has been specified. If inspections show a vehicle does not live up to roadworthiness standards, it is taken off the road.¹⁴⁵ Also Directive 50/1995/EC deals with inspections on vehicles, but in this case only if they are transporting dangerous goods. The directive calls for member states to have uniform procedures for roadside checks and states that detected non-compliance with

¹⁴¹ Telephone interview with DG TREN official 12, 12 November 2004.

¹⁴² Minimum safety requirements are established at EU level (Directive 54/2004/EC of the European Parliament and of the Council of 29 April 2004 on minimum safety requirements for tunnels in the Trans-European Road Network).

¹⁴³ Directive 54/2004/EC of the European Parliament and of the Council of 29 April 2004 on minimum safety requirements for tunnels in the Trans-European Road Network.

¹⁴⁴ The annual roadworthiness test is regulated in Council Directive 96/1996/EC of 20 December 1996 on the approximation of the laws of the member states relating to roadworthiness tests for motor vehicles and their trailers.

¹⁴⁵ *ABC of the Road Transport acquis*, 2003, p. 37, available at <http://europa.eu.int/comm/transport/road/legislation/abc/documents/abc.pdf>, (19 January 2005).

EU standards can result in prohibited further driving.¹⁴⁶ All member states must also each year establish a report on the application of the directive to the Commission.¹⁴⁷ A further type of roadside inspection is carried out under the obligation of Directive 599/1988/EEC, which lays down minimum procedures for checks on driving times and rest periods. It also states that concerted and co-ordinated roadside checks must be executed between the member states a certain amount of times a year.¹⁴⁸

In order to monitor accidents across the EU, a central database is operated within the Commission: the Community Database on Accidents on the Roads in Europe, (CARE). All road accidents resulting in death or injury are reported to CARE by the member states. The data is then used for identifying road safety problems for preventing future accidents, and to evaluate the efficiency of previous safety measures. Yearly, all member states have to put together a report on road safety statistics and present it to the Commission. Also, CARE is said to make easier the exchange of experience on road safety strategies.¹⁴⁹

Preparation

As mentioned, EU legislation obliges member states to have emergency plans in case of tunnel disasters. The same directive also requires the appointment of a tunnel safety officer to ensure co-ordination with emergency services and to make certain training and exercises are regularly held for these and operational staff.¹⁵⁰

A whole other kind of transport crisis the EU has prepared itself for is a market crisis in the carriage of goods by road. In such a situation the procedure is for the Council to first of all establish that a crisis is present,¹⁵¹ and then to take measures “to prevent any further increase in the supply of capacity in the market affected through limits on the increase in the activity of existing hauliers and restrictions on access to the market for new hauliers.”¹⁵²

Coping

Examples of past crises:

- Mont Blanc tunnel fire¹⁵³ (1999)
- St Gotthard tunnel fire (2001)

¹⁴⁶ Council Directive 55/1994/EC approximates the member states' laws on transport of dangerous goods (Annexes A and B to Council Directive 55/1994/EC as announced in Commission Directive 7/2001/EC adapting for the third time to technical progress Council Directive 55/1994/EC on the approximation of the laws of the member states with regard to the transport of dangerous goods by road).

¹⁴⁷ *Road safety: checks on the transport of dangerous goods by road*, <http://europa.eu.int/scadplus/leg/en/lvb/124052.htm>, (19 November 2004).

¹⁴⁸ *ABC of the Road Transport acquis*, available at <http://europa.eu.int/comm/transport/road/legislation/abc/documents/abc.pdf>, (19 January 2005).

¹⁴⁹ <http://europa.eu.int/ida/en/document/2281/583>, (19 November 2004); <http://europa.eu.int/comm/transport/care>, (18 January 2005).

¹⁵⁰ Directive 54/2004/EC of the European Parliament and of the Council of 29 April 2004 on minimum safety requirements for tunnels in the Trans-European Road Network.

¹⁵¹ *ABC of the Road Transport acquis*, available at <http://europa.eu.int/comm/transport/road/legislation/abc/documents/abc.pdf>, (19 January 2005).

¹⁵² Council Regulation 3916/1990/EEC of 21 December 1990 on measures to be taken in the event of a crisis in the market in the carriage of goods by road.

¹⁵³ For an assessment of the Mont Blanc tunnel fire, see Colombo, Alessandro (ed.); *Lessons Learnt from Tunnel Accidents*, NEDIES project, EUR report, JRC – ISIS. (2001).

Aftermath

Regarding tunnel safety, member states have to submit to the Commission once every two years information and evaluations on fires and accidents that have occurred in the road tunnels in the state. Included in this data are details on frequency and causes of the fires and accidents, as well as information on the effectiveness of safety measures and facilities.¹⁵⁴ As stated above, the information on the CARE database is also used to evaluate efficiency of safety measures.

Transport/Maritime

Legal basis

- Article 80 of the Treaty establishing the European Community.
- Regulation 725/2004/EC of the European Parliament and of the Council on enhancing ship and port facility security.
- Council Directive 57/1994/EC on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations.
- Council Directive 21/1995/EC concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the member states, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port state control).
- Council Regulation 3051/1995/EC on the safety management of roll-on/roll-off passengers ferries
- Council Directive 18/1998/EC on safety rules and standards for passenger ships.
- Council Directive 41/1998/EC on the registration of persons sailing on board passenger ships operating to or from ports of the member states of the Community.
- Council Directive 35/1999/EC on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services.
- Regulation 1406/2002/EC of the European Parliament and of the Council establishing a European Maritime Safety Agency.

Practical arrangements

Prevention

In order to prevent safety crises,¹⁵⁵ such as accidents, the EU is monitoring compliance with safety requirements on passenger ships and high-speed craft.¹⁵⁶ This is carried out through obligatory examinations of ships “operating to or from a port of a member state on a regular service,”¹⁵⁷ regardless of what country they come from. Before the operation of the ship the host member state has to ensure that the ship-company obeys certain requirements prescribed by the International Maritime Organisation (IMO), and carries a voyage data recorder that records information during a voyage and can at a later stage be used for establishing the causes of an accident. If non-compliance is found during examination the member state in question has to ensure the company takes rectifying measures or prevent it from operating. A

¹⁵⁴ Directive 54/2004/EC of the European Parliament and of the Council of 29 April 2004 on minimum safety requirements for tunnels in the Trans-European Road Network.

¹⁵⁵ Readers should keep in mind the distinction between maritime *safety*, which concerns regular accidents and maritime *security*, which is aimed at the prevention of illegal acts in the maritime area. (Interview with DG TREN official 14, 27 October 2004; http://europa.eu.int/comm/transport/air/safety/safety_en.htm, 18 January 2005.)

¹⁵⁶ Council Directive 35/1999/EC of 29 April 1999 on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services.

¹⁵⁷ <http://www.europa.eu.int/scadplus/leg/en/lvb/124192.htm>, (19 November 2004).

survey report should also be sent from the member state to the Commission. But it is up to the member state to decide what penalties should be applied.¹⁵⁸

Another step towards greater prevention of and preparation for maritime crises taken by the EU, was the creation of a European Maritime Safety Agency (EMSA). The aim of this Community agency is to assist member states and the Commission with technical support and to monitor the practice of Community legislation. One specific task of EMSA is to monitor the effectiveness of Community port state controls.¹⁵⁹ This task is conducted by sending investigators to member states to ensure all states carry out inspections in their ports and waters in consonance with directive 21/1995/EC.¹⁶⁰ Directive 21/1995/EC states that each member state is obliged to establish a maritime authority to execute inspections of at least 25% of ships from another country. If the member state inspectors find deficiencies, the member state has to ensure these are rectified.¹⁶¹ This means member states monitor ships, and EMSA monitors member states. EMSA also, every six months, publishes information on ships that have been refused access to member states' ports and gives this report to the Commission.¹⁶²

Another kind of monitoring EMSA is in charge of is the assessment of the so-called 'classification societies'. These are organisations that "develop and apply technical standards to the design, construction and assessment of ships and other marine facilities,"¹⁶³ i.e. they ensure safe ship construction and that ships are maintained safe.¹⁶⁴ However, the EU recognises only 12 classification societies, out of more than 50 worldwide. This is why the EU needs to make sure the 12 classification societies live up to Community standards and thus EMSA monitors them and makes assessments every two years. The assessments are carried out through EMSA sending staff to the offices of the classification societies and by analysing information from port state controls.¹⁶⁵

Regarding security, progress is taking place also in this area, although not to as great an extent as regarding safety.¹⁶⁶ Earlier in 2004 the European Parliament and the Council passed regulation 725/2004/EC on enhancing ship and port security, which sets out certain security obligations that draw on the international SOLAS Convention to prevent acts of terrorism against ships and port facilities.¹⁶⁷ The rules, which have been in force since 1 July 2004, for example, require member states and the Commission to carry out inspections on agreed security measures.¹⁶⁸

¹⁵⁸ <http://www.europa.eu.int/scadplus/leg/en/lvb/124192.htm>, (19 November 2004); http://www.europa.eu.int/comm/transport/maritime/safety/passengers_en.htm, (18 January 2005). Through Directive 59/2002/EC of the European Parliament and of the Council, the EU has also decided to establish a Community vessel traffic monitoring and information system. Member states have until end of June 2008 to co-ordinate their national systems with the rest of the member states

(<http://www.europa.eu.int/scadplus/leg/en/lvb/124243.htm>, 19 November 2004).

¹⁵⁹ Telephone interview with EMSA official 13, 10 November 2004.

¹⁶⁰ <http://www.emsa.eu.int/end902d003d009.html>, (18 January 2005).

¹⁶¹ <http://www.europa.eu.int/scadplus/leg/en/lvb/124072.htm>, (19 November 2005).

¹⁶² <http://www.europa.eu.int/scadplus/leg/en/lvb/124072.htm>, (19 November 2005).

¹⁶³ <http://www.emsa.eu.int/end902d003d001.html>, (18 January 2005).

¹⁶⁴ Telephone interview with EMSA official 13, 10 November 2004.

¹⁶⁵ <http://www.emsa.eu.int/end902d003d001.html>, (18 January 2005).

¹⁶⁶ Interview with DG TREN official 14, 27 October 2004.

¹⁶⁷ SOLAS stands for 'Safety of Life at Sea'.

¹⁶⁸ Regulation 725/2004/EC of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security. (Text with EEA relevance.)

Preparation

EMSA has established a rapid alert system for fast information on maritime accidents. At this point the system is not yet fully developed,¹⁶⁹ and member states are not required to notify each other about accidents within a certain time. Instead the information running in the system for the moment is quite basic, and is based on access to news-wires worldwide. After having received the information, it is summarised and given to decision-makers in EMSA and DG TREN, who use it for setting up EU policy.¹⁷⁰

By introducing directive 41/1998/EC the EU made the response to accidents somewhat easier by legislating on the counting of passengers before departure. The passengers have to be registered by their name, age and sex before the ship leaves from a member state port, or is heading for a member state port from a third country. In case of an accident, search and rescue centres will instantly be given the information in order to enable them to more effectively carry out their task.¹⁷¹ Through regulation 3051/1995/EC the EU has also worked to improve crew actions in an emergency.¹⁷²

If the accident causes oil pollution, there are mechanisms in DG ENV to handle this.¹⁷³ However, also EMSA has been given tasks related to oil pollution response. For the moment an action plan on this has just been approved. Although the plan is not yet in use and is also not yet publicly available, its main content is an arrangement on the leasing of EMSA vessels in four areas along the EU coastline. The course of action in case of an accident will according to the action plan be for member states to ask for these vessels: “the coastguard in the member state will contact the emergency response in DG ENV, which then informs EMSA about the oil pollution, whereupon EMSA start doing their business”¹⁷⁴, as one EMSA official puts it. Since the plan is not yet operational, training on it has not taken place.¹⁷⁵

Crisis plans for maritime *security* look a bit different. For this there are internal guidelines in DG TREN on how to structure reaction, and included is information on whom to inform. The reason for having the guidelines is to ensure important aspects are not overlooked when acting swiftly. Since guidelines have recently been established, no adjustments have thus far taken place. There is also no pre-cooked system for how to adjust the guidelines.¹⁷⁶

One resource for maritime crisis management that was decided upon in directive 59/2002/EC was the establishment of EU designated places of refuge along the coastline. Each member state is responsible for nominating a place of refuge in case of accidents. However, these places have not yet been decided upon,¹⁷⁷ and many EU countries have had different approaches on how to implement the measure. Because of this, EMSA has brought together member states to push implementation forward.¹⁷⁸

¹⁶⁹ <http://www.emsa.eu.int/end902d003d010.html>, (19 November 2004).

¹⁷⁰ Telephone interview with EMSA official 13, 10 November 2004.

¹⁷¹ http://europa.eu.int/comm/transport/maritime/safety/passengers_en.htm, (18 January 2005);

<http://www.europa.eu.int/scadplus/legÄ/en/lvb/124168b.htm>, (19 November 2004).

¹⁷² http://europa.eu.int/comm/transport/maritime/safety/passengers_en.htm, (18 January 2005).

¹⁷³ For further information on DG ENV, see section on Environment and Civil Protection.

¹⁷⁴ Telephone interview with EMSA official 13, 10 November 2004.

¹⁷⁵ Telephone interview with EMSA official 13, 10 November 2004.

¹⁷⁶ Interview with DG TREN official 14, 27 October 2004.

¹⁷⁷ Telephone interview with EMSA official 13, 10 November 2004.

¹⁷⁸ <http://www.emsa.eu.int/ennews20040308143115.html>, (19 November 2004).

Another resource for crisis management is the crisis room that is being built in DG TREN. For further information, see the section on DG TREN/Aviation.

Coping

Examples of past crises:

- Erika accident (1999)
- Prestige (2002). When the Prestige oil tanker sunk outside the Spanish coastline, DG TREN for example proposed measures to prevent similar accidents in the future.¹⁷⁹

Aftermath

There are no formalised rules on evaluation; each member state has its own investigation standards and investigation facilities, which vary a lot between member states.¹⁸⁰ However, in line with Council Directive 35/1999/EEC, member states have a right to conduct, participate in, or co-operate in all investigations on maritime casualties or incidents.

Transport/Aviation¹⁸¹

Legal basis

- Article 80 of the Treaty establishing the European Community: “the Council may, acting by a qualified majority, decide whether, to what extent and by what procedure appropriate provisions may be laid down for sea and air transport.”
- Council Regulation 3922/1991/EEC on the harmonisation of technical requirements and administrative procedures in the field of civil aviation.
- Council Directive 56/1994/EC establishing the fundamental principles governing the investigation of civil aviation accidents and incidents.
- Regulation 1592/2002/EC of the European Parliament and of the Council on common rules in the field of civil aviation and establishing a European Aviation Safety Agency.¹⁸²
- Regulation 2320/2002/EC of the European Parliament and of the Council establishing common rules in the field of civil aviation security.¹⁸³
- Directive 42/2003/EC of the European Parliament and of the Council on occurrence reporting in civil aviation.
- Commission regulation 622/2003/EC laying down measures for the implementation of the common basic standards of aviation security.¹⁸⁴
- Directive 36/2004/EC of the European Parliament and of the Council on the safety of third-country aircraft using Community airports.

¹⁷⁹ For further information, see chapter 4 of the report.

¹⁸⁰ Telephone interview with EMSA official 13, 10 November 2004.

¹⁸¹ Readers should keep in mind the distinction between air *safety*, which is concerned with the rules for the construction and use of aircraft, and air *security*, which is aimed at the prevention of illegal acts in the field of aviation. (http://europa.eu.int/comm/transport/air/safety/safety_en.htm, 18 January 2005.)

¹⁸² This regulation has been amended by Regulation 1643/2003/EC of the European Parliament and of the Council, modified by Commission Regulation 1701/2003/EC, and is implemented by Commission Regulation 104/2004/EC, Commission Regulation 2042/2003/EC, and Commission Regulation 1702/2003/EC.

¹⁸³ This regulation has been amended by Regulation 849/2004/EC of the European Parliament and of the Council, and is implemented by Commission Regulation 1217/2003/EC laying down common specifications for national civil aviation security quality control programmes, and Commission regulation 1486/2003/EC laying down procedures for conducting Commission inspections in the field of civil aviation security.

¹⁸⁴ This Commission Regulation has been amended by Commission Regulation 68/2004/EC.

Practical arrangements

Prevention

In order to prevent unlawful interference in the aviation field, the EU monitors that the agreed common basic standards on aviation security measures are correctly and completely implemented in the member states. To ensure these standards are being met, DG TREN carries out unannounced field inspections. Inspectors then regularly visit airports to examine, on the basis of an inspection plan, whether the rules of Regulation 2320/2002/EC are being followed. The results are published in an inspection report, which is communicated to the relevant member state. Should non-compliance with the rules be discovered, the member state is asked to correct the shortcomings. Within three months it then has to send a rectification program telling what measures it is taking in order to correct the deficiencies, whereupon DG TREN makes an assessment on whether these measures are sufficient. If they are considered satisfactory, the file is closed. If they are not, further requests will be transmitted.¹⁸⁵ Compliance with Regulation 2320/2002/EC is also monitored by the member states themselves, in the sense that they have to establish a national quality control programme. The programme must include inspections carried out inside their own territory. Thus, there are two levels of implementation control.¹⁸⁶

Monitoring is also carried out in order to ensure a high level of *safety*, i.e. absence of accidents. Recently a central database for the exchange of information on incidents and accidents was established through a directive.¹⁸⁷ The incidents and accidents have to be reported by pilots, air traffic controllers, maintenance technicians, and so on, to the database. The information will then be used by the Commission to monitor evolution of safety and to improve the safety level in aviation.¹⁸⁸ For safety reasons there is also monitoring of third country aircraft. This means all foreign aircraft that land in a member state may be subjected to an inspection. Inspections are carried out by the member states themselves but under the umbrella of Community legislation. Even though member states among themselves have agreed to harmonise technical requirements and principles for civil aviation safety,¹⁸⁹ the inspections on third country aircraft are based on international standards agreed by the ICAO (International Civil Aviation Organisation). Results from inspections are shared in another central database, which all member states can use for exchange of information and to enable inspectors to see what shortcomings have previously been found on a certain aircraft.¹⁹⁰

Worth mentioning is also that a European Aviation Safety Agency (EASA) has been established to assist the Commission in implementing and developing common rules for civil aviation safety.¹⁹¹ It will for example be in charge of certification and

¹⁸⁵ Interview with DG TREN official 14, 27 October 2004; Regulation 2320/2002/EC of the European Parliament and of the Council of 16 December 2002 establishing common rules in the field of civil aviation security. (Text with EEA relevance.) - Interinstitutional declaration.

¹⁸⁶ Follow-up e-mail from DG TREN official 14, 25 January 2005.

¹⁸⁷ Incidents are explained as an occurrence that threatens the safety of the flight but does not turn into an accident.

¹⁸⁸ Interview with DG TREN official 15, 9 November 2004.

¹⁸⁹ Council Regulation 3922/1991/EEC of 16 December 1991 on the harmonization of technical requirements and administrative procedures in the field of civil aviation; Regulation 1592/2002/EC of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency. (Text with EEA relevance.)

¹⁹⁰ Interview with DG TREN official 15, 9 November 2004.

¹⁹¹ Jarlsvik, H. and Castenfors, K., *Säkerhet och beredskap i Europeiska unionen*. [Security and Preparedness in the European Union] KBM:s temaserie. 2004:3. Krisberedskapsmyndigheten (KBM). [Swedish Emergency

monitoring of aircraft maintenance. Since it has just been set up, it is building up for the time being and is operational only to a relatively limited extent.¹⁹²

Preparation

Direct reaction to crises, and ground investigations are still the competence of national authorities.¹⁹³ This means there are today no permanent resources set aside exclusively for crisis management on EU level in the aviation field. If resources would be needed in case of crisis, decisions are dealt with in an ad hoc manner.¹⁹⁴

A crisis room has been decided upon, but is not yet in place physically. It will be used in case of a crisis, for quick communication between the Commission and those who handle the specific crisis, a certain member state for example.¹⁹⁵

Coping

Examples of past crises:

- September 11 in the US (2001). This security crisis has been a major driving force for EU aviation security.
- An aircraft from LuxAir crashed on landing at Luxembourg airport (2002). Since the investigation body of Luxembourg is very small, the investigation on this safety accident was delegated to France at the request of Luxembourg.¹⁹⁶

Aftermath

Technical investigations have to be carried out on all accidents and serious incidents by a national civil aviation body set up independently from the national civil aviation authority. Each national aviation body in charge of the investigation may ask for assistance from any other member state investigation body, which is valuable for smaller states that might not have all necessary facilities. The investigation results in a public accident report where the cause of the accident is established and recommendations for how to improve safety are given. This is then communicated to relevant addressees, for example manufacturers, the airline, member state authorities and so on. Member states must then take measures to ensure recommendations are acted upon.¹⁹⁷

Management Agency (SEMA).] (Stockholm: Edita Ljunglöfs Tryckeri, 2004), p. 34; Regulation 1592/2002/EC of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency. (Text with EEA relevance.); http://www.easa.eu.int/faq_gen1_en.html, (19 November 2004).

¹⁹² Interview with DG TREN official 15, 9 November 2004.

¹⁹³ Interview with DG TREN official 15, 9 November 2004.

¹⁹⁴ Interview with DG TREN official 14, 27 October 2004.

¹⁹⁵ Interview with DG TREN official 14, 27 October 2004.

¹⁹⁶ Interview with DG TREN official 15, 9 November 2004.

¹⁹⁷ Interview with DG TREN official 15, 9 November 2004; Council Directive 56/1994/EC of 21 November 1994 establishing the fundamental principles governing the investigation of civil aviation accidents and incidents.

Sector 3: Agriculture and Rural Development

Commission Directorate-General Agriculture and Rural Development (DG AGRI)¹⁹⁸

Legal basis

- Articles 32-38 (on the Common Agricultural Policy (CAP)); and Article 87 (on state aid) of the Treaty establishing the European Community.
- Council Regulation 1782/2003/EC establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations 2019/1993/EEC, 1452/2001/EC, 1453/2001/EC, 1454/2001/EC, 1868/1994/EC, 1251/1999/EC, 1254/1999/EC, 1673/2000/EC, 2358/1971/EEC and 2529/2001/EC.
- Council Regulation 1257/1999/EC on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations.

Practical arrangements

Prevention

There is an informal monitoring group on internal market developments. The group has established a forecast system, based on satellite information provided by the Joint Research Centre (JRC) in Ispra (Italy). The system makes it easier to predict economic problems such as bad yields in a certain region. JRC manages the ‘crop yield forecasting system’ and provides monitoring reports. The internal market forecasts need to be made carefully, due to their economic effects, but they serve as instruments for internal pre-warning.¹⁹⁹ DG AGRI follows the recorded EU market prices carefully for each product (plant and animal) every week.²⁰⁰ The follow-up is found in the ‘Agricultural Markets – Prices’ publication.²⁰¹ The development and market situation is discussed in consultative fora with the member states in order to avoid economic crises. Every mid-term there are more coherent reports and market forecasts. DG AGRI makes the forecasts, but co-operates with DG ECFIN on the Common Agricultural Policy (CAP) and economic market evaluations. DG AGRI also co-operates with DG SANCO on veterinary issues.²⁰² There are moreover informal forecast instruments.

The CAP outlines many risk prevention instruments and all depend on exact price information gathered by DG AGRI. One DG AGRI official says that for DG AGRI

¹⁹⁸ The general objectives in the mission statement of the DG for Agriculture and Rural Development are: “to increase agricultural productivity; thus to ensure a fair standard of living for the agricultural community; to stabilise markets; to assure the availability of supplies; to ensure that supplies reach consumers at reasonable prices, [however also to ensure] a high level of human health protection and consumer protection; preserving, protecting and improving the quality of environment; prudent and rational use of natural resources; strengthening of the economic and social cohesion.” The main tasks following the general objectives are: “managing and developing the Common Agricultural Policy; reinforcing rural development policy as the second pillar of the CAP; safeguarding the European model of agriculture in a changing context; successfully conducting the enlargement process.” (http://www.europa.eu.int/comm/dgs/agriculture/mission_en.htm, 25 November 2004). For further assessment see http://www.europa.eu.int/comm/dgs/agriculture/index_en.htm, (25 November 2004).

¹⁹⁹ Telephone interview with DG AGRI official 2, 3 November 2004.

²⁰⁰ For further assessment see http://www.europa.eu.int/comm/agriculture/markets/index_en.htm, (25 November 2004).

²⁰¹ For further assessment on the report see http://www.europa.eu.int/comm/agriculture/publi/prices/index_en.htm, (25 November 2004).

²⁰² Telephone interview with DG AGRI official 2, 3 November 2004.

the purpose of crisis management in the economic area is to ensure a decent income to farmers, and that various mechanisms and instruments are used for this.²⁰³ In some member states, instruments are for example found in the form of Insurance Schemes (emergency prevention measures used in natural disasters or other economic disasters) for the agricultural area.

Preparation

In DG AGRI and for the CAP there are two pillars: one on the policy of the Common Market Organisations (CMOs) (i.e. the agricultural plant and animal product markets); and a second on rural development policy. The purpose of the CMOs is to prevent an economic crisis with ‘necessary measures’ targeted towards the various product markets (e.g. the beef sector and the fruit and vegetables sector). The second pillar aims at restoring agricultural potential (i.e. meeting the needs of providing a balanced development of rural areas).²⁰⁴ The entire CMO is about ‘crisis management’, i.e. being prepared with intervention measures when needed. (E.g. in the wine sector there is ‘crisis distillation’. To safeguard market prices you may have to take parts of the wine to make into alcohol for industrial use etc. The same goes for e.g. tomatoes that need to be destroyed not to disturb the market prices.) To stabilise markets within the EU, CMOs are allowed to take ‘necessary measures’ as established in Council regulations.²⁰⁵ There is a framework of instruments to be used in a crisis, e.g. safety net and intervention measures, and export refunds. Relevant guidelines, however, for which instrument to select and when are sector-specific.²⁰⁶

There are also rules that trigger economic effects and allow for economic measures. These rules are continuously reviewed, and support for the stabilization of income has increased. The most recent reform of the CAP was adopted by the Council on 26 June 2003 and enters into force in 2004 and 2005. It has refined the CAP on the instruments side and redirected it towards reducing income volatility and increasing income stabilization.²⁰⁷ This includes a lowering of ‘triggering levels’ (e.g. the quantity of rye stopped for being sold in surplus).

All decisions on extraordinary and appropriate measures are to be taken by the college of commissioners. The case is prepared by the competent unit, with instructions to the hierarchy of measures to be taken.²⁰⁸

Furthermore, there are three Community co-financing instruments for managing agricultural crisis situations: the European Union Solidarity Fund (EUSF) for major natural disasters;²⁰⁹ the support for rural development from the European Agricultural

²⁰³ Interview with DG AGRI official 3, 27 October 2004.

²⁰⁴ The rural development policy targets balanced development of the rural areas accounting for 80% of the EU territory. It aims to “put in place a consistent and lasting framework for guaranteeing the future of rural areas and promoting the maintenance and creation of employment.”

(http://www.europa.eu.int/comm/agriculture/rur/back/index_en.htm, 26 November 2004).

²⁰⁵ For further assessment on measures allowed to be taken by the common organisation of the market in beef and veal see: Council Regulation 1254/1999/EC of 17 May 1999 on the common organisation of the market in beef and veal; and for the fruit and vegetables sector see: Council Regulation 2699/2000/EC of 4 December 2000 amending Regulation 2200/1996/EC on the common organisation of the market in fruit and vegetables, Regulation 2201/1996/EC on the common organisation of the market in processed fruit and vegetables and Regulation 2202/1996/EC introducing a Community aid scheme for producers of certain citrus fruits.

(http://www.europa.eu.int/comm/agriculture/markets/beef/index_en.htm, 25 November 2004, and

http://www.europa.eu.int/comm/agriculture/markets/fruitveg/index_en.htm, 25 November 2004).

²⁰⁶ Follow-up e-mail from DG AGRI official 2, 7 February 2005.

²⁰⁷ Telephone interview with DG AGRI official 2, 3 November 2004.

²⁰⁸ Interview with DG AGRI official 3, 27 October 2004.

²⁰⁹ For further information on the Solidarity Fund, see section on Regional Policy.

Guidance and Guarantee Fund (EAGGF),²¹⁰ and EU veterinary funds in cases of veterinary crises.²¹¹ The EUSF falls under the provision of DG REGIO and is not used for direct intervention by DG AGRI.²¹² Moreover are necessary measures in the veterinary area the responsibility of DG SANCO.²¹³ For unforeseen veterinary crises (e.g. BSE, or dioxin in Belgium) there is a need to find ad hoc resources. How this is done depends on the rules at work at the time of the crisis. They may often be based on goodwill/solidarity from the member states. There are also EU guidelines which permit member states to deviate from Article 33 of the Treaty establishing the European Community, when providing financing in terms of state aids.²¹⁴ The member states must notify DG AGRI (i.e. the Commission) on state aid issues.²¹⁵

Coping

Examples of past crises:

- BSE (1996). When the market price of beef fell rapidly during the BSE crisis, DG AGRI took a multitude of measures in co-operation with DG SANCO.
- Dioxin (1999). For further information see section on Health and Consumer Protection.
- Flooding and drought in Southern Europe (2002-2003). These caused both agricultural and regional market problems to be dealt with, and brought along changes of advancing premium payments, as well as allowing for 'set aside land' to be used as fodder areas.²¹⁶
- Forest fires in Southern Europe (2003 and 2004).

²¹⁰ Council Regulation 1257/1999/EC of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations. The EAGGF finances the CAP. "The Fund's Guarantee Section finances, in particular, expenditure on the agricultural market organisations, the rural development measures that accompany market support and rural measures outside of Objective 1 regions, certain veterinary expenditure and information measures relating to the CAP. The Guidance Section finances other rural development expenditure (not financed by the EAGGF Guarantee Section)." The EAGGF Committee (consisting of representatives of the Commission and of the member states) administers the EAGGF. (http://www.europa.eu.int/comm/agriculture/fin/index_en.htm, 26 November 2004; and <http://www.europa.eu.int/scadplus/leg/en/lvb/l60024.htm>, 26 November 2004).

²¹¹ Interview with DG AGRI official 3, 27 October 2004.

²¹² Follow-up e-mail from DG AGRI official 2, 7 February 2005.

²¹³ The financial means are taken from the European Agricultural Guidance and Guarantee Fund (EAGGF), however the decision of using the means is taken by DG SANCO. (Interview with DG AGRI official 3, 27 October 2004.) For further information on DG SANCO, see section on Health and Consumer Protection.

²¹⁴ State aid is permitted given that three perspectives are taken into account: that the agricultural state aid follows the general competition policy principles; is in consistency with the CAP and rural development policies, and is compatible with international obligations of the EU (specifically the WTO Agreement on Agriculture). Article 11 of the Community Guidelines for state aid in the agriculture sector deals with aid compensating for damage to agricultural production or the means of agricultural production. The guideline includes state aid in the form of: Aid to make good the damage caused by natural disasters or exceptional occurrences (Article 11.2); Aid to compensate farmers for losses caused by adverse conditions (Article 11.3); Aid for combating animal and plant diseases (Article 11.4); and Aid towards the payment of insurance premiums (Article 11.5). (Community Guidelines for state aid in the agriculture sector. 2000/C 28/02. (Official Journal. C 28, 1.2.2000, p. 0002-0023)) For further reference on the agricultural state aid rules see: Treaty establishing the European Community Article 87 paragraphs 2 and 3; Council Regulation 1257/1999/EC of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations; and http://www.europa.eu.int/comm/agriculture/stateaid/index_en.htm, (25 November 2004).

²¹⁵ Interview with DG AGRI official 3, 27 October 2004.

²¹⁶ Telephone interview with DG AGRI official 2, 3 November 2004.

Aftermath

DG AGRI evaluates the policies and performs ad hoc evaluations post crisis. These are less economical and more political, and are moreover not made after the use of short-term measures.²¹⁷

DG AGRI reports to the commissioner.

Sector 4: Fisheries and Maritime Affairs

Commission Directorate-General Fisheries and Maritime Affairs (DG FISH)²¹⁸

Legal basis

- Articles 32-38 of the Treaty establishing the European Community.
- Council Regulation 2371/2002/EC on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy.
- Commission regulations adopted in a crisis; e.g. Council Regulation 2372/2002/EC instituting specific measures to compensate the Spanish fisheries, shellfish industry and aquaculture, affected by the oil spills from the Prestige.

Practical arrangements

Prevention

In every department the desk officers are responsible to follow up on activities in each area, and to be in contact with the member state, the stakeholders and third countries. The desk officers receive information in formal and informal meetings, but they also receive reports from scientists, as well as gather information on the overall activities by area. There is no formal monitoring system. The mechanism to identify a possible crisis and respond to emergency situations is instead based on information gathering and discussions.

DG FISH makes a risk assessment on a regular basis. There are set objectives to achieve, and the directors are asked to report on identified risks. The system is a regular assessment task and started as a manual exercise. DG FISH evaluates the risks of various programs and monitors the work regularly every quarter. However, as one official put it, “the purpose of risk assessment is not to discuss or identify possible emergencies. That is found through reports from the operational departments.”²¹⁹

Preparation

According to one DG FISH official, “a potential crisis is always in the back of our minds.”²²⁰ One hypothetical crisis situation DG FISH has prepared for is that the

²¹⁷ Telephone interview with DG AGRI official 2, 3 November 2004.

²¹⁸ The mission of DG FISH “is to manage the Common Fisheries Policy (CFP) in order to provide the basis for sustainable fisheries within and beyond Community waters, taking into account environmental, economic and social aspects and applying good governance principles.”

(http://www.europa.eu.int/comm/dgs/fisheries/missn_en.htm, 22 November 2004). For further assessment of EU Common Fisheries Policy see http://www.europa.eu.int/comm/fisheries/policy_en.htm, (22 November 2004).

²¹⁹ Interview with DG FISH official 4, 25 October 2004; and follow-up e-mail from DG FISH official 4, 24 January 2005.

²²⁰ Interview with DG FISH official 4, 25 October 2004.

Council fails to agree on the annual Total Allowable Catches (TACs), i.e. the quantity of fish that EU vessels are allowed to catch during a given year.²²¹ Since “this would be a crisis in DG FISH,”²²² there is a mechanism for dealing with this form of crisis. The Commission is then empowered to adopt Commission Regulations, and to set provisional TACs of fish. This is to ensure that there is a legal assurance until a new Council meeting and a decision has been made. In preparation for such an event a new Council meeting is always planned for early January. Since the establishment of a Common Fisheries Policy in 1983, it has only happened one time in the 1980s that the Council has not agreed on setting the fishing quotas.²²³ As of the autumn of 2004 changes have been made in the proposal procedures in order to ‘frontload’ certain elements and make the final process ‘lighter’. The means to achieve this is through less formal meetings with the Commission and the member states, with the possibility to present problems for discussion and solutions at an early stage.²²⁴

As seen in the above example, there are legal mechanisms and institutional rules in place for certain situations that may be called crises. This way DG FISH is able to rapidly consult other services, and immediately convene a consulting meeting. Instead of using 10 days for the procedure it can be dealt with in 3 days. In the rules of marketing support for fisheries products, there are also mechanisms for emergency situations. The Common Fisheries Policy also produces rules for emergency situations and measures to be taken by the member states immediately. The same decision and administrative structures that are used in the normal work are used in a crisis situation. DG FISH does not have an ad hoc structure. Instead the desk officer for a given area/fish stock prepares the proposal. The proposal then goes through the hierarchy channel, is discussed as usual, is thereafter sent to the commissioner, and finally goes to the college of commissioners. The only difference is the deadlines for each part of the process. The information may also first go to the director or the commissioner, and from there to the desk officer. Commission regulations are often used for emergencies/crisis situations. These can be adopted rapidly without consulting the European Parliament.²²⁵ The Commission can however not make fishing stop within the hour, not even if there has been a maritime accident. The institutional mechanism will have to have its time.

There are no institutionalised resources (money, human resources) available for crisis management in DG FISH.

*Coping*²²⁶

Examples of past crises:

²²¹ In December the Council adopts an important piece of legislation in the fisheries sector: that of the annual quota of allowed fishing within the community. The Council establishes how much fish that can be fished within a year, and the quotas assigned for each member state. The DG receives scientific advice, and elaborates a proposal that is presented to the Council. A few days before Christmas this is discussed in the Council. If everyone agrees and the quotas are decided, these are announced in January.

²²² Interview with DG FISH official 4, 25 October 2004.

²²³ Follow-up e-mail from DG FISH official 4, 24 January 2005.

²²⁴ Interview with DG FISH official 4, 25 October 2004.

²²⁵ When a proposal has been prepared by DG FISH, it is sent to the legal service for consultation, then to the Secretary-General and thereafter presented to the Council of Ministers. They need to agree within 10 to 15 working days. Thereafter the proposal needs to be translated and then sent to other institutions for overview. In times of crisis this is too time consuming and so the DG relies on a lighter instrument for this. (Interview with DG FISH official 4, 25 October 2004).

²²⁶ The examples are based on the personal view of the interviewee at DG FISH (Interview with DG FISH official 4, 25 October 2004).

- Market crisis (1993-1994). The market support system on imported fish collapsed due to low import prices, hence triggering a Community response.
- The Estai affair (1995). Canada in this case captured the Spanish vessel Estai claiming it was over-fishing. Spain answered by accusing Canada for violating international law when preventing the Estai from fishing in international waters.²²⁷
- Failure of the fisheries agreement with Morocco (1999). The outcome was anticipated, however the result was still a form of crisis. DG FISH had to find money to provide fishermen and owners of vessels concerned with allowances. These were given in the form of assistance from the Financial Instrument for Fisheries Guidance (FIFG), under the conditions of derogation presented in Council Regulation 1227/2001/EC (5). Additional resources were also provided in the spirit of the Nice European Council conclusions of solidarity with the concerned member states.²²⁸
- Cod crisis (2002). Every year there are one or two fish stock cases that the scientists point to as problematic. DG FISH hears the scientists, reads their reports, informs the member states, the press etc. and prepares a proposal for follow-up to the scientific advice. Restrictions were introduced on cod fishing which caused a crisis for the involved fishermen and owners of vessels.²²⁹
- The sinking of the Prestige and the effects from the oil spills (2002).²³⁰ With fishing being an important area of income in Galicia, DG FISH was involved in coping with this disaster. The European Community was asked to give Community aid to the fishermen and activities affected, and co-finance national help to Galician fishermen. DG FISH proposed modifications and derogations to the rules available at the time.²³¹

Aftermath

Evaluations of “the application of regulations adopted to respond to crisis situations are being done in accordance with the requirements of the Financial Regulation.”²³² Moreover, there is a general evaluation and debate about last year’s annual activity report (which is mainly financially oriented) and next year’s annual management plan, as well as how DG FISH’s objectives have been met for the past year, and how

²²⁷ In the International Court of Justice at the Peace Palace, the Hague, Netherlands, *Case Concerning Fishing in the North Ocean*, "New Madeira, Applicant v. The Republic of Orlando, Respondent," Fall Term 2003, Memorial for the Applicant.

²²⁸ Council Regulation 2561/2001/EC of 17 December 2001 aiming to promote the conversion of fishing vessels and of fishermen that were, up to 1999, dependent on the fishing agreement with Morocco. Amendments made in 2002 and 2003: Council Regulation 2372/2002/EC of 20 December 2002 instituting specific measures to compensate the Spanish fisheries, shellfish industry and aquaculture, affected by the oil spills from the Prestige; and Council Regulation 2325/2003/EC of 17 December 2003 amending Regulation 2561/2001/EC aiming to promote the conversion of fishing vessels and of fishermen that were, up to 1999, dependent on the fishing agreement with Morocco.

²²⁹ For further assessment of the cod crisis and European Parliament resolution see Official Journal, C 27 E, Volume 47, 30.1.2004; and Official Journal, C 155 E, Volume 46, 3.7.2003.

²³⁰ Council Regulation 2372/2002/EC of 20 December 2002 instituting specific measures to compensate the Spanish fisheries, shellfish industry and aquaculture, affected by the oil spills from the Prestige.

²³¹ DG FISH did however not have the main responsibility in the field. Instead, there was a joint responsibility where all Community services were asked to help. The leading service was DG TREN and Maritime Transport. Other services also taking part were DG ENV and DG REGIO. (Interview with DG FISH official 4, 25 October 2004.) For other crises, DG FISH is moreover working together with member states authorities and international fisheries organisations.

²³² Follow-up e-mail from DG FISH official 4, 24 January 2005.

services and goals are to be set up for the following year. There are no additional systematic meetings, or evaluation tools.

The Annual Activity Report is based on input from the services on the activities and work areas. The report is prepared collectively and signed by the director-general and is sent to the commissioner and to the Secretary-General (SG) as well as to DG BUDG and to the Internal Audit Service. The General Secretariat drafts a synthesis, based on this report, for the entire institution and then the synthesis and the entire DG report goes to the Court of Auditors and to the Parliament.²³³ This is mostly for financial management, and not directly referring to crisis management. However, in the case of crisis management, e.g. on political issues and proposals to respond to a particular crisis, it is the Commission that is the decision-maker.²³⁴ Finally, everything ends in the Council.

Sector 5: Regional Policy

Commission Directorate-General Regional Policy (DG REGIO)²³⁵

Legal basis

- Articles 159-160 of the Treaty establishing the European Community.
- Council Regulation 2012/2002/EC establishing a European Union Solidarity Fund.

Practical arrangements

Prevention²³⁶

Preparation

DG REGIO keeps a certain amount of funds to be used for reducing differences in development between EU regions. Many of them can however also be used in case of a crisis. The fund that stands apart regarding crisis management is the European Union Solidarity Fund (EUSF), created in 2002, from which a member state or an accession country can apply for money in case of a major natural disaster. A natural disaster is here defined as such if the damages it causes reach € 3 billion or 0.6% of the state's GNP. The aid provided by the EUSF can be used for fast emergency financial assistance for temporary housing, immediate restoration of vital infrastructure such as energy, water, and health, the cleaning up of disaster areas, and comparable measures. The aid is given as a complement to the member state's own expenses and it cannot be used for long-term aid or for compensation of private losses. The procedure for using the EUSF is as follows, the member state applies for aid no later than 10 weeks after the first damage, and the Commission decides the amount of money they are willing to provide. The European Parliament and the

²³³ Follow-up e-mail from DG FISH official 4, 24 January 2005.

²³⁴ Follow-up e-mail from DG FISH official 4, 24 January 2005.

²³⁵ The mission of DG REGIO is to "assist the economic and social development of the less-favoured regions of the European Union" in order to "promote a high level of competitiveness and employment by helping the least prosperous regions and those facing structural difficulties to generate sustainable development by adapting to change in the labour market and to worldwide competition (http://www.europa.eu.int/comm/dgs/regional_policy/index_en.htm, 18 January 2005).

²³⁶ The data gathering has not provided sufficient information to comment on crisis management mechanisms, procedures and institutions in this phase.

Council, which are in charge of the budget, then decide whether to provide the funding.²³⁷

Some of all the other funds kept by DG REGIO are the Financial Instrument for Fisheries Guidance (FIFG), the European Social Fund (ESF), the European Regional Development Fund (ERDF), the Cohesion fund, the Structural Policies for Pre-Accession (ISPA) and the European Agricultural Guidance and Guarantee Fund (EAGGF).²³⁸ As stated above, the objective of these is not crisis preparation per se, but if crisis strikes money can be rearranged during implementation of the fund sponsored programme.²³⁹

Coping

Examples of past crises:

- The Prestige oil tanker disaster (2002). The EUSF was then used.²⁴⁰
- Portugal forest fires (2003). Portugal has planned to reallocate € 182 million of a regional development programme co-financed by the structural funds, as a consequence of the forest fires.²⁴¹

Aftermath

EUSF grants must be spent within one year after they have been provided. Six months after the final spending date, the state that received the money has to submit a report to the Commission on the financial execution of the EUSF capital. Included in the report should also be information on other funding received. The Commission itself has to establish a report on EUSF activities each year.²⁴² Programmes funded by the structural funds are evaluated both before they start, mid-way through, and afterwards.²⁴³

²³⁷ http://www.europa.eu.int/comm/regional_policy/funds/solidar_en.htm, (19 December 2004); and <http://www.europa.eu.int/scadplus/leg/en/lvb/g24217.htm>, (18 January 2005).

²³⁸ <http://www.europa.eu.int>, (19 January 2005).

²³⁹ http://www.europa.eu.int/comm/regional_policy/funds/solidar_en.htm, (19 December 2004).

²⁴⁰ http://europa.eu.int/comm/regional_policy/funds/solidar/solid_en.htm, (18 January 2005).

²⁴¹ http://www.europa.eu.int/comm/regional_policy/funds/solidar_en.htm, (19 December 2004).

²⁴² <http://www.europa.eu.int/scadplus/leg/en/lvb/g24217.htm>, (18 January 2005).

²⁴³ http://www.europa.eu.int/comm/regional_policy/sources/docgener/evaluation/evaluation_en.htm, (18 January 2005).

System Three: Securing Peace and Stability in the Neighbourhood

Sector 6: External Relations

Commission Directorate-General External Relations, and Council General Secretariat DG E External Economic Relations and CFSP (DG RELEX, DG E)²⁴⁴

Legal basis

- Articles 131-134; and 177-181 of the Treaty establishing the European Community.²⁴⁵
- Title V (on which CFSP policies, concepts and decisions are based) including Article 14 (on joint actions adopted by the Council for each crisis management operation in the CFSP area, hence constituting the ‘legal basis’ for a Commission financing decision to release the necessary means from the Community budget for an operation) of the Treaty on European Union.
- UN Security Resolutions. (These resolutions potentially provide EU crisis management (ESDP) operations with “UN authority or sanction.”)²⁴⁶
- Status of Forces Agreement (EU SOFA).²⁴⁷ (The agreement regulates the “arrangements between the Host State and the EU mission and its personnel,”²⁴⁸ with respect to operations referred to in Article 17.2 of the Treaty on European Union.)
- Council Regulation 381/2001/EC of 26 February 2001 creating a rapid-reaction mechanism.
- Council Decision 197/2004/CFSP of 23 February 2004 establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications (ATHENA).

There are two main legal bases for EU Crisis Management in the area of external relations and the common foreign and security policy: the Treaty establishing the European Community (pillar I) and the Treaty on European Union (pillar II and III).

Crisis management in the term used by the EU includes both ‘civilian’ and ‘military’ crisis management, and is found in all three pillars of the EU (European Community, Common Foreign and Security Policy (CFSP) and Justice and Home Affairs (JHA)) respectively, demonstrating that it is a Community as well as a Council

²⁴⁴ The mission of the DG for External Relations is to contribute to the formulation of “an effective and coherent external relations policy for the European Union, so as to enable the EU to assert its identity on the international scene. To this end DG RELEX works closely with other DGs, notably EuropeAid, DGs Development and Trade and ECHO. The External Relations commissioner co-ordinates the external relations activities of the Commission interface with the EU’s General Affairs and External relations Council (GAERC) and its interlocutor with the High Representative for the Common Foreign and Security Policy, Mr. Javier Solana [, as well as] ensures that the Commission has a clear identity and a coherent approach in its external activities.” (http://www.europa.eu.int/comm/dgs/external_relations/general/mission_en.htm, 29 November 2004). For further reference on External Relations see: http://www.europa.eu.int/comm/dgs/external_relations/index_en.htm, (29 November 2004); and on the Council of the European Union: <http://ue.eu.int/showPage.asp?id=429&lang=en&mode=g>; on the CFSP: <http://ue.eu.int/showPage.asp?id=248&lang=en&mode=g>; and the ESDP: <http://ue.eu.int/showPage.asp?id=261&lang=en&mode=g>, (all 1 December 2004).

²⁴⁵ Legal texts: http://europa.eu.int/pol/ext/index_en.htm, (29 November 2004).

²⁴⁶ Interview with former Council General Secretariat official 37, 3 November 2004; and follow-up e-mail from former Council General Secretariat official 37, 25 January 2005.

²⁴⁷ Interview with former Council General Secretariat official 37, 3 November 2004.

²⁴⁸ Follow-up e-mail from former Council General Secretariat official 37, 25 January 2005.

responsibility.²⁴⁹ Focus is however primarily on pillar I and II. (See section on Justice, Freedom and Security for crisis management in pillar III.)

The legal basis for crisis management in pillar I refers to the Amsterdam Treaty, whereas the legal basis for pillar II refers to the Cologne European Council meeting in June 1999, placing crisis management tasks (known as the ‘Petersberg tasks’) in focus of strengthening the European CFSP.²⁵⁰ The tasks (referred to in Article 17.2 of the Treaty on European Union) are: humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking. The European Council meetings in Helsinki (December 1999), Feira (June 2000), Nice (December 2000) and Gothenburg (June 2001) have continued defining these tasks.²⁵¹

The Helsinki Headline Goal (EU’s military capability target) was set on the basis of the Petersberg tasks at the Helsinki European Council meeting.²⁵² At the Feira European Council meeting civilian aspects of crisis management were also decided and developed in four priority areas: police, strengthening of the rule of law, strengthening civilian administration, and civil protection.²⁵³ These priorities were turned into ‘general guidelines’ (referred to in Article 13.3 of the Treaty on European Union) at the Gothenburg European Council meeting in June 2001.²⁵⁴ A military capabilities commitment conference in November 2000 laid the grounds for the Helsinki Forces Catalogue (HFC) with the member states’ commitments set out. The Council on General Affairs and External Relations (GAERC), confirmed the EU’s operational capability to fulfil the Petersberg tasks, in May 2003.²⁵⁵ In November

²⁴⁹ The common external service is what brings DG RELEX together with the Council General Secretariat capacities under the CFSP. (Interview with former Council General Secretariat official 37, 3 November 2004.)

²⁵⁰ At the Cologne European Council meeting it was agreed that: “the Union must have the capacity for autonomous action, backed by credible military forces, the means to decide to use them, and the readiness to do so, in order to respond to international crises without prejudice to actions by NATO.” (<http://ue.eu.int/showPage.asp?id=437&lang=en&mode=g>, 1 December 2004).

²⁵¹ The European Council meetings set the framework for crisis management within the CFSP and ESDP. The meetings are however not the legal basis.

²⁵² The Helsinki Headline Goal stated that EU member states must be able to deploy 50,000 to 60,000 troops, within 60 days and sustain them for a year by 2003. The troops are to carry out the tasks in Article 17 of the Treaty on European Union. (Lindstrom, G. *The Headline Goal*. European Union, Institute for Security Studies. Updated December 2004; and <http://ue.eu.int/showPage.asp?id=437&lang=en&mode=g>, 1 December 2004).

²⁵³ At Feira the member states agreed to have 5,000 police officers ready for international conflict prevention and crisis management missions by 2003. It was also agreed that the EU should have a capability of deploying up to 1,000 police officers within 30 days. (Lindstrom, G. *The Headline Goal*. European Union, Institute for Security Studies. Updated December 2004.)

The four priority areas defined in Feira were created on the basis of what was currently going on in the world. In the area of *police*, the member states were asked in a direct appeal by the High Representative (Javier Solana), to help with more police to Kosovo. The area of *civilian administration* was based on what was going on in Kosovo and East Timor at the time. *Rule of law* was selected because the judges in Kosovo refused existing law saying it was Serbian, and in East Timor there were no judges existing at all after the Indonesians left. Finally, *civil protection* was included due to arguments put forward by the Swedes (late Foreign minister Anna Lindh among others) emphasising the consideration for quick logistics among other things. (Interview with former Council General Secretariat official 37, 3 November 2004.) For further assessment of more concrete targets for Civilian crisis management see e.g. *Comprehensive EU concepts for missions in the field of Rule of Law in crisis management* of May 2003, *EU Concept for Crisis Management Missions in the field of Civilian Administration* of November 2003, and *European Union Monitoring Capability – Way Ahead* of July 2004. (Cited in Dr. Renata Dwan, *Civil Response Team capacity in EU Civilian Crisis Management. A ‘Food for Thought’ paper*. Prepared for the Department of European Security Policy, Ministry of Foreign Affairs, Sweden. Stockholm International Peace Research Institute (SIPRI), p. 8; <http://ue.eu.int/showPage.asp?id=278&lang=en&mode=g>, (29 November 2004), and http://europa.eu.int/comm/external_relations/cpcm/cm.htm, (29 November 2004).

²⁵⁴ “New concrete targets have been set for civilian aspects of crisis management, which should be achieved by 2003 through voluntary contributions.” This constituted the instructions for the Council of implementing the Gothenburg Targets. (*Presidency conclusions, Göteborg European Council, 15 and 16 June 2001*; and Interview with official 25, Council of the European Union, Directorate-General I, 27 October 2004).

²⁵⁵ <http://ue.eu.int/showPage.asp?id=437&lang=en&mode=g>, (20 January 2004).

2004, the military and civilian capabilities commitment conferences set out to strengthen and exceed existing goals.²⁵⁶

Practical arrangements

Prevention

The aim of Conflict Prevention and Crisis Management (CPCM) by DG RELEX is early prevention of crisis. At Commission level there are monitoring systems supporting the DG RELEX crisis room.²⁵⁷ The work of the Commission in CPCM, and the crisis room in particular, is based on open-source intelligence following world developments. The main objective of the RELEX crisis room, and the CFSP directorate, is to search and gather information via various search engines and be helpful in assessing a crisis or a potential crisis situation. Secondly it shall arrange video- and telephone conferences with Commission delegations and other parties. This may include information gathering via newspapers, websites and the Commission delegations, or satellite information by the help of a 20-30 people staff at the Joint Research Centre (JRC) in Ispra (Italy). The intention with the produced information at DG RELEX in the area of the CFSP is that it should be used as much as possible at the same time as meeting the needs for secrecy. There are today some 300 users, including about 60 delegations, which are connected on a round the clock basis to DG RELEX/the crisis room and their database following specific country developments.²⁵⁸

For the Commission's work in conflict prevention and efforts of integrating CPCM into the daily politics, as well as including it in negotiations with third countries, DG RELEX has established a 'conflict watch list'. The list is mainly put together from information provided by the geographical desk officers, Commission delegations etc. assessing the situation in various countries. Open sources are also used in creating the list, which is regularly updated.²⁵⁹

There are also monitoring systems supporting the work of the General Secretariat of the Council and the departments attached to the Secretary-General/High Representative, e.g. its joint Situation Centre (SITCEN). SITCEN's main objective however differs from the Commission's Crisis Room. SITCEN is providing targeted support to the High Representative (HR) and the work of the ESDP and ESDP operations. The work in the SITCEN is primarily based on open-source information. However, due to its goal it also works closely with national intelligence services. There are people on duty 24 hours a day at the SITCEN.

The General Secretariat has an early warning system for identifying regions of potential crises (or conflicts) based on their own 'watch list', The watch list is the most important instrument for political conflicts and crisis management.²⁶⁰ The list sets the countries (approximately 25) to be prioritised for information gathering and analysis. It is decided by the Political and Security Committee (PSC) on a semi-

²⁵⁶ <http://ue.eu.int/showPage.asp?id=437&lang=en&mode=g>, (3 February 2005).

²⁵⁷ The terrorist attacks on 11 September 2001 have inspired both the routines and design of the RELEX Crisis Room. The routines were e.g. applied during the Iraq War and for monitoring the situation in Afghanistan. (Interview with DG RELEX official 38, 26 October 2004.)

²⁵⁸ Interview with DG RELEX official 38, 26 October 2004.

²⁵⁹ A request for updates is sent to the desk officers and the Commission delegations every two months, from which DG RELEX makes continuous updates. (Interview with DG RELEX official 39, 26 October 2004).

²⁶⁰ Telephone interview with official 40, Council General Secretariat DG E, 11 November 2004.

annual basis.²⁶¹ The Policy Planning and Early Warning Unit (PPEWU) maintains the watch list with the help of its regional task forces and the Commission (sharing information from the delegations and head of units). The information put together by the PPEWU targets the SITCEN, the PSC and the EU Military Staff (EUMS). In an emergency the PPEWU will also directly target the cabinet of the HR as well as the member states via formal and informal contacts.²⁶² SITCEN creates monthly country reports for review by the Council and its official levels.²⁶³ SITCEN also collects information on other regions not currently on the watch list. This information does not always go to the Council, but may be dealt with directly by the parties concerned (the PSC, various work groups etc.).²⁶⁴

For CFSP-questions the PSC is always the main receiver of information. It may be that SITCEN and the PPEWU establish two reports (verbal and/or written) simultaneously.²⁶⁵ The reports evaluate the situation based on how critical it is and its geographical size.²⁶⁶ These will both end up at the PSC where operative measures are decided by unanimity.²⁶⁷ Decisions can e.g. include whether a 'fact finding mission' is to be sent out, when a problem needs to be raised and discussed in GAERC, or when the UN Security Council needs to be alerted of a military operation. The monitoring and information system is used by SITCEN, the PPEWU, the Presidency and the PSC in close collaboration. All decisions need to be taken by consensus, resulting in slowness in the system.²⁶⁸ Once the PSC has discussed and made a decision they report to the Committee of Permanent Representatives (COREPER II). They discuss it again and once it is approved the decision goes to the GAERC.²⁶⁹

The Coreu (Correspondance européenne) telex network allows for an ongoing exchange of encrypted messages among member states, the General Secretariat and the Commission. The network, allowing European Correspondents to maintain day-to-day contact, aims to prepare and co-ordinate daily CFSP business and meetings of the PSC and the CFSP points of the General Affairs Council and the European Council.²⁷⁰ A Council Agency, the European Union Satellite Centre (EUSC) in Torrejón, Spain, provides crisis monitoring and conflict prevention decision support to CFSP (and particularly ESDP) in pillar II. It does this through "exploitation and production of information derived primarily from the analysis of earth observation space imagery."²⁷¹

Moreover there exists an Annual Report from the Council on the implementation of the conflict prevention strategy, as well as an EU Monitoring and confidence-building Mission (EUMM) with some 100 persons in the Westerns Balkans reporting on the security and political developments.²⁷²

²⁶¹ Interview with official 41, Foreign Ministry, Swedish EU Representation, 20 October 2004.

²⁶² Interview with official 42, Council General Secretariat, PPEWU, 25 October 2004.

²⁶³ Telephone interview with official 40, Council General Secretariat DG E, 11 November 2004.

²⁶⁴ Interview with official 41, Foreign Ministry, Swedish EU Representation, 20 October 2004.

²⁶⁵ Interview with official 41, Foreign Ministry, Swedish EU Representation, 20 October 2004.

²⁶⁶ Telephone interview with official 40, Council General Secretariat DG E, 11 November 2004.

²⁶⁷ Telephone interview with official 40, Council General Secretariat DG E, 11 November 2004.

²⁶⁸ Interview with official 41, Foreign Ministry, Swedish EU Representation, 20 October 2004.

²⁶⁹ Interview with official 42, Council General Secretariat, PPEWU, 25 October 2004.

²⁷⁰ http://europa.eu.int/comm/external_relations/cfsp/intro/index.htm, (29 November 2004).

²⁷¹ <http://ue.eu.int/showPage.asp?id=281&lang=en&mode=g>, (29 November 2004).

²⁷² Interview with DG RELEX official 39, 26 October 2004.

Preparation

There are no real crisis plans or procedures set up at the Commission in terms of what might be needed for civilian crisis management. DG RELEX however helps the member states to educate and practice as well as set up common definitions and best practices in preparation for a potential crisis. The member states have not yet given the Commission the mandate to plan civilian defence operations. Nonetheless there are routines used in DG RELEX involving the Crisis Room during emergencies.²⁷³

At the level of the Council General Secretariat, and in civilian crisis management (within CFSP), EU decision-making processes and structures are found in the 'living document' of *Suggestions for Procedures for Coherent, Comprehensive EU Crisis Management*.²⁷⁴ The Crisis Management Concept (CMC) is a document constituting "a conceptual framework describing the EU's overall approach to the management of a particular crisis, addressing the full range of activities. [...As such, it] is an important tool to ensure the coherence and comprehensiveness of possible EU actions by taking account of the range and scale of the different instruments available to the Union."²⁷⁵ The document is extensive due to its contents of various decision-making mechanisms.²⁷⁶ However, the procedures are flexible since not all steps necessarily have to be followed.²⁷⁷

Alongside the CMC there are also additional documents for planning, i.e. Concept of Operations (ConOps).²⁷⁸ The CMC can be seen as the crisis 'plan' and the ConOps as the various frameworks (templates) for the operations. (There is at present a ConOps for a police plan, military plan etc.) A chain of command is also defined in the procedures.²⁷⁹

There are also documents regulating various forms of co-operation between the Council General Secretariat and the Commission, how to set up various committees etc. as well as structures for decision-making.²⁸⁰

Civilian crisis management operations are lead by a Head of Mission (HM), and military crisis management operations by an Operation Commander and a Force Commander.²⁸¹ The Civilian and Military Cell (within the EUMS at the Council General Secretariat) is expected to be operational in 2005 and will help in planning

²⁷³ During the Iraq war, daily meetings were held among the people in charge of the CFSP at DG RELEX to discuss the current situation. (Interview with DG RELEX official 38, 26 October 2004.)

²⁷⁴ Council of the European Union. *Suggestions for procedures for coherent, comprehensive EU crisis management*.11127/03, Annex. Brussels, 3 July 2003.

²⁷⁵ Council of the European Union. *Suggestions for procedures for coherent, comprehensive EU crisis management*.11127/03, Annex. Brussels, 3 July 2003, p. 9, footnote 13.

²⁷⁶ Interview with former Council General Secretariat official 37, 3 November 2004.

²⁷⁷ Interview with official 41, Foreign Ministry, Swedish EU Representation, 20 October 2004; and interview with official 43, Council General Secretariat DG E, 28 October 2004.

²⁷⁸ Interview with former Council General Secretariat official 37, 3 November 2004.

²⁷⁹ The Chain of Command structure has a direct link from the EU Head of Mission (HM) to the EU Special Representative (SR), thereon to the EU High Representative (HR) and then to the PSC and ultimately the PSC to the Council. (Interview with former Council General Secretariat official 37, 3 November 2004.) Both the military and civilian ESDP Chains of Command fall under the PSC. Whereas decision-making in civilian crisis management, performed by the Commission, follows procedures set out in pillar I, measures performed by individual member states are determined by national law. The PSC may, however, co-ordinate crisis management measures in the latter case. (Follow-up e-mail from official 40, Council General Secretariat DG E, 25 January 2005.)

²⁸⁰ Interview with official 41, Foreign Ministry, Swedish EU Representation, 20 October 2004.

²⁸¹ Interview with official 41, Foreign Ministry, Swedish EU Representation, 20 October 2004.

and managing civilian crisis management operations.²⁸² SITCEN and the RELEX crisis room's involvement consist of country security assessment to help in planning the missions.²⁸³ However the Commission primarily relies on the Committee for Civilian Aspects of Crisis Management (CIVCOM) to plan new operations.²⁸⁴ Moreover it is habitual for the Commission and the Council to send out joint fact finding and planning missions.

The Rapid Reaction Mechanism (RRM) is a particular crisis management instrument found in the Community pillar.²⁸⁵ It is financed by an autonomous Commission decision.²⁸⁶ The RRM enables the Commission to mobilise funds quickly in a crisis situation. Although the budget is limited (€ 30-40 million per year), its advantage of providing rapid disbursement through an autonomous Commission decision is strong.²⁸⁷

The European Council meeting in Nice 2000 approved that permanent political and military ESDP structures be established within the Council to help in implementing the CFSP: i.e. the PSC,²⁸⁸ the European Union Military Committee (EUMC),²⁸⁹ and the EUMS.²⁹⁰ With the Amsterdam Treaty a Politico-Military Group (PMG) and the CIVCOM have also been created.²⁹¹ There is moreover an operational headquarters (OHQ) established for ESDP. The PSC, EUMC and CIVCOM have mandates set by COREPER. However the PSC is the body dealing with crisis management and evaluating options for EU response under pillar II.²⁹² As one Council official describes it, it is customary that a PSC proposal on how to act in a crisis situation is approved by COREPER before being decided by the Council. Decisions on ESDP operations are as a rule delegated by the Council to the PSC.²⁹³

CFSP (including military tools, crisis management tools as well as trade and development, farm policy etc.) is found in pillar II, however, also has implications for pillar I and III. CFSP comes out of the Community budget, which needs to be approved by the Parliament. The CFSP budget provides resources for civilian crisis management operations, whilst military crisis management operations are financed by the member states on an intergovernmental basis.²⁹⁴ Since February 2004 there also

²⁸² *Summary of the remarks made by Javier SOLANA, EU High Representative for the Common Foreign and Security Policy.* Military Capabilities Commitment Conference, Civilian Capabilities Commitment Conference. Brussels, 22 November 2004. S0311/04.

²⁸³ Interview with former Council General Secretariat official 37, 3 November 2004; and follow-up e-mail from former Council General Secretariat official 37, 25 January 2005.

²⁸⁴ Interview with DG RELEX official 39, 26 October 2004.

²⁸⁵ The RRM is used to simplify and reduce the time it normally takes for the Commission to get a project started, by simplifying procedures and decision-making in order to have the first part of intervention early. The procedures normally take six months. (Interview with DG RELEX official 38, 26 October 2004.)

²⁸⁶ Interview with former Council General Secretariat official 37, 3 November 2004.

²⁸⁷ Interview with DG RELEX official 39, 26 October 2004.

²⁸⁸ Council Decision 79/2001/CFSP of 22 January 2001 setting up the Military Committee of the European Union. (Official Journal, L 27, 30.1.2001), p. 1.

²⁸⁹ Council Decision 79/2001/CFSP of 22 January 2001 setting up the Military Committee of the European Union. (Official Journal, L 27, 30.1.2001), p. 4).

²⁹⁰ Council Decision 79/2001/CFSP of 22 January 2001 setting up the Military Committee of the European Union. (Official Journal, L 27, 30.1.2001), p. 7. For further assessment see <http://ue.eu.int/showPage.asp?id=279&lang=en&mode=g>, (29 November 2004).

²⁹¹ http://europa.eu.int/comm/external_relations/cfsp/intro/index.htm, (30 September 2004).

²⁹² http://europa.eu.int/comm/external_relations/cfsp/intro/index.htm www.social, (29 November 2004); and follow-up e-mail from official 40, Council General Secretariat DG E, 25 January 2005.

²⁹³ Follow-up e-mail from official 40, Council General Secretariat DG E, 25 January 2005.

²⁹⁴ The CFSP budget for 2004 was € 62.6 million. Two thirds go to the big operations (PROXIMA and EUPM); this is why there is not much room for other operations. An example is the security area of weapons of mass

exists a financing mechanism for the common costs of EU military and defence aspects called ATHENA.²⁹⁵

Financing is more complicated when it comes to civilian crisis management operations, e.g. police missions, rule of law etc. In order to finance CFSP operations in pillar II, two decisions are needed: a joint action, i.e. a unanimous Council decision as the basis for committing funds for a particular operation; and a Commission financing decision for actually committing the funds. DG RELEX prepares the decisions in co-operation with various thematic and geographic Council working groups.²⁹⁶ Every time a concrete decision is prepared, DG RELEX consults the various desk officers on why a certain operation ought to be planned. When the funds are committed, the Commission negotiates a contract with the implementing body, e.g. an international organisation (UN, OSCE), or physical persons for ESDP operations (EU Special Representatives (SRs), HMs), whose mandates are also set up by joint actions. The HMs are appointed by the Council and do the tendering themselves. The Commission signs a contract with the HM. Before an operation the Council has to provide appropriate personnel in the form of secondments from the EU institutions or from the member states. This is done through 'calls for secondments' to the member states.²⁹⁷ If they are not available, the HM has to hire experts from the market.

The core costs for running an operation (i.e. computers, offices, electricity etc.) come from the CFSP budget, while the sending costs (i.e. salaries, uniforms, flying costs, insurances etc.) are paid by the member states.²⁹⁸ About 0.3-0.5% of the total EU budget goes to the ESDP.²⁹⁹ Where e.g. an EU police mission is run by the Council (deciding what to do), it is simultaneously overseen by the Commission (paying the bills).³⁰⁰

Civilian defence exercises are found in pillar I and are handled by the Commission.³⁰¹ The Commission normally delegates the responsibility to perform the exercise to a member state. Defence exercises in the CFSP area, so-called Crisis Management Exercises (CMEs), are handled by the Council.³⁰² The member states, however, set up all military training themselves.³⁰³ All exercises and training are followed up by Council committees and ESDP working groups.³⁰⁴

destruction focused by the Council, which there is not much margin in budget for. (Interview with DG RELEX official 39, 26 October 2004.)

²⁹⁵ Council Decision 197/2004/CFSP of 23 February 2004 establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications (ATHENA).

²⁹⁶ Follow-up e-mail from official 40, Council General Secretariat DG E, 25 January 2005.

²⁹⁷ Follow-up e-mail from official 40, Council General Secretariat DG E, 25 January 2005.

²⁹⁸ Interview with former Council General Secretariat official 37, 3 November 2004.

²⁹⁹ Telephone interview with official 40, Council General Secretariat DG E, 11 November 2004.

³⁰⁰ Example: The HM (i.e. the EU project manager for the mission) negotiates an agreement with the Commission. The Commission nor the HM has any bearing on the salaries of the policemen. Germany can send them with 1,000 euro and Latvia with 10 euro per day. The Commission pays for cars, helicopters, etc. which means they have to be bought through the tendering procedures. (Interview with former Council General Secretariat official 37, 3 November 2004.)

³⁰¹ Interview with DG RELEX official 38, 26 October 2004.

³⁰² The CME scenario is usually targeting a fictive island in the Atlantic Ocean, where all resources (civilian, military and civil protection) practice how to prevent and cope with a crisis situation. EU functions and structures are tested together with the role of the PSC, the Commission on institutional and legal matters etc. The exercise includes several thousands of people. (Interview with DG RELEX official 38, 26 October 2004.) For further assessment of EU, and joint EU-NATO, crisis management exercises see <http://ue.eu.int/showPage.asp?id=283&lang=en&mode=g>, (29 November 2004).

³⁰³ Interview with official 43, Council General Secretariat DG E, 28 October 2004.

³⁰⁴ Follow-up e-mail from official 40, Council General Secretariat DG E, 25 January 2005.

Each ESDP operation is reviewed by the EU. It can also be evaluated in the middle of an operation (e.g. during the EUPM in Bosnia).³⁰⁵ Planning and performance evaluations are conducted by the EU Operation Commander and Force Commander (both for military ESDP operations), the EUMC and the PMG, and/or CIVCOM, depending on it being a military, mixed civilian and military, or a strictly civilian operation.³⁰⁶ Thereafter the same evaluation is performed with the member states.³⁰⁷

The Presidency is normally in charge of press releases and information to the public. The Treaty on European Union states that the Presidency is responsible for implementing decisions under the CFSP. The Presidency is the main actor. Public information would normally not go out from DG RELEX.³⁰⁸

Coping

Examples of ESDP operations:³⁰⁹

- EU Military Operation in former Yugoslav Republic of Macedonia (fYROM/CONCORDIA) (March – December 2003)
- EU Military Operation in the Democratic Republic of Congo (DRC/ARTEMIS) (June – September 2003)
- EU Police Mission in Bosnia-Herzegovina (EUPM) (January 2003-)
- EU Police Mission in the former Yugoslav Republic of Macedonia (PROXIMA) (December 2003-)
- EU Military Operation in Bosnia and Herzegovina (EUFOR - ALTHEA) (December 2004 -)
- EU Rule of Law Mission in Georgia (EUJUST THEMIS) (July 2004-)
- EU Police Mission in Kinshasa, in the Democratic Republic of Congo, (EUPOL KINSHASA) (January 2005 -)

Almost all ESDP operations performed thus far have been operations taking over and fulfilling a role previously held by NATO, the UN or the OSCE, with the aim of building an EU-capacity for crisis management. The only example of an acute crisis management operation is ARTEMIS in the sense that it prevented a genocide.³¹⁰ Both ARTEMIS and CONCORDIA are examples of good precedents in EU co-operation with NATO, ensuring the Berlin Plus agreement and the Nice decision.³¹¹ The ESDP structure is also used in a different setting in helping the African Union set up a logistics and police support basis in Sudan (2004).³¹²

Aftermath

As already mentioned, there are lessons learned sessions where the member states together with the Commission and the Council General Secretariat (the PSC, the EUMC and CIVCOM) discuss the exercises and what can be learned for the future.³¹³

³⁰⁵ Interview with former Council General Secretariat official 37, 3 November 2004.

³⁰⁶ Follow-up e-mail from official 40, Council General Secretariat DG E, 25 January 2005.

³⁰⁷ Interview with official 41, Foreign Ministry, Swedish EU Representation, 20 October 2004.

³⁰⁸ Interview with DG RELEX official 39, 26 October 2004.

³⁰⁹ For further assessment of ESDP operations see <http://ue.eu.int/showPage.asp?id=268&lang=en&mode=g>, (11 January 2005).

³¹⁰ Interview with DG RELEX official 38, 26 October 2004.

³¹¹ Interview with official 43, Council General Secretariat DG E, 28 October 2004.

³¹² Interview with official 41, Foreign Ministry, Swedish EU Representation, 20 October 2004.

³¹³ Interview with DG RELEX official 39, 26 October 2004.

Every six months there is also a formal Council report on ESDP operations. In addition, the member states evaluate their own performance internally.³¹⁴

Sector 7: Enlargement

Commission Directorate-General Enlargement (DG ELARG)³¹⁵

Legal basis

- Article 49 of the Treaty on European Union, which states that “any European state which respects the principles set out in Article 6(1) may apply to become a member of the Union. [...] The conditions of admission and the adjustments to the Treaties on which the Union is founded, which such admission entails, shall be the subject of an agreement between the member states and the applicant state.”
- The Treaty of Accession, signed in Brussels on 3 April 2003. (OR. En) AA 2003 final. (It contains legislation and other legislative instruments for the new member states as of 1 May 2004.)
- Association Agreements governing EU relations with candidate countries are international agreements between the EU and its member states and the country in question.
- Council Regulations determine that the EU provides Assistance Programmes to third countries, e.g. in the form of financial and technical assistance.

Practical arrangements

Prevention

There are no monitoring systems to track upcoming crises, but there is detailed forecasting on problems that might arise regarding the enlargement process. DG ELARG was during the last enlargement period, for example, trying to foresee if there was a potential coup d'état in a country. But, as one official claims, crises were usually something they did not expect.³¹⁶ In terms of the forecasts that were made for the accession countries since 2001 and 2002, DG ELARG was often correct on the areas of anticipated problems. “In that sense we had a careful monitoring system with which we knew years ahead what the problems would be.”³¹⁷

Preparation

Assistance funds are available for each candidate country during the time of accession until attained EU membership. In time of crisis, these can also be used for relief by reallocation of funds from one destination to another.³¹⁸ The procedures are however not called crisis management and there are no real contingency plans set up, much due to the political signal they would send, which could risk the work to be achieved by the DG and the Commission as a whole. Still, there do exist plans in varying forms for

³¹⁴ Telephone interview with official 40, Council General Secretariat DG E, 11 November 2004.

³¹⁵ DG ELARG works with the enlargement process of the EU. The aim is to “unite Europe peacefully after generations of division and conflict.” (<http://europa.eu.int/comm/enlargement/faq/index.htm#Why>, 18 January 2005.)

³¹⁶ Interview with DG ELARG official 1, 26 October 2004.

³¹⁷ Interview with DG ELARG official 1, 26 October 2004.

³¹⁸ During the 2002 floods the resources were made available for flood relief in the Czech Republic by a decision of DG ELARG and the commissioner. They decided some money of the overall budget would be reallocated from the overall assistance program to the countries affected by the flooding. (Interview with DG ELARG official 1, 26 October 2004).

dealing with a potential crisis. The accession treaties can, for example, be written in a way that prepares for various outcomes in terms of legal and technical aspects.³¹⁹

In a crisis situation, the directors, the director-general and finally the commissioner make decisions.

Coping

Examples of past crises:

- Floods in central Europe (2002).³²⁰ During the floods DG ELARG and the Commission were able to mobilise money quickly and have projects, which would normally take several years, running in a few months. This was possible due to the fact that DG ELARG had a group of persons from both in and outside of the Commission, in close contact with the Czech Republic administration, working on monitoring the situation.³²¹
- Cyprus negotiations (2003-2004) and the Turkish Cypriot referendum in 2004.
- Fights over how much money the new countries would receive over the coming years. (Political crisis.)
- Czech Republic and Austria in conflict over a new nuclear power plant 25 km from the Austrian border. (Political crisis.)
- Czech Republic in political conflict with Germany over 2.5 million Germans expelled after World War II. (Political crisis.) DG ELARG was acting as the mediator in this conflict. Since the conflict stood between the German Reichskansler and the Czech Republic Prime Minister, negotiations were immediately sent upwards through the hierarchy, i.e. to the commissioner.³²²

The assistance programmes that were set up for each candidate country were used as soon as it became evident that certain areas were merged into blocking the accession. Resources were then redirected into areas most in need of them.³²³

Aftermath

The practical follow-up today is no longer performed by DG ELARG, but has after the accession in May moved to the EU sectors by policy area.

An extremely careful and systematic follow-up, addressing the difficulties with the accession countries was presented in the yearly Regular Report, coming every autumn. These are large reports produced by the country units in the DG, covering all policy areas and including an assessment of the candidate country concerned in each area. They also include precise recommendations on what needs to be done. Each unit drew on an array of sources for the report, e.g. from many areas in the Commission and their respective areas of competence, as well as the candidate countries

³¹⁹ C.f. the Cyprus case and the Turkish referendum putting a halt also to the Turkish part of Cyprus joining the EU in the spring of 2004. In this case the alternative outcome had been foreseen and the accession documentation had been prepared in advance for making a separation only to have the Greek part of Cyprus entering the EU. (Interview with DG ELARG official 1, 26 October 2004.)

³²⁰ For further assessment, see e.g. Communication from the Commission to the European Parliament and the Council - The European Community response to the flooding in Austria, Germany and several applicant countries - A solidarity-based initiative. Brussels, 28.8.2002. COM(2002)0481 final.

³²¹ During the floods in 2002 also DG ENV and DG REGIO were involved in networks with DG ELARG (Interview with DG ELARG official 1, 26 October 2004).

³²² Interview with DG ELARG official 1, 26 October 2004.

³²³ Interview with DG ELARG official 1, 26 October 2004.

themselves. Moreover, the World Bank, IMF, and NGOs on human rights, media freedom etc. were involved, as was the Council of Europe.

In the daily work as well as in the crisis situations, reports went from the head of unit to director, to the director-general, who then reported to the commissioner. During the work with the 12 accession countries, DG ELARG used a flat organisation. Usually the organisation has more layers; however the director-general had delegated much of the responsibility to his negotiators and left it to them to know when to go to him for advice and instructions, as well as when to deal with a problem themselves.³²⁴

³²⁴ Interview with DG ELARG official 1, 26 October 2004.

System Four: Protection of People and Society

Sector 8: Environment and Civil Protection

Commission Directorate-General Environment, and Council General Secretariat DG I Protection of the Environment and Civil Protection (DG ENV, DG I)³²⁵

Legal basis

- Article 3.1.u (reference to civil protection), Article 308 ('implementing rule', basis for all Community actions), and Articles 174-175 (on environmental pollution) of the Treaty establishing the European Community.³²⁶
- Articles 17.2 and 13.3 (on civil protection under Council responsibility within pillar II) of the Treaty on European Union.³²⁷
- Decision 2850/2000/EC of the European Parliament and of the Council, setting up a Community framework for co-operation in the field of accidental or deliberate marine pollution.
- Council Decision 792/2001/EC, Euratom establishing a Community mechanism to facilitate reinforced co-operation in civil protection assistance interventions.³²⁸

³²⁵ DG ENV's "main role is to initiate and define new environmental legislation and to ensure that measures, which have been agreed, are actually put into practice in the member states."
(http://www.europa.eu.int/comm/dgs/environment/index_en.htm, 10 February 2005.)

³²⁶ The only place, as added by the Treaty of Amsterdam, that civil protection is mentioned in the Treaty establishing the European Community is in Article 3.1(u): "For the purposes set out in Article 2, the activities of the Community shall include, as provided for in this Treaty and in accordance with the timetable set out therein: [...] (u) measures in the spheres of energy, civil protection and tourism." There are no implementing rules; the general rules in Article 308 are used instead: "If action by the Community should prove necessary to attain, in the course of the operation of the common market, one of the objectives of the Community, and this Treaty has not provided the necessary powers, the Council shall, acting unanimously on a proposal from the Commission and after consulting the European Parliament, take the appropriate measures." (Interview with official 25, Council of the European Union, Directorate-General I, 27 October 2004; Telephone interview with DG ENV official 24, 18 October 2004; and *European Union: Consolidated Versions of the Treaty on European Union and the Treaty Establishing the European Community*. Luxembourg: Office for Official Publications of the European Communities, 1997.)

³²⁷ Article 17.2 of the Treaty on European Union: "Questions referred to in this Article shall include humanitarian and rescue tasks, peace-keeping tasks and tasks of combat forces in crisis management, including peacemaking," and Article 13.3 of the Treaty on European Union: "The Council shall take the decision necessary for defining and implementing the common foreign and security policy on the basis of the general guidelines defined by the European Council." (*European Union: Consolidated Versions of the Treaty on European Union and The Treaty Establishing the European Community*. Luxembourg: Office for Official Publications of the European Communities, 1997)

³²⁸ Article 1 reads: "1. A Community mechanism to facilitate reinforced co-operation between the Community and the member states in civil protection assistance intervention in the event of major emergencies, or the imminent threat thereof, which may require urgent response action is hereby established (hereinafter 'the mechanism').
2. The mechanism is intended to help ensure better protection, primarily of people but also of the environment and property, including cultural heritage, in the event of major emergencies, i.e. natural, technological, radiological or environmental accidents occurring inside or outside the Community, including accidental marine pollution, as provided for in Decision No 2850/2000/EC of the European Parliament and of the Council of 20 December 2000 setting up a Community framework for co-operation in the field of accidental or deliberate marine pollution. The mechanism does not affect obligations under existing relevant legislation of the European Atomic Energy Community or existing international agreements. The general purpose of the mechanism is to provide, on request, support in the event of such emergencies and to facilitate improved co-ordination of assistance intervention provided by the member states and the Community, taking into account the special needs of isolates, outermost and other regions or islands of the Community."

Article 2 reads: "1. In the event of a major emergency within the Community, or imminent threat thereof, which causes or is capable of causing transboundary effects or which may result in a call for assistance from one or more member states, the member state in which the emergency has occurred shall, without delay, notify: (a) those member states which may be affected by the emergency, unless this obligation of notification has already been

- Commission Decision 277/2004/EC, Euratom laying down rules for the implementation of Council Decision 792/2001/EC, Euratom, establishing a Community mechanism to facilitate reinforced co-operation in civil protection assistance interventions.³²⁹
- Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Reinforcing the Civil Protection Capacity of the European Union. Brussels, 25.3.2004. COM(2004)200 final.
- Communication from the Commission to the Council and the European Parliament, Preparedness and consequence management in the fight against terrorism, Brussels 20.10.2004. COM(2004)701 final.
- EU Handbook on assistance interventions of the Community Mechanism for Co-operation in civil protection. Compiled from member states' experts contributions and edited by European Commission, Environment Directorate-General, Civil Protection unit D3. Updated 20.2.2004.

Crisis management in terms of civil protection is primarily found in pillar I of the EU, i.e. demonstrating that it is primarily a Community responsibility where the Commission is the implementing body.³³⁰ The legal basis for pillar I refers to the Amsterdam Treaty. Civil protection consists of three parts: the 'Community mechanism to facilitate reinforced co-operation in civil protection assistance interventions', i.e. the so-called 'Community mechanism'; the 'Community framework for co-operation in the field of accidental or deliberate marine pollution', i.e. the 'Marine Pollution Action Plan', as well as the 'Community action programme in the field of civil protection', i.e. the 'Civil Protection Action Programme'.³³¹ The main tool and legal basis for using civil protection in pillar I is the Community mechanism. It is mobilised through the Commission (DG ENV) Monitoring and Information Centre (MIC). The civil protection mechanism "is intended to provide support in the event of major emergencies, which may require urgent response action, including emergencies occurring within the context of crisis management referred to in title V of the Treaty on European Union [...]. The mechanism is intended to help ensure better protection, primarily of people, but also of environment and property, in the event of a major emergency, including accidental marine pollution."³³²

Civil Protection is also found in pillar II of the EU (i.e. for the CFSP).³³³ As already mentioned in the section on External Relations, the legal basis for pillar II refers to the

addressed under relevant legislation of the European Community or the European Atomic Energy Community or existing international agreement, and (b) the Commission, when a possible request for assistance through the monitoring and information centre can be anticipated, in order that the Commission may, as appropriate, inform the other member states and activate its competent services.

2. Such notification shall, as appropriate, be made through the communication and information system."³²⁹

³²⁹ The implementing rules for establishing the Mechanism are found in Article 1:

"(1) information on the relevant resources available for civil protection assistance intervention; (2) the establishment of a Monitoring and Information Centre; (3) the establishment of a common emergency communication and information system, hereinafter referred to as 'CECIS'; (4) the assessment and/or co-ordination teams, including criteria for the selection of experts; (5) establishment of a training programme; (6) interventions inside and outside the Community." (Italics in original.)

³³⁰ The Commission proposes legislation and is the executor. The Council disposes and is the legislator, together with the European Parliament. The Council is in ordinary consultation procedure with the Parliament (i.e. there is co-decision where the Council and the Parliament must agree on the same text).

³³¹ There are two action programmes established in civil protection; one from 1998-1999 and another from 2000-2004. The latter is prolonged for another two years, due to a forthcoming Commission proposal to merge the Community mechanism, the Civil Protection Action Programme, and the Marine Pollution Action Plan into one that includes protection in civil protection assistance, disaster management and training all together. (Interview with official 25, Council of the European Union, Directorate-General I, 27 October 2004).

³³² Commission Decision laying down rules for the implementation of Council Decision 792/2001/EC, Euratom of 23 October 2001 establishing a Community mechanism to facilitate reinforced co-operation in civil protection assistance interventions. Preamble (1) and (2).

³³³ In pillar II of the EU the Commission no longer has a monopoly of proposing legislation, i.e. everyone (Commission, European Parliament as well as member states) can propose legislation. The Council is the sole legislator in an intergovernmental procedure (i.e. decisions are made jointly by the member states).

Cologne European Council meeting in June 1999, placing crisis management tasks (i.e. the ‘Petersberg tasks’), in focus of strengthening the European CFSP. The tasks (referred to in Article 17.2 of the Treaty on European Union) are: humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking. At the Feira European Council meeting in June 2000 it was decided that the civilian aspects of crisis management would be developed in four priority areas: police, strengthening of the rule of law, strengthening civilian administration, and civil protection. These priorities were turned into ‘general guidelines’ (referred to in Article 13.3 of the Treaty on European Union) at the Gothenburg European Council meeting in June 2001.³³⁴ The main tool and legal basis for Civil Protection in pillar II is thus these so-called ‘Gothenburg Targets’.

There are theoretically two ways to mobilise civil protection under the CFSP and the Gothenburg Targets: either through the MIC, or mobilising them directly through the Council General Secretariat. However, thus far countries have never made an appeal for civil protection assistance to the EU under the CFSP and the Gothenburg Targets. As one Council official puts it: “it never occurred to them.”³³⁵ The MIC has instead become a well-established machinery on the basis of the Community mechanism under pillar I, and that is why recipients will almost always choose using these.³³⁶

Practical arrangements

Prevention

Civil protection can be called upon for natural disasters, man-made or industry disasters and accidents. Connected to it are also Commission abilities to make forecasts and disaster modelling. There is, for example, close co-operation between DG ENV and the Joint Research Centre (JRC). JRC is able to provide DG ENV with satellite images of a disaster area, which is useful in case of marine pollution, e.g. the Prestige accident, to detect oil leaks and to follow their drift. The JRC also operates a water level forecast system for flooding, LISFLOOD, based on modelling and precipitation forecasts of water and river basin levels, used as decision support by responsible agencies. DG ENV is moreover in contact with the JRC and other specialised agencies and centres, e.g. the European-Mediterranean Seismological Centre, in forecasting earthquakes. Co-operation also takes place with DG SANCO and DG TREN and their respective rapid alert systems.³³⁷

³³⁴ “New concrete targets have been set for civilian aspects of crisis management, which should be achieved by 2003 through voluntary contributions.” This constituted the instructions (i.e. approval) for the Council of implementing the Gothenburg Targets. (*Presidency conclusions, Göteborg European Council, 15 and 16 June 2001*; Interview with official 25, Council of the European Union, Directorate-General I, 27 October 2004).

³³⁵ Interview with official 25, Council of the European Union, Directorate-General I, 27 October 2004.

³³⁶ “In the Joint Declaration of 29 September 2003, the Council and the Commission recognise that the Community Mechanism may be the most appropriate instrument to mobilise civil protection assistance in second pillar ‘crisis management operations’ under Title V” of the Treaty on European Union. (Follow-up e-mail from DG ENV official 24, 28 January 2005. For further assessment of the Joint Declaration, see e.g.: Draft Joint Declaration by the Council and the Commission on the use of the Community Civil Protection Mechanism in Crisis Management referred to in Title V of the Treaty on European Union.)

³³⁷ Telephone interview with DG ENV official 24, 18 October 2004.

Preparation

If there is a crisis, civil protection assistance begins with a request for assistance being received at DG ENV and the MIC from the specific country in need. At the same time information (from media reports, ‘CNN’, the country’s own rescue services etc.) on what is going on is gathered by the MIC. The fact that there is a request for assistance from the country in need, rather than the magnitude of the disaster, decides whether DG ENV becomes involved. DG ENV and the Civil Protection and Environmental Accidents Unit have a round-the-clock crisis room, the so-called MIC, for co-ordinating requests for assistance. It is a physical room for a maximum of 10 people to work in case of an emergency. It is accessible and able to react immediately 24 hours a day, 7 days a week and connects 30 countries (normally the Ministries of Internal Affairs) with the Commission. It is thus broader than the EU, since it also includes the EEA countries (Norway, Island and Liechtenstein) as well as Bulgaria and Romania.

As stated above, the MIC is set in use when a country asks for assistance. The MIC will forward the request to the participating states to see if any of them can offer the assistance that is requested. The MIC co-ordinates and collects the responses and informs the country in question of the assistance that can be provided through the Community mechanism. The requesting country’s competent authorities then need to decide what help they would like to receive. They can choose to decline an offer, as well as request further assistance.³³⁸ The MIC then co-ordinates the help provided to the country so that it does not have to deal with communicating with 30 various rescue service units in a time of crisis. The MIC/Commission is hence a ‘one-stop-shop’ for civil protection assistance.

Any country can rely on the participating countries of the MIC for assistance. The assistance is worldwide. In order to facilitate assistance operations co-ordination on site, the EU/the Commission can also send ‘assessment and co-ordination’ experts to the country asking for assistance.³³⁹ The EU experts gather information on site and report back to the Commission (i.e. the MIC and DG ENV).³⁴⁰

The Commission is also in charge of a Common Emergency Communication and Information System (CECIS) for direct communication and information sharing between the MIC and the designated contact points in the member states.³⁴¹

In the case of terrorist attacks, national authorities have the responsibility to co-ordinate the civil protection assistance themselves, and the MIC operates in the same way as for other disasters occurring within the EU. Even though DG ENV/the Community mechanism carries the co-ordinating role in providing civil protection assistance in ‘major emergencies’, the Presidency is closely involved in co-ordinating EU intervention in third countries. The Presidency is informed through the MIC.

Challenges to civil protection assistance are, as one official puts, it: clear and efficient communication, as well as providing transportation. Training and simulations, organised through the Community mechanism, help promote understanding and

³³⁸ Follow-up e-mail from DG ENV official 24, 28 January 2005.

³³⁹ The experts are to co-ordinate the arrival and distribution of EU assistance, liaise with national authorities in the requesting country and international partner organisations, as well as evaluate additional needs. (Follow-up e-mail from DG ENV official 24, 28 January 2005.)

³⁴⁰ Telephone interview with DG ENV official 24, 18 October 2004.

³⁴¹ *E-Seveso INFODAY, Valencia Regional Office, 27 September 2004*, available at http://www.e-seveso.net/news_e-seveso/Tobias%20Biermann,%20EC.pdf, (29 December 2004).

communicating. The main challenge, however, lies in acting swiftly. This is a focused task internally in the Commission/DG ENV and the MIC.³⁴² As for the second challenge, member states wanting to provide the requested assistance often lack transportation means. “The Commission would like to be in a position to provide funding for transportation of such assistance and is preparing proposals to this end.”³⁴³

When it comes to crisis plans and procedures, the work of the MIC, as the Community mechanism’s operator for ‘training and mobilisation of resources’, is based on Council Decision 792/2001/EC establishing the Community mechanism and the implementing rules in Commission Decision 277/2004/EC. There are also operational manual and standard operating procedures for duty officers developed by the Commission. These are developed further by DG ENV and are continuously updated.³⁴⁴

In terms of resources, the MIC works with a very small budget. As one official points out, the resources given to DG ENV are enough to help finance exercises and training and to run the Community mechanism. It only has a limited staff that takes part in the ‘permanence system’ on a voluntary basis.

With regard to civil protection situations, you should in theory pay if you ask for assistance. In practice however there are waivers, and the assistance is most of the times free of charge. The country asking for assistance has to give the rescue service people housing, food, and fuel for their cars etc. For other things the country practically does not need to pay anything. Most states have a little ‘army’ of civil protectors to perform the assistance. Usually this is linked to the Ministry of Interior.³⁴⁵ With regard to resources provided to financial disaster relief in exceptional circumstances (i.e. financial assistance to people, regions and countries struck by a major disaster for returning to normal conditions of living), the EU Solidarity Fund may be used.³⁴⁶

DG ENV has both overall training programmes and simulation exercises.³⁴⁷ The training usually has a duration of one week and is carried out in various member states, normally with participants from around five to six countries. The training focuses on team leaders and co-ordination and assessment experts, and are carried out in the form of an induction course, an operational management course, and a high

³⁴² When on duty, the staff (duty officer) is to be in the office within 20 minutes. Even though DG ENV/the MIC may cope with this, it may be more difficult to get in contact with the ‘hierarchy’ or DG RELEX dealing with external services for quick decisions, which does not have staff available in 20 minutes/on duty round-the-clock all week. In terms of media contacts the national member state is in charge of communications with the press (e.g. information on number of casualties etc. (Telephone interview with DG ENV official 24, 18 October 2004).

³⁴³ Follow-up e-mail from DG ENV official 24, 28 January 2005.

³⁴⁴ Telephone interview with DG ENV official 24, 18 October 2004.

³⁴⁵ Interview with official 25, Council of the European Union, Directorate-General I, 27 October 2004.

³⁴⁶ After the floods in Central and Eastern Europe 2002 the region was provided assistance via the Solidarity Fund. For further information on the Solidarity Fund, see section on Regional Policy, and for further reference on the Solidarity fund used in 2002, see Ekengren, M., *From a European Security Community to a Secure European Community – Analysing EU ‘Functional’ Security. The Case of EU Civil Protection*. Presented at the Second Pan-European Conference on EU Politics of the ECPR Standing Group on European Union Politics, 24-26 June 2004, Bologna, Italy. (2004, p. 14.)

³⁴⁷ An EU Handbook is used for training purposes. It presents the pragmatic operational details of assistance interventions and is regularly updated to reflect lessons learned. For further reference see: *The EU Handbook on assistance interventions of the Community Mechanism for Co-operation in civil protection*. Compiled from member states’ experts contributions and edited by the European Commission, Environment Directorate-General, Civil Protection unit D3. Updated 20.2.2004.

level co-ordination course for EU civil protection interventions.³⁴⁸ The Commission has regular simulation exercises of the MIC. Exercises may be based on suggestions from the member states. Simulations are either performed as ‘table-top-exercises’ or as parts of larger scaled ‘field exercises,’ e.g. the French Euratox exercise.³⁴⁹ There have been eight larger simulation exercises, with participants from some six to eight member states.³⁵⁰ The simulations include ‘lessons learned’ from the MIC. There are also yearly exercises at the Council. A civil protection element was this year also included in the overall Crisis Management Exercise (CME).³⁵¹ There are however a larger number of exercises arranged at Commission level. These are almost always arranged by a member state and planned with the support of the Commission. The Council exercises are funded by the Council General Secretariat budget, whilst the member state-arranged exercises (e.g. Euratox) are co-funded with the Commission.³⁵²

Civil protection assistance provided by DG ENV and the Council, may overlap with humanitarian assistance provided by the European Community Humanitarian Aid Office (ECHO).³⁵³ However, the types of assistance differ.³⁵⁴ While civil protection assistance is about ‘disaster relief’ in the immediate aftermath of a catastrophe (saving lives and mitigating effects of the disaster during its first hours and days), is humanitarian assistance ‘disaster recovery’ focusing on humanitarian relief (provided by non-governmental organisations but financed by ECHO) shortly after the initial civil protection intervention. Secondly, is civil protection assistance provided to countries that request this both within and outside the EU, while ECHO focuses on humanitarian assistance to developing countries outside the Union. Moreover is civil protection assistance provided by the EU member states, which have national rescue services agencies providing them with immediate disaster relief. When the same assistance is provided to developing third countries, however, it constitutes an important added value to the humanitarian assistance provided by ECHO through non-governmental organisations.

If there is a disaster where the Community mechanism of DG ENV is to be used, and this operation also meets the criteria of the Humanitarian Aid Regulation, financial means can be provided from the Humanitarian Assistance budget.³⁵⁵

³⁴⁸ Some 200-250 persons have gone through the training during the first cycle this semester. (There are usually two cycles of training performed each semester.) (Telephone interview with DG ENV official 24, 18 October 2004).

³⁴⁹ EURATOX 2002 was the first full-scale exercise testing the EU’s response ability for a terrorist attack. It was performed in Canjuers in France in October 2002. For further assessment see <http://europa.eu.int/rapid/pressReleasesAction.do?reference=IP/02/1498&format=HTML&aged=0&language=EN&guiLanguage=en>, (11 February 2005).

³⁵⁰ Telephone interview with DG ENV official 24, 18 October 2004.

³⁵¹ The last one (CME4 in 2004) took ten days including the weekend. It was primarily a simulation targeting police missions. The scenario was one of a revolution on a fictive island in the Atlantic Ocean. There were ethnic groups opposing each other. Civil protection was simulated in there being a chemical plant threatening to explode due to the hostilities. The director of the plant warned the representative of the Commission as well as ‘Brussels’ that something might happen. The Commission in Brussels warned the Presidency, and the Presidency warned the Political and Security Committee. The exercise ended with the alert why there was no activation simulated of the Mechanism. (Interview with official 25, Council of the European Union, General Directorate I, 27 October 2004.)

³⁵² Interview with official 25, Council of the European Union, Directorate-General I, 27 October 2004.

³⁵³ For further information on ECHO, see section on External Aid.

³⁵⁴ Follow-up e-mail from DG ENV official 24, 28 January 2005.

³⁵⁵ Public document. *Civilian instruments for EU crisis management*. European Commission Conflict Prevention and Crisis Management Unit, April 2003.

Coping

Examples of past crises.³⁵⁶

- Erika oil tanker disaster (1999)
- Prestige accident (2002).
- Floods in Central and Eastern Europe (2002), Germany and France (2003).
- Forest fires in France and Portugal (2003 and 2004).
- Earthquakes in Algeria and Iran (2003) and Morocco (2004).
- Department store fire in Paraguay (2004). DG ENV in this case granted the request for assistance of medical supplies and experts.

In the past two years the MIC has co-ordinated European civil protection assistance to more than 10 countries. Assistance has been provided in emergencies caused by natural and man-made disasters, as well as been prepared in the terrorist attack on 11 March 2004 in Madrid. The assistance has been in the form of fire fighting, search and rescue, and medical assistance as well as expertise and more specialised equipment.³⁵⁷

Aftermath

When the Community mechanism has been in operation there is always a ‘lessons learned’ exercise in the Commission. Moreover it is standard practice that operations in third countries are followed by an evaluation. For civil protection in ordinary cases, evaluations and ‘lessons learned’ exercises are carried out by the Management Committee of the Commission.³⁵⁸ This committee consists of representatives from the competent ministry (Internal Affairs, Defence etc.), i.e. the member states, and they meet three to four times per year to discuss the progress made. The way disasters and emergencies were coped with may then be discussed so as to learn for the future. ‘Practice and lessons learned’ meetings are carried out after each major emergency. “We have learned that it is important to have these with the member states.”³⁵⁹

Every third year the Commission “shall evaluate the implementation” of the decision establishing the Community mechanism and “transmit the conclusions of that evaluation together with any proposals for amendments to the Decision to the European Parliament and the Council.”³⁶⁰ However, there does not exist a ‘case bank’ with lessons learned from past crises and exercises of the Community mechanism. Some member states regularly inform the Commission of lessons learned from their national exercises.³⁶¹

³⁵⁶ Minutes of the Civil Protection Working Party on 24 September 2004; and Draft document of the MIC by DG ENV, 18 October 2004. For earlier examples of crises and EU civil protection assistance (e.g. during the earthquakes in Turkey 1999), see: http://www.europa.eu.int/comm/environment/civil/prote/cp01_en.htm, (16 November 2004).

³⁵⁷ Draft document of the MIC by DG ENV, 18 October 2004.

³⁵⁸ Interview with official 25, Council of the European Union, Directorate-General I, 27 October 2004.

³⁵⁹ E.g. after the Madrid bombings on 11 March 2004 two days were devoted to ‘lessons learned’ where various responses were looked at – even though the EU was not directly involved with intervention teams. (Telephone interview with DG ENV official 24, 18 October 2004.)

³⁶⁰ Council Decision 792/2001/EC, Euratom of 23 October 2001 establishing a Community mechanism to facilitate reinforced co-operation in civil protection assistance interventions, Article 10.

³⁶¹ Telephone interview with DG ENV official 24, 18 October 2004.

On the Council side there is always a discussion in the Civil Protection Working Group (ProCiv). Since there has not yet been an activation of the civil protection under the CFSP in pillar II, there have also not yet been any evaluations in the Council on Civil Protection performed, but the structures are there. The Council also has a document to assess the role of the Presidency and member states intergovernmental intervention.³⁶²

In terms of reporting on civil protection alerts and operations, this is done by the MIC and DG ENV to the Commission, while civil protection in the form of civilian crisis management under the CFSP in pillar II is reported by the HMs to the Council General Secretariat and the directorate for civilian crisis management and co-ordination, and then to the cabinet of the HR, or alternately to the SR directly under the HR. The HR reports directly to the Council.³⁶³

Sector 9: Health and Consumer Protection

Commission Directorate-General Health and Consumer Protection (DG SANCO)³⁶⁴

Public Health³⁶⁵

Legal basis³⁶⁶

- Article 152 of the Treaty establishing the European Community.
- Decision 2119/1998/EC of the European Parliament and of the Council setting up a network for the epidemiological surveillance and control of communicable diseases in the Community.
- Commission Decision 96/2000/EC on the communicable diseases to be progressively covered by the Community network under Decision 2119/1998/EC of the European Parliament and of the Council.
- Commission Decision 57/2000/EC on the early warning and response system for the prevention and control of communicable diseases under Decision 2119/1998/EC of the European Parliament and of the Council.
- European Parliament and Council Decision 792/2001/EC, Euratom establishing a Community mechanism to facilitate reinforced co-operation in civil protection assistance.
- Commission Decision 253/2002/EC laying down case definitions for reporting communicable diseases to the Community network under Decision 2119/1998/EC of the European Parliament and of the Council.
- Regulation 851/2004/EC of the European Parliament and of the Council establishing a European centre for disease prevention and control.

³⁶² Interview with official 25, Council of the European Union, Directorate-General I, 27 October 2004.

³⁶³ Interview with official 25, Council of the European Union, Directorate-General I, 27 October 2004.

³⁶⁴ The work within DG SANCO on health and consumer protection and hence 'crisis management' is divided into three areas: Public Health, Food Safety, and Consumer Affairs. These are presented separately in the overview. For further assessment see http://www.europa.eu.int/comm/dgs/health_consumer/index_en.htm, (23 November 2004).

³⁶⁵ The mission within the area of 'Public Health' is stated in the following way on the EU Internet website:

"Together with the member states, the EU works to protect and promote the health of European people. For the Commission, health is a key priority. [...] The Commission strives to improve public health in the European Union, to prevent human illness and diseases and to obviate sources of danger to human health."

(http://www.europa.eu.int/comm/health/overall_mission_en.htm, 18 January 2005). For further assessment of EU Public Health Policy see http://europa.eu.int/comm/health/index_en.html, (15 November 2005).

³⁶⁶ <http://europa.eu.int>, (18 January 2005).

Practical arrangements

Prevention

DG Health and Consumer Protection aims at promoting good health for all EU citizens through general public health work, i.e. a health strategy and public health programmes. Whereas the responsibility lies with the member states to provide the actual health service and care, the Commission is taking an overall role of surveillance and co-ordination. The EU Health Forum also serves as a consultation and information platform for stakeholders in the health field, building knowledge and emphasising the importance of effective intervention. Of the more important tools for early warning and recognition of communicable disease is the Communicable Disease Network. In this network, member states co-operate on ad hoc basis. It serves as a public health protection measure in terms of providing epidemiological surveillance and an early warning and response system for prevention and control of communicable diseases. The network partly rests on dedicated surveillance networks (DSNs), and partly on a telematic early warning and response system (EWRS) for communicable diseases.³⁶⁷

The European Agency for the Evaluation of Medicinal Products (EMA) is also involved in protecting EU citizens from public health threats and providing health security. Its purpose is establishing guidelines, i.e. routines, for preventive treatment (prophylaxis) and treatment of communicable diseases.

Preparation

The Network Committee (NC), which is the ad hoc Committee connected to the Communicable Disease Network, and the Health Security Committee (HSC), both at Commission level, consist of health experts and epidemiologists ‘planning for the unknown’ in the member states and exchanging experiences in the EU forums. Whereas the NC is ad hoc (although still a ‘formal’ body established from the Parliament and Council Decision in 1998), the HSC was set up by the Council of the EU in the aftermath of the anthrax scare in 2001,³⁶⁸ and can therefore be considered as having a stronger political impact potential.³⁶⁹ Both the NC and the HSC serve as ‘executive decision-making bodies’. However, only the Council of the EU, i.e. the Ministers of Health from the individual member states, have formal decision-making power, where each Minister makes his or her decision from the point of view of the own country’s needs. Both the HSC and the setting up of a task force of national experts and Commission officials to implement an action programme to enhance health security in 2002 are initiated through joint actions.³⁷⁰

Co-operation at EU level and with the member states to ensure EU harmonisation in practices against bio-terrorism is moreover complemented with co-operation also at

³⁶⁷ All individual Rapid Alert Systems (RAS), developed by the Commission to assist in responding to emergencies in various areas, usually consist of networks for information exchange and communication ‘round the clock’ where they receive and trigger alerts and forward information from and to member states, associated countries or the Emergency Response Centre IAEA. (*Communication from the Commission to the Council and the European Parliament – Preparedness and consequence management in the fight against terrorism*. Brussels, 20.10.2004. COM(2004)701 final, p. 10.)

³⁶⁸ The HSC was established on 26 October 2001 as the outcome of joint action in the EU to complement the measures taken at national level. (Letter, in reply to interview request, from DG SANCO official 26, 21 October 2004.)

³⁶⁹ Interview with Swedish National Board of Health and Welfare official 45, 27 September 2004.

³⁷⁰ Letter, in reply to interview request, from DG SANCO official 26, 21 October 2004.

the international level, extending to international organisations, forums and information networks (e.g. WHO, Council of Europe, G7+) to ensure global harmonisation.³⁷¹

The Programme of Co-operation on Preparedness and Response to Biological and Chemical Agent Attacks (so-called 'health security programme') is part of the 'Community mechanism' (of DG ENV) and is to be used when preparing and responding to BC-threats.³⁷² Under the provision of the HSC, the Commission, after 11 September 2001, also set up a task force on the deliberate release of biological and chemical agents (so-called BICHAT). It was later complemented with a rapid alert system (RAS-BICHAT).³⁷³ The Programme as well as the BICHAT and RAS-BICHAT provide a coping 'framework' for how to act swiftly in case of a biological and/or chemical agent attack.

Coping

Examples of past crises:

- Bio-terrorism and spread of phoney anthrax letters (end of 2001)
- Severe Acute Respiratory Syndrome (SARS) cases as well as possible cases in the EU (2003)
- Avian flu and risk of spreading into the EU (2003-2004)

Driving forces behind the enhanced co-operation on health of European citizens have been the overall integration efforts, the enlargement and concerns of the varying medical care services in the greater EU, as well as health-related crises in the Community during the 1990s. Also the terror attacks in the United States on 11 September 2001, and the following attacks and incidents of bio-terrorism have been important. The outbreak and spread of SARS is among the latter incidents having fuelled closer EU co-operation.

Aftermath

A European Centre for Disease Prevention and Control (ECDC) is set up to be operable in 2005. The process of establishing common procedures, responsibilities etc. of the ECDC was quickened in the aftermath of the SARS epidemic. A task force, i.e. an expert group, will furthermore be set up for diagnostic fieldwork.³⁷⁴

³⁷¹ Joint actions on health security against threats from biological, chemical and radio-nuclear terrorism were agreed in a meeting in Ottawa, 7 November 2001, between the 'G7+' states' (USA, Canada, United Kingdom, France, Germany, Italy, Japan and Mexico) Health Ministers, and European commissioner for Health and Consumer Protection David Byrne. This has for example resulted in an international network for rapid communication and reaction, research collaboration and training. The international co-operation has continuously been upgraded at yearly Ministerial Forums of the Global Health Security Initiative in London and Mexico City (2002), Berlin (2003), and an upcoming meeting in Paris in the autumn of 2004. (<http://europa.eu.int/comm/110901/index.htm>; and <http://europa.eu.int/news/110901/civil.htm>, 24 May 2004; and http://www.europa.eu.int/comm/health/ph_threats/Bioterrorisme/ev_20031107_en.htm, 24 May 2004).

³⁷² For further information on the Community mechanism, see section on Environment and Civil Protection.

³⁷³ It is called the 'Rapid Alert System for Biological and Chemical Attacks and Threats' (RAS-BICHAT). (<http://www.europa.eu.int>, 19 January 2005; and *Communication from the Commission to the Council and the European Parliament – Preparedness and consequence management in the fight against terrorism*. Brussels, 20.10.2004. COM(2004)701 final.

³⁷⁴ Interview with Swedish Social Ministry, Department of Public Health, official 46, 24 September 2004.

Food Safety³⁷⁵

Legal basis³⁷⁶

- Articles 37, 95, 152 and 153 of the Treaty establishing the European Community.
- Regulation 178/2002/EC of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.³⁷⁷

Practical arrangements

Prevention

The Commission manages a network, the Rapid Alert System for Food and Feed (RASFF), with contact points in all the member states and in the European Food Safety Authority (EFSA).³⁷⁸ Its purpose is twofold. Firstly, member states shall immediately notify the Commission of information related to “serious direct or indirect risk to human health deriv[ed] from food or feed.”³⁷⁹ Secondly, the Commission shall immediately transmit the information to the members of the network. It may also add scientific or technical information to the notification, given that this may help the member states in their risk assessment.³⁸⁰ The notifications through RASFF are usually handled through Commission control measures. Most of the time these notifications concern smaller problems where it is up to each member state to check and control the problem of a food and/or feed risk in the country. However, if a member state notifies that it has withdrawn a product or substance that has been on the market for some time, the problem may be considered more significant.³⁸¹ Part of the rapid alert system, and the emergency measures, is to ensure that necessary measures are taken at Community level and at the same time the Commission makes sure that everyone is doing the same thing when a problem is signalled by a member state. Until 2001 only food products were included in the system; however, since 2002, it is used for both food and feed.³⁸²

Additional rapid alert systems exist in the area of animal and plant health: ADNS for animal health, SHIFT for health controls on imports of veterinary concern, and EUROPHYT, which is a phytosanitary network on the interception of organisms

³⁷⁵ The integrated approach to food safety in the EU “aims to assure a high level of food safety, animal health, animal welfare and plant health within the European Union through coherent farm-to-table measures and adequate monitoring, while ensuring the effective functioning of the internal market.” The food safety area includes the production and distribution chain, plant health, as well as animal health and welfare.

(http://europa.eu.int/comm/food/intro_en.htm, 19 November 2004.) For further assessment of EU Food Safety Policy see http://europa.eu.int/comm/food/index_en.html, (19 November 2004).

³⁷⁶ <http://europa.eu.int>, (15 November 2004); and interview with DG SANCO official 27, 28 October 2004.

³⁷⁷ Chapter IV and Articles 50-57 focus on “Rapid alert system, crisis management and emergencies.” The regulation is amended by Regulation 1642/2003/EC of the European Parliament and of the Council. (OJ L 245 29.09.2003 p. 4.)

³⁷⁸ Regulation 178/2002/EC of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, Article 50.

³⁷⁹ Regulation 178/2002/EC of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, Article 50(2).

³⁸⁰ Regulation 178/2002/EC of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, Article 50(2).

³⁸¹ Interview with DG SANCO official 27, 28 October 2004.

³⁸² Interview with DG SANCO official 27, 28 October 2004.

harmful to plants.³⁸³ Each member state must notify the Commission every time an animal disease is discovered in the country. It must also notify the Commission of measures taken, e.g. blocking of farms etc.³⁸⁴

Apart from the rapid alert systems (RASFF, ADNS, SHIFT and EUROPHYT), various networks for information exchange are comprised by: the member states, the Standing Committee on the Food Chain and Animal Health, the EFSA, the Food and Veterinary Office (FVO), information from other rapid alert systems (e.g. the EWRS), information from non-Community countries or international bodies, as well as other sources (e.g. industry, consumer groups, other stakeholders, media etc.),³⁸⁵ but also scientific committees.

Preparation

Council and Parliament Regulation 178/2002/EC sets out methods of risk management in the field of food and feed. These include a general plan for food and feed crisis management and practical procedures for managing a crisis that is applicable to the member states, EFSA and the Commission.³⁸⁶ The methods also include the Commission set up of a crisis unit in which EFSA together with the member states and the Commission participates.³⁸⁷ The role of the crisis unit (i.e. its co-ordinators) is to gather and assess relevant data and to identify crisis management options, as well as to inform the public and develop a common communication strategy.³⁸⁸ Among the practical procedures, there is also a Standing Committee on the Food Chain and Animal Health, as well as a mediation procedure envisaged.³⁸⁹ In

³⁸³ <http://www.europa.eu.int>, (19 January 2005); and *Communication from the Commission to the Council and the European Parliament – Preparedness and consequence management in the fight against terrorism*. Brussels, 20.10.2004. COM(2004)701 final.

³⁸⁴ Interview with DG SANCO official 27, 28 October 2004.

³⁸⁵ Commission Decision 478/2004/EC of 29 April 2004 concerning the adoption of a general plan for food/feed crisis management. Chapter 3.

³⁸⁶ Regulation 178/2002/EC of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety. Article 55; and Commission Decision 478/2004/EC of 29 April 2004 concerning the adoption of a general plan for food/feed crisis management.

The General Plan for Food/feed Crisis Management is based on Section 3 of Chapter IV of the Regulation 178/2002/EC and Articles 55-57. It specifies the crisis situations; the procedure leading to the application of the general plan; the establishment of a network of crisis co-ordinators; the practical procedures for managing a crisis; the role of the crisis unit; the practical functioning of the crisis unit (composition, means of operation, actions); the link between the crisis unit and the decision-making process; the resolution of the crisis; the management procedures in the event of a potentially serious risk; the communication strategy; the principles for transparency. (Chapter 1.) The crisis situations are those “involving a serious direct or indirect risk to human health” and/or “where there is a potentially serious risk.” (Chapter 2.) In the previous case “crisis situations are those where critical factors are involved at such a level that the Commission considers that the management of the risk in question deriving from food or feed will be of such complexity that it cannot be managed adequately by existing provisions or solely by way of application of Articles 53 and 54. [...] [C]ritical factors are, in particular, the following: the situation involves a serious direct or indirect risk to human health and/or is perceived or publicised as such or can be perceived and/or publicised as such[,] and the risk is spread or could be spread by a large part of the food chain[,] and it is highly likely that the risk will spread to several member states and/or non-Community countries.” (Chapter 2.1.) Crisis situations in the latter case refers to situations “where the risk is potential but could evolve into a serious risk which is unlikely to be prevented, eliminated or reduced by existing provisions or solely by way of application of Articles 53 and 54.” (Chapter 2.2.)

³⁸⁷ Regulation 178/2002/EC of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety. Article 56.

³⁸⁸ Commission Decision 478/2004/EC of 29 April 2004 concerning the adoption of a general plan for food/feed crisis management. Chapter 5.2.

³⁸⁹ Regulation 178/2002/EC of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety. Articles 58-60.

the area of food and feed each member state, the EFSA and the Commission shall appoint one crisis co-ordinator and an alternate at appropriate level, which are notified by the Commission.³⁹⁰ The Commission assesses a situation and decides whether there is enough relevant information leading to the application of the general crisis management plan.³⁹¹

The general crisis plan has been put together by DG SANCO after consultations with the member states and EFSA. “There is no time to read the Bible. So you have to have some simple procedures to work along.”³⁹² The crisis plan is based on the Commission’s evaluations from previous crises, as well as on opinions from member states and other stakeholders.³⁹³ What in previous years had been done in practice, but not kept on paper formally, was then put into the plan.³⁹⁴ It is general in the sense that it prepares for general crises, not specific ones. As one DG SANCO official puts it; “Who could have known that we would have Nitrofen or MAP [as] crises.”³⁹⁵ The crisis plan, which was adopted in April 2004, has not yet been used for coping with a ‘serious’ crisis.

The Commission tries to ensure that everything works well at Community level. This does however not include controls, due to the member states being responsible in that area. In order to be more effective it would be necessary to be able to block farms, withdraw products from the market, and have laboratories working speedily and efficiently to determine the extent of a contamination.³⁹⁶ One DG SANCO official stresses; “But what is important at Community level is that we are conscious in the crisis unit, and the important is to ensure [...] the sharing of information and ensure confidence between the different parties [...]. We need sharing of information and everyone needs to know what the others are doing. Otherwise what we get is that a member state says we have a problem and we are doing everything to control it. And we have the other member states saying they do not trust the measures taken and ‘we are going to block everything coming from this member state. [...] What is important at Community level [is] that people are confident that when there is a problem someplace, everyone shares information and we talk about the measures so that everyone trusts that what is done is the right thing. We cannot do everything at Community level. Most is done by and in the member states.”³⁹⁷

The crisis plan does not change anything in the decision-making process.³⁹⁸ If measures are needed at Community level, it is still the Standing Committee on the Food Chain and Animal Health, not the crisis unit, that decides what to do. Moreover, the member states are continuously responsible for implementing the controls. Finally, if needed on Community level, EFSA is responsible for taking in scientific opinions, as well as for providing DG SANCO with daily scientific support in time of crisis. The two community actors able to communicate on risk are the Commission

³⁹⁰ Commission Decision 478/2004/EC of 29 April 2004 concerning the adoption of a general plan for food/feed crisis management. Chapter 4. The crisis unit Commission co-ordinator is the Head Unit, SANCO D, Food Safety; production and distribution chain. (Interview with DG SANCO official 27, 28 October 2004.)

³⁹¹ Commission Decision 478/2004/EC of 29 April 2004 concerning the adoption of a general plan for food/feed crisis management. Chapter 3.

³⁹² Interview with DG SANCO official 27, 28 October 2004.

³⁹³ Interview with DG SANCO official 27, 28 October 2004.

³⁹⁴ Interview with DG SANCO official 27, 28 October 2004.

³⁹⁵ Interview with DG SANCO official 27, 28 October 2004.

³⁹⁶ Interview with DG SANCO official 27, 28 October 2004.

³⁹⁷ Interview with DG SANCO official 27, 28 October 2004.

³⁹⁸ Interview with DG SANCO official 27, 28 October 2004.

(on risk management issues) and EFSA (on risk assessment issues).³⁹⁹ EFSA has “in-house procedures for handling a crisis” which have been established in line with the general crisis management plan and show whom to contact in case of a food safety crisis.⁴⁰⁰

In the animal health sector, member states are asked to have contingency plans apart from the Community general crisis plan. The Commission and the other member states verify that each country has a preparedness plan including which measures each member state has planned for.⁴⁰¹

Coping

Examples of past crises:

- BSE (1996), (Bovine spongiform encephalopathy, i.e. a transmissible spongiform encephalopathies variant) is found to have infected beef and produced Creutzfeldt-Jakob’s disease (CJD) in humans.
- Nitrofen (1998) as contamination of feed.
- Dioxin crisis (1999) as the contamination of feedstuff. The dioxin crisis in 1999 occurred during election time in Belgium. The government informed the Commission and the other member states one month after the problem had begun. Part of the challenge of coping with it was the element of distrust. When the Commission had been notified of the possibility of heavy dioxin emissions, a chain of actions took place that among other things resulted in 24 crisis meetings, meetings with third countries, the set up of a task force, and linkages with decision-makers in all member states.⁴⁰²
- MPA crisis (2002), (Medroxyprogesterone-acetate, i.e. a hormone causing infertility) concerned MPA-hormones found in food and feed.
- Algae in candy. In this case, an algae additive used in candy caused a problem due to the texture it created, which made children’s throats swell. The additive had been used for years without any problem; however in the mixture for the candy it did. The product was withdrawn from the market after some children had almost died from it. There was no legislation for this because the particular type of additive had never been used in candy. Moreover the reaction was not chemical, but rather a physical reaction to the product. In this type of case it was necessary to take emergency measures at Community level. “Part of the rapid alert system and emergency measures is to ensure that we take measures at Community level that we need to and at the same time we make sure that everyone is doing the same thing when a problem is signalled by a member state,” says one DG SANCO official.⁴⁰³

Most of the time the problems are small and can easily be controlled through the rapid alert system (e.g. RASFF) and Community level control measures, while at other times there are serious risks, or potential risks, that a problem may be widespread. Then there may be a need for introducing e.g. a ‘safeguard close’, i.e. not allowing the

³⁹⁹ Interview with DG SANCO official 27, 28 October 2004.

⁴⁰⁰ AF Comm WG 10.07.04-2, Minutes of the AF Working Group on Communications 15 June 2004, European Food Safety Authority.

⁴⁰¹ Interview with DG SANCO official 27, 28 October 2004.

⁴⁰² Interview with DG SANCO official 27, 28 October 2004. For further assessment on the dioxin crisis, see Olsson, E.-K. “The Dioxin Scandal”, in S. Larsson, E.-K. Olsson, and B. Ramberg, *Crisis decision-making in the European Union*. (2005).

⁴⁰³ Interview with DG SANCO official 27, 28 October 2004.

product to be sold on the market.⁴⁰⁴ In these cases it may be necessary to take emergency measures at Community level.

Aftermath

The general plan for crisis management from April 2004 provides for post-crisis assessment, including also the stakeholders.⁴⁰⁵ Previously however, no formal post-crisis assessments were undertaken, and the lessons people learned from previous crises were not written down (e.g. after the dioxin crisis).⁴⁰⁶ It has to do with the fact that people are tired after a crisis.⁴⁰⁷ As one DG SANCO official says, “I think that we need to have an evaluation e.g. some two months after a crisis so that people have time to get some perspective on it, as well as get out of the stress that the work under pressure involved.”⁴⁰⁸

“We have learned that in a crisis, it is easier to have people who have been involved earlier, to draw on their experiences. [...] In the cases of Nitrofen and MPA they were well dealt with because they came directly after the dioxin and BSE crises. [People] knew it was important to get information of what was going on, [and] collaborate as much as possible. If nothing happens of serious character in two years we may be in a different situation.” One of the problems is the new rule of people having to change position in the Commission.⁴⁰⁹

In terms of reporting, the head of unit is reporting to the director, who in turn reports to the deputy director-general (in charge of Food Safety), who then reports to the director-general and he/she to the commissioner.

Consumer Affairs⁴¹⁰

Legal basis

- Articles 95 and 153 of The Treaty establishing the European Community.
- Directive 95/2001/EC of the European Parliament and the Council on general product safety. (This is the so-called ‘General Product Safety Directive’ (GPSD) and is for instance the legal basis for RAPEX).⁴¹¹

⁴⁰⁴ Interview with DG SANCO official 27, 28 October 2004.

⁴⁰⁵ Commission Decision 478/2004/EC of 29 April 2004 concerning the adoption of a general plan for food/feed crisis management. Chapter 5.6.

⁴⁰⁶ Interview with DG SANCO official 27, 28 October 2004.

⁴⁰⁷ Interview with DG SANCO official 27, 28 October 2004.

⁴⁰⁸ Interview with DG SANCO official 27, 28 October 2004.

⁴⁰⁹ Interview with DG SANCO official 27, 28 October 2004.

⁴¹⁰ The mission of DG SANCO Consumer Affairs is to use consumer policy as a strategy for “improving the quality of life of all EU citizens. Implementation of this policy involves the development of legislative and other actions to promote the interests, health and safety of consumers in the internal market”. (http://www.europa.eu.int/comm/consumers/missions_en.htm, 18 January 2005).

⁴¹¹ This is a directive that applies to non-food products and is intended to consumers. (I.e. not industrial products, and it does not apply to food.) It is a directive that complements and completes the more vertical legislation (number of vertical directives for specific products and risks) for products such as cosmetics, toys, electrical products etc. The directive is a ‘safety net’ and introduces additional requirements concerning market surveillance, information to consumers, and rapid alert system in case of serious risks. There are a number of additional provisions that deal with non-food products in a horizontal way.)

Practical arrangements

Prevention

A network, or rapid alert system, RAPEX, exists for consumer health and safety focusing non-food aspects and is managed by the Commission. It has never been used in an emergency, but is used daily as a rapid *information* system. Each member state must inform the Commission on risks that they have found in a product. The Commission then informs all other member states to take action, and monitors that the control and enforcement is consistent all over the EU. The network consists of contact points in all the member states and a database that all notifications are entered into. The notifications are examined by the Product and Service Safety Unit and translated into five languages in order to be accessible for all the other contact points. Feedback is then received from the member states on whether the product is found in their market, and if tests already have been made. When a dangerous product is identified in one member state, all other member states are informed. After certain steps in this process DG SANCO also publishes the notifications on the Consumer Affairs' website. At first the information is confidential, however when it is clear that consumer safety is to be protected, the information (type of product, image of the product and descriptions of the risks and countermeasures) is published on the website in a weekly newsletter. The content of the database is accessible to all member states. DG SANCO also produces statistics.⁴¹²

Regarding networks, there are a number of these with other DGs. Even though RAPEX is managed by DG SANCO, it also covers products in the scope of legislation of DG ENTR and sends DG ENTR notifications on electrical products, toys etc. under their responsibility. The directorate is to a lesser degree (i.e. not operationally on legislation or technical standards) involved with DG MARKT.⁴¹³

The General Product Safety Directive (GPSD) introduces both product safety requirements, as well as detailed requirements for the member states to set up the authorities and appropriate structures for decision-making, and the methodology for enforcement and surveillance. There are also provisions promoting administrative co-operation between the member states. In the past it was considered that the enforcement was to be done independently by each member state. It is clear however that without co-operation in a market with no internal borders it will be difficult for a national authority to perform surveillance when products cross borders freely. Another reason for co-operation is to reduce costs of surveillance.⁴¹⁴ Still however, surveillance and enforcement are tasks for the member states, where their competent authorities have different arrangements depending on the country.

There are furthermore general requirements for product safety in the GPSD. In order to establish detailed specifications for these requirements there is a standardisation procedure. DG SANCO gives a mandate to the European standardisation body (European Committee for Standardisation, CEN), which constructs the product standard that is later published by the Commission.⁴¹⁵

⁴¹² Interview with DG SANCO official 28, 28 October 2004.

⁴¹³ Interview with DG SANCO official 28, 28 October 2004.

⁴¹⁴ Interview with DG SANCO official 28, 28 October 2004.

⁴¹⁵ Interview with DG SANCO official 28, 28 October 2004.

Preparation

There are procedures and guidelines for operating the rapid alert system, RAPEX. The network is often used when there is a need for intervention, and sometimes rapid intervention, i.e. when a product must be withdrawn or recalled and information must be given to consumers. This is often done in co-operation between producers and distributors since they agree there is a problem. In other cases urgent measures at Community level may be needed. The GPSD has a specific procedure where the Commission can decide ‘as a matter of urgency’ to ban a product. This is done after receiving a notification, or other evidence, that there is a product on the market posing serious risks. In these cases the Commission can adopt a decision to ban the product. This can be done quickly when there is a need for urgent intervention, but has only been used once. All other times the issues have been solved directly with the member states. The only time it was used was in a controversial issue over the phthalates in toys (for further information, see ‘Coping’).

There are both internal procedures in the DG and procedures together with the member states concerning RAPEX. There are also standard operating procedures for the assessment of notifications and guidelines including the procedures with the member states. The internal information procedures include weekly updates where the Product and Service Safety Unit informs the hierarchy about the notifications received, and if needed measures are discussed. Normally all notifications are taken care of automatically during the week.⁴¹⁶

There is also a system of ‘assistance de permanence’, i.e. a network of people with mobile phones and portable computers to communicate with contact points in the member states in case of an emergency. The system is fairly old, and was previously used as an administrative tool where notifications were sent by mail. It was reinforced three years ago and has been in place in current form ever since. In general, things are dealt with in the normal line of work. Special contacts are seldom needed. However, as one official puts it, “it may happen there is an emergency. And for this you need to be prepared in case something happens.”⁴¹⁷ This means that someone in the Product Unit is on standby. There are special telephone numbers for this person to be able to “contact everyone in the hierarchy, the cabinet and the spokesperson so that we can react rapidly.”⁴¹⁸ Voluntary simulations with the member states are carried out.⁴¹⁹

There are training sessions for the contact points on the technical aspects of the rapid alert system. There are also meetings to discuss the application of the system in a more general way together with the member states involved. Moreover there are regular meetings with a committee dealing with all the issues with the applications of the GPSD. They are convened three to four times a year to have general discussions, as well as more specifically discuss the RAPEX.⁴²⁰

The Consumer Affairs sector has scientific committees of external, independent scientists to ask for advice in decision-making situations. They are established on the basis of a selection procedure and an expression of interest. The scientists are usually from universities or research centres. Together they cover a wide range of issues.

⁴¹⁶ Interview with DG SANCO official 28, 28 October 2004.

⁴¹⁷ Interview with DG SANCO official 28, 28 October 2004.

⁴¹⁸ Interview with DG SANCO official 28, 28 October 2004.

⁴¹⁹ Interview with DG SANCO official 28, 28 October 2004.

⁴²⁰ Interview with DG SANCO official 28, 28 October 2004.

There are also discussions carried out with the member states and their experts; however, the decisive element is the scientific committees.⁴²¹

Coping

Example of a past crisis:

- Phthalates and the use of toxic chemicals in baby toys (1999). Phthalates are a family of chemicals used for the softening of PVC, and small portions of this toxic substance were ingested when babies were biting the toys. This, and the fact that there was new scientific evidence on the risks connected to the product, made it necessary to have a common position in the EU in order for all member states to ban and withdraw the products from the market. Since there was a need to stop the use of the toys altogether, it was determined that a Community level decision was necessary. In the words of one DG SANCO official, “Politically, it was necessary to take a decision. The scientific evidence was there. No alternatives were available. Child health was at stake.”⁴²²

In the case of phthalates there were many contacts with the press as well as internally in the DG and the Commission as a whole. The website and the spokesperson for DG SANCO were used to provide the public with information. In terms of technical aspects, the spokesperson was in contact with the Product Officer for factual information.⁴²³

Aftermath

As for Food Safety, reporting is carried out from the head of unit to the director, who in turn reports to the director-general, who reports to the commissioner.

Sector 10: Justice, Freedom and Security

Commission Directorate-General Justice, Freedom and Security, and Council General Secretariat DG H Justice and Home Affairs (DG JLS/JAI, DG H)⁴²⁴

Fundamental Rights

Legal basis

- Article 6 of the Treaty on European Union states the fundamental rights for citizens in the member states: “The Union is founded of the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the member states.”⁴²⁵

⁴²¹ Interview with DG SANCO official 28, 28 October 2004.

⁴²² Interview with DG SANCO official 28, 28 October 2004.

⁴²³ Interview with DG SANCO official 28, 28 October 2004.

⁴²⁴ DG JAI (Justice and Home Affairs) changed name to DG JLS (Justice, Freedom and Security) in late 2004. Since it was called DG JAI when the mapping and the interviews took place, we still refer to DG JAI in the inventory. The aim of the DG is “to ensure that the whole European Union is an area of freedom, security and justice”. The areas it is concerned with are for instance; immigration, asylum and borders, civil justice, rights and citizenship, internal security and criminal justice (http://europa.eu.int/comm/dgs/justice_home/index_en.htm, (11 January 2005).

⁴²⁵ There is also the Charter of Fundamental Rights of the European Union proclaimed in 2000, however this is not as yet legally binding. (<http://europa.eu.int>, 18 January 2005).

- Article 7 of the Treaty on European Union, which provides a political mechanism for managing violations of fundamental rights as stated in Article 6.

Practical arrangements

Prevention

For monitoring the fundamental rights in all member states, a network of independent experts has been established by the Commission. The network is composed of one expert in each of the member states under the lead of a co-ordinator. Observations include analysis of legislation, case-law and administrative practice of the member states' national authorities and are published in an annual report. The report is submitted from the network to the Commission and the European Parliament, which use it for their own political assessments of the fundamental rights situation in the EU.⁴²⁶

Another instrument for observing fundamental rights was established in late 2003, when the European Council decided to create a Human Rights Agency. It is under development at present, but will come about by enlarging the mandate of the already existing European Monitoring Centre on Racism and Xenophobia (EUMC).⁴²⁷

Preparation

In case of a crisis, the Council by unanimity has to determine if the member state in question is committing, or if there is a clear risk that it is going to commit 'a serious and persistent breach',⁴²⁸ of the fundamental rights announced in Article 6 of the Treaty on European Union. This is decided on a proposal from member states or the Commission. If the Council concludes that there are violations of fundamental rights, the political mechanism of Article 7.3 of the Treaty on European Union can be applied. This mechanism states that certain rights of the member state in question, for example the right to vote in the Council, may be suspended as long as the violations of fundamental rights continue. The decision to use this mechanism is made by the Council, through qualified majority voting (QMV).⁴²⁹ QMV means from 1 November 2004 that at least half of the member states and 232 votes out of a total of 321 agree.⁴³⁰

Coping

Example of a past crisis:

- Letting the Freedom Party (FPÖ), into Austrian government (2000). When the far right-wing Freedom Party, after having received 27% of the vote in the 1999 Austrian parliamentary election, was let into a coalition government, a political crisis broke out in the EU. The rest of the member states initiated diplomatic sanctions on Austria. These were suspended only after a report of 'Three wise men' suggested that the sanctions had had an effect.⁴³¹

⁴²⁶ Interview with DG JAI official 29, 26 October 2004;

http://www.europa.eu.int/comm/justice_home/cfr_cdf/index_en.htm, (18 January 2005).

⁴²⁷ Interview with DG JAI official 29, 26 October 2004; <http://europa.eu.int>, (18 January 2005).

⁴²⁸ Article 7 of the Treaty on European Union.

⁴²⁹ Interview with DG JAI official 29, 26 October 2004; Article 7 of the Treaty on European Union.

⁴³⁰ http://www.eu-upplysningen.se/templates/EUU/standardRightMenuTemplate____2222.aspx, (18 January 2005).

⁴³¹ Interview with DG JAI official 29, 26 October 2004; Larsson, S. and Lundgren, J.; "The Sanctions against Austria", in S. Larsson, E.-K. Olsson and B. Ramberg, *Crisis Decision-Making in the European Union*. (2005).

Aftermath

Evaluation is ad hoc. One example of evaluating and learning from past experience is the discussions that took place in the aftermath of the political crisis of Austria in 2000. After this incident, Article 7 of the Treaty on European Union was modified to also include the wording ‘clear risk of’ a serious breach of fundamental rights. This was done to ensure the Article could also be used in cases where a serious breach was not yet in place, but where there was a strong likelihood of it, such as in Austria in 2000.⁴³²

Police Co-operation and Co-operation against Terrorism

Legal basis

- Article 29-34 of the Treaty on European Union. For example, Article 29 is stating “the Union’s objective shall be to provide citizens with a high level of safety within an area of freedom, security and justice by developing common action among the member states in the fields of police [...]. That objective shall be achieved by preventing and combating crime, organised or otherwise, in particular terrorism, trafficking in persons and offences against children, illicit drug trafficking and illicit arms trafficking, corruption and fraud [...]”
- Council Act of 26 July 1995 drawing up the Convention on the establishment of a European Police Office (Europol Convention).
- Joint Action 610/1996/JHA adopted by the Council concerning the creation and maintenance of a Directory of specialised counter-terrorist competences, skills and expertise to facilitate counter-terrorist co-operation between the member states of the European Union.
- Council framework decision 475/2002/JHA on combating terrorism.
- Council framework decision 584/2002/JHA on the European Arrest Warrant and the surrender procedures between member states.
- Council decision 996/2002/JHA establishing a mechanism for evaluating the legal systems and their implementation at national level in the fight against terrorism.
- Council Framework Decision 577/2003/JHA on the execution in the European Union of orders freezing property or evidence.

Practical arrangements

Prevention

Europol is the European police office handling intelligence on cross-border organised crime and is as such monitoring issues like terrorism, drug trafficking, illegal immigration networks, trafficking in human beings, counterfeiting of the euro, financial crime and smuggling of radioactive and nuclear materials.⁴³³ On these issues, Europol carries out criminal analyses. The criminal analysis is carried out through the Analytical Work Files (AWF), to which member states send information on above-mentioned questions.⁴³⁴ Analysis reports are then established and sent to the relevant member states, since Europol itself cannot undertake operational activities

⁴³² Interview with DG JAI official 29, 26 October 2004.

⁴³³ http://www.europa.eu.int/comm/justice_home/fsj/police/europol/fsj_police_europol_en.htm, (18 January 2005); Follow-up e-mail from DG JAI official 30, 24 January 2005.

⁴³⁴ Member states are obliged to provide Europol with information as long as it does not threaten the security of the state (<http://www.riksdagen.se>, 23 November 2004).

and does not have investigation powers.⁴³⁵ The reports are used as a basis for producing threat assessments.⁴³⁶

For issues regarding terrorism, Europol has established the Counter Terrorism Unit, which carries out its work in accordance with the Counter Terrorism Program (CTP).⁴³⁷ This states that monitoring should be performed in the area of terrorism as long as Europol has been given the mandate for it. After having collected information, the Counter Terrorism Unit shall analyse it for 'strategic and operational aspects', as they call it on their website, as well as perform threat and risk assessments. It can also assist member states in operational investigations, but only in a restricted number of ways, and if it is asked to do so.⁴³⁸ One example of threat assessments carried out by Europol are the ones on Extreme Islamic Terrorism.

Regarding networks and co-operations, Europol has opened a partnership with the UN International Atomic Energy Agency (IAEA) to be able to better handle and detect terrorism related to trafficking in nuclear and radioactive materials. Moreover, in order to inform the European Parliament on the present situation regarding terrorist threats, Europol in 2003 also put together the 'Annual Terrorism Situation and Trend Report' (TE-SAT) on behalf of the Terrorism Working Group (TWG).⁴³⁹ The TWG is a working group that has been established within the Council framework for issues relating to terrorism taking place internally in the EU (pillar III).⁴⁴⁰ One of its tasks is to find new co-operation instruments and thus improve information exchange on terrorism related issues between police and intelligence services. Regarding monitoring, TWG is assigned with updating a common list of important terrorist organisations as well as assessing the terrorist threats every six months.⁴⁴¹ Threat assessment reports have furthermore been established in co-operation with the Counter Terrorism Working Party (COTER).⁴⁴² COTER is a Council working group on issues concerning external terrorism (pillar II).⁴⁴³

⁴³⁵ Interview with DG JAI official 30, 24 November 2004. It should however be mentioned that "Europol hosts liaison bureaux of the 25 member states through which are co-ordinated living investigations." (Follow-up e-mail from DG JAI official 30, 24 January 2005.)

⁴³⁶ http://www.europa.eu.int/comm/justice_home/fsj/police/europol/fsj_police_europol_en.htm, (18 January 2005); Follow-up e-mail from DG JAI official 30, 24 January 2005.

⁴³⁷ The CTP also covers extremism, if the extremism is violent and has the intention of harming political or economic interests of Europe (http://www.europol.eu.int/index.asp?page=publ_terrorism, 18 January 2005).

⁴³⁸ http://www.europol.eu.int/index.asp?page=publ_terrorism, (18 January 2005).

⁴³⁹ *Europol Annual Report 2003*, Office for Official Publications of the European Communities. (Luxembourg, 2004), p 18f.

⁴⁴⁰ Jarlsvik, H. and Oredsson, M. *Solidaritetsklausulen – konsekvenser för den europeiska säkerhets- och försvarspolitiken*. [The Solidarity Clause – Consequences for the European Security and Defence Policy.] *FOI-memo*, 1068. October 2004. (Stockholm: Totalförsvarets Forskningsinstitut, 2004), p. 26.

⁴⁴¹ http://europa.eu.int/comm/justice_home/news/information_dossiers/terrorism_2004/wai/documents_en.htm, (19 January 2005).

⁴⁴² *Communication from the Commission to the European Parliament and the Council - Enhancing police and customs co-operation in the European Union*. Brussels, 18.05.2004. COM(2004)376 final, p 28; Sammanträdesdokument inför: EU-nämndens möte 2004/05:11, Kommenterad dagordning, Justitiedepartementet/Utrikesdepartementet 2004-11-23, MÖTE MED MINISTERRÅDET (Rättsliga och inrikes frågor), Datum: 2004-12-02 och 2004-12-03, [Agenda before the Swedish Parliament's EU Board meeting] available at <http://www3.riksdagen.se/default.asp?DocGUID=%7B74DAEF84-3D38-4A93-802B-4DD97E8EECDD%7D>, (19 January 2005).

⁴⁴³ Jarlsvik, H. and Oredsson, M. *Solidaritetsklausulen – konsekvenser för den europeiska säkerhets- och försvarspolitiken*. [The Solidarity Clause – Consequences for the European Security and Defence Policy.] *FOI-memo*, 1068. October 2004. (Stockholm: Totalförsvarets Forskningsinstitut, 2004), p. 26. Of interest in relation to monitoring of terrorism is also the Counter Terrorist Task Force (CTTF) in Europol, (Interview with DG JAI official 30, 24 November 2004) which in 2002 however was decided to be dissolved. Its task included the gathering of terrorism-related information. As Monica den Boer writes, due to the fact that its task went further than the remit of Europol, the member states were unwilling to submit necessary information to it, which resulted in making the CTTF's contribution quite limited. Apart from this unclear status of the CTTF, problems also arose

Another forum for information sharing is the 'Police Chiefs' Task Force', where European police chiefs meet regularly to exchange information on European policing issues and practices.⁴⁴⁴ Since December 2004, the Police Chiefs Task Force is also an operational planning body setting priorities on law enforcement at EU level, as well as initiating strategic planning on transnational organised crime.⁴⁴⁵ On issues concerning terrorism the Police Chiefs Task Force also meet regularly with the heads of EU Counter Terrorist units in order to share information and experiences.⁴⁴⁶

For detecting wanted persons (and stolen objects) there is the Schengen Information System (SIS).⁴⁴⁷ Member states can submit data to this database on individuals wanted for arrest or for transfer in the context of the European Arrest Warrant,⁴⁴⁸ third-country nationals not allowed into Schengen territory, and persons and vehicles that are to be put under surveillance. Police and customs in all EU member states, as well as Iceland and Norway, can access the SIS content, and then act upon it.⁴⁴⁹ Further steps in monitoring criminal matters in the Union will be taken next year when the Europol Information System (EIS), a database on organised crime, will start running. To some extent it has already started in the area of counterfeiting.⁴⁵⁰ Already existing is also the Europol Computer System (TECS), which is a database on suspected criminals and stolen goods. It is used by member states' national law-enforcement agencies.⁴⁵¹

because Europol was not able to provide it with basic infrastructure, such as offices and computers (Den Boer, M. *Transnational law enforcement: crossing the borders of statehood*. Paper for SGIR-ECPR Conference Constructing World Orders, Section 20, "The transformation of internal security", The Hague, 9-11 September 2004.) On its website, Europol today says its experience with CTTF "has shown how difficult it is to respond adequately using a multi lateral and multi agency approach. Europol has learned from this process and will develop a methodology for joint teams and prepare an infrastructure for future task forces." (http://www.europol.eu.int/index.asp?page=publ_terrorism, 19 January 2005).

⁴⁴⁴ http://www.europa.eu.int/comm/justice_home/fsj/police/chief/fsj_police_task_force_en.htm, (19 January 2005); interview with DG JAI official 31, 28 October 2004.

⁴⁴⁵ Follow-up e-mail from DG JAI official 31, 26 January 2005.

⁴⁴⁶ http://europa.eu.int/comm/justice_home/news/information_dossiers/terrorism_2004/wai/documents_en.htm, (19 January 2005). In order to fight terrorism, the Commission has also adopted four communications in late 2004, which all propose different kind of measures relating to combating terrorism. In COM(2004)698, the Commission for example says a mechanism for sharing the economic burden following a terrorist attack in one member state should be established. (*Communication from the Commission to the Council and the European Parliament, Prevention, preparedness and response to terrorist attacks*, Brussels 20.10.2004, COM(2004)698 final, p. 4) Other proposed measures concern the improved ability to fight terrorist financing (*Communication from the Commission to the Council and the European Parliament on the prevention of and the fight against terrorist financing through measures to improve the exchange of information, to strengthen transparency and enhance the traceability of financial transactions*, Brussels 20.10.2004, COM(2004)700 final). Moreover, the Commission wishes to establish a secure general rapid alert system (ARGUS) linking "all specialised systems for emergencies that require action at European level." (*Communication from the Commission to the Council and the European Parliament, Preparedness and consequence management in the fight against terrorism*, Brussels 20.10.2004, COM(2004)701 final, p. 10). Regarding terrorist threats against critical infrastructure, the Commission states that lists defining critical infrastructure should be established at both national level and European level by the end of 2005. It also says a Critical Infrastructure Warning Information Network (CIWIN) needs to be set up in 2005. (*Communication from the Commission to the Council and the European Parliament, Critical infrastructure protection in the fight against terrorism*, Brussels 20.10.2004, COM(2004)702 final, p. 4; 7.)

⁴⁴⁷ A newer and more advanced Schengen Information System, (SIS II) is set out to be operational in 2007.

(http://www.europa.eu.int/comm/justice_home/fsj/police/schengen/fsj_police_schengen_en.htm, 19 January 2005).

⁴⁴⁸ Persons wanted for transfer in accordance to the European Arrest Warrant have only been included in the SIS database since January 2004, while SIS has been operational since 1995

(http://www.europa.eu.int/comm/justice_home/fsj/police/schengen/fsj_police_schengen_en.htm, 19 January 2005).

⁴⁴⁹ http://www.europa.eu.int/comm/justice_home/fsj/police/schengen/fsj_police_schengen_en.htm, (19 January 2005).

⁴⁵⁰ Interview with DG JAI official 30, 24 November 2004.

⁴⁵¹ http://www.europa.eu.int/comm/justice_home/fsj/police/europol/fsj_police_europol_en.htm, (19 January 2005).

Preparation

As a way of preparing for dealing with terrorist attacks, the EU in 2002 adopted a common definition of terrorism.⁴⁵² This definition must be incorporated into the national law of the member states, as well as, in the same framework decision, the set of minimum criminal penalties, and the call for member states to co-ordinate their actions if several states should experience a terrorist offence.⁴⁵³ A problem thus far has however been the fact that a number of member states have still (as of June 2004) to implement the measures.⁴⁵⁴

To prepare for terrorist attacks, the EU in 1996 decided to establish a directory of “specialised counter-terrorist competences, skills and expertise,”⁴⁵⁵ with a view to make easier the member states’ counter-terrorist co-operation. The information in the directory is submitted by each member state and shows the state’s specialised counter-terrorist competences, if it considers them to be useful also for other member states. Included in the directory is, furthermore, information on how to swiftly get in contact with the offered competence. The directory is kept by the EU Presidency, but each member state is allowed to have a copy. The member states are also responsible for updating its content.⁴⁵⁶

Another step the EU has taken in preparing for terrorism, and other serious crimes, is the launching of the ‘European Arrest Warrant’, which can be issued by a member state in case a grave crime has been committed. This means an arrest warrant can be issued in one member state and enforced in another by that state’s relevant authority. The crime for which the warrant is issued has to be punishable by at least a one-year imprisonment sentence in both the issuing and the executing state. For some crimes however, this kind of double criminality does not have to apply as long as the sentence in the issuing state is at least three years: terrorism, trafficking in human beings, murder, counterfeiting currency and so on. The procedure is that the issuing authority communicates the European Arrest Warrant to the executing judicial authority directly, which then carries out the operation.⁴⁵⁷ Regarding police co-operation,⁴⁵⁸ the EU has also created a framework decision establishing rules for the

⁴⁵² A terrorist group is for example according to Council Framework decision 475/2002/JHA “a structured group of more than two persons, established over a period of time and acting in concert to commit terrorist offences. ‘Structured group’ shall mean a group that is not randomly formed for the immediate commission of an offence”. A terrorist offence is considered as such if the crime in question might seriously hurt a country or an international organisation and if it is committed with the intention of “seriously intimidating a population, [...] or seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation”. Examples of such crimes are murder, hostage taking, manufacturing of weapons, and disrupting the water supply (Council Framework Decision 475/2002/JHA of 13 June 2002 on combating terrorism; <http://europa.eu.int/scadplus/leg/en/lvb/l33168.htm>, 19 January 2005).

⁴⁵³ <http://europa.eu.int/scadplus/leg/en/lvb/l33168.htm>, (19 January 2005).

⁴⁵⁴ *Terrorism: the European response*, European Commission, Directorate-General Justice, Freedom and Security, p. 1f, available at http://europa.eu.int/comm/justice_home/key_issues/terrorism/terrorism_0904_en.pdf, (19 January 2005).

⁴⁵⁵ Joint Action 610/1996/JHA of 15 October 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union concerning the creation and maintenance of a Directory of specialised counter-terrorist competences, skills and expertise to facilitate counter-terrorist co-operation between the member states of the European Union.

⁴⁵⁶ Joint Action 610/1996/JHA of 15 October 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union concerning the creation and maintenance of a Directory of specialised counter-terrorist competences, skills and expertise to facilitate counter-terrorist co-operation between the member states of the European Union.

⁴⁵⁷ <http://www.europa.eu.int/scadplus/leg/en/lvb/l33167.htm>, (19 November 2004); <http://www.riksdagen.se>, (19 November).

⁴⁵⁸ Another council framework decision that concerns the ‘preparation’ phase is 465/2002/JHA on joint investigation teams. Member states may through this decision set up joint investigation teams. All member states

mutual recognition of freezing orders for securing evidence or confiscating property. Just as for the European Arrest Warrant, the crime for issuing the freezing order must be a serious one, for example terrorism and murder. The freezing order works largely in the same way as the arrest warrant, in the sense that one member state can issue it and another carry it out.⁴⁵⁹

Coping

Example of a past crisis:

- Madrid bombings (2004). Europol's role in this crisis was to organise co-ordination meetings and perform the crime analysis of all the available information.⁴⁶⁰

Aftermath

As for evaluation, the EU has established a mechanism for evaluating the member states' legal systems and their implementation in the fight against terrorism. The reason for doing this is said to be to grow mutual confidence.⁴⁶¹ The mechanism consists of setting up teams of experts to evaluate each member state. The teams are set up by the Presidency, but the names of experts on relevant subjects regarding terrorism are provided by the member states. Evaluations consist of questionnaires sent to member states, as well as personal interviews with relevant bodies, such as police, customs, and political authorities, if this is considered necessary. At the end of each evaluation, the Council, after having received the results of the evaluations, can give recommendations to the member state and also ask it to report back on the measures it is taking regarding the recommendations.⁴⁶²

Europol is accountable to the Council.⁴⁶³

Asylum and Immigration

Legal basis

- Articles 61-69, Title IV, of the Treaty establishing the European Community are the legal bases for decisions in the area of visas, asylum, immigration and other policies related to free movements of persons.⁴⁶⁴

have not yet ratified it, and thus it is not yet implemented. (Interview with DG JAI official 30, 24 November 2004; Council Framework Decision 465/2002/JHA of 13 June 2002 on joint investigation teams.)

⁴⁵⁹ Council Framework Decision 577/2003/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence;

http://europa.eu.int/comm/justice_home/news/information_dossiers/terrorism_2004/wai/documents_en.htm, (19 January 2005). Worth mentioning in relation to crime issues in the EU, is also Eurojust, whose responsibility is to co-ordinate the activities of member states' national prosecution authorities, and CEPOL, the European Police College. CEPOL was established to train senior police officials to enable a more effective handling of cross-border crimes. For further information on Eurojust, see for example: Council Decision of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime; or

http://europa.eu.int/comm/justice_home/fsj/criminal/eurojust/wai/fsj_criminal_eurojust_en.htm, (19 January 2005). For further information on CEPOL, see for example:

http://europa.eu.int/comm/justice_home/fsj/police/college/wai/fsj_police_college_en.htm, (19 January 2005).

⁴⁶⁰ Interview with DG JAI official 30, 24 November 2004; Follow-up e-mail from DG JAI official 30, 24 January 2005.

⁴⁶¹ Council Decision 996/2002/JHA of 28 November 2002 establishing a mechanism for evaluating the legal systems and their implementation at national level in the fight against terrorism.

⁴⁶² Council Decision 996/2002/JHA of 28 November 2002 establishing a mechanism for evaluating the legal systems and their implementation at national level in the fight against terrorism.

⁴⁶³ <http://www.europol.eu.int/index.asp?page=mgmtcontrol>, (19 January 2005).

⁴⁶⁴ <http://www.riksdagen.se>, (1 November 2004).

- Council Regulation 2725/2000/EC concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention.⁴⁶⁵
- Council Directive 40/2001/EC: on the mutual recognition of decisions on the expulsion of third country nationals.
- Council Directive 51//2001EC: supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985.
- Council Directive 55/2001/EC: on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between member states in receiving such persons and bearing the consequences thereof.
- Council Directive 90/2002/EC: defining the facilitation of unauthorised entry, transit and residence.
- Council Framework Decision 629/2002/JHA: on combating trafficking in human beings.
- Council framework Decision 946/2002/JHA: on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence.
- Council Directive 9/2003/EC: laying down minimum standards for the reception of asylum seekers.
- Council Regulation 343/2003/EC: establishing the criteria and mechanisms for determining the member state responsible for examining an asylum application lodged in one of the member states by a third-country national. (This is the so-called 'Dublin Regulation'.)

Practical arrangements

Prevention

In order to try to monitor and exchange information on the development of illegal immigration the Centre for Information, Discussion, and Exchange on the Crossing of Frontiers and Immigration (CIREFI) has been created in the Council framework.⁴⁶⁶ The centre consists of experts from the member states with the aim of assisting member states in trying to prevent illegal immigration. It meets every month to share information on illegal immigration patterns.⁴⁶⁷ It also has an early warning system on the Internet where information on illegal immigration and facilitator networks is exchanged, strictly confidentially.⁴⁶⁸ The information from the meetings is passed on to the member states, which then decide whether to act upon it.⁴⁶⁹ Annually, CIREFI puts together an activity report and submits this to the Council.⁴⁷⁰

Monitoring is also taking place in the Commission framework, but this time on asylum issues. EURASIL is the European Network of Asylum Practitioners. The asylum practitioners are here brought together to exchange information on different kinds of matters relating to asylum, for example countries of origin.⁴⁷¹

Another kind of monitoring is handled in the EURODAC database, launched in January 2003. EURODAC files fingerprints from all asylum-seekers over fourteen years of age and persons who are found to have illegally crossed an external border.

⁴⁶⁵ This regulation is implemented by Council Regulation 407/2002/EC of 28 February 2002 laying down certain rules to implement Regulation 2725/2000/EC concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention.

⁴⁶⁶ Interview with DG JAI official 32, 9 November 2004.

⁴⁶⁷ A common place for illegal immigrants to enter the EU today is for example Lampedusa in Italy.

⁴⁶⁸ Telephone interview with DG JAI official 33, 8 October 2004;
<http://europa.eu.int/scadplus/leg/en/lvb/l33100.htm>, (19 January 2005).

⁴⁶⁹ Interview with official 34, Council DG H, 28 October 2004;
<http://europa.eu.int/scadplus/leg/en/lvb/l33100.htm>, 19 January 2005).

⁴⁷⁰ <http://europa.eu.int/scadplus/leg/en/lvb/l33100.htm>, 19 January 2005. According to one Council DG H official, the reports are, however, in principle not established annually. (Follow-up e-mail from official 34, Council DG H, 25 January 2005).

⁴⁷¹ Interview with DG JAI official 32, 9 November 2004; Follow-up e-mail from DG JAI official 32, 23 November 2004; <http://europa.eu.int/scadplus/leg/en/lvb/l33101.htm>, (19 January 2005).

This is done with the purpose of ensuring the smooth operation of the Dublin Convention/Regulation, i.e. that no asylum application is dealt with in more than one country, which has been considered a significant problem in the EU.⁴⁷²

Preparation

Should a mass influx of displaced persons into EU territory occur, the Union has decided to offer temporary protection.⁴⁷³ The decision structure in case of such an event is that the Council, by using QMV, decides if the situation shall be regarded as a 'mass influx'.⁴⁷⁴ This is determined on the basis of a Commission proposal. The individual member state then indicates the number of persons it is willing to offer temporary protection.⁴⁷⁵ Thus far, the temporary protection has never been used, since no situation succeeding the wave of refugees during the wars in former Yugoslavia and Kosovo has been considered a mass influx of asylum-seekers (and at that point in time the temporary protection directive did not exist). It should, however, also be noted that not all member states have implemented this directive yet.⁴⁷⁶ In terms of resources dedicated for handling the temporary protection there is The European Refugee Fund, which was established by a Council decision in 2000. The purpose of this fund normally is to balance the costs of receiving asylum seekers, refugees and displaced persons between the member states, but by a decision of the Council the fund can also be used to finance emergency measures in case of a mass influx of refugees or displaced persons.⁴⁷⁷ As one DG JAI official notes, however, applications for money from The European Refugee Fund must be dealt with much faster in case of a crisis, since the normal time spent on consideration would be too slow. Further funding, the same official says, could also be obtained as long as there is political will.⁴⁷⁸ Apart from what the directive itself states, there are no crisis plans, and there have been no simulations or training on it.⁴⁷⁹

To cope with illegal immigration, the EU is harmonising the laws of the member states.⁴⁸⁰ One example of an introduced measure is the obligation of carriers which have transported third country nationals into the member states to also return them.⁴⁸¹ Another example is the sanctions on persons who unlawfully assist third country nationals in entering a member state.⁴⁸²

⁴⁷² <http://www.riksdagen.se>, (5 October 2004). Related to this issue is also the question of asylum seekers' secondary movements. To prevent these movements and to ensure a certain standard of living, the EU has laid down minimum standards for the reception and living conditions for asylum seekers (Council Directive 9/2003/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers.)

⁴⁷³ Council Directive 55/2001/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between member states in receiving such persons and bearing the consequences thereof.

⁴⁷⁴ QMV can be used in this area since it has already been agreed upon by unanimity. (Interview with DG JAI official 32, 9 November 2004.)

⁴⁷⁵ This procedure copies the course of events during the Kosovo and Bosnia crises, when some member states took thousands of refugees, and some took none. (Follow-up e-mail from DG JAI official 32, 23 November 2004).

⁴⁷⁶ Interview with DG JAI official 32, 9 November 2004.

⁴⁷⁷ http://europa.eu.int/comm/justice_home/funding/refugee/wai/funding_refugee_en.htm, (19 January 2005).

⁴⁷⁸ Interview with DG JAI official 32, 9 November 2004.

⁴⁷⁹ Interview with DG JAI official 32, 9 November 2004.

⁴⁸⁰ Interview with official 34, Council Directorate I, 28 October 2004.

⁴⁸¹ Council Directive 51/2001/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985.

⁴⁸² Council Directive 90/2002/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence.

In an emergency regarding illegal immigration, the information that normally runs through CIREFI is exchanged directly between central departments of the relevant member states.⁴⁸³

Coping

Examples of past crises:

- Kosovo and Bosnia (1990s). The mass influx of asylum seekers spurred the EU to prepare for similar situations in the future.⁴⁸⁴
- The Dover crisis, when 58 illegal Chinese immigrants were found dead in a lorry container, (2000). As one DG JAI official says; this was not a crisis in the number of people that died, but rather in the sense that it raised consciousness. It made the DG think something must be done about trafficking.⁴⁸⁵

Aftermath

There are no specific evaluation procedures on the handling of a crisis. According to one DG JAI official the officials always use a problematising view, but there is nothing institutionalised.⁴⁸⁶

⁴⁸³ <http://europa.eu.int/scadplus/leg/en/lvb/l33100.htm>, (19 January 2005).

⁴⁸⁴ Interview with official 34, Council Directorate I, 28 October 2004; Interview with DG JAI official 32, 9 November 2004.

⁴⁸⁵ Telephone interview with DG JAI official 33, 8 October 2004.

⁴⁸⁶ Telephone interview with DG JAI official 33, 8 October 2004.

Sector 11: External Aid

European Community Humanitarian Aid Office (ECHO)⁴⁸⁷

Legal basis

- Articles 177-181 of the Treaty establishing the European Community, on development co-operation.
- Council Regulation 1257/1996/EC concerning humanitarian aid.⁴⁸⁸

Practical arrangements

Prevention

There is no conflict prevention within the mandate of ECHO, which means the monitoring that exists is not about preventing crises, but about being able to foresee where assistance might be needed. As one ECHO official puts it: “it is our responsibility to monitor and to see if something might happen in the future so that we will not be caught by surprise.”⁴⁸⁹ For this purpose, every year an ‘Annual Global Needs Assessment’ is set up and used as a reference tool in the annual planning and for funding decisions. In this assessment about 130 countries are ranked between high and low need regarding levels of conflict, child mortality and so on.⁴⁹⁰ Important for rapid needs assessments after a sudden crisis or disaster are the ECHO field experts. These provide information to ECHO headquarters, as well as prepare decisions and operations.⁴⁹¹

There is also an early warning system called ICONS, which contains information on natural and man-made disasters. The information is updated on a daily basis and is collected from international news agencies. It provides a global overview and indicates emerging crises. Receivers are everybody in ECHO who is interested.⁴⁹²

Preparation

For third country crises, either natural disasters or man-made crises such as armed conflicts, ECHO can provide humanitarian aid to victims.⁴⁹³ Worth pointing out is that ECHO is neutral and thus offers humanitarian assistance to all victims of a crisis, no matter which side they support in a political conflict. The humanitarian assistance is supplied through the funding of partners, but because of the conflict neutrality the procedure for giving aid is that ECHO only funds different types of organisations, and never states or governments. Examples of funding partners are for instance the UN, which gets around 30% of the money offered, NGOs, which receive around 50-60%,

⁴⁸⁷ ECHO is responsible for providing humanitarian emergency assistance to third country victims of crises. As pointed out in its mission statement: “ECHO’s main mission is to fund the co-ordinated delivery of Community humanitarian assistance [...] in order to save and preserve life.”
(http://www.europa.eu.int/comm/echo/pdf.files/mission_statement_en.pdf, 19 November 2004.)

⁴⁸⁸ As one ECHO official points out, Council Regulation 1257/1996/EC is quite flexible to its nature, which makes it very useful in crises situations. (Interview with ECHO official 35, 26 October 2004.)

⁴⁸⁹ Interview with ECHO official 36, 26 October 2004.

⁴⁹⁰ Interview with ECHO official 35, 26 October 2004.

⁴⁹¹ Follow-up e-mail from ECHO official 36, 24 January 2005.

⁴⁹² Interview with ECHO official 35, 26 October 2004; *Information note: ECHO’s crisis response modus operandi*, European Commission, Humanitarian Aid Office (ECHO), 2004, p. 4.

⁴⁹³ Council Regulation 1257/1996/EC of 20 June 1996 concerning humanitarian aid.

and the Red Cross Family, which is provided with around 10%. Also civil society organisations can be funded. Furthermore, funding is always short-term, at the most 18 months at a time.⁴⁹⁴ The time span for reacting and starting to give aid is quite fast, as one ECHO official notices: “ECHO can act very quickly, unlike other Commission instruments.”⁴⁹⁵ In around 48 hours ECHO can sign a contract with partners or announce that it is willing to fund.⁴⁹⁶ Concerning the aid itself, both goods and services can be given as humanitarian assistance. Some examples are: water supply, foodstuffs, health services, medicines, and logistical support.⁴⁹⁷ Disaster preparedness is also provided, in the sense that receivers are educated in how to prepare for recurring disasters like floods.⁴⁹⁸

In case of a crisis there are different decision structures in ECHO, depending on the amount of funding money concerned and on the length of the operation. In all cases the decision structure starts with a partner’s detailed funding proposal. Information included in the proposal is for example what sort of products the partner needs, what period of time it will operate, with what kind of resources, and so on.⁴⁹⁹ Then, if the disaster is a ‘primary emergency’ the director-general makes the funding decision via preparation by a desk officer and no Commission decision is needed.⁵⁰⁰ This is the case when the operation is short term; 3 months or less, and when the amount of money needed does not exceed € 3 million.⁵⁰¹ There is also the ‘emergency procedure’ for amounts less than € 10 million and operations shorter than 6 months. In this case only the commissioner has to sign the decision, without comitology.⁵⁰² Lastly, there is also the normal decision structure for which comitology is needed before decisions are made. This is the procedure in cases when decisions are made concerning more than € 10 million, and for operations lasting up to 18 months.⁵⁰³ The kind of crises that usually can receive aid through the ‘primary emergency’ decision are natural disasters since these occurs in a very fixed time and place, and thus are easy to identify and link to a specific event. The normal decision procedure on the

⁴⁹⁴ Interview with ECHO official 36, 26 October 2004; Interview with ECHO official 35, 26 October 2004. The Commission also participates in the Council of Europe’s Open Partial Agreement on Major Hazards (EUR-OPA), in order to better organise the relief provided in a major natural or technological disaster. Other participants are for example governments in Eastern Europe, Western Europe and the South of the Mediterranean, as well as UNESCO, WHO, OCHA, and the Red Cross family. (http://www.coe.int/T/E/Cultural_Co-operation/Disasters/, 3 February 2005.)

⁴⁹⁵ Interview with ECHO official 36, 26 October 2004.

⁴⁹⁶ Interview with ECHO official 36, 26 October 2004.

⁴⁹⁷ <http://europa.eu.int>, (19 January 2005).

⁴⁹⁸ The emergency preparedness taught is not disaster prevention, but about reducing the impact of a disaster: “if people know what to do whenever a natural disaster takes place you can save lives and reduce the need to intervene afterwards” (Interview with ECHO official 36, 26 October 2004). It should also be mentioned that ECHO has a policy to contribute to linking relief, rehabilitation and development (LRRD). The idea is that rehabilitation programmes “to stabilise the economic and social situation and to facilitate the transition towards a medium and long term development strategy” should succeed relief and emergency aid. (Follow-up e-mail from ECHO official 36, 24 January 2005; http://europa.eu.int/comm/europeaid/projects/foodsec/lrrd_en.htm, 2 February 2005.)

⁴⁹⁹ Interview with ECHO official 36, 26 October 2004.

⁵⁰⁰ E-mail information from ECHO, unit 4, (General Policy Affairs; Relations with European Institutions, Partners and other Donors; Planning, Co-ordination and Support; General Support for Major Crises), 7 December 2004.

⁵⁰¹ Interview with ECHO official 36, 26 October 2004; E-mail information from ECHO, unit 4, (General Policy Affairs; Relations with European Institutions, Partners and other Donors; Planning, Co-ordination and Support; General Support for Major Crises), 7 December 2004.

⁵⁰² Interview with ECHO official 35, 26 October 2004; Interview with ECHO official 36, 26 October 2004; Civilian instruments for EU crisis management, European Commission Conflict Prevention and Crisis Management Unit, April 2003.

⁵⁰³ Interview with ECHO official 35, 26 October 2004.

other hand is used more for ongoing crises such as armed conflict, since these are more difficult to link to one certain event.⁵⁰⁴

In terms of crisis resources there is a crisis room, provided with computers and telephones for fast communication and telephone conferences. The crisis room is not permanently staffed but crisis staff can be drawn from ECHO. Also, there are some ECHO officers that are equipped with mobile phones on which they can be reached by organisations, Community delegations and member states 24 hours a day. The budget is around € 550-600 million per year, although this varies. In 1999 for example it was a bit more, around € 830 million, due to the Kosovo crisis.⁵⁰⁵

Coping

Examples of past crises:

- Earthquakes in Turkey (1999). ECHO provided victims with humanitarian aid through the funding of e.g. the Red Cross.⁵⁰⁶
- Earthquake in Algeria (2003)
- Iraq conflict (2003-)
- Earthquake in Morocco (2004)
- Darfur crisis (2004-)
- Tsunami in South-East Asia (2004). ECHO used the primary emergency procedure to fund the International Red Cross € 3 million on the day of the disaster, i.e. 26 December 2004. Following the primary decision, further funding, this time regarding larger amounts of money, was decided upon a few days later. It was handed mainly to UN agencies, such as UNICEF, the WHO and the World Food Programme (WFP). The capital provided by ECHO was used for food, tools for water purification, blankets, hygiene kits, medical personnel, etc. UNICEF was supported to take measures for water and sanitation, as well as managing health care for children and mothers, WFP to take care of food aid and infrastructure, and WHO to handle basic health care.⁵⁰⁷

⁵⁰⁴ Interview with ECHO official 35, 26 October 2004; Interview with ECHO official 36, 26 October 2004.

⁵⁰⁵ Interview with ECHO official 35, 26 October 2004; *Information note: ECHO's crisis response modus operandi*, European Commission, Humanitarian Aid Office (ECHO), 2004, p. 2-3. Since 1992 ECHO has provided around € 2.3 billion in humanitarian aid to the victims of the Balkan conflicts. This has been said to "create a context in which the authorities and international diplomats could deploy their efforts to settle the various conflicts," i.e. ECHO has contributed to facilitate conflict resolution. (Follow-up e-mail from ECHO official 36, 24 January 2005.)

⁵⁰⁶ Ramberg, B. "The Two Earthquakes in Turkey in 1999: International Co-ordination and the European Commission's preparedness", in S. Larsson, E.-K. Olsson and B. Ramberg, *Crisis Decision-Making in the European Union*. (2005).

⁵⁰⁷ http://europa.eu.int/comm/echo/whatsnew/tsunami_en.htm, (5 January 2005). This information was received 5 January 2005, and thus only includes initial measures. Also involved in the handling of the tsunami disaster from the EU organisation were for example the Joint Research Centre (JRC), the Monitoring and Information Centre (MIC), and DG RELEX (*Tsunami in Asia, State of play, actions undertaken and contemplated by the Commission*, Information note form the President and commissioners Ferrero-Waldner, Dimas, Michel and Grybauskaite, 9 January 2005).

*Aftermath*⁵⁰⁸

Throughout the humanitarian aid operations ECHO has experts in the field. The task of the experts is, in addition to what has been mentioned above, to supervise how ECHO funding is used and how the operation is working out. The findings are then reported back to ECHO headquarters and the desks there. There are around 65 experts in the field.⁵⁰⁹

When projects are completed, partners provide ECHO with a final report, which is both narrative and financial in nature.⁵¹⁰ ECHO then, following standard procedures, evaluates partner performance. The objective of the evaluation is to determine if the mission has been carried out, and to improve effectiveness for coming projects and future funding decisions.⁵¹¹

ECHO also provides information on its major operations, decisions and evaluations to the Humanitarian Aid Committee, where all member states are represented, and to the European Parliament when that is needed. An annual report is also established each year. Regarding ECHO's regular partners, like NGOs, the UN and the Red Cross Family, ECHO also frequently have meetings with these. In the words of one ECHO official, there is both a lot of exchange of information and a lot of transparency in ECHO procedures.⁵¹²

Sector 12: Information Technology

Commission Directorate-General Information Society and Media (DG INFSO)⁵¹³

Legal basis

- Article 95 of the Treaty establishing the European Community, on the internal market⁵¹⁴.
- Regulation 460/2004/EC of the European Parliament and the Council establishing the European Network and Information Security Agency.
- Decision 276/1999/EC of the European Parliament and of the Council adopting a multiannual Community action plan on promoting safer use of the Internet by combating illegal and harmful content on global networks.

⁵⁰⁸ Throughout a crisis ECHO continues to assess the needs. This is so because, as one official notes: "a crisis may continue, but if the needs are not urgent or clear we may decide to stop intervening. There may also be no crisis any longer but there are still needs and we may decide to continue" (Interview with ECHO official 36, 26 October 2004). If ECHO decides to bring the assistance to an end, there are exit strategies for doing this (Interview with ECHO official 35, 26 October 2004.)

⁵⁰⁹ Interview with ECHO official 35, 26 October 2004.

⁵¹⁰ Interview with ECHO official 35, 26 October 2004; Interview with ECHO official 36, 26 October 2004.

⁵¹¹ Interview with ECHO official 35, 26 October 2004; http://europa.eu.int/comm/echo/evaluation/index_en.htm, (19 January 2005).

⁵¹² Interview with ECHO official 36, 26 October 2004.

⁵¹³ The mission of DG INFSO is to handle the policy making part of IT, i.e. it "stimulates research into Information Society technologies which can be integrated into the citizen's everyday environment, business and administration" (http://www.europa.eu.int/comm/dgs/information_society/mission/index_en.htm, 19 January 2005). It also is responsible for keeping a framework of regulation that can "stimulate the development of applications and content" and to work for all European citizens' participation in an information society (http://www.europa.eu.int/comm/dgs/information_society/mission/index_en.htm, 19 January 2005).

⁵¹⁴ More than one INFSO official emphasises the importance for DG INFSO of having an internal market perspective on all steps taken regarding information security (Interview with DG INFSO official 20, 25 October 2004; interview with former DG INFSO official 21, 27 October 2004).

Practical arrangements

Prevention

Monitoring to detect early signs of interruption or crisis is still the competence of the member states.⁵¹⁵ However, since EU companies have become more dependent on IT, the problems they run into when using it are becoming increasingly costly for society. In order to prevent or mitigate these problems, the EU has established a European Network and Information Security Agency (ENISA).⁵¹⁶ The main task for this agency is to reduce information security problems,⁵¹⁷ which it is doing through risk assessments, and by creating networks between competent people in all member states. Risk assessments will, for example, concern certain sectors that need to be enlightened on specific shortcomings. The networks between member states are aimed at providing more advanced knowledge and assistance to member states with less developed IT-security. One example of this is the fact that not all states have so-called CERTs, i.e. Computer Emergency Response Teams that take care of IT-incidents. Through the networks created, these states can be provided with the appropriate help for setting up CERTs.⁵¹⁸

Apart from the security aspect of the utilisation of information technology there is also a security and safety aspect regarding its content. In order to promote information safety and to tackle issues like child pornography and racism, the EU has introduced the 'Safer Internet Programme'. Within this, actions are taken to set up hotlines for reporting illegal Internet content and to encourage companies to self-regulate and monitor these issues.⁵¹⁹

Preparation

If criminal acts in the area of information technology have taken place this is the competence of member state police. For the same reason there are no crisis plans today on EU-level.⁵²⁰

Coping

- The kind of problems that have triggered EU-level co-operation have often been small scale, no September 11-scenarios at all, but put together the cost tends to be very high for society.⁵²¹

Aftermath⁵²²

⁵¹⁵ Interview with former DG INFSO official 21, 27 October 2004.

⁵¹⁶ Interview with DG INFSO official 20, 25 October 2004.

⁵¹⁷ http://www.enisa.eu.int/about/activities/index_en.htm, (19 January 2005).

⁵¹⁸ Interview with DG INFSO official 20, 25 October 2004.

⁵¹⁹ http://europa.eu.int/information_society/programmes/iap/index_en.htm#eu%20response, (19 November 2004).

⁵²⁰ Interview with DG INFSO official 20, 25 October 2004; interview with former DG INFSO official 21, 27 October 2004.

⁵²¹ Interview with DG INFSO official 20, 25 October 2004.

⁵²² The data gathering has not provided sufficient information to comment on crisis management mechanisms, procedures and institutions in this phase.

Sector 13: Horizontal and Internal Services⁵²³

Commission Directorate-General Informatics (DG DIGIT)⁵²⁴

Legal basis⁵²⁵

Practical arrangements

Prevention

Since DG DIGIT manages the internal technology and information systems within the Commission, the kind of crisis that could appear is a technical one. Such a crisis will however only hit the Commission and not the member states. For preventing technical crises DG DIGIT is monitoring IT usage and has as help got plenty of early warning systems, and fallback systems.⁵²⁶

Preparation

Apart from the regular preparation for information problems, such as dealing with worms, viruses and having vital systems doubled in case there would be for example a power failure, there are no long-term crisis plans on how to deal with threats. Rather, problems are handled on a case-to-case basis and are dealt with by “shutting the system down for a few days and solving the problem” as one official puts it.⁵²⁷

⁵²³ Note that e.g. DG PRESS (Press and Communication), DG IAS (Internal Audit Service), and DG JRC (Joint Research Centre) could also be included in the sector of ‘Horizontal and internal services’, but have been excluded from this inventory due to time constraints, and difficulties in finding available interviewees. It could however briefly be mentioned that DG JRC consists of seven science and technology institutes with differing areas of interest. They provide the Commission with “support for the conception, development, implementation and monitoring of EU policies,” (<http://www.jrc.cec.eu.int>, 19 January 2005; and http://www.jrc.cec.eu.int/default.asp@sidsz=who_we_are&sidstsz=our_structure.htm, 19 January 2005). Regarding communication to the public, the member states have articulated a will to increase a shared voice regarding issues important to the EU (*Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee for the Regions, on an information and communication strategy for the European Union*, Brussels, 02.10.2002, COM(2002)350 final/2, p. 8). In DG PRESS, there are for example 25 spokespersons, responsible for different policy areas, the media can contact to receive information on what the EU is doing in a specific crisis. DG PRESS also arranges press conferences, and sends information to accredited media (Telephone interview with DG PRESS official 47, 14 January 2005). The role of DG IAS is to “audit the internal control systems that exist within the European Commission in order to assess their effectiveness and, more generally, the performance of Commission departments in implementing policies, programmes and actions with a view to bringing about continuous improvement.” (http://www.europa.eu.int/comm/dgs/internal_audit/geninfo_en.htm, 19 January 2005.) Moreover, since 2000 there are 24 Internal Control Standards to support internal control. Included in these standards are for example risk management, which deals with risk analysis, and monitoring and evaluation, which deals with follow-up of audit reports and improvement of internal control, (http://europa.eu.int/comm/budget/ic/index_en.htm, 19 January 2004).

⁵²⁴ DG DIGIT manages the internal information system within the Commission. According to the website its mission is to “define the IT strategy of the Commission and to provide a modern and high-performance information technology and telecommunications infrastructure” (http://www.europa.eu.int/comm/dgs/informatics/index_en.htm, 19 January 2005).

⁵²⁵ The data gathering has not provided sufficient information to comment on crisis management mechanisms, procedures and institutions in this phase.

⁵²⁶ Telephone conversation with DG DIGIT official 22, 18 October 2004; Telephone conversation with DG DIGIT official 23, 13 October 2004.

⁵²⁷ Telephone conversation with DG DIGIT official 23, 13 October 2004.

Coping

- Worms and viruses have cropped up, but have never as yet caused any crises. No other crisis has occurred either.⁵²⁸

*Aftermath*⁵²⁹

Commission Directorate-General Personnel and Administration (DG ADMIN)⁵³⁰

Legal basis⁵³¹

Practical arrangements⁵³²

Prevention

DG ADMIN is monitoring the internal security situation within the Commission and among its staff in order to prevent security crises. This is carried out in near co-operation with national authorities. It also works to raise awareness about security matters among Commission staff and to realize the secure exchange of confidential information.⁵³³

Preparation

DG ADMIN is offering a single contact point outside office hours in case of a crisis. According to its website it is also “investigating all illegal acts committed on Commission premises.”⁵³⁴

*Coping*⁵³⁵

*Aftermath*⁵³⁶

⁵²⁸ Telephone conversation with DG DIGIT official 23, 13 October 2004.

⁵²⁹ The data gathering has not provided sufficient information to comment on crisis management mechanisms, procedures and institutions in this phase.

⁵³⁰ DG ADMIN is responsible for internal personnel and administration issues within in Commission. As itself states on the website, its role is to “ensure the Commission runs smoothly by laying down its policies on human resources and security.” (http://europa.eu.int/comm/dgs/personnel_administration/whatwedo_en.htm, 19 January 2005.)

⁵³¹ The data gathering has not provided sufficient information to comment on crisis management mechanisms, procedures and institutions in this phase.

⁵³² Since DG ADMIN only manages the internal security of the Commission and its staff, only very general information can be attained on it. Due to its sensitive nature the officials are not allowed to give any details on DG ADMIN’s crisis management.

⁵³³ http://europa.eu.int/comm/dgs/personnel_administration/security_en.htm, (19 January 2005).

⁵³⁴ http://europa.eu.int/comm/dgs/personnel_administration/security_en.htm, (19 January 2005).

⁵³⁵ The data gathering has not provided sufficient information to comment on crisis management mechanisms, procedures and institutions in this phase.

⁵³⁶ The data gathering has not provided sufficient information to comment on crisis management mechanisms, procedures and institutions in this phase.

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Legal texts (directives, decisions, regulations)

Annexes A and B to Council Directive 55/1994/EC as announced in Commission Directive 7/2001/EC adapting for the third time to technical progress Council Directive 55/1994/EC on the approximation of the laws of the member states with regard to the transport of dangerous goods by road.

Commission Decision 253/2002/EC of 19 March 2002 laying down case definitions for reporting communicable diseases to the Community network under Decision 2119/1998/EC of the European Parliament and of the Council.

Commission Decision 277/2004/EC, Euratom of 29 December 2003 laying down rules for the implementation of Council Decision 792/2001/EC, Euratom establishing a Community mechanism to facilitate reinforced co-operation in civil protection assistance interventions.

Commission Decision 352/1999/EC, ECSC, Euratom of 28 April 1999 establishing the European Anti-fraud Office (OLAF) (notified under document number SEC(1999) 802).

Commission Decision 37/2005/EC of 29 October 2004 establishing the European Technical and Scientific Centre (ETSC) and providing for co-ordination of technical actions to protect euro coins against counterfeiting.

Commission Decision 478/2004/EC of 29 April 2004 concerning the adoption of a general plan for food/feed crisis management.

Commission Decision 57/2000/EC of 22 December 1999 on the early warning and response system for the prevention and control of communicable diseases under Decision 2119/1998/EC of the European Parliament and of the Council.

Commission Decision 96/2000/EC of 22 December 1999 on the communicable diseases to be progressively covered by the Community network under Decision 2119/1998/EC of the European Parliament and of the Council.

Commission Regulation 622/2003/EC of 4 April 2003 laying down measures for the implementation of the common basic standards of aviation security (Text with EEA relevance).

Commission Regulation 770/1990/Euratom of 29 March 1990 laying down maximum permitted levels of radioactive contamination of feedingsuffs following a nuclear accident or any other case of radiological emergency.

Commission Regulation 944/1989/Euratom of 12 April 1989 laying down maximum permitted levels of radioactive contamination in minor foodstuffs following a nuclear accident or any other case of radiological emergency.

Council Act 95/C316/02 of 26 July 1995 drawing up the Convention on the use of information technology for customs purposes (CIS).

Council Act 98/C 24/01 of 18 December 1997 drawing up, on the basis of Article K.3 of the Treaty on European Union, the Convention on mutual assistance and co-operation between customs administrations (Naples II).

Council Act of 26 July 1995 drawing up the Convention on the establishment of a European Police Office (Europol Convention).

Council Decision 197/2004/CFSP of 23 February 2004 establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications (ATHENA).

Council Decision 600/1987/Euratom of 14 December 1987 on Community arrangements for the early exchange of information in the event of a radiological emergency.

Council Decision 704/1993/EC of 13 December 1993 on the creation of a Community database on road accidents.

Council Decision 79/2001/CFSP of 22 January 2001 setting up the Military Committee of the European Union. (Official Journal, L 27, 30.1.2001, p. 0004-0006.)

Council Decision 792/2001/EC, Euratom of 23 October 2001 establishing a Community mechanism to facilitate reinforced co-operation in civil protection assistance interventions.

Council Decision 861/2003/EC of 8 December 2003 concerning analysis and co-operation with regard to counterfeit euro coins.

Council Decision 996/2002/JHA of 28 November 2002 establishing a mechanism for evaluating the legal systems and their implementation at national level in the fight against terrorism.

Council Decision of 22 January 2001 on the establishment of the Military Staff of the European Union. (Official Journal L 27, 30.1.2001 p. 0007-0011.)

Council Decision of 22 January 2001 setting up the Political and Security Committee. (Official Journal, L 27, 30.1.2001, p. 0001.)

Council Directive 122/2003/Euratom of 22 December 2003 on the control of high-activity sealed radioactive sources and orphan sources.

Council Directive 18/1998/EC of 17 March 1998 on safety rules and standards for passenger ships.

Council Directive 21/1995/EC of 19 June 1995 concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the member states, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port state control).

Council Directive 3/1992/Euratom of 3 February 1992 on the supervision and control of shipments of radioactive waste between member states and into and out of the Community

Council Directive 35/1999/EC of 29 April 1999 on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services.

Council Directive 40/2001/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals.

Council Directive 41/1998/EC of 18 June 1998 on the registration of persons sailing on board passenger ships operating to or from ports of the member states of the Community.

Council Directive 50/1995/EC of 6 October 1995 on uniform procedures for checks on the transport of dangerous goods by road.

Council Directive 51/2001/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985.

Council Directive 55/2001/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between member states in receiving such persons and bearing the consequences thereof.

Council Directive 56/1994/EC of 21 November 1994 establishing the fundamental principles governing the investigation of civil aviation accidents and incidents.

Council Directive 57/1994/EC of 22 November 1994 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations.

Council Directive 618/1989/Euratom of 27 November 1989 on informing the general public about health protection measures to be applied and steps to be taken in the event of a radiological emergency.

Council Directive 9/2003/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers.

Council Directive 90/2002/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence.

Council Directive 96/1996/EC of 20 December 1996 on the approximation of the laws of the member states relating to roadworthiness tests for motor vehicles and their trailers.

Council Framework Decision 465/2002/JHA of 13 June 2002 on joint investigation teams.

Council Framework Decision 475/2002/JHA of 13 June 2002 on combating terrorism.

Council Framework Decision 577/2003/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence.

Council Framework Decision 584/2002/JHA of 13 June 2002 on the European Arrest Warrant and the surrender procedures between member states.

Council Framework Decision 629/2002/JHA of 19 July 2002 on combating trafficking in human beings.

Council Framework Decision 946/2002/JHA of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence.

Council Regulation 1074/1999/Euratom of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office.

Council Regulation 1227/2001/EC of 18 June 2001 derogating from certain provisions of Regulation 2792/1999/EC laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector.

Council Regulation 1257/1996/EC of 20 June 1996 concerning humanitarian aid.

Council Regulation 1257/1999/EC of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations.

Council Regulation 1338/2001/EC of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting.

Council Regulation 1466/1997/EC of 7 July 1997 on the strengthening of the surveillance of budgetary positions and the surveillance and co-ordination of economic policies.

Council Regulation 1467/1997/EC of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure.

Council Regulation 1782/2003/EC of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations 2019/1993/EEC, 1452/2001/EC, 1453/2001/EC, 1454/2001/EC, 1868/1994/EC, 1251/1999/EC, 1254/1999/EC, 1673/2000/EC, 2358/1971/EEC and 2529/2001/EC.

Council Regulation 2012/2002/EC of 11 November 2002 establishing the European Union Solidarity Fund.

Council Regulation 2026/1997/EC of 6 October 1997 on protection against subsidised imports from countries not members of the European Community.

Council Regulation 2182/2004/EC of 6 December 2004 concerning medals and tokens similar to euro coins.

Council Regulation 2219/1989/EEC of 18 July 1989 on the special conditions for exporting foodstuffs and feedingstuffs following a nuclear accident or any other case of radiological emergency.

Council Regulation 2325/2003/EC of 17 December 2003 amending Regulation 2561/2001/EC aiming to promote the conversion of fishing vessels and of fishermen that were, up to 1999, dependent on the fishing agreement with Morocco.

Council Regulation 2371/2002/EC of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy.

Council Regulation 2372/2002/EC of 20 December 2002 instituting specific measures to compensate the Spanish fisheries, shellfish industry and aquaculture, affected by the oil spills from the Prestige.

Council Regulation 2561/2001/EC of 17 December 2001 aiming to promote the conversion of fishing vessels and of fishermen that were, up to 1999, dependent on the fishing agreement with Morocco.

Council Regulation 2679/1998/EC of 7 December 1998 on the functioning of the internal market in relation to the free movement of goods among the member states.

Council Regulation 2725/2000/EC of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention.

Council Regulation 3051/1995/EC of 8 December 1995 on the safety management of roll-on/roll-off passengers ferries (ro-ro ferries).

Council Regulation 3285/1994/EC of 22 December 1994 on the common rules for imports and repealing Regulation 518/1994/EC.

Council Regulation 339/1993/EEC of 8 February 1993 on checks for conformity with the rules on product safety in the case of products imported from third countries.

Council Regulation 343/2003/EC of 18 February 2003 establishing the criteria and mechanisms for determining the member state responsible for examining an asylum application lodged in one of the member states by a third-country national.

Council Regulation 3605/1993/EC of 22 November 1993 on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community.

Council Regulation 381/2001/EC of 26 February 2001 creating a rapid-reaction mechanism.

Council Regulation 384/1996/EC of 22 December 1995 on protection against dumped imports from countries not members of the European Community.

Council Regulation 3916/1990/EEC of 21 December 1990 on measures to be taken in the event of a crisis in the market in the carriage of goods by road.

Council Regulation 3922/1991/EEC of 16 December 1991 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation.

Council Regulation 3954/1987/Euratom of 22 December 1987 laying down maximum permitted levels of radioactive contamination of foodstuffs and of feedingstuffs following a nuclear accident or any other case of radiological emergency.

Council Regulation 407/2002/EC of 28 February 2002 laying down certain rules to implement Regulation (EC) No 2725/2000 concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention.

Council Regulation 515/1997/EC of 13 March 1997 on mutual assistance between the administrative authorities of the member states and co-operation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters.

Decision 2119/1998/EC of the European Parliament and of the Council of 24 September 1998 setting up a network for the epidemiological surveillance and control of communicable diseases in the Community.

Decision 276/1999/EC of the European Parliament and of the Council of 25 January 1999 adopting a multiannual Community action plan on promoting safer use of the Internet by combating illegal and harmful content on global networks.

Decision 2850/2000/EC of the European Parliament and of the Council of 20 December 2000 setting up a Community framework for co-operation in the field of accidental or deliberate marine pollution.

Directive 30/2000/EC of the European Parliament and of the Council of 6 June 2000 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community.

Directive 36/2004/EC of the European Parliament and of the Council of 21 April 2004 on the safety of third-country aircraft using Community airports.

Directive 42/2003/EC of the European Parliament and of the Council of 13 June 2003 on occurrence reporting in civil aviation.

Directive 54/2004/EC of the European Parliament and of the Council of 29 April 2004 on minimum safety requirements for tunnels in the Trans-European Road Network.

Directive 95/2001/EC of the European Parliament and the Council of 3 December 2001 on general product safety. (Text with EEA relevance.)

Joint Action 372/1997/JHA of 9 June 1997 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, for the refining of targeting criteria, selection methods, et., and collection of customs and police information.

Joint Action 610/1996/JHA of 15 October 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union concerning the creation and maintenance of a Directory of specialised counter-terrorist competences, skills and expertise to facilitate counter-terrorist co-operation between the member states of the European Union.

Regulation 1073/1999/EC of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF).

Regulation 1406/2002/EC of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency. (Text with EEA relevance.)

Regulation 1592/2002/EC of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency. (Text with EEA relevance.)

Regulation 178/2002/EC of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

Regulation 2320/2002/EC of the European Parliament and of the Council of 16 December 2002 establishing common rules in the field of civil aviation security. (Text with EEA relevance.) - Interinstitutional declaration.

Regulation 460/2004/EC of the European Parliament and the Council establishing the European Network and Information Security Agency. (Text with EEA relevance.)

Regulation 725/2004/EC of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security. (Text with EEA relevance.)

Regulation 726/2004/EC of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency. (Text with EEA relevance.)

Regulation 851/2004/EC of the European Parliament and of the Council of 21 April 2004 establishing a European centre for disease prevention and control.

Resolution of the European Council on the Stability and Growth Pact Amsterdam, 17 June 1997. (Official Journal C 236, 2.8.1997, p. 0001 – 0002.)

The Treaty of Accession, signed in Brussels on 3 April 2003. (OR. En) AA 2003 final. It contains legislation and other legislative instruments for the new member states as of 1 May 2004.

Treaty establishing the European Atomic Energy Community (Euratom).

Treaty establishing the European Community (EC).

Treaty on European Union (EU).

Inventory Appendix 1 - Interview Questions

General questions

1. What legal bases are there to support crisis management?

Stage 1: Prevention

- **Timely recognition**

2. Do you have any systematic ongoing efforts to monitor events/trends in your sector? (i.e. how do you identify patterns that might lead to future crisis/interruption?) What are they (reports, think tanks...)? Do you have examples?

- **Effective intervention**

3. What do you do with this information?
4. Who do you share this information with? (i.e. when finding something – who do you go to?) Which decision makers?

Stage 2: Preparation

- **Planning for the unknown**

5. Crisis plans in place?
6. Any co-ordinating procedures?
7. Decision structures planned?
8. What resources?
9. Regular preparatory crisis meetings?
10. Regular crisis trainings/simulations?
11. Have plans been adjusted based on practice?
12. Process for updating plans? Are there any mechanisms that adjust plans?

Stage 3: Coping

13. Have there been any crises? Could you walk me through what happened in terms of crisis management?
14. If yes, what information was there to get? What kind of information did you rely on to make decisions? Was the information accurate?
15. What were the critical decisions? Who made the critical decisions? How were you organised?
16. With whom did you communicate? On what?
17. Did you encounter any implementation problems? Did different bureaucracies/agencies agree on the division of labour? Were there infightings over how to interpret rules or orders?
18. Who provided the media/the public with information? How was it dealt with by the media?

Stage 4: Aftermath

- **Learning lessons**

19. What do you do after a crisis? Could you walk me through the (internal) procedures/mechanisms in place to evaluate a crisis?

- **Restoring legitimacy**

20. To whom must you report?
21. Who are you accountable to?

Inventory Appendix 2 - Overview of EU crises

Table 1. Examples of EU crises and driving forces for EU crisis management activities (primarily recent cases).

EU System	Policy Sector	DGs Involved in Crisis Management	Examples of EU Crises (Year)
<i>System One: Securing Peace and Stability among the EU Member States</i>			<ul style="list-style-type: none"> - EC rejection of the British membership application (1963 and 1967) - French threat of not returning to the EC before the other member states changed their views on an issue related to supranationality (the ‘empty chair crisis’) (1966)
<i>System Two: Securing the European Economy</i>	<i>Economic Affairs</i>	DG Internal Market and Services (MARKT)	- The ‘strawberries’ case (early 1990s)
		DG Trade (TRADE)	<ul style="list-style-type: none"> - Norway dumping its price on salmon (1980s – 2003) - US steel protectionism (2002)
		DG Taxation and Customs Union (TAXUD)	- Terrorist found in container to be exported (n/a)
		DG Economic and Financial Affairs (ECFIN)	<ul style="list-style-type: none"> - Crises with the Exchange Rate Mechanism (early 1990s) - Greek scandal (2004)
		European Anti-Fraud Office (OLAF)	- Internal corruption in the agriculture sector (2000)
		DG Enterprise and Industry (ENTR)	<ul style="list-style-type: none"> - Thalidomide (1960s) - The REACH proposal (2003)
<i>Energy and Transport</i>	DG Energy and Transport (TREN)	<ul style="list-style-type: none"> - Chernobyl (1986) - Mont Blanc tunnel fire (1999) - Erika oil tanker disaster (1999) - St Gotthard tunnel fire (2001) - September 11 in the US (2001) - Prestige oil tanker disaster (2002) - An aircraft from LuxAir crashed on landing at Luxembourg airport (2002). 	
<i>Agriculture and Rural Development</i>	DG Agriculture and Rural Development (AGRI)	<ul style="list-style-type: none"> - BSE (1996) - Dioxin (1999) - Drought and flooding in Southern Europe (2002-2003) - Forest fires in Southern Europe (2003 and 2004) 	
<i>Fisheries and Maritime Affairs</i>	DG Fisheries and Maritime Affairs (FISH)	<ul style="list-style-type: none"> - Market crisis (1993-1994) - Estai affair (1995) - Failure of the fisheries agreement with Morocco (1999) - Cod crisis (2002) - Prestige oil tanker disaster (2002) 	
<i>Regional Policy</i>	DG Regional Policy (DG REGIO)	<ul style="list-style-type: none"> - Prestige oil tanker disaster (2002) - Portugal forest fires (2003) 	

<i>System Three: Securing Peace and Stability in the Neighbourhood</i>	<i>External Relations</i>	DG External Relations (RELEX); Council DG E, (External economic relations, CFSP)	<ul style="list-style-type: none"> - fYROM/CONCORDIA in Macedonia (2003) - DR/ARTEMIS in Congo (2003) - EUPM in Bosnia-Herzegovina (2003-) - PROXIMA in Macedonia (2003-) - EUFOR - ALTHEA in Bosnia-Herzegovina (2004-) - EUJUST THEMIS in Georgia (2004-) - Helping AU set up its basis in Sudan (2004-) - EUPOL KINSHASA in the Congo (2005-)
	<i>Enlargement</i>	DG Enlargement (ELARG)	<ul style="list-style-type: none"> - Floods in Central and Eastern Europe (2002) - Cyprus negotiations (2003-2004) and the Turkish Cypriot referendum (2004) - Fights over how much money the new EU member states would receive over the coming years (n/a) - Czech Republic and Austria in conflict over new nuclear power plant (n/a) - Czech Republic in political conflict with Germany over Germans expelled after WWII (n/a)
<i>System Four: Protection of People and Society</i>	<i>Environment and Civil Protection</i>	DG Environment (ENV); Council DG I (Protection of the Environment – Civil protection)	<ul style="list-style-type: none"> - Erika oil tanker disaster (1999) - Prestige oil tanker disaster (2002) - Floods in Central and Eastern Europe (2002) and Germany and France (2003) - Forest fires in France and Portugal (2003 and 2004) - Earthquakes in Algeria and Iran (2003) and Morocco (2004) - Paraguay department store fire (2004)
	<i>Health and Consumer Protection</i>	DG Health and Consumer Protection (SANCO)	<ul style="list-style-type: none"> - BSE (1996) - Nitrofen (1998) - Dioxin (1999) - Phthalates and use of toxic chemicals in baby toys (1999) - Bio-terrorism and spread of phoney anthrax letters (2001) - MPA crisis (2002) - SARS (2003) - Avian flu and risk of spreading into the EU (2003-2004) - Algae additive used in candy (n/a)
	<i>Justice, Freedom and Security</i>	DG JAI (Justice and Home Affairs); Council DG H (Justice and Home Affairs)	<ul style="list-style-type: none"> - Kosovo and Bosnia (1990s) - Dover crisis (2000) - Letting the Freedom Party (FPÖ) into Austrian government (2000) - Madrid bombings (2004)
<i>External Aid</i>	ECHO (Humanitarian Aid Office)	<ul style="list-style-type: none"> - Earthquakes in Turkey (1999), Algeria (2003) and Morocco (2004) - Iraq (2003 -) - Darfur (2004 -) - Tsunamis in South-East Asia (2004) 	
<i>Information Technology</i>	DG Information Society and Media (INFSO)	<ul style="list-style-type: none"> - Accumulated problems for EU companies using IT. 	
<i>Horizontal and Internal Services</i>	DG Informatics (DIGIT)	-	
	DG Personnel and Administration (ADMIN)	-	