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Improving Military Mobility in the European Union

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HIGH REPRESENTATIVE
OF THE UNION FOR
FOREIGN AFFAIRS AND
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**JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT AND THE
COUNCIL**

Improving Military Mobility in the European Union

JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

Improving Military Mobility in the European Union

1. Introduction

The security of Europe's citizens is a priority for the Union, and an issue they expect the EU to address. The EU has taken a range of initiatives to enable Europeans to take more responsibility for their own security. In 2016, the Global Strategy for EU Foreign and Security Policy called for a more effective, responsive and joined-up Union, capable of pursuing EU's shared interests and priorities in promoting peace and guaranteeing the security of its citizens and territory. In order to further help meet Europe's current and future needs, the European Defence Action Plan committed the Commission to work with other EU relevant actors to increase coherence and synergies between defence issues and other Union policies where an EU added-value exists.¹ The European Council has recognised that significant progress has been made in the area of security and defence. In June 2017, the Reflection Paper on the Future of European Defence set out the momentum of EU action on defence². In his State of the Union address of 13 September 2017, President Juncker stressed the imperative of creating a fully-fledged European Defence Union by 2025. Each of these initiatives serves a single purpose: to build a Union that protects.

To protect the Union and its citizens in today's unpredictable security environment, the EU will take the steps which are necessary to ensure its ability to react effectively and in timely manner to internal and external crisis situations, including by enhancing its preparedness and resilience.³ In this context Member States are also working towards deepening their defence cooperation, including through the Permanent Structured Cooperation as provided for in the Treaties. There is both an opportunity and a strategic need to fully exploit civilian/military synergies to expedite military mobility – both within our borders as well as with a view to rapidly deploying military operations abroad.

It is for Member States to decide in full sovereignty whether troops from another country can enter their territory. But in order to be prepared for crises including through military exercises and to react to them, it is necessary to ensure that those decisions can be taken fast and that, when taken, troops and equipment can move swiftly and smoothly. Moreover, the security and defence policy of certain Member States has a specific character which needs to be respected.

In this context, the rapid and swift movement of military personnel and equipment across the EU is currently hampered by a number of physical, legal and regulatory barriers, such as infrastructure that cannot support the weight of a military vehicle or cumbersome customs and other procedures. As experienced during recent major military exercises, such barriers can thus lead to delays, disruptions, higher costs and increased vulnerability. Due to the specific

¹ COM(2016) 950, 30.11.2016

² COM (2017) 315, 7.6.2017 “The foundations of a European security and defence union are gradually being built. Only by advancing firmly along this path will our citizens feel and be safe”

³ Joint Communication “Joint Framework on countering hybrid threats – a European response” (2016) and the Joint Communication “A Strategic Approach to resilience in the EU's external action” (2017).

status of armed forces and equipment, military mobility is legally bound by a wide range of national decisions and EU rules that determine whether national and international movements are possible. A wider range of policy areas may be relevant (home affairs, justice, economy and finance, labour, transport, defence, customs, environment, health). NATO also provides standards and procedures in this area for its members. Issues range from customs to the requirements for safe and secure transport of persons and military equipment including the transport of dangerous goods, aspects of liability including environmental legislation, from the physical and legal protection of personnel to the availability and adequacy of relevant transport infrastructure. Given the legislative and physical framework, it is often difficult for the military to respond as quickly as can be needed. It is therefore important to examine the measures that should be taken to improve processes, in full respect to the sovereignty of Member States and in accordance with the EU Treaties and legislation.

While most measures are and will be in the hands of Member States, there are ways in which the EU can help. The purpose of this Joint Communication is therefore to set out how the EU, including with its existing policies, will work to facilitate and help to expedite military mobility ranging from day-to-day needs to strategic pre-deployment of military forces and resources, in synergy with non-military activities and without disrupting civilian use of infrastructure or avoiding unnecessary inconveniences.

2. Ongoing projects, activities and initiatives on military mobility

Several initiatives are already helping to improve military mobility in the EU context. Transport infrastructure has traditionally been a necessary component of any defence system, providing in particular routes for military supplies and troop movement. Over the years, the EU has developed an ambitious transport infrastructure policy⁴. This area offers a clear opportunity to increase the coherence and synergies between defence issues and existing Union policies, thereby exploiting the EU's added value, reducing unnecessary duplications and promoting a more efficient use of public money and avoiding sub-optimal investments in the longer run.

Initiatives are also under way to promote civil/military synergies based on EU policies in areas such as research, cyber security, aviation, border control and maritime surveillance as well as space. A mechanism agreed between the Commission, the European Defence Agency and Member States to initiate the development of defence and hybrid standards for dual-use products is a good example of more horizontal initiatives. Such activities could have positive spill-overs also as regards facilitating military mobility.

Member States are furthermore taking forward a number of projects in the framework of the European Defence Agency:

- In 2014 fourteen Member States decided to open a dedicated project within the European Defence Agency dedicated to an EU Multimodal Transport Hub. Those Member States have identified the need to better coordinate military movement. A Multimodal Hub Transport (M2TH) network is being developed in order to facilitate the fast movement of troops, through harmonised regulations, procedures and process as well as pooling and sharing of assets and infrastructure in Europe. Core to this project is the central coordination of movement, identifying a physical network of

⁴ The trans-European Transport Network (TEN-T) policy

locations and identifying services to be provided. All is executed using simplified and harmonised procedures within the boundaries of EU legislation and national laws. Other Member States have shown interest to join this project.

- The Diplomatic Clearances Agreement initiative presents a further programme under the European Defence Agency umbrella and has led to a Diplomatic Clearances Technical Agreement in 2012. The number of participating Member States has grown to sixteen. The Technical Agreement harmonises the administrative procedures (forms and timelines) and offers the option to grant pre-emptive clearances. All Member States involved have chosen to grant the clearance, and thus the Technical Agreement becomes a full-fledged enabler for day-to-day expeditious military air transport movement in most routine cases.

NATO is also developing a number of activities to facilitate military mobility, such as work on legal instruments to facilitate freedom of movement, situational awareness of the infrastructure, improvement of rapid air mobility, as well as civil preparedness and resilience work.

Multinational initiatives are also underway trying to minimize the number of limitations and restrictions in the military mobility and to find new ways to remove the existing barriers. Some actors are well known and are already in support of the diverse activities with a high level of professionalism, like the Movement Coordination Centre Europe (MCCE), a multinational organization that arranges multi-modal transport solutions, the European Air Transport Command which accomplishes among others planning and tasking of the air-transport, and the Athens Multinational Sealift Coordination Centre which identifies suitable transportation assets per mission requests. Other multinational initiatives also exist and are active in this domain.

Any further EU actions should take into account these ongoing projects and seek synergies and consistency, avoiding unnecessary duplications or contradictions.

3. Needs and requirements for military mobility

Recently, the remaining regulatory and infrastructural bottlenecks have come to fore, as they hamper military movement to the detriment of Member States' defence needs. A reinforced effort is needed to develop a more coordinated approach which maximises the EU's added value and civilian/military synergies.

The starting point for an effective approach across the EU to help improve military mobility by addressing all dimensions involved is to develop a shared understanding of the needs and requirements.

These military requirements and specificities will need to be further examined and agreed upon by the Member States as a basis for further EU action. They would need to cover at least the following areas:

- Availability of physical infrastructure complying with the necessary technical requirements for all transport modes and multimodal nodes;
- Legal parameters for access to the transport infrastructure within EU, including for import/export of forces and military equipment outside of Europe, including for dangerous goods;

- Protection of military personnel, equipment and restricted data;
- Liability of military forces and status of forces;
- Time related considerations such as priority requirements with regards to the civilian traffic, notifications and requests timings;
- Support requirements for host Member States (fuel, accommodation, logistical support, maintenance and recovery, procurement, health and medical...);
- Coordination requirements, capacities and process between national and international military and civilian authorities;
- Information exchange (electronic data/ database/ hubs) between civilian and military databases.

4. Identifying lines of action

Based on the needs and requirements to be further examined by the Member States, and taking into account the ongoing work, different lines of action could then be identified to address the shortfalls.

To address the persistent shortfalls and promote better coordination and enhanced synergies among all stakeholders, an expert Ad Hoc Working Group has recently been established in the European Defence Agency. The objectives of the working group are to identify obstacles and barriers in cross-border and transiting for surface movement of military personnel and assets, to map existing initiatives and shortfalls, identify relevant actors at EU and national level and to develop an action plan with dedicated tasks, responsibilities including a roadmap with timelines. Among the principles to be followed are avoidance of duplication and inclusiveness in order to address all relevant stakeholders.

While carrying out this work will require efforts by different actors at different levels, there are areas where the EU could offer possible solutions in line with the Treaties and create synergies relying on policies and projects developed over the years primarily for civilian purposes. These areas are subject to legislation, procedures and investment instruments which would need to be adapted, including at EU level, to make them suitable for military uses.

- **Infrastructure:** Actual movement requires close coordination between EU Member States. It requires a common understanding on the infrastructure to be used. Due to the quality of the infrastructure itself and to differences in standards, submitting movement requests is very time consuming. This may lead to unexpected obstruction during the execution of the movement.

It will thus be necessary to assess current infrastructure and define infrastructural standards that take also into account military requirements. Such an analysis would enable the EU to develop an infrastructural standard that integrates the military profile for multimodal transport. This could cover both the development of new infrastructure and the upgrading of existing one. A close link with the long term infrastructure investment of the Union needs to be established, as the financial implications of this work stream have not yet been quantified.

The example of the EU transport infrastructure

The trans-European network for transport (TEN-T) consists of a comprehensive network

ensuring the accessibility of all EU regions to be completed in 2050 and of a core network with the strategically most important parts to be completed in 2030. The TEN-T network identifies ports, airports, rail-tracks, roads and inland waterways. Nine multimodal core network corridors have been established to facilitate the completion of major parts of the core network.

It is important in the first place to analyse the possible dual use of the network and to find out where overlaps and where gaps lie as an important first step ahead. In the TEN-T policy ambitious and uniform standards in the form of technical requirements are defined for all infrastructure components, especially for the core network. They reflect the predominant civilian use of the infrastructure. Some of these corridors could be identified as possible test-cases for a pilot analysis.

The TEN-T policy is also underpinned by an interactive geographical and technical information system (TENtec), which contains maps and other information on the TEN-T uniform standards. Cooperation with relevant defence stakeholders on this database could be enhanced to reap possible synergies.

The Connecting Europe Facility⁵ is the strategic EU investment instrument for the realisation of the TEN-T. The Facility has proven very effective in mobilising rapidly investments into improving EU transport infrastructure and in focusing on the projects generating the high EU added value. The focus of the Facility lies clearly on cross-border civilian projects and missing links, including the necessary interoperability systems – such as for air and rail traffic management – and innovation, as well as investments in ports, airports and their hinterland connections for the multimodal functioning of the network. This is crucial for forward presence of the military.

Good quality infrastructure requires sufficient investment and maintenance, in particular to ensure appropriate and seamless multi-modal connections with mutual civilian and military benefits. While the Facility concentrates on the transport civilian priorities only, there are obvious examples where additional investment could yield significant benefits for military goals, such as projects of cross-border nature, critical infrastructure and key infrastructure components. Identifying the possible synergies and looking at such dual use, alongside reinforcing budgets where needed, is thus an absolute must for both the civilian and military infrastructure. It could be reinforced to achieve the TEN-T core network by 2030 and the European Defence Union by 2025.

- Addressing relevant **regulatory and procedural issues:**

- **Customs:** The new EU Customs legislation that applies since May 2016 requires that all customs formalities are in principle fully electronic. In order to simplify and harmonise the customs formalities required for military movements in the Union, the customs issues identified are being analysed with a view to establishing customs procedures that better meet the specific needs of such movements. Any amendments proposed to the customs regulatory framework will in particular take account of relevant existing practices, such as the NATO 302 format.

⁵ Regulation (EU) N° 1316/2013 of the European Parliament and the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) N° 913/2010 and repealing Regulations (EC) N° 680/2007 and (EC) N° 67/2010; OJ L348, 20.12.2013, p. 129

- **Dangerous goods:** The EU legislation on the transport of dangerous goods is currently not applicable to military transport. If military vehicles comply with this legislation they should have the same advantages as civilian vehicles. This would facilitate the movement of troops and military equipment.
- **National procedures:** Considering that military mobility heavily depends on Member States' national requirements, procedures and practices, exchange of information to better understand the cases where common rules would be possible and provide for greater coherence should be examined. For example, developing a single procedure to ensure military mobility for all EU Member States could be considered. The extensive work done within the European Defence Agency projects provides a basis. EU actions could facilitate or support Member States in this process, should Member States so request.
- **Hybrid threats:** Following the joint framework on countering hybrid threats, several actions have been identified on the resilience to hybrid threats of critical infrastructures in Europe, such as transport infrastructures. This work will be pursued and strengthened, also in the framework of the ongoing EU/NATO cooperation on countering hybrid threats, so as to ensure the resilience of those infrastructures which are strategic in light of the work to improve military mobility in the EU.

EU legislation in other areas could also be looked at for possible relevance to military mobility.

5. Coordination with other stakeholders

The same impediments to rapid and seamless movement of military forces and assets across national borders in Europe are also affecting Member States in other contexts, notably within NATO. In this regard, coordination and dialogue with NATO should be taken forward as well. This will be done in full openness and transparency, full respect of the decision-making autonomy and procedures of both organisations, inclusiveness and reciprocity without prejudice to the specific character of the security and defence policy of any Member State. Interaction with other relevant stakeholders and partners is also important to optimise the effectiveness, promote synergies where possible and avoid unnecessary duplication in identifying next steps to facilitate and expedite military mobility within Europe.

6. Way forward

By March 2018, the High Representative and the Commission will submit an Action Plan on Military Mobility for Member States' endorsement. This plan will build upon the results of the European Defence Agency's Ad Hoc Working Group on Military Mobility and will propose recommended actions, implementing actors and ambitious timelines on how to address identified barriers hampering military mobility within the European Union.