



HIGH REPRESENTATIVE
OF THE UNION FOR
FOREIGN AFFAIRS AND
SECURITY POLICY

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JOINT REPORT TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the implementation of the Action Plan on Military Mobility

I. INTRODUCTION

1. Improving military mobility is a key EU initiative launched on 10 November 2017¹. It will contribute to the establishment of a European Defence Union, which was called for in President Juncker's 2017 State of the Union Address². It contributes to the fulfilment of the level of ambition in security and defence as agreed by the Council on 14 November 2016³, following the presentation of the Global Strategy for the EU Foreign and Security Policy⁴. Military mobility is being implemented in coherence with the Permanent Structured Cooperation, including at the project level, as well as the implementation of the concrete measures undertaken by the EU Member States on 25 June 2018⁵. Furthermore, it is a key priority for the EU-NATO cooperation in the framework of the implementation of the Joint Declarations⁶ and the established Structured Dialogue on military mobility at staff-to-staff level.
2. This initiative exploits civilian-military synergies to improve the mobility of military personnel, materiel and equipment for routine activities and during crisis and conflict, within and beyond the EU, by all transport modes and in all strategic directions. It will enable the EU Member States to act faster and more effectively in the context of the Common Security and Defence Policy, national and multinational activities.
3. The High Representative of the Union for Foreign Affairs and Security Policy and the Commission presented the Action Plan on Military Mobility (Action Plan) on 28 March 2018⁷. In June 2018, the Council welcomed the Action Plan and called for its swift implementation in close cooperation between all relevant stakeholders⁸. Furthermore, on 19 November 2018 the Council welcomed the progress and provided further guidance regarding the next steps⁹. In addition to, and in complementarity with, this Progress Report on 13 May 2019 the European Defence Agency Steering Board welcomed the Agency's first annual report on military mobility.
4. The Action Plan outlines concrete steps and timelines, focusing on the Union's added value in helping and facilitating the EU Member States' efforts to improve military mobility. In particular, the Union can contribute by identifying civilian-military synergies and leveraging existing policies and instruments in three main areas – transport infrastructure, regulatory and procedural issues, and other cross-cutting topics. Through close and continuous cooperation

¹ Joint Communication to the European Parliament and the Council on Improving Military Mobility in the European Union {JOIN(2017) 41 final}.

² President Juncker, State of the Union Address 2017, 13 September 2017, http://europa.eu/rapid/press-release_SPEECH-17-3165_en.htm

³ Council conclusions on implementing the EU Global Strategy in the area of Security and Defence, 14 November 2016, <https://www.consilium.europa.eu/media/22459/eugs-conclusions-st14149en16.pdf>

⁴ Shared Vision, Common Action: A Stronger Europe, A Global Strategy for the European Union's Foreign And Security Policy, June 2016, http://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf

⁵ Council conclusions on Security and Defence in the context of the EU Global Strategy, 25 June 2018, paragraph 18, <http://data.consilium.europa.eu/doc/document/ST-10246-2018-INIT/en/pdf>

⁶ Joint Declaration on EU-NATO Cooperation by the President of the European Council, the President of the European Commission, and the Secretary General of the North Atlantic Treaty Organization, https://www.consilium.europa.eu/media/36096/nato_eu_final_eng.pdf

⁷ Joint Communication to the European Parliament and the Council on the Action Plan on Military Mobility {JOIN(2018)05 final}, p. 10.

⁸ European Council meeting (28 June 2018) – Conclusions, 28 June 2018, <https://www.consilium.europa.eu/media/35936/28-euco-final-conclusions-en.pdf>

⁹ Council conclusions on Security and Defence in the context of the EU Global Strategy (13978/18), 19 November 2018, <http://data.consilium.europa.eu/doc/document/ST-13978-2018-INIT/en/pdf>

between the Commission services, the European External Action Service including the EU Military Staff, the European Defence Agency and full involvement of the EU Member States in a whole-of-government approach while respecting their national sovereignty and decision-making, major progress was made in the implementation of the Action Plan.

5. The Action Plan requests the first Progress Report by summer 2019¹⁰. The present Report describes the substantial and tangible progress achieved so far and the way forward.

II. MILITARY REQUIREMENTS FOR MILITARY MOBILITY WITHIN AND BEYOND THE EU

A. Definition of the Military Requirements

6. The starting point of the implementation of the Action Plan was the definition of the Military Requirements for Military Mobility within and beyond the EU (Military Requirements). The Military Requirements were developed by the EU Military Staff, in close cooperation with the EU Member States, the Commission services and relevant Union agencies and bodies, including the European Defence Agency, and in consultation with NATO as appropriate, and other relevant stakeholders. Additionally, following a whole-of-government approach, relevant competent national authorities beyond the Ministries of Defence were invited by the Council to participate in this process.
7. The Military Requirements were agreed by the EU Military Committee and subsequently approved by the Council: the overarching high-level part on 25 June 2018 and the annexes on 19 November 2018. The Military Requirements were then consolidated on 28 November 2018¹¹.
8. The Military Requirements aim to improve the movement of military forces (personnel, materiel and assets) within and beyond the EU. It is a strategic and operational enabler for military action, supporting the EU strategic autonomy and facilitating the deployment, re-deployment and sustainment of the EU Member States forces to meet the relevant parts of the EU Level of Ambition as well as the national requirements of the EU Member States.
9. The Military Requirements provide the necessary principles and key aspects of military movement, and comprehensively consider all factors conditioning military movement. They encompass several main areas: planning and conduct support, transport infrastructure, legal and regulatory aspects, access to transport resources and support, coordination and information exchange, security, training, and environmental considerations. An essential part of the document is the definition of the geographic scope of all transport infrastructure across the Union that the EU Member States identified as needed for military movement. In addition, NATO's generic infrastructure parameters, as transmitted by the Secretary General of NATO in May 2018, are reflected in the Military Requirements, which contributes towards ensuring coherence between the respective sets of military requirements underpinning the work of both organisations in this domain.

¹⁰ Joint Communication to the European Parliament and the Council on the Action Plan on Military Mobility {JOIN(2018)05 final}, p. 10.

¹¹ Military Requirements for Military Mobility within and beyond the EU (ST 14770/18), 28 November 2018.

B. Partial Update of the Military Requirements

10. The approval of the Military Requirements led to the completion of the Gap Analysis between the military and the civilian transport infrastructure requirements¹² (see points 17-21). Further to the presentation of the Gap Analysis to the Political and Security Committee, on 8 May 2019 the Political and Security Committee invited the European External Action Service/ EU Military Staff to provide an update of the transport infrastructure parameters and the geographical data of the Military Requirements, taking into account the Gap Analysis. The EU Military Staff has prepared the draft updates in close cooperation with the EU Member States, Commission services and the European Defence Agency, and in coordination with NATO as appropriate at staff-to-staff level, in view of the approval by the Council of the updated Military Requirements by summer 2019. Following engagement with NATO staff within the Structured Dialogue, NATO transmitted its updated generic infrastructure parameters to the EU on 22 March 2019.

III. TRANSPORT INFRASTRUCTURE

11. Infrastructure barriers are being addressed in order to achieve better mobility of forces within and beyond the EU. In this context, increasing synergies between defence needs and the trans-European transport network is a major pillar of the Action Plan.
12. Substantial progress has been achieved in this field since the adoption of the Action Plan, and the actions foreseen until now have all been completed.

A. Dual-use transport infrastructure funding

13. On 2 May 2018, the Commission proposed a 6.5 billion EUR military mobility envelope as part of the Connecting Europe Facility 2021-2027 to fund civilian-military dual-use projects. Specific provisions related to dual use transport infrastructure funding were inserted in the proposed Regulation¹³. On 7 March 2019, the co-legislators reached a common understanding on the proposed Connecting Europe Facility 2021-2027 Regulation text with the necessary provisions for dual-use project funding in place¹⁴, and since then the proposed Regulation text was endorsed by the Council and the European Parliament. The financial allocations for the Connecting Europe Facility 2021-2027 will be finalised as part of the Multiannual Financial Framework 2021-2027 negotiations.
14. As proposed, the Connecting Europe Facility will also contribute to the financing of transport infrastructure projects so as to better meet military requirements. This EU contribution should therefore allow Member States to develop infrastructure sections which will serve both defence and civilian transport objectives.

¹² Joint Staff Working Document Military requirements and trans-European transport network: gap analysis, {SWD(2019) 175 final}

¹³ Proposal for a Regulation of the European Parliament and of the Council establishing the Connecting Europe Facility and repealing Regulations (EU) No 1316/2013 and (EU) No 283/2014, 6 June 2018.

¹⁴ Proposal for a Regulation of the European Parliament and of the Council establishing the Connecting Europe Facility and repealing Regulations (EU) No 1316/2013 and (EU) No 283/2014 - Progress report, Council of the European Union, 2018/0228(COD), 13 March 2019, <https://www.consilium.europa.eu/media/38507/st07207-re01-en19.pdf>

Military requirements

15. The approval of the Military Requirements by the Council provided the starting point for the work on transport infrastructure aspects of military mobility (see points 6 to 9 above).

Gap Analysis

16. The next action towards dual-use project funding was the identification of the gaps between the military and the civilian requirements. The Gap Analysis is a comparison of the military infrastructure standards and the geographic scope of the military network of the Military Requirements on the one hand, and the current technical requirements and the geographic scope of the trans-European transport network infrastructure on the other hand, including identified practical mitigating measures in areas where gaps exist.
17. The Gap Analysis was transmitted to the Council on 3 May 2019 in the form of a Joint Staff Working Document¹⁵.
18. Overall, the assessment is positive: with regards to the infrastructure requirements, a large part of the military standards are in principle considered as compatible with the trans-European transport network requirements; and concerning the geographic data (the military network), 94% of the infrastructure identified as relevant for military purposes overlaps with the geographic scope of the trans-European transport network. Furthermore, practical mitigating measures were identified in those instances where gaps between the military and the trans-European transport network requirements are substantial.
19. The results of the Gap Analysis have two important implications. Firstly, the identification of the overlap between the military mobility network and the geographic scope of the trans-European transport network will define the geographic coverage for Connecting Europe Facility dual-use projects from the military mobility envelope because only projects that are part of both the military mobility geographic network and the trans-European transport network will be eligible. The 94% overlap between the transport infrastructure identified by the EU Member States as relevant for military mobility and the trans-European transport network proves that synergies between civilian and military transportation exist.
20. Secondly, as mentioned previously, taking into account the results of the Gap Analysis, the Political and Security Committee invited the European External Action Service / EU Military Staff to update the Military Requirements with a view to their approval by the Council by the summer of 2019. The update is expected to further narrow down the gap between the military and the civilian transport infrastructure requirements as well as the eventual gap between the military and the dual-use requirements (see below). Once the Military Requirements are updated, the Gap Analysis will also be revised.

Dual-use requirements

21. The proposed Connecting Europe Facility 2021-2027 Regulation stipulates that the Commission will adopt an implementing act specifying, where necessary, notably the infrastructure requirements applicable to certain categories of dual-use infrastructure actions. The Commission will involve the European External Action Service, the EU Member States and the relevant stakeholders in the process. The consultation of the stakeholders started in mid-April 2019.

¹⁵ Cf. footnote 11 above.

22. The Gap Analysis has laid the groundwork for the definition of the dual-use requirements, and they are expected to be prepared by the end of 2019 to be ready for adoption by the time the Connecting Europe Facility 2021-2027 Regulation is adopted.

Dual-use project pipeline

23. Once the EU Member States identify the necessary upgrades of existing infrastructure and possible new infrastructure projects, and after the dual-use requirements are defined, the Commission and the European External Action Service will work with the EU Member States and all relevant stakeholders on a dual-use indicative pipeline of projects. This will be implemented by 2020.

B. Revision of the trans-European transport network Regulation

24. The Commission has anticipated the review of the trans-European Transport network Regulation¹⁶, which should be finished in the first semester of 2020. The Commission will include certain military and/or dual-use requirements in the review process.

C. TENtec Information System

25. TENtec is the Commission's Information System to coordinate and support the trans-European transport network policy.
26. It has already proved to be very useful for military mobility purposes as it allowed to convert the geographic data identified in the Military Requirements into a visual format and to create an interactive TENtec Military Mobility Maps Viewer¹⁷. The viewer provides a visual way to analyse the Military Mobility network, to perform various calculations with regards to the length of the Military Mobility network and its overlap with the trans-European transport network, as well as to facilitate cross-border connections.
27. Furthermore, TENtec is being improved on a continuous basis: for example, a TENtec update of the technical parameters, which will include basic military mobility considerations, is expected by summer 2019.

Finally, the Action Plan refers to a possible interlinking of military and civilian databases. The consultations with the relevant parties with regards to the feasibility of such action will start in 2020.

IV. TRANSPORT OF DANGEROUS GOODS

28. The transport of dangerous goods in the military domain is another area where EU action can provide added value. A survey addressing existing rules applicable to transport of dangerous goods in the military sector has been concluded by the European Defence Agency in close cooperation with the Commission services. The findings were presented to the European Defence Agency participating EU Member States in April 2019 and will be considered further.

¹⁶ Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p.1).

¹⁷ Access to the interactive viewer is provided on the need-to-know basis upon contacting move-tentec@ec.europa.eu

29. The survey maps national legislative frameworks with a focus on obstacles and restrictions to movement of dangerous goods. The national procedures concerning the transport of dangerous goods in the military sector were inventoried, and a questionnaire was established and sent out to the EU Member States on 8 October 2018.
30. In addition, within the framework of the EU-NATO Structured Dialogue on Military Mobility, the EU and NATO analysed possible synergies in their respective actions related to transport of dangerous goods. In this respect, the release to the EU of the relevant NATO Standardisation Agreement as well as other reference documents will facilitate the alignment of their efforts both in transport of dangerous goods and other fields linked to military mobility.
31. The Commission services are analysing various options, which could smoothen the transport of dangerous goods and thus improve military mobility. The results of this analysis will be considered in the further development of EU's relevant programmes and initiatives, including in the context of the European Defence Agency. In addition, the outcome of the European Defence Agency survey, expected by summer 2019, will help to assess the feasibility and need for further actions at the EU level in line with the Action Plan.
32. The actions related to transport of dangerous goods are developed in close cooperation between the European Defence Agency, the Commission services and the European External Action Service/ EU Military Staff. The Committee on Transport of Dangerous Goods consisting of civilian experts¹⁸ is regularly informed.

V. CUSTOMS AND VALUE-ADDED TAX

A. Customs

33. The Action Plan also identified specific actions in order to streamline and simplify customs formalities for cross-border military movements while ensuring synergies with NATO. The current customs legislation in the EU, in force since May 2016, foresees the possibility of using Form 302, which is a specific customs form established by NATO, as a customs declaration for transit procedures only. This legislation could be amended in order to extend the Form 302 to certain customs procedures other than transit, such as import and export (the latter being done on a temporary basis).
34. In parallel, the creation of an EU Form 302 would streamline cross-border military movements outside the NATO umbrella. This form could also be used by non-NATO EU Member States. By aligning the NATO Form 302 and the EU Form 302 to the maximum extent possible – with the aim of using identical forms, the related customs processes would be streamlined throughout the EU, which would also ensure uniform treatment of military movements by customs in all EU Member States.
35. EU Member States have shown broad support at the technical level for the draft legal amendments necessary for the simplification of the customs formalities related to cross-border military movements, as well as for the introduction of an EU Form 302. The development of a template for an EU Form 302 was facilitated by the European Defence Agency in the framework of its ad-hoc programme on customs, and was shared with NATO by the European Defence Agency. The full alignment of Form 302 between NATO and the

¹⁸ Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13).

EU depends on NATO's assessment of the revised Form 302. The legal basis for the use of the EU Form 302 will be created by including the template for this form into the EU customs legislation.

36. The legal changes require a series of amendments to two Commission Regulations: the Delegated Act¹⁹ and the Implementing Act²⁰ of the Union Customs Code²¹. The draft amendments to the Delegated Act²² should be adopted by the Commission in autumn 2019, and the draft amendment to the Implementing Act²³ should be adopted by the Commission in the beginning of 2020 at the earliest.

B. Value-added tax

37. Another important deliverable achieved by the Commission is the adoption of its proposal for amendments of the value added tax and excise duty treatment of defence effort within the Union framework²⁴ on 24 April 2019. Given that supplies to armed forces participating in a NATO defence effort while outside their country can already benefit from such exemptions, the proposal aims to ensure equal treatment of defence efforts under the NATO and the EU framework by exempting supplies to armed forces from value added tax and excise duties when these forces are deployed outside their own Member State and take part in a defence effort under the Common Security and Defence Policy. By aligning the indirect tax treatment of both defence efforts, the initiative acknowledges the growing importance of the Common Security and Defence Policy and military mobility.
38. The proposal was presented to the Council Working Party on Tax Questions on 16 May 2019. Discussions will continue under the Finnish Presidency of the EU. The Commission would welcome an adoption of the proposal by the Council as soon as possible.

VI. CROSS-BORDER MOVEMENT PERMISSION

39. Activities in this area were further developed within the European Defence Agency, notably in the frame of the Programme on "Optimising Cross-Border Movement Permission procedures in Europe", the EU Multimodal Transport Hub and the Technical Arrangement on Diplomatic Clearance for air transport. 23 EU Member States joined the European Defence Agency Programme Arrangement on "Optimising Cross-Border Movement Permission procedures in Europe", signed in the margins of the 14 May 2019 European Defence Agency Steering Board. By harmonising and simplifying cross-border procedures with a focus on surface and air movements in combination with diplomatic clearance procedures, this

¹⁹ Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343 29.12.2015, p. 1).

²⁰ Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343 29.12.2015, p. 558).

²¹ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (recast) (OJ L 269 10.10.2013, p. 1).

²² Cf. footnote 18 above.

²³ Cf. footnote 19 above.

²⁴ COM(2019)192/F1 – Proposal for a Council Directive amending Directive 2006/112/EC on the common system of value added tax and Directive 2008/118/EC concerning the general arrangements for excise duty as regards defence effort within the Union framework.

programme will enhance and ease the military movement of EU Member States' capabilities for operations, exercises, and daily activities.

40. Complementing these activities, the EU Multimodal Transport Hub project, established in 2013, contributed to set up a geographical network facilitating the movement of troops. 14 EU Member States are now participating in the project. Currently, a Technical Arrangement on Border Crossing and Transport Surface movement is pending signature within the EU Multimodal Transport Hub project. As for the Technical Arrangement on Diplomatic Clearance, it envisages pre-approval for diplomatic clearance for air transport. Following its inception in 2012, 20 EU Member States have now signed the arrangement. The results of both the project on EU Multimodal Transport Hub and on Diplomatic clearances will further feed the activities that are being implemented in the context of the Cross-Border Movement Permission programme.

VII. OTHER ISSUES

41. The Action Plan further referred to certain legal aspects such as the possible impact of the EU Status of Forces Agreement on military mobility. The EU Status of Forces Agreement was signed in 2003 and entered into force on 1 April 2019²⁵, following the completion of its ratification process by Ireland. The Agreement covers the status of military and civilian staff seconded to the institutions of the EU as well as of the headquarters and forces which may be made available to the EU in the context of the preparation and execution of the tasks referred to in Article 42 of the TEU, including exercises.
42. The European Defence Agency carried out a survey to map national legislative frameworks with a focus on caveats and restrictions to movement and national interpretation of international instruments and procedures. The results of this survey will inform further work of the Commission services and the European Defence Agency.
43. Furthermore, the Action Plan acknowledged the importance of reflecting the relevance of military mobility in the context of other cross-cutting issues such as countering hybrid threats. During the implementation of the 22 Actions of Joint Framework on Countering Hybrid Threats²⁶, two actions have been considered relevant for military mobility: Action 3 – Strategic Communications, and Action 7 – Protection of transport critical infrastructure. The implementation of both actions is ongoing and a direct reference to military mobility could be established in a possible future revision of the Joint Framework with the purpose to elaborate on potential threats in these two domains.

VIII. CONCLUSIONS AND WAY FORWARD

44. Since the launch of the Action Plan, substantial and tangible progress has been achieved in all areas, and key documents, namely the Military Requirements, the Gap Analysis and the proposal for value added tax amendments, have been delivered. In addition, the signature by

²⁵ Agreement between the Member States of the European Union concerning the status of military and civilian staff seconded to the institutions of the European Union, of the headquarters and forces which may be made available to the European Union in the context of the preparation and execution of the tasks referred to in Article 17(2) of the Treaty on European Union, including exercises, and of the military and civilian staff of the Member States put at the disposal of the European Union to act in this context (EU SOFA) (OJ C 321, 31.12.2003 p. 6)

²⁶ Joint Communication to the European Parliament and the Council Joint Framework on countering hybrid threats – a European Union response {JOIN/2016/018 final}.

23 EU Member States of the European Defence Agency Programme Arrangement on Cross-Border Movement Permission procedures in Europe is a tangible achievement. Substantial progress has also been achieved in areas such as transport of dangerous goods and customs.

45. This progress would not have been possible without whole-of-government involvement of the EU Member States while respecting their national sovereignty and decision-making, as well as close and continuous cooperation between the Commission services, the European External Action Service including the EU Military Staff, and the European Defence Agency. The EU-NATO Structured Dialogue will further enhance the cooperation on military mobility. The Commission and the High Representative welcome this approach and are committed to continue working in the same way and at the same pace.
46. The next Progress Report will be presented by the end of the summer of 2020.