

STUDY

Requested by the SEDE subcommittee



EU preparedness against CBRN weapons



Policy Department for External Relations
Directorate General for External Policies of the Union
PE 603.875 - January 2019

EN

WORKSHOP REPORT

EU preparedness against CBRN weapons

ABSTRACT

The European Union faces an increasingly challenging security environment, with a climate of international instability and a level of tension not seen since the end of the Cold War. Repeated chemical attacks by both State and non-state actors in the context of the Syrian conflict, the Novichok attack in Salisbury and the disruption of two ricine terror plots in Germany and in France in 2018 came all as stark reminders that the threat remains real and that Member States could be affected. In this context, the European Union (EU) continues to strengthen its capacities in the field of CBRN preparedness and response. The use of EU mechanisms and Member States' military assets is one of the possibilities for strengthening prevention capacities that must be explored more thoroughly.

This paper was requested by the European Parliament's Sub Committee on Security and Defence.

English-language manuscript was completed on 29 January 2019.

Printed in Belgium.

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ISBN: 978-92-846-4568-8 (pdf)

ISBN: 978-92-846-4567-1 (paper)

doi:10.2861/91 (pdf)

doi:10.2861/780767 (paper)

Catalogue number: QA-02-19-076-EN-N (pdf)

Catalogue number: QA-02-19-076-EN-C (paper)

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WORKSHOP

POLICY DEPARTMENT, DG EXPO
FOR THE SUBCOMMITTEE ON SECURITY
AND DEFENCE (SEDE)



Monday 19.11.2018 – **15:00-16:30**
PAUL-HENRI SPAAK BUILDING – ROOM **P5B001**

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EU PREPAREDNESS AGAINST CBRN WEAPONS

CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR

Chair: Anna FOTYGA



PROGRAMME OF THE WORKSHOP

DIRECTORATE-GENERAL FOR EXTERNAL POLICIES

POLICY DEPARTMENT



For the Sub-Committee on Security and Defence (SEDE)

WORKSHOP

EU preparedness against CBRN weapons

Monday, 19 November 2018

Brussels, **Paul-Henri Spaak building, Room P5B001**

15.00 -16.30

PROGRAMME

15.00-15.05 Welcome and introductory remarks by

- **Ms Anna FOTYGA**, Chair of the Sub-Committee on Security and Defence (SEDE)

15.05-16.05 EU preparedness against CBRN weapons

- **Dr Claude WACHTEL**, Associate senior research fellow at the *Fondation pour la Recherche Stratégique* (Paris, France).
- **Elisande NEXON**, Senior research fellow at the *Fondation pour la Recherche Stratégique* (Paris, France).

16.05-16.25 Q&A

16.25-16.30 Concluding remarks by

- **Ms Anna FOTYGA**, Chair of the Sub-Committee on Security and Defence (SEDE)

BIOGRAPHICAL SUMMARIES OF THE SPEAKERS

Elisande NEXON (Pharm.D.) is a senior research fellow at the *Fondation pour la Recherche Stratégique* (France). Her main topics of research are biological and chemical non-proliferation, as well as the challenges and opportunities in the security / defense field resulting from advances in life sciences. She is a co-organizer of the Geopolitics and Geostrategy module in the CBRNe Public Health Risks Master (Val-de-Grâce School of Military Medicine and French Alternative Energies and Atomic Energy Commission, in partnership with the Ministry of Interior and the Ministry of Health). She holds a State Diploma of Doctor of Pharmacy and a master's degree in arms control and disarmament, as well as a University diploma in Biosafety and Biosecurity.

Dr Claude WACHTEL holds a PhD in Space Geophysics from Pierre and Marie Curie University in Paris. From 1974 to 1978, he was an engineer at the National Center for Scientific Research (Meudon and Grasse) where he worked on experiments aboard artificial satellites. From 1978 to 2017, he held various positions at the French General Secretariat for Defense and National Security (SGDSN). He was involved in the organization of the operational response to major natural, technological and conflict threats, including in the CBRN field.

PART I: CONTRIBUTION OF THE SPEAKERS

THE BACKGROUND NOTE IS ANNEXED TO THIS REPORT.

1 An enduring threat

CBRN threats encompass a wide scope of events, including naturally occurring disasters, accidental incidents at hazardous installations or during the transport of dangerous materials, as well as deliberate incidents, among which terrorist acts and state-sponsored uses. In this context, considering challenges pertaining to CBRN preparedness and response, the 2009 Commission's Communication presenting the EU CBRN Action Plan advocated starting from an all-hazards approach.

A series of events over the past decade has shown that CBRN threats of deliberate origin persist or even increase, representing a challenge for response systems. They notably include repeated chemical attacks by both State and non-state actors in the context of the Syrian conflict (since 2012), allegations about a North Korean offensive chemical programme and the assassination of the North Korean leader's half-brother with VX nerve agent (2017), the Salisbury Novichok poisonings likely perpetrated by individuals affiliated to a State security service, as well as the disruption of two ricin terror plots in Germany and France (2018).

This enduring threat can be fuelled by trends such as scientific and technological advances, a greater diffusion of technologies, an easier dissemination of information and knowledge, and increasing flows of travellers and goods. Considering the recent developments at European level and worldwide, the most likely *modus operandi* that is currently expected is the use of chemical agents. However, this does not preclude the need to prepare to face other kinds of non-conventional threats, be they biological, radiological or even nuclear.

2 Intentional CBRN incidents that may warrant the involvement of EU military capacities

Not all CBRN scenarios would involve the systematic use of military means at European level, as in many cases the situation would not overwhelm national response capacities and, should the scale and severity require their involvement, civilian European emergency response means.

A series of criteria should come into consideration, including upstream information provided by intelligence services, the crisis dynamics (sudden onset crisis vs. slow developing crisis), the number of Member States or neighbouring countries that could or would be affected, the scale of the incident and the number of casualties, the pattern of incidents, response capacities of the affected Member States, the need for highly specialized teams and equipment, or the existence of other operational assistance frameworks.

CBRN malicious scenarios that could require the involvement of EU military capacities notably include:

- Upstream prevention (e.g. capacity building assistance to third countries, military small-scale rapid missions to respond to emerging conflicts and crises);
- An ongoing threat, an attack or repeated attacks overwhelming the civilian response capacities of the affected Member State(s);
- The use or threat of use of militarized chemical or biological weapons raising suspicion of a state's involvement;
- A scenario requiring the use of niche capabilities mostly held by armed forces;
- A hybrid threat involving a CBRN component.

3 A favourable context for the strengthening of EU military capabilities in the CBRN field

The current shifting geopolitical environment brings new areas of concern in terms of security and defence, but it also allows the consideration of new perspectives. The new equation for European security has to take into account highly different challenges, in particular arising from Russia's annexation of Ukraine's Crimea in 2014, China and Russia's assertive foreign and defence policies, or ongoing terrorist threats on European soil. At the same time, potential consequences pertaining to Brexit or the stance of the current U.S. administration (for example, regarding issues such as the North Atlantic Treaty Organization (NATO) and the European security, multilateral agreements or trade) also add other layers of uncertainty.

In this context, the 2016 EU Global Strategy states that 'an appropriate level of ambition and strategic autonomy is important for Europe's ability to promote peace and security within and beyond its borders'. Along the same lines, French President Emmanuel Macron called on November 6th, 2018, for the creation of a 'true European army', to allow the EU to protect itself from external threats 'in a more sovereign manner'. A few days later, German Chancellor Angela Merkel, addressing the European Parliament in Strasbourg, declared that the Europeans should 'work on a vision of one day establishing a real, true European army'.

In keeping with this aim of strategic autonomy, the EU is in the process of strengthening its capacities in the field of security and defence. Significant advances in the last two years include in particular the launching of the European Defence Fund (EDF), to finance joint research and development, and, most notably, the establishment of Permanent Structured Cooperation (PESCO). The majority of EU Member States joined PESCO, voluntarily agreeing to more binding commitments with the aim of strengthening defence cooperation to develop capabilities and increase their operational availability. In a distinct initiative, the Defence ministers from nine EU countries signed on 25 June 2018 a letter of intent, committing to set up a joint military intervention group that could be deployed to respond to both military and civilian scenarios. This European Intervention Initiative (EI2) could look like some kind of reinforced NATO article 5.

Besides, there are ongoing efforts to strengthen cooperation between NATO and the EU, including regarding CBRN issues. Following a first joint declaration in 2016, they signed a new one ahead of the 2018 NATO summit reaffirming the importance of a continued cooperation. In this framework, the European Centre of Excellence for Countering Hybrid Threats (Hybrid CoE), established in 2017, represents a forum for cooperation. Considering the scope of the EU-NATO cooperation, it could be useful to specify the arrangements that exist between the crisis centres from the European Union (including those from its agencies such as Europol) that have an operational vocation and those supervised by the NATO Civil Emergency Planning Committee (CEPC).

4 The use of military means in the framework of the EU crisis response

4.1 The EU CBRN crisis preparedness and response

The European Union Civil Protection Mechanism (UCPM) remains the cornerstone of the response system, which includes a voluntary pool of assets pre-committed by Member States for immediate deployment, the European Emergency Response Capacity (EERC). The European Medical Corps is part of this EERC. The response is coordinated by the Emergency Response Coordination Centre (ERCC). However, acknowledging some shortcomings that may impede its implementation, the European Commission has

proposed to strengthen the mechanism by establishing a dedicated EU reserve of UE civil protection capacities to be used as a last resort (rescEU), as well as a Union Civil Protection Knowledge Network.

Multiple stakeholders, instruments and mechanisms may potentially be involved in the framework of an EU response to a CBRN large-scale incident (i.e. the Member States, the Council Presidency and the Council, the Commission, the EEAS, relevant EU agencies depending on the nature of the event, experts from Member States or international organizations). Rapid and coordinated decision-making at EU political level for such major and complex crises is ensured by the Integrated Political Crisis Response arrangements (IPCR), designed to display more flexibility and scalability, and to build on existing EU resources.

Beyond that, the European Union relies on a vast array of instruments and measures for preparedness and response. The toolkit includes, for example, the EU dual-use export control regime, the directive to strengthen the criminalisation of terrorist acts, the support to international organizations involved in non-proliferation or public health response, the funding of R&D and joint training, several public health early warning systems, or capacity-building initiatives in third countries through the European Union CBRN Centres of excellence.

4.2 The framework for the involvement of EU military capabilities

Taking into consideration that EU internal and external security are more and more intertwined, the framework for the involvement of military capabilities in a CBRN civil crisis includes, inter alia:

- The UE Global Strategy (2016);
- The Internal Security Strategy (2015);
- The clause of mutual (defense) assistance, restricted to cases of armed aggression on the territory of the requiring EU Member State;
- The clause of solidarity, applying in case of terrorist attacks, or of natural or made-man disasters, with the possible involvement of both civilian and military resources. However, it can only be invoked by a Member State if, after having exploited all other possibilities, it considers that the crisis overwhelms all available response capabilities.

Proposal: Explore the relationships between the solidarity clause and the mutual assistance clause; Explore the scope of the limitation to the invocation of the solidarity clause, introduced by the necessity to have exhausted all other possibilities.

4.3 The added value of military means in case of CBRN crises

The added value of using military assets has already been demonstrated in real crises – i.e. the Ebola outbreak (2014), the Paris terrorist attacks (2015), the Novichok attack in Salisbury (2018) –, some of which included a CBRN component. Armed forces benefit from a comprehensive capability-based planning approach focusing on the objective to achieve and may also rely on staff that have undergone regular CBRN training. Besides, military capabilities include specialized niche competencies, namely in medical expertise regarding the treatment of chemical or biological casualties, detection and identification of non-conventional warfare agents, or decontamination. Potential roles for the military could include, among others:

Upstream preventive actions:

- Taking part in CBRN R&D;
- Contributing to information and intelligence sharing on CBRN terrorist threats and capabilities;
- Pre-positioning niche capacities for a major sporting, societal or political event;

- Providing expertise to third countries with the aim of contributing to capacity-building, and/or providing direct assistance upon request, including through disarmament operations.

Actions following the onset of a CBRN crisis:

- Providing detection capabilities;
- Contributing to the evacuation of people from the contaminated area and to the control of their level of contamination, as well as contributing to the organization of an exclusion area around this zone;
- Providing medical staff and specific CBRN medical countermeasures (including in military hospitals);
- Ensuring reinforcement and replacement of exhausted civil responders for specific tasks.

Post-crisis actions:

- Managing patients requiring long-term specialized care (especially victims contaminated by a nerve agent or mustard gas, or radiological casualties);
- Evaluating the residual contamination in the environment and carrying out the decontamination;
- Providing specific CBRN forensics capabilities and contributing to a lessons learned process.

The decision to use military resources, usually considered as a last resort, would probably be made on a case-to-case basis. Besides, challenges may result from the relative scarcity of specialized military assets and their effective availability upon request, or from the fact that CBRN preparedness and response planning and organization differ among Member States, with national responsibilities and mandates that may be distributed among institutional actors and other stakeholders in different ways.

5 Proposals to explore further the role of the military

Preparatory actions should focus on the expression of the objectives to be achieved at European level:

- Consulting the Member States to assess their perception of the possible use of military assets, their expectations and the military capacities they could provide in case of CBRN incidents;
- Defining a prior planning taking into account the results of the above-mentioned consultation;
- Adjusting the training of military staff and their capabilities so that they can adapt more easily to the requirements of civilian interventions;
- Organizing exercises at the European level aiming to train responders according to a common doctrine for intervention in a civilian environment, but with the added value of military expertise and contributions.

A possible first step could be to ensure the development of a common framework, for example through:

- A symposium on the comparison of civilian and military doctrines of intervention in response to a civilian CBRN large-scale incident and on the possibilities for convergence in the framework of an EU common doctrine;
- The joint preparation of EU civilian and military actors involved in the CBRN response, contributing to the mutual adaptation of doctrines, including through focused scenario-based discussions and training.

A limited but highly specialized level of military assets for immediate intervention could be organised:

- Setting up military modules similar in principle to the modules provided to the EUCPM, but centred on some key specific competencies held by the armed forces (i.e. Medical expertise to address CBRN events, decontamination);
- Establishing a joint reserve of equipment that could be used as a last resort (comparable to RescUE's).

PART II: DISCUSSION

Note: The speakers have answered according to their specific areas of expertise and the answers may therefore not cover the entire scope of the questions that were asked.

Michael GAHLER (EPP) inquired if any regular maneuvers or tests involving the different authorities already existed, especially in the prospect of having to deal with a situation that would affect the capabilities of the military. He asked whether an overview of the situation was available regarding the organization of regular tests and training exercises within the different Member States and whether the transnational dimension was already addressed through such activities, going beyond one nation's borders. He also wondered what the level of knowledge in Brussels was about who has what, as well as about what might be actually available for use in case of emergency.

Claude WACHTEL, agreeing with the intervention, remarked that the situation has probably progressed the most with regard to nuclear and chemical accidental risks. In border areas between two Member States exposed to major natural or industrial risks, it is common for emergency plans to provide for the coordination of population alerting, information and rescue means if necessary. Contacts between stakeholders – administrative authorities, rescue services, etc. - have been established, and the role they may have to play in case of an incident have been considered. However, beyond the cross-border dimension, there is a field that remains to be further explored, especially when considering CBRN incidents that would be complex by nature. Practical capabilities to deal with a serious CBRN incident must be available immediately. In the framework of the CBRN Advisory Group of the European Commission, with the participation of the different delegations of the Member States, an important work has been done in this regard over the past ten years or so, including in terms of knowledge and identification of means. A large part of the Member States organizes national CBRN response exercises that often involve not only civilian but also military means. At the present stage, if exercises involving several European Union countries have already been carried out, their main objective was to inform each Member State about the capabilities and methods used by the other participants. Exercises designed to test a specific capacity were also carried out. For example, some past joint exercises involved several laboratories that were tasked with identifying the agent alleged to have been used in a biological attack scenario.

In response to the second part of the question, an operational framework already exists: the EU Civil Protection Mechanism makes it possible to quickly set up means of response in the event of a disaster, upon request from a Member State. Should the crisis require it, the Member States have already proposed to engage in this mechanism several tens of specialized modules that they would have the ability to project in case of a CBRN disaster. France is participating in this framework and has announced that it is in the process of developing several modules to strengthen the response capacities to CBRN events. While most of these modules are operated by civilians, it could be helpful to encourage the setting up of modules covering specific areas where the military is often the only one to hold the capacity.

Mr Wachtel pointed out that there was indeed an issue in terms of standardization, as military and civil standards were not the same. It should also be stressed that some of the Member States are already very advanced, with joint work between civilians and the military. For many of them, it goes back to the 1995 Tokyo attacks. But it is indeed important to highlight the challenges that remain in terms of preparedness. There have been few real events to date. As a result, the issues of cooperation, interoperability and complementarity between civilian and military resources remain challenging.

Moving towards the goal of interoperability implies to work together, with the view to define a common doctrine of intervention, relying on broad common principles and allowing to respond jointly in the event of a CBRN accident or terrorist attack. This involves the need to determine together the 'effects to be obtained', as well as the civilian capabilities necessary for achieving them. This observation is the basis of the proposal for an initial symposium that would lead to the establishment of working groups that would

be tasked with developing a common doctrine of response to CBRN attacks before the end of 2020. Once this step is completed, the realization of common trainings can then be strengthened.

The European Union Civil Protection Mechanism is the first immediate European response. If the European Parliament itself agrees with the proposal to define a joint doctrine, it may be possible to quickly achieve the objective of developing a first level of interoperability.

Elisande NEXON mentioned the CBRN modules that European Member States have intentionally proposed to make available in the framework of the EU Civil Protection Mechanism. France, Italy and Denmark have indicated that, should a CBRN incident occur, they could provide detection and sampling modules. In addition, Denmark could also provide a decontamination module (this does not preclude other Member States from also having capacities that could be exploited but are not identified in this framework). However, it is important to keep in mind that it is not guaranteed that these resources would be available at the time of the crisis because they could already be used elsewhere, in the context of external operations or of the protection of the national territory. Member States have already provided some information on their capabilities as part of the efforts defined in the CBRN Action Plan, but it would be interesting to have an overview focusing specifically on military assets.

Ms Nexon also remarked that joint exercises involving several Member States are organized. However, they each time focus on a specific threat. Besides, the benefits of collective training must be sustainable. It is also necessary to be able to organize exercises that involve all the different levels that would be implicated in the response, from the operational level in the field to the strategic level.

Janusz ZEMKE (S&D) expressed a quite positive assessment of the two presentations. In particular, he agreed with what was said regarding threats that may be of natural origin, resulting for example from a disaster or an epidemic, but could also be caused by human activities, such as criminal activities for example. He then observed that both civilian and military structures of the State are involved in the fight against these threats when they occur. He has indeed had the opportunity to observe on numerous occasions, during missions in Iraq and Afghanistan, that problems result from the fact that civilian standards are not always identical to military standards. Army laboratories have for example different levels. Mr Zemke also noted that armies have units dedicated to the fight against chemical threats, stating that, for example, there is quite a significant man force in Poland, with hundreds of people involved in these structures. In this context, he questioned how it worked at the civilian level and wondered whether these structures would really be complementary if a large scale event were to take place. Raising the question of the speakers' assessment regarding this issue, he asked in particular if there were information flows between the civilian and military domains, and if technologies and substances were used in the same way.

Claude WACHTEL stressed that, in order to be fully effective, the CBRN response mechanism has to be able to cope with natural events (such as epidemics), CBRN industrial risks, as well as criminal or terrorist attacks. He agreed that civilian and military standards may differ, simply because the problems to be addressed are not the same. For example, carrying out the decontamination of young soldiers that wear identical protective clothing greatly differ from decontaminating people of all ages - including children - who are dressed differently. Besides, the Member States do not allocate tasks in the same way between civilian and military units and services. Mr Zemke referred for example to the organization in Poland. In France, the emergency response system is mostly organized around civilian services, with military resources generally being used only as reinforcements. However, some military units are made permanently available to the Ministry of the Interior for rescue missions. The French experience shows that it is possible to organize an efficient response system that includes both civilian and military assets and to promote joint planning. A significant difference results from the fact that the availability of military assets cannot always be guaranteed. Some of these capacities may be temporarily engaged in peace-building operations. To go further, it appears indeed essential to reinforce the joint training of military and civilian

teams in the implementation of the CBRN response doctrine. In France, the *Centre national civilo-militaire de formation et d'entraînement (Aix-en-Provence)* carries out this mission and, according to the opinion of the speaker, this center could be part of a European network of training centres.

Javier NART (ALDE) first stressed that it is extremely alarming that everything which has been presented, and which is true strictly speaking, corresponds to observations that have already been heard before. Member States are still in a phase where they need to coordinate, to prepare, to rationalize, and to homogenize. Information has to flow. This invites the question of the future towards which the Member States should aim. It is necessary to move towards an immediate practical approach because the problem is yesterday's, not tomorrow's. The type of significant conflict that could affect European security would probably not take the form of a traditional war with a traditional enemy, but it could more likely involve terrorist elements or the destabilization of areas such as North Africa, for example. In this context, it is necessary to adopt a prospective approach.

Besides efforts to try and face up to CBRN threats, Mr Nart also raised the issue of transfers of technologies and of the risk of them falling into dangerous hands, especially in the biological and chemical fields. He cited the example of the Iran-Iraq war where chemical weapons were used, with the involvement of transfers of components from some European countries. He also evoked the use of depleted uranium during the Iraq war and other conflicts, underlining that this highly penetrating element is a major contaminant that remains in the soil. With regard to the consequences, he considered it necessary to review current practices.

Clare MOODY (S&D) recalled the very recent experience of dealing with a CBRN attack on European territory, following the Salisbury deliberate chemical incident. The cooperation between the civilian and military authorities involved in the response to such events is worth investigating further. She stressed that it would indeed be worthwhile to assess what could be learned from this situation and what was achieved, as there may sometimes be difficulties when both civilian and military assets are engaged. There may be complications with civilian-military interfaces even within a Member State, so dealing with an incident through the EU structures and coordinating the whole at a supra-national level pose a depth of difficulty to which it is necessary to respond to.

Claude WACHTEL answered that it is necessary to actually work according to the current state of knowledge about risks and threats, while taking at the same time a prospective approach in order to be able to adapt the response to their evolution. Both aspects are present in the approach of the European Union. Considering the present time, the speaker already evoked the example of the modules that can be engaged in the framework of the EU Civil Protection Mechanism. For the future, he highlighted the relevance of the R&D programmes that are carried out by consortia involving European partners from different Member States, including for example industrial companies, think-tanks, research institutes and even operational civilian or military end-users.

Elisande NEXON pointed out that it might be interesting to have a more in-depth reflection on the mutual assistance and solidarity clauses. It would also be interesting to consider the limits that may apply in the event of invoking the solidarity clause, since the national and European resources that could be used by the affected State must be overwhelmed. In this respect, there is a clear role for the European Parliament.

ANNEX I: BACKGROUND NOTE

Introduction

In the past decades, a number of disasters and attacks involving a CBRN component, whether they have occurred or been prevented, have challenged response systems and left their mark on public opinion worldwide. The most striking incidents related to the scope of the workshop notably include the Fukushima Daiichi nuclear accident in 2011 and the 2014-2016 Ebola outbreak in West Africa, as well as terrorist acts such as the sarin attack in the Tokyo subway in 1995, the *Bacillus anthracis* letters in 2001 in the United States, the chlorine attacks in Iraq in 2006 and 2007, not to mention expressions of interest from non-state actors. Perhaps even more worrying, while the threat posed by chemical weapons had seemed to be receding, repeated chemical attacks by both State and non-state actors in the context of the Syrian conflict, allegations about a North Korean offensive chemical programme, the assassination of the North Korean leader's half-brother with VX nerve agent, and the Salisbury Novichok poisonings likely perpetrated by individuals affiliated to a State security service, have since 2012 put in jeopardy two decades of progress in chemical disarmament and non-proliferation. These events that have occurred in a short period of time have threatened the chemical prohibition norm and put multilateral instruments under stress. While there had been a tendency to gradually focus more and more on the terrorist dimension, these events were also a stark reminder that the threat of state origin remained very real.

In this context, the European Commission issued on 18 October 2017 the 'Action Plan to enhance preparedness against chemical, biological, radiological and nuclear security risks', building on the previous 2010-2015 Action Plan. The need to develop cooperation with other partners not covered by the previous CBRN Action Plan, such as military and key third countries, was one of the points highlighted by Member States during the consultation process that preceded. The 2017 Action Plan aims to create an EU CBRN Security Network to enhance knowledge of CBRN risks coming from inside and outside the EU, develop cooperation and coordination at operational level, as well as facilitate civil-military cooperation in areas which are mutually beneficial¹. In the same vein, the Council Decision of 24 June 2014 on the arrangements for the implementation by the Union of the solidarity clause explicitly calls for the identification of military capabilities that can best contribute to the response to the crisis with the support of the EU Military Staff, as well as for the identification of all relevant Union instruments that can best contribute to the response to the crisis. Considering current challenges, the use of EU and Member States' military means is one of the possibilities for strengthening prevention capacities that must be explored more thoroughly.

1 Chemical, Biological, Radiological and Nuclear incidents, an increasing threat for the European Union

1.1 A wide scope of CBRN incidents

Chemical, Biological, Radiological and Nuclear (CBRN) events encompass a wide scope of situations, from naturally occurring incidents such as outbreaks and epidemics to accidental and deliberate ones. Accidental releases occurring at hazardous installations or during the transport of dangerous materials may be triggered by natural causes (i.e. flooding, storms), stem from infrastructures failures or accidents under technological / industrial conditions (e.g. nuclear radiation, uncontrolled releases, explosions), or result from human activities, errors and negligence (e.g. dangerous procedures, poor safety measures

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017DC0610&from=EN>

implementation)². Intentional incidents refer to terrorist attacks but also to criminal acts and state-sponsored use. The 2009 Commission's Communication presenting the EU CBRN Action Plan, which provides the policy framework aiming at strengthening security against CBRN risks and threats throughout the EU, states that 'when considering preparedness and response in this context, it is unavoidable to start from an all-hazards approach, since no matter whether a CBRN incident is accidental or intentional, man-made or not, the response in terms of civil protection and health is likely to be similar'³.

1.2 Enduring or even increasing CBRN intentional threats

Ongoing efforts to strengthen prevention and response mechanisms to address intentional CBRN incidents contribute to deter potential perpetrators from using such means. However, the possibility of occurrence increases due to scientific and technological advances, a greater diffusion of technologies, an easier dissemination of information and knowledge coupled with an access to more efficient secure means of communication, as well as increasing flows of travellers and goods.

In this context, the European Union is far from being immune to CBRN threats, the sheer reality of which was brutally highlighted not only by the Novichok episode preceded by the 2006 polonium-210 assassination of a Russian dissident, both on British territory, but also by the disruption of two ricine terror plots in Germany and in France in 2018. The use of mustard gas and chlorine by the terrorist organisation Daesh on the battlefields of Syria and Iraq also raises fears of chemical attacks in other countries, especially in Europe. Besides, several cases of nuclear smuggling have been detected, especially in the Black Sea region (e.g. in Moldova).

At the moment, and considering recent developments at European level and worldwide, the most likely modus operandi that is expected is the use of chemical agents. However, this does not preclude the need to prepare to face other kinds of non-conventional threats, be they biological, radiological or even nuclear.

1.3 Scenarios of intentional CBRN incidents that may warrant the involvement of military capacities

Not all CBRN scenarios would involve the systematic use of military means at European level, as in many cases the situation would not overwhelm national response capacities and, should the scale and severity require their involvement, civilian European emergency response means. A series of criteria should come into consideration. These would include upstream information provided by intelligence services, the crisis dynamics – sudden onset crisis vs. slow developing crisis -, the number of Member States or neighbouring countries that could or would be affected, the scale of the incident and the number of casualties, the repetition over time and geographic repartition of incidents, response capacities of the affected Member States, the need for highly specialized teams and equipment, as well as the possibility to invoke other existing operational assistance agreements.

With that in mind, the following generic scenarios are worth considering with regards to the involvement of EU military capacities:

- As lines between external and internal security are increasingly blurring, upstream prevention through capacity building assistance to third countries or even through military small-scale rapid missions to respond to emerging conflicts and crises in external countries;

² United Nations General Assembly, *Report of the open-ended intergovernmental expert working group on indicators and terminology relating to disaster risk reduction* (A/71/644), 1 December 2016.

https://www.preventionweb.net/files/50683_oiewgreportenglish.pdf

³ *Communication from the Commission to the European Parliament and the Council on Strengthening Chemical, Biological, Radiological and Nuclear Security in the European Union – an EU CBRN Action Plan* (COM(2009) 273 final), 24 June 2009.

https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/pdf/com_2009_0273_en.pdf

- An attack or a disaster, which consequences could exceed the response capacities of the affected Member States, either because the capabilities of these countries are limited or because of the scale of the crisis (possibly with a transnational dimension);
- A context characterized by an ongoing threat, or repeated attacks, or an attack with long-term consequences, that would progressively overwhelm existing civilian capacities and would call for the mobilization of armed forces as a 'last resort', in order to be able to maintain the response over time;
- A scenario requiring the use of niche capabilities mostly held by armed forces (e.g. specific identification or decontamination capacities, medical countermeasures);
- The use or threat of use of militarized chemical or biological weapons raising suspicion of a state's involvement;
- A hybrid threat - defined as 'a phenomenon resulting from convergence and interconnection of different elements, which together form a more complex and multidimensional threat' - involving a CBRN component (e.g. cyberattacks leading to failure at critical infrastructures)⁴;
- A warlike situation, in the sense of the magnitude of the consequences, even if currently the possibility seems remote.

2 A favourable context for the strengthening of EU military capabilities in the CBRN field

2.1 A shifting geopolitical environment

Without prejudging the overall consequences of Brexit on the future of EU's defence, the British decision to quit the European Union following the 23 June 2016 referendum has in fact made it possible to move towards a greater integration of European defences. It led to the launching of permanent structured cooperation (PESCO, see below). The Common Security and Defence Policy (CSDP) of the EU had so far been a source of disagreement between the United Kingdom (UK) and some other Member States, although the country now seems to be interested in continuing to participate⁵. While playing a core role in EU defence as one of EU's military powers, the UK, a key partner of the NATO, put long resistance to further integration, on the basis that it could undermine the Organization's legitimacy to ensure Europe's security. It strongly argued against the principle of a European army as well as against the more attainable objective of setting up a European Operational Headquarter⁶.

This development must equally be considered in the overall context of an increasingly challenging security environment for the European Union, with a climate of international instability and a level of tension not seen since the end of the Cold War⁷. The new equation for European security has to take into account challenges that arise from Russia's annexation of Ukraine's Crimea in 2014 - which was seen by many as a turning point -, China and Russia's assertive foreign and defence policies, or ongoing terrorist threats on European soil. The stance of the current U.S. administration also adds another layer of uncertainty, for example regarding issues such as the North Atlantic Treaty Organization (NATO) and the European security,

⁴ European Parliamentary Research Service, *Understanding hybrid threats*, At a glance, June 2015.
[http://www.europarl.europa.eu/RegData/etudes/ATAG/2015/564355/EPRS_ATAG\(2015\)564355_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/ATAG/2015/564355/EPRS_ATAG(2015)564355_EN.pdf)

⁵ Federico Santopinto, Lou Villafranca Izquierdo, *CSDP after Brexit: the way forward* (Study requested by the SEDE subcommittee of the European Parliament), May 2018.
[http://www.europarl.europa.eu/RegData/etudes/STUD/2018/603852/EXPO_STU\(2018\)603852_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2018/603852/EXPO_STU(2018)603852_EN.pdf)

⁶ Armelle Ripart, 'Brexit and EU defence cooperation – seizing an opportunity?', *Nouvelle Europe* [online], 28 June 2017.
<http://www.nouvelle-europe.eu/node/1976>

⁷ European Political Strategy Centre, 'Geopolitical outlook for Europe, Confrontation vs Cooperation', *EPSC Brief*, 8 June 2018.

multilateral agreements (e.g. with the withdrawal of the Iran Nuclear Deal - or Joint Comprehensive Plan of Action -, the announcement of the withdrawal from the Intermediate-range Nuclear Forces (INF) Treaty) or trade.

2.2 Significant developments in the field of security and defence

The EU is in the process of strengthening its capacities in the field of security and defence, and there have been significant advances in the last two years. They include for example the launching of the European Defence Fund (EDF) to finance joint research and development, the creation of a permanent operational Military Planning and Conduct Capability (MPCC), and, most notably, the establishment of Permanent Structured Cooperation (PESCO).

2.2.1 The establishment of Permanent Structured Cooperation (PESCO)

Following the signature ceremony attended by EU Foreign and Defence ministers in Brussels on 13 November 2017, Council Decision 2017/2315 of 11 December 2017 established PESCO, the functioning of which will be supported by the European Union External Action Service (EEAS), - including the EU Military Staff (EUMS) -, and the European Defence Agency (EDA)⁸. This Lisbon Treaty-based instrument represents an important milestone in the pursuit of greater cooperation in security and defence, without affecting national sovereignty or the specific character of the security and defence policy of certain Member States. The majority of EU Member States joined PESCO voluntarily, agreeing at more binding commitments with the aim of strengthening defence cooperation to develop capabilities and increase their operational availability⁹.

The Council adopted in March 2018 a first batch of 17 projects under the framework of PESCO. While they do not explicitly focus on CBRN response, they will contribute to facilitate cooperation between Member States on issues related to internal or external security issues. They will promote a standardisation of procedures, training and equipment that will indeed contribute to progress towards greater interoperability. For example, the European Medical Command (EMC) project aims at providing the EU with an enduring medical capability to support missions and operations on the ground by contributing to harmonising national medical standards, legal (civil) framework conditions and sanitary service principles. The project is expected to make progress towards the interoperability and the coherence of health care capabilities in Europe, through a standardization of concepts, training and certification¹⁰. Besides, a process to generate new projects will be launched annually and some of them may focus on CBRN challenges. For example, in a joint declaration, the Ministers of Defence from the Central European Defence Cooperation, deeming the launching of PESCO 'a historic step', welcome further efforts to identify common areas of interest and propose the development of a CBRN surveillance system combining manned and unmanned elements for operational deployment across aerial, ground, and maritime domains¹¹.

PESCO is closely related to other EU defence initiatives such as the revised 2018 Capability Development Plan (CDP) which identifies priorities Member States should focus their common efforts on (including enhancing logistic and medical supporting activities, and enhancing the protection of forces, including in

⁸ Council Decision 2017/2315 of 11 December 2017 establishing permanent structured cooperation (PESCO) and determining the list of participating Member States.

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017D2315&from=EN>

⁹ Denmark does not participate due to its defence opt-out and the United Kingdom is in the process of withdrawing from the European Union. Malta is also not part of the Pact at this stage. Besides, the possibility for non-EU members such as the US and post-Brexit UK to participate is under discussion.

¹⁰ <https://www.consilium.europa.eu/media/32079/pesco-overview-of-first-collaborative-of-projects-for-press.pdf>

¹¹ Joint Declaration of the Ministers of Defence of the Central European Defence Cooperation, 28 March 2018. http://v4.gov.hu/download/e/fd/12000/joint_statement_of_the_cedc_defence_ministers.pdf

the CBRN field), the Coordinated Annual Review on Defence (CARD) and the European Defence Fund (EDF)¹².

2.2.2 Towards a European defence intervention plan

The 2016 EU Global Strategy (EUGS), the European common foreign policy strategy, stresses the importance of having an appropriate level of ambition but also strategic autonomy for Europe's ability to foster peace and safeguard security within and beyond its borders¹³. In a distinct initiative from PESCO spearheaded by French President Emmanuel Macron, the Defence ministers from nine EU countries signed on 25 June 2018 a letter of intent at a meeting of EU defence ministers in Luxembourg, committing to set up a joint military intervention group. Calling for a greater strategic autonomy in defence, the French President proposed a EU collective defence plan that could look like 'some kind of reinforced article 5', leading to 'a real solidarity of intervention if one state was attacked'¹⁴. Along the same lines, in the run-up to First World War Armistice centenary, he called on November 6th, 2018, for the creation of a 'true European army', to allow the EU to protect itself from external threats 'in a more sovereign manner'. Echoing this a few days later, German Chancellor Angela Merkel, addressing the European Parliament in Strasbourg, declared that the Europeans should 'work on a vision of one day establishing a real, true European army'.

Distinct from the European Defence Pact but destined to be complementary to other EU or NATO efforts, the European Intervention Initiative (EI2) currently involves Belgium, Denmark, Estonia, France, Germany, the Netherlands, Portugal, Spain and the UK, which will still be allowed to participate after the Brexit. Putting the emphasis on the operational dimension, it seeks to develop a common strategic culture through exchanges between staffs and joint exercises¹⁵. Cooperation will focus on four areas: strategic foresight, scenarios of employment, doctrine and lessons learned, and support to operations. According to the French Defence Minister, the objective is to 'develop cooperation between countries politically willing and militarily capable of acting, when they decide to do so, in different scenarios - not just military but also civilian', citing as an example the British and Dutch rescue efforts in the Caribbean in the aftermath of Hurricane Irma¹⁶. The initiative is still in its early stages, but the question of the ability to intervene in a CBRN environment may arise at one point.

2.3 A strengthening of cooperation between NATO and the EU

The CBRN Action Plan stresses the need for close cooperation with key partners and organisations. However, some European Member States made it clear that the European Union's own capacity-building initiatives should not compete with those of NATO. Taking into account political considerations, available resources but also challenges related to CBRN threats, it is thus crucial to develop closer cooperation with the Organization and avoid duplication. There are ongoing efforts in this respect, including regarding CBRN issues. As an example of interactions in the CBRN field, EU representatives were for example involved as observers in a NATO workshop on civil-military cooperation (CIMIC) in response to a large-scale CBRN terrorist attack.

¹² <https://www.eda.europa.eu/what-we-do/our-current-priorities/permanent-structured-cooperation>

¹³ http://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf

¹⁴ Article 5 from NATO's founding Treaty provides that *The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognized by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area. [...]*.

¹⁵ Florence Parly, French minister of Defence, on Twitter, 25 juin 2018.

https://twitter.com/florence_parly/status/1011229986852884480

¹⁶ AFP, *Nine EU countries sign up for European military intervention plan*, 25 June 2018.

The EU and NATO signed a joint declaration on increasing practical cooperation at the 2016 NATO summit, coupled with a series of proposals on its implementation. They notably include actions that will contribute to strengthen capacities to counter CBRN threats, including in the field of civil preparedness¹⁷:

- Strengthening staff-to-staff cooperation on civil preparedness, including risk assessments, medical evacuation (MEDEVAC), mass casualty incidents, and population movement;
- Mapping by NATO and the EU staffs of their civil preparedness efforts between NATO's Resilience Baselines and the EU's Prevention and Preparedness work-streams and set out proposals on where further co-operation may add value in the course of 2018;
- Building on established practice and applied procedures, exploring the inclusion, where appropriate, of EU staff in the NATO Resilience Advisory Support Teams and other assistance teams, and of NATO staff in relevant EU advisory prevention and preparedness missions conducted under the Union Civil Protection Mechanism (UCPM) subject to consent by the receiving State;
- Coordinating the support to building the capacities of partners to counter CBRN, cyber and terrorist threats;
- Enhancing staff-to-staff interaction, as appropriate, in the framework of relevant NATO and EU disaster response exercises.

With regard to the participation of military capabilities in case of exceptional circumstances of a CBRN nature, it would be useful to specify the arrangements for cooperation between the crisis centres from the European Union (including its agencies like Europol) that have an operational vocation and those supervised by the NATO Civil Emergency Planning Committee (CEPC). The CEPC supervises in particular the Euro-Atlantic Disaster Response Coordination Centre (EADRCC) located at NATO Headquarters and which centralises the coordination of relief operations between NATO countries, as well as between NATO and partner countries.

The EU and NATO signed a new joint declaration ahead of the NATO summit on 11-12 July 2018. It reaffirms the importance of a continued cooperation in the context of multiple and evolving challenges coming from the East and the South, and emphasizes the significance of the implementation of the common actions. Strengthening resilience to CBRN related risks is one of the four areas where swift and demonstrable progress will be sought¹⁸.

In this framework, the European Centre of Excellence for Countering Hybrid Threats (Hybrid CoE) represents a forum for cooperation. It was established under a Memorandum of Understanding (MoU) which entered into force on 11 April 2017. It is considered as one of the actors of the implementation of the 2016 EU-NATO Joint Declaration. Open to EU Member States and NATO Allies, it is intended to be a hub of expertise supporting individual and collective efforts to enhance civil-military capabilities, resilience, and preparedness to counter hybrid threats. It aims at being a platform to share best practices, building capability, testing new ideas and exercising defence against hybrid threats, as well as at being a neutral facilitator between the EU and NATO through strategic, scenario-based discussions and exercises¹⁹.

¹⁷ Common set of new proposals on the implementation of the Joint Declaration signed by the President of the European Council, the President of the European Commission and the Secretary General of the North Atlantic Treaty Organization (Press Release), 5 December 2017. https://www.nato.int/cps/ra/natohq/official_texts_149522.htm

¹⁸ With military mobility, counter-terrorism, and promoting women peace and security agenda. Joint Declaration on EU6NATO cooperation by the President of the European Council, the President of the European Commission, and the Secretary General of the North Atlantic Treaty, 10 July 2018.

https://www.consilium.europa.eu/media/36096/nato_eu_final_eng.pdf

¹⁹ <https://www.hybridcoe.fi/>

Countering Chemical, Biological, Radiological and Nuclear (C-CBRN) threats is one of the areas of cooperation derived from the Capability Development Plan²⁰.

At this stage, apart from the EU and NATO, the Participants in the Hybrid CoE are Austria, Canada, Czech Republic, Denmark, Estonia, Finland, France, Italy, Germany, Latvia, Lithuania, Netherlands, Norway, Poland, Spain, Sweden, the UK and the USA.

3 An EU CBRN crisis response involving multiples stakeholders and instruments

3.1 A wide range of instruments in the toolkit for EU crisis response

Preventing and responding to a large-scale CBRN incident, whatever its nature, can potentially involve many EU instruments and tools. Reformed in 2013 to strengthen disaster prevention and preparedness, the European Union Civil Protection Mechanism (UCPM) remains the cornerstone of the response system. The EU response is coordinated by the Emergency Response Coordination Centre (ERCC). The mechanism includes a European Emergency Response Capacity (EERC), which is a voluntary pool of assets pre-committed by Member States for immediate deployment in case of a crisis occurring inside or outside the EU. The European Medical Corps is a part of the EERC and is the EU framework for mobilizing medical teams and public health experts for preparedness and response inside and outside the EU.

Acknowledging that the committed assets in the framework of the EERC were not always available when required and the low incentive for Member States to offer assistance via the mechanism as operational costs are not financed, the European Commission has proposed to create rescEU, a dedicated EU reserve of EU civil protection capacities to be used as a last resort. The Commission would co-finance leasing or rental arrangements and in some cases the acquisition of capacities that are lacking. In cooperation with the Member States involved, it will decide on the deployment, demobilisation and on arbitration in cases of conflicting requests²¹. The Commission also proposes to establish a Union Civil Protection Knowledge Network of those involved in civil protection and disaster management. On 25 July 2018, EU ambassadors endorsed, on behalf of the Council, a mandate for negotiations on the Commission's proposal. The Council Presidency will thus start negotiations with the European Parliament²².

However, the main objective remains to prevent the occurrence of a CBRN terrorist incident or to put in place preventive measures to mitigate its consequences. The scope of preventive measures adopted at European level is wide, contributing to develop a multi-layered approach. It encompasses instruments and initiatives in areas as diverse as²³:

- Export control, with Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items²⁴;
- Protection of critical infrastructures, with the framework provided by the European Reference Network for Critical Infrastructure Protection (ERNICIP) coordinated by the Joint Research Centre (JRC);

²⁰ Liaison between the European Defence Agency and the European Centre of Excellence for Countering Hybrid Threats, 16 July 2018.

<https://www.eda.europa.eu/docs/default-source/documents/eol---eda-hybrid-coe-16-07-18.pdf>

²¹ https://ec.europa.eu/echo/sites/echo-site/files/decision_rev1313_772final.pdf

²² Proposal for a Decision of the European Parliament and of the Council amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism - Mandate for negotiations with the European Parliament, 19 July 2018.

<http://data.consilium.europa.eu/doc/document/ST-11283-2018-INIT/en/pdf>

²³ This list is not exhaustive.

²⁴ OJ L 134, 29.5.2009, p. 1–269. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32009R0428&from=EN>

- Support to international organizations such as the Organization for the Prohibition of Chemical Weapons (OPCW);
- In-house as well as funded R&D, through the Joint Research Centres (JRC), the EDA or Horizon 2020, the Commission's current Framework Programme for research and innovation (H2020 2014–2020);
- Training, for example with the European Nuclear Security Training Centre (EUSECTRA) tasked with teaching good practices to prevent thefts and fight criminal actions and traffics. It enables trainees to handle genuine nuclear material;
- (Co-) funding of exercises to improve the response of the Civil Protection Mechanism to major emergencies, including CBRN ones;
- Public health early warning systems such as the European Early Warning and Response System (EWS) created after Decision No 1082/2013/EU so that the EU countries would be quickly informed about any serious cross-border public health threats;
- Promoting the reinforcement of laboratory capacities at European level through different funding schemes (e.g. H2020, Prevention of and Fight against Crime (ISEC) Programme of the DG Home Affairs of the European Commission);
- Strengthening criminalisation of terrorist acts, with the adoption of Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism;
- Collecting information on CBRN events through a more systematic recording in the European Bomb Data System (EBDS). Likewise, the Commission is planning to integrate data from the International Atomic Energy Agency (IAEA) concerning incidents, thefts and traffics in the nuclear and radiological sectors;
- In-depth analysis based on intelligence provided by Member States through the EU Intelligence Analysis Centre (EU INTCEN).

Upstream actions also address the external dimension, for example through the European Union CBRN Centres of Excellence that aim at reducing the risks of CBRN material illegal transfers from or through third countries, as well as at strengthening institutional capacities of countries outside of the European Union to help them react in case of CBRN events.

3.2 A crisis coordination requirement

The management of a crisis at European level, including a CBRN terrorist incident, would involve the affected Member States (with other Member States being requested to provide assistance in the framework of the solidarity clause), the Council Presidency and the Council, the Commission, the EEAS, the relevant EU agencies (e.g. Europol, Eurojust, the European Centre for Disease Prevention and Control (ECDC), the European Medicines Agency and the European Border and Coast Guard Agency (FRONTEX)), as well as other stakeholders such as experts from the Member States or from international organisations.

The wide panel of instruments and stakeholders that may be involved to respond to a crisis requires an efficient coordination mechanism. Building on the EU Emergency and Crisis Coordination Arrangements (CCA) adopted in 2006 by the Council, the Integrated Political Crisis Response arrangements (IPCR), approved in June 2013 by the Council, is henceforth tasked with ensuring rapid and coordinated decision-making at EU political level for major and complex crises, which most certainly include large-scale CBRN terrorist attacks. It is designed to display more flexibility and scalability, and to build on existing EU resources.

This mechanism can be activated either by the presidency of the Council, or with the invocation of the solidarity clause by an affected Member State. Taking into account the internal-external security nexus, it can be triggered for responding to crises both within and outside the European Union. There are three operational modes, from monitoring to information-sharing and full activation. This last mode implies the

organisation of crisis Council of European Council meetings with EU ambassadors or ministers as well as the preparation of proposals for EU action. These proposals are presented to the Committee of Permanent Representatives (Coreper) and the Council. It provides the presidency with tools such as the IPCR web platform to exchange information, a permanent IPCR point of contact within the Emergency Response Coordination Centre (ERCC) within the Commission, the Integrated Situational Awareness and Analysis (ISAA) report, and the organization of informal roundtables.

4 Possibilities and challenges with regard to the involvement of EU military capabilities

4.1 Framework for the involvement of military capabilities in CBRN crisis prevention and response

Internal and external security are more and more intertwined. Ensuring the security of the European Union relies on actions to promote peace and security both within and beyond its borders.

In June 2016, the Commission presented its new Global Strategy for the EU's foreign and security policy: 'Shared Vision, Common Action: A Stronger Europe'²⁵. Following a strategic assessment in 2015, it provides a new framework to tackle challenges arising in an evolving geopolitical and strategic environment for the European Union and its Member States. Framed by the Treaty on European Union (TEU), the European Union's Common Security and Defence Policy (CSDP) plays a central role. It is an integral part EU's comprehensive of crisis management approach, relying on both civilian and military assets. Regarding the CBRN field, the Strategy states that the proliferation of weapons of mass destruction and their delivery systems remains a growing threat to Europe and the wider world. It also identifies terrorism and hybrid threats as threats that know no borders.

The Internal Security Strategy (ISS) was adopted by the Council in 2010. It focuses on five priority areas, including terrorism, border security and disasters. The 2015 Renewed Internal Security Strategy underlines 'the necessity to strengthen protection of critical infrastructures and stresses the need to ensure resilience, operational preparedness and political coordination to react, deal with and mitigate crises and natural/man-made disasters'²⁶.

Member States retain the primary responsibility for the management of crises within their territory. However, complex threats such as CBRN large-scale incidents or terrorist attacks may overwhelm national capacities, requiring the involvement of the EU and of other Member States. CBRN large-scale incidents may fall within the scope of the mutual assistance (or defence) and solidarity clauses respectively introduced by Article 42(7) TEU and Article 222 of the Treaty on the Functioning of the European Union (TFEU)²⁷.

4.1.1 A mutual assistance obligation

Article 42(7) TEU states that 'if a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with article 51 of the United Nations charter'²⁸. It was invoked for the first time by France, as it sought assistance from other Member States in the aftermath of the 2015 terrorist attacks in Paris. This

²⁵ <https://europa.eu/globalstrategy/en/global-strategy-promote-citizens-interests>

²⁶ <http://data.consilium.europa.eu/doc/document/ST-9798-2015-INIT/en/pdf>

²⁷ Other solidarity instruments such as Article 122 TFEU for economic and financial to Member States in severe difficulties and Article 196 for measures in the field of civil protection could also be invoked in case of exceptional circumstances.

²⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12008M042>

demonstrated that it can be used flexibly, but also raised questions about its scope and implementation. It highlighted the need to clarify the role of EU institutions as well as the relationship with the solidarity clause^{29,30}. Besides, the mutual assistance obligation is or may be limited by the specific character of the security and defence policy of certain Member States, including the neutrality of military non-aligned countries or the reservation of the German Parliament that has to give consent to authorize the deployment of national armed forces³¹.

Article 43(1) TEU has expanded the Petersberg tasks which 'shall include joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation. All these tasks may contribute to the fight against terrorism, including by supporting third countries in combating terrorism in their territories'. Disarmament operations naturally include weapons of mass destruction. They may involve securing stockpiles of weapons prohibited by international conventions and abandoned by States or non-state actors. An integral part of the European Union's military rapid reaction capacity to respond to emerging crises and conflicts around the world, the EU battlegroups (multinational and military units) are employable across the full range of these tasks and of those identified in the context of the implementation of the 2016 EU Global Strategy, provided there is an unanimous decision by the Council³².

With respect to these provisions, the EU and its Member States may use force only if it is legally justified on the basis of UN Charter and are committed to respect the Oslo guidelines on the use of foreign military and civil defence assets in disaster relief.

4.1.2 An obligation of solidarity

The above-mentioned provision is supplemented by the solidarity clause that can be invoked by a Member State, if, after having exploited the other possibilities offered at national and European levels, it considers that the crisis overwhelms available response capabilities. It provides that 'the Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the object of a terrorist attack or the victim of a natural or man-made disaster. The Union shall mobilise all the instruments at its disposal, including the military resources made available by the Member States, to (a) prevent the terrorist threat in the territory of the Member States, protect democratic institutions and the civilian population from any terrorist attack, assist a Member State in its territory, at the request of its political authorities, in the event of a terrorist attack, or (b) to assist a Member State in its territory, at the request of its political authorities, in the event of a natural or man-made disaster'³³. The clause was for example implemented in 2004 following the terrorist attacks in Madrid.

According to the Council Decision of 24 June 2014 on the arrangements for the implementation by the Union of the solidarity clause, the immediate activation of the Integrated Political Crisis Response

²⁹ European Parliamentary Research Service, The EU's mutual assistance clause, first ever activation of Article 42(7) TEU, Briefing, November 2015.

[http://www.europarl.europa.eu/RegData/etudes/BRIE/2015/572799/EPRS_BRI\(2015\)572799_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2015/572799/EPRS_BRI(2015)572799_EN.pdf)

³⁰ Sven Biscop, The European Union and mutual assistance: more than defence, *Italian Journal of International Affairs*, 2016, vol. 51, Issue 2, pp 119-125.

³¹ Carolyn Moser, Awakening dormant law – or the invocation of the European mutual assistance clause after the Paris attacks, *Verfassungsblog on Constitutional Matters*, 18 November 2015.

<https://verfassungsblog.de/awakening-dormant-law-or-the-invocation-of-the-european-mutual-assistance-clause-after-the-paris-attacks/>

³² https://eeas.europa.eu/headquarters/headquarters-homepage/33557/eu-battlegroups_en

³³ <http://www.lisbon-treaty.org/wcm/the-lisbon-treaty/treaty-on-the-functioning-of-the-european-union-and-comments/part-5-external-action-by-the-union/title-7-solidarity-clause/510-article-222.html>

arrangements (IPCR) allows a rapid involvement of the political authorities across the EU in order for the Council to ensure the strategic direction of the response and to take appropriate action to the benefit of the member state affected. The Commission and the High Representative, assisted by the European External Action Service, are tasked with identifying all EU instruments and capabilities that can be implemented to respond to the ongoing crisis.

However, despite the explicit mention of the military resources in this Article 222 of the TFEU, a reluctance remains among certain European Member States and stakeholders with regards to their involvement. In this respect, it is interesting to note that the ISS does not mention the possibility to use military assets of the Member States to carry out internal security tasks³⁴. The Renewed ISS does also not address military capabilities more explicitly.

4.2 Added value of the use of military means in the framework of the EU crisis response

Recent crisis management experiences, some of them related to CBRN, have highlighted the potential added value of using military assets in complex environment or specific situations, be they natural or intentional. During the Ebola crisis in Western Africa in 2014-2016, the United Kingdom and France deployed military capacities in the framework of the overall crisis management organization, respectively in Liberia and Guinea. It was not necessarily a self-evident option, but this involvement provided the means to meet unique medical and logistical challenges in a complex environment. Following the Paris 2015 attacks, the expertise of military doctors in the field of triage and care of wounded by warlike injuries proved decisive when the care system had to cope with an influx of victims. Dutch, French and British military assets were also engaged in 2017 to provide relief on Saint-Martin Island in the Caribbean in the aftermath of hurricane Irma. At last, the UK Defence Science and Technology Laboratory (DSTL) at Porton Down proceeded to identify the unusual warfare agent used in the 2018 Salisbury attacks.

Ministries of defence, in general, develop a comprehensive capability-based planning approach focusing on the objective to achieve, encompassing not only equipment acquisition but also human resources, formation and training, exercises, logistics, etc. CBRN defence staff are trained to intervene in situations that they most probably will rarely or even never encounter while the training of civil first responders may sometimes not be sufficient when it does not fall within the scope of their primary missions. Specialized military staff keep through regular training the ability to operate in a seriously degraded or perilous environment (e.g. evacuation of victims or decontamination). Besides, military units and staff rely on standardized procedures, including at European level or within the NATO framework.

A number of European Ministries of Defence also retain and maintain highly specialized niche competencies, some of which have been developed in the context of the Cold War. They include for example the development of medical countermeasures against threat agents and training to care for victims exposed to chemical warfare agents, radiological agents, or (re)emerging biological agents that may also be encountered in real-life, during an intervention or a humanitarian operation abroad. Some military services have also developed a specific expertise in CBRN forensics, especially regarding nuclear and chemical warfare agents. Without being exhaustive, other potentially useful military resources include intelligence, logistics and transportation, evacuation, CBRN protection and decontamination, and protection of infrastructures.

³⁴ Margriet Drent, Kees Homan, Dick Zandee, *Civil-military capacities for European security*, 2013.

4.3 Potential roles for the military to prevent and respond to CBRN incidents

The decision to use military resources would probably be made on a case-to-case basis, depending on the affected Member State(s) and on the nature and scale of the CBRN incident. The above-mentioned considerations lead to take into account several kinds of intervention.

Upstream preventive actions aiming either to prevent the threat from materializing or from reaching the European territory, or to detect and respond in the most efficient and quickest way:

- Contributing to information sharing and intelligence analysis on CBRN matters;
- Taking part in the formation and training of first responders at European level;
- Pre-positioning of niche capacities in the framework of the security organization set up for a major sporting, societal or political event (e.g. detection capacities, medical countermeasures);
- Taking part in CBRN R&D;
- Providing expertise to contribute to capacity-building in third countries;
- Providing assistance upon request by a third country, with the objective to support the crisis management organization after a natural or man-made large-scale incident;
- Supporting the fight against terrorism in third countries;
- Engaging in disarmament operations;

Actions following the onset of a crisis with the view of contributing to the crisis management:

- Providing laboratory capacities to detect and identify the agent, especially if the use of an unusual or militarized agent is suspected;
- Ensuring evacuation operations in a contaminated environment;
- Giving access to military hospitals, as well as providing access to military doctors and nurses that have an expertise in triage and are trained to take care of patients exposed or contaminated by a chemical, biological, radiological or nuclear agent;
- Providing medical countermeasures (e.g. antidotes) or other equipment (e.g. protective clothing, detection kits);
- Establishing and managing an exclusion area;
- Contributing to the securing of critical infrastructures, including hospitals;
- Depending on the duration of the crisis, helping with logistical challenges (e.g. transportation of laboratory modules or of contaminated patients);
- Ensuring reinforcement and replacement of exhausted responders for specific tasks;

Actions to be implemented after the acute phase of the crisis:

- Managing patients requiring long-term specialized care such as victims contaminated by a nerve agent or radiological casualties;
- Assisting the civil services to search for and evaluate the residual contamination and carry out the decontamination;
- Providing specific CBRN forensics capacities;
- Contributing to the organization of a lessons learned process.

Considering military capacities contributing to the relief of populations, it is essential to rely on a joint planning and management allowing the best articulation with the Union Civil Protection Mechanism. Some of these actions are already implemented, for example with regards to capacity-building, training or R&D efforts, and others could be relatively easily implemented, should the need arise (e.g. providing expertise, medical assistance or laboratory capacities). The feasibility of implementing some of the measures still needs to be further explored, taking into consideration the reluctant stance of some European Member States and stakeholders regarding the involvement of military assets. However, in case of a large-scale CBRN incident with disastrous consequences, public opinion would find it very difficult to conceive that not all available means have been used.

Example 1 - Assistance at the request of a third country

In a third country emerging from a long period of dictatorship, a new government, determined to comply with international treaties, inherits unsecured stockpiles of chemical weapons. Intelligence services in several European countries learn that a terrorist group is trying to seize these weapons, and that at the same time a criminal organisation intends to try and sell them to proliferating states or non-state actors. At the request of the new government and under a UN mandate and following a unanimous decision by the Council, the EU battlegroup and a coalition of EU Member States are involved and undertake to intervene to secure the stockpiles, before transporting them to a place where they will be destroyed.

The intervention of a force with a strong military component within a civilian-military organization can provide specific capabilities in this context:

- Assessment by experts of a situation involving chemical warfare agents and of the resulting risks for workers and neighbouring populations;
- Medical management capabilities to take care of chemical casualties;
- Ability to secure access to chemical weapons production and storage facilities thanks to armed military personnel equipped with and trained in the use of CBRN protective equipment;
- Ability to detect and control levels of contamination of infrastructures and of the environment (use of specific detectors, CBRN reconnaissance vehicles);
- Ability to analyse the chemical agent;
- Ability to handle shells and/or other chemical dispersal devices and to organize in an unsecure environment the transportation of stockpiles with the objective of proceeding to their destruction.

Example 2 – Multiple biological attacks against a Member State with sufficient response capacities

A Member State is targeted by a terrorist group that launches in several cities a series of biological attacks involving a contagious disease. A first wave of victims is treated at hospitals before the diagnosis is confirmed. The unusual number of patients and pattern of cases repartition rapidly raise suspicion of a deliberate event. After a first stage of disorganization as public health infrastructures and reference laboratories are saturated, the implementation of the dedicated plan enables authorities to regain control, with a reorganization of the public health system to deal with the influx of patients while the law enforcement investigation progresses.

As the capacities of the Member State are not overwhelmed, it does not seek to invoke the clause of solidarity. However, it makes a request for specific assistance through the European Union Civil Protection Mechanism as there is an additional need for public health experts given the nature of the agent and its medical consequences. EU military capacities are not required, but the Member State relies on its own military capacities (involvement of military hospitals for the treatment of some victims and of military laboratories for the identification and in-depth analysis of the agent, securing of contaminated areas, and contribution to intelligence analysis).

To keep other Member States informed about the public health dimension, authorities regularly transmit information to the EWRS. As there is a serious cross-border threat, the EU Health Security Committee (HSC) - made of representatives from all EU countries - is involved. There are also exchanges of information regarding the investigation with other Member States as well as with Europol and the IntCen.

The IPCR is activated by the presidency of the Council as there are fears that the terrorist group may launch further attacks, including in other Member States.

Example 3 – ‘Dirty bomb’ (dispersal of a high quantity of radiological material with conventional explosives) at a large-scale political gathering in a Member State, the response capacities of which are overwhelmed

A high-power bomb explodes at a mass gathering. The first victims are rapidly evacuated to nearby hospitals as law enforcement forces proceed to secure the location. However, it soon becomes obvious that it was a non-conventional attack, unfortunately too late as emergency vehicles and hospital services have been secondarily contaminated. Moreover, a large number of people potentially contaminated have already fled the scene, expanding the contaminated area.

As soon as the radiological nature of the event is confirmed, the Member State invokes the solidarity clause as it lacks adequate response means. As a consequence, the IPCR is activated and a meeting with all relevant actors is organized (Council, Commission, EEAS, FRONTEX, experts, etc.). The deployment of specially-equipped and assessment teams is required through the UCPM. There are also exchanges of information regarding the investigation with other Member States as well as with Europol and the IntCen.

Considering the nature of the incident, involving military capacities can prove of added value as they could contribute to:

- The medical treatment of radiological casualties ;
- In some cases, the psychological care of victims;
- The assessment of the external contamination of large influx of victims;
- The assessment of the levels of contamination in the environment;
- The decontamination (victims, infrastructures, environment).

4.4 Operational challenges to overcome

CBRN preparedness and response plans differ between Member States. Some of them have dedicated plans while others have included specific measures in a global disaster plan. National responsibilities for CBRN emergency management can be distributed among institutional actors in different ways and the mandates and areas of expertise of first responders and other stakeholders may vary according to Member States. Accordingly, the involvement of military capacities differ. History, traditions, the type of government system (unitary vs federal) or the level of centralization are factors that have contributed to shape the respective systems. The ability to jointly intervene thus implies the establishment of a common framework of intervention, as well as an enhancement of interoperability, especially regarding R&T and standards. The issue of language can also add another layer of difficulty.

In the CBRN field, as in other defence and security areas, an effort to strengthen the EU's civilian and military capabilities is essential. It implies to:

- Define intervention doctrines guaranteeing interoperability of Member States' capabilities, an ambition all the more important as these doctrines will most often have to be common to both civilian and military actors in the context of a large-scale incident in a civilian environment;
- Translate this interoperability into common equipment standards. This involves in particular the EDA, but may also benefit from work carried out within the NATO framework.

Whatever the organization, crisis management in case of terrorist attacks or of natural or accidental disaster is under civilian control. With regards to preparedness and response in case of a disaster or attack in a European Member State, the use of military resources is often considered as a last resort, when civil capacities are overwhelmed. Due to the scale or duration of the crisis, the situation then requires the use of reinforcement and reserve capacities, including military ones³⁵. Besides, in the first stage after the onset of the crisis, the time required to deploy military assets is usually not compatible with the tempo of the response. In a peacetime context, armed forces usually have some time to anticipate action and reaction. Their reactivity is thus significantly more limited than those of civilian services.

There are significant differences between CBRN use in war and in a civil environment, including with regards to the type of agent that could be released and the means of dispersion. The military population also differ from the general population which include children, sick and disabled people, and elder people. It is thus necessary to train the military to implement civil doctrines and supplement accordingly their endowments. It is also essential to train them to respond within an inter-sectoral organisation (fire brigade, civil emergency medicine, police...), including at the field level.

Depending on the nature of the crisis, another kind of difficulty may also arise from the fact that such specialized military assets are relatively scarce and that some Member States may be reluctant to deploy them elsewhere at the risk of remaining vulnerable in the event of an incident striking their own territory. However, in some cases such as epidemics and outbreaks, it could on the contrary appear as the best option to help prevent the spread of the disease.

³⁵ Eva Hagström Frisell, Maria Oredsson, *Building crisis management capacity in the EU*, 2013.

Conclusion: A role that has to be further explored

In conclusion, the capabilities of the armed forces of EU countries could indeed prove very useful in the event of a large-scale CBRN incident on the European territory, provided they are not already engaged elsewhere. But this contribution can only be effective if some conditions are met: first, prior planning taking into account the specificities, updated capacities and therefore the real possibilities of each MS; potentially, to the extent that it is reasonable, an adjustment of the capacities held by each MS so that they can be better adapted to the needs of civil interventions; - and above all a joint preparation. This preparation should involve the governmental level of the EU Member States (Ministries in charge of relief, care, transport and defence), with a dialogue between the rescue and civil health services and armed forces specialists. It should also organize the training of military personnel in the conditions that would be encountered and according to the specific doctrines of intervention in a civilian environment.

In terms of military contribution provided on a voluntary basis by States, military capabilities could be structured in two levels:

- A limited but highly specialized level for of immediate intervention, including:
 - Modules similar in principle to the modules of the civil protection mechanism, but focused on some key specific competencies held by the armed forces (e.g. medical skills to address CBRN events, decontamination of equipment and the environment), combined with an on-call system to provide the necessary staff when required;
 - A common reserve of equipment, comparable to the one planned in the 'rescUE' project of an autonomous civilian reserve that could be used as a last resort on an emergency basis;
- A deferred level of intervention to reinforce and ensure the replacement of local capacities which could be quickly used (e.g. securing a contaminated area, accurate determination of environmental contamination, decontamination of equipment and the environment, medical care).

In the context of negotiations, involving the Parliament, about a possible strengthening of the UCPM and the creation of a reserve, it would be useful to have a better understanding of the situation regarding the involvement of military capacities in case of a large-scale CBRN incident on the European territory. One option could be to organize a comprehensive written survey to assess the current stance of all Member States on their perception on this issue, their expectations and the options they are keen to explore, as well as the military capacities they could provide in the event of a CBRN disaster in a EU Member State (possibly updating information transmitted in the context of a previous capacity assessment).

Considering a greater use of military assets implies the development of a common framework. Progresses in this respect could be achieved through a symposium on the comparison of civilian and military doctrines of intervention in response to a CBRN event, on the possible ways of convergence when necessary, as well as on the mutual assistance that these sectors could provide to each other. The Hybrid CoE could be tasked with organizing some scenario-based discussions. Besides, EU civilian and military leaders should be trained on the issue pertaining to the mutual adaptation of doctrines where necessary.

Lastly, the relationships between the various solidarity and assistance EU mechanisms, in particular the solidarity clause and the mutual assistance clause, could be explored further, as could be the scope of the limitation to the invocation of the solidarity clause introduced by the necessity to have exhausted all other possibilities.

ANNEX II: PRESENTATION SLIDES

Directorate-General for External Policies
Policy Department
For the Sub-Committee on Security and Defence

EU Preparedness against CBRN weapons

Elisande Nexon, Claude Wachtel (Fondation pour la Recherche Stratégique)

A wide scope of CBRN threats

- Naturally occurring incidents:
 - Outbreaks, pandemics
- Accidental incidents at hazardous installations or during the transport of dangerous materials:
 - Triggered by natural causes
 - Infrastructures failures or accidents under technological / industrial conditions
 - Human activities, errors or negligence
- Deliberate incidents:
 - Malveillance and criminal acts
 - Terrorist acts
 - State-sponsored use

"When considering preparedness and response in this context,
it is unavoidable to start from an all-hazards approach [...]"

2009 Commission's Communication presenting the EU CBRN Action Plan

An increasing threat (1)

- Scientific and technological advances
- A greater diffusion of technologies
- An easier dissemination of information and knowledge, coupled with an access to more efficient secure means of communication
- Increasing flows of travellers and goods



An increasing threat (2)

- 2001-2002: Anthrax letters in the USA, followed by thousands of hoaxes worldwide
- ◆ 2006: Polonium-210 assassination of a Russian dissident
- 2006-2007: Chlorine attacks in Iraq
- 2011: *[Fukushima Daiichi nuclear accident]*
- 2012-: Use of chemical weapons by both State and non-state actors in the Syrian conflict
- 2014-2016: *[Ebola outbreak in West Africa]*
- 2017: Assassination of the North Korean leader's half-brother with VX nerve agent, renewed allegations about a North Korean offensive chemical programme
- ◆ 2018: Novichok attack in Salisbury (UK)
- ◆ 2018: Disruption of two ricine terror plots in France and Germany

Intentional CBRN incidents

A series of criteria to identify scenarios that may warrant the use of military capacities, including:

- Upstream information provided by intelligence services
- The crisis dynamics (sudden onset crisis vs. slow developing crisis)
- The number of Member States or neighbouring countries affected
- The scale of the incident and the number of casualties
- The repetition over time and geographic repartition of incidents
- Response capacities of the affected Member States
- The need for highly specialized teams and equipment
- Other existing operational assistance agreements

Possible military involvement: Generic scenarios

- Upstream prevention (e.g. capacity building assistance to third countries, military small-scale rapid missions to respond to emerging conflicts and crises)
- An attack or a disaster overwhelming the response capacities of the affected Member State(s)
- A context characterized by an ongoing threat, or repeated attacks, or an attack with long-term consequences, that would progressively overwhelm existing civilian capacities
- A scenario requiring the use of niche capabilities mostly held by armed forces
- The use or threat of use of militarized chemical or biological weapons raising suspicion of a state's involvement
- A hybrid threat involving a CBRN component
- A warlike situation, in the sense of the magnitude of the consequences (even if currently the possibility seems remote)

A favourable context for strengthening EU military capabilities

A shifting geopolitical environment:

- An increasingly challenging security environment for the European Union:
 - Russia's annexation of Ukraine's Crimea in 2014
 - China and Russia's assertive foreign and defence policies
 - Ongoing terrorist threats on European soil
- The stance of the current U.S. administration (e.g. regarding NATO and the European security, non-proliferation multilateral agreements or trade)
- The Brexit (23 June 2016 referendum)

A favourable context for strengthening EU military capabilities

"Strategic autonomy":

- The 2016 EU Global Strategy:
 - "Nurtures the ambition of strategic autonomy for the European Union"
 - "An appropriate level of ambition and **strategic autonomy** is important for Europe's ability to promote peace and security within and beyond its borders. We will therefore enhance our efforts on **defence**, cyber, **counterterrorism**, energy and strategic communications. Member States must translate their commitments to **mutual assistance and solidarity** enshrined in the Treaties into action"
- French President Emmanuel Macron, 6 November 2018:
 - A "true European army"
- German Chancellor Angela Merkel, 13 November 2018:
 - "We should work on a vision of one day establishing a real, true European army"

Significant developments in the field of security and defence

Establishment of Permanent Structured Cooperation (PESCO):

- Council Decision 2017/2315 of 11 December 2017
- The majority of EU Member States
- Member States voluntarily agreeing with more binding commitments, with the aim of strengthening defence cooperation
- Closely related to other EU defence initiatives
- Supported by the European Union External Action Service (EEAS) - including the EU Military Staff (EUMS) - and the European Defence Agency (EDA)
- First batch of 17 projects launched in March 2018 aiming to:
 - Contribute to facilitate cooperation between Member States on issues related to internal or external security issues
 - Promote standardisation of procedures, training and equipment: towards greater interoperability

Towards a European defence intervention plan

The European Intervention Initiative (EI2)

- Initiative from PESCO, spearheaded by French President Emmanuel Macron
- Calling for a greater strategic autonomy in defence
- The Defence ministers from nine EU countries signed on 25 June 2018 a letter of intent at a meeting of EU defence ministers in Luxembourg, committing to set up a joint military intervention group
- A EU collective defence plan:
 - "some kind of reinforced article 5", leading to "a real solidarity of intervention if one state was attacked"
- "Develop cooperation between countries politically willing and militarily capable of acting, when they decide to do so, in different scenarios - not just military but also civilian"
- Four areas: strategic foresight, scenarios of employment, doctrine and lessons learned, and support to operations

Strengthening cooperation between NATO and the EU

- New 2017 CBRN action plan: need for close cooperation with key partners and organisations
- But the European Union's own capacity-building initiatives should not compete with those of NATO
- Joint declaration on increasing practical cooperation at the 2016 NATO summit
- A new joint declaration ahead of the NATO summit on 11-12 July 2018 (e.g. Strengthening resilience to CBRN-related risks)
- The European Centre of Excellence for Countering Hybrid Threats (Hybrid CoE): a hub of expertise supporting individual and collective efforts to enhance civil-military capabilities, resilience and preparedness to counter hybrid threats
- Useful to specify the arrangements for cooperation between the crisis centres from the European Union (including its agencies like Europol) that have an operational vocation and those supervised by the NATO Civil Emergency Planning Committee (CEPC)

The EU CBRN crisis response

- The European Union Civil Protection Mechanism (UCPM) as the cornerstone
- Coordination by the Emergency Response Coordination Centre (ERCC)
- Includes the European Emergency Response Capacity (EERC), voluntary pool of assets pre-committed by Member States for immediate deployment
- The European Medical Corps is a part of the EERC (for crises occurring inside or outside the EU)
- Some shortcomings and some proposals from the European Commission to alleviate them:
 - A dedicated EU reserve of EU civil protection capacities to be used as a last resort (rescEU)
 - A Union Civil Protection Knowledge Network

A wide scope of preventive measures and instruments (1)

- Export control
- Protection of critical infrastructures
- Support to international organizations
- In-house as well as funded R&D (e.g. JRC, EDA / Horizon 2020)
- Training
- (Co-) funding of exercises to improve the response of the Civil Protection Mechanism to major emergencies, including CBRN ones
- Public health early warning systems
- Promoting the reinforcement of laboratory capacities at European level

A wide scope of preventive measures and instruments (2)

- Strengthening criminalisation of terrorist acts
- Collecting information on CBRN events through a more systematic recording in the European Bomb Data System (EBDS); integrating data from the International Atomic Energy Agency (IAEA) concerning incidents, thefts and traffics in the nuclear and radiological sectors
- In-depth analysis based on intelligence provided by Member States through the EU Intelligence Analysis Centre (EU INTCEN)
- Reducing the risks of CBRN material illegal transfers from or through third countries and strengthening institutional capacities of countries outside of the European Union through the European Union CBRN Centres of Excellence

A crisis coordination requirement

- Multiple stakeholders and instruments potentially involved at EU level, depending on the nature and the scope of the CBRN incident:
 - The Member States, the Council Presidency and the Council, the Commission, the EEAS,
 - Relevant EU agencies (e.g. Europol, Eurojust, the European Centre for Disease Prevention and Control (ECDC), the European Medicines Agency and the European Border and Coast Guard Agency (FRONTEX))
 - Other stakeholders such as experts from the Member States or from international organisations
- Importance of an efficient coordination mechanism:
 - The Integrated Political Crisis Response arrangements (IPCR)
 - Rapid and coordinated decision-making at EU political level for major and complex crises
 - Designed to display more flexibility and scalability, and to build on existing EU resources

Framework for the involvement of military capabilities in CBRN crisis prevention and response (1)

- Internal and external security are more and more intertwined:
 - The 2016 EU Global Strategy
 - The Internal Security Strategy (ISS)
- Member States retain the primary responsibility for the management of crises within their territory
- However, complex threats such as CBRN large-scale incidents or terrorist attacks may overwhelm national capacities or require additional means:
 - Obligations of mutual assistance and solidarity
 - Use of force has to be legally justified on the basis of UN Charter and there is a commitment to respect the Oslo guidelines on the Use of Foreign Military and Civil Defence Assets In Disaster Relief

Framework for the involvement of military capabilities in a CBRN crisis (2)

- A clause of mutual assistance (Article 42(7) TEU)
 - "If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with article 51 of the United Nations charter"
- Role of the EU battlegroups
- According to Article 43(1) TEU:
 - Joint disarmament operations
 - Humanitarian and rescue tasks
 - Military advice and assistance tasks
 - Conflict prevention and peace-keeping tasks
 - Tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation
 - [All these tasks may contribute to the fight against terrorism, including by supporting third countries in combating terrorism in their territories]

Framework for the involvement of military capabilities in CBRN crisis prevention and response (3)

- A clause of solidarity (Article 222 TFEU):
 - "the Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the object of a terrorist attack or the victim of a natural or man-made disaster. The Union shall mobilise all the instruments at its disposal, including the military resources made available by the Member States, to (a) prevent the terrorist threat in the territory of the Member States, protect democratic institutions and the civilian population from any terrorist attack, assist a Member State in its territory, at the request of its political authorities, in the event of a terrorist attack, or (b) to assist a Member State in its territory, at the request of its political authorities, in the event of a natural or man-made disaster"
- Can be invoked by a Member State, if, after having exploited the other possibilities offered at national and European levels, it considers that the crisis overwhelms available response capabilities
- An immediate activation of the IPCR
- An explicit mention of military resources in Article 222 TFEU, but a lasting reluctance displayed by some actors

Added value of the use of military means

- Lessons learned from recent crisis management experiences:
 - The Ebola outbreak in Western Africa (2014-2016)
 - The Paris terrorist attacks (2015)
 - The aftermath of Hurricane Irma on Saint-Martin Island (2017)
 - The Novichok attack in Salisbury (2018)
- A comprehensive capability-based planning approach focusing on the objective to achieve
- Regularly trained specialized military staff with the ability to operate in a seriously degraded or perilous environment
- Highly specialized niche competencies

Potential roles for the military to prevent and respond to CBRN incidents (1)

Upstream preventive actions:

- Contributing to information sharing and intelligence analysis on CBRN matters;
- Taking part in CBRN R&D;
- Taking part in the education and training of first responders at European level;
- Pre-positioning of niche capacities in the framework of the security organization set up for a major sporting, societal or political event;
- Providing expertise to contribute to capacity-building in third countries;
- Providing assistance upon request by a third country;
- Supporting the fight against terrorism in third countries;
- Engaging in disarmament operations;

Potential roles for the military to prevent and respond to CBRN incidents (2)

Actions following the onset of a crisis:

- Establishing and managing an exclusion area;
- Ensuring evacuation operations in a contaminated environment;
- Contributing to the securing of critical infrastructures, including hospitals;
- Providing medical countermeasures or other equipment;
- Giving access to military hospitals, as well as providing access to military doctors and nurses that have an expertise in triage and are trained to take care of patients exposed or contaminated by a C,B,R, or N agent;
- Providing laboratory capacities to detect and identify the agent, especially if the use of an unusual or militarized agent is suspected;
- Depending on the duration of the crisis, helping with logistical challenges;
- Ensuring reinforcement and replacement of exhausted responders for specific tasks;

Potential roles for the military to prevent and respond to CBRN incidents (3)

Actions to be implemented after the acute phase of the crisis:

- Managing patients requiring long-term specialized care such as victims contaminated by a nerve agent or radiological casualties;
- Assisting the civil services to search for and evaluate the residual contamination, and to carry out the decontamination;
- Providing specific CBRN forensics capacities;
- Contributing to the organization of a lessons learned process.

Potential roles of the military in CBRN crisis prevention and response

- Joint planning and management allowing the best articulation with the Union Civil Protection Mechanism
- Some actions already implemented, the feasibility of some others to be further explored
- Different stances regarding the involvement of military assets in crisis management at national level / in a European framework
- An issue worth considering: the stance regarding the use of military assets vs. public opinion judging the crisis response management
- Involving military assets? A case-to-case basis

Operational challenges to overcome

- CBRN preparedness and response plans and organizations differ between Member States
- National responsibilities for CBRN emergency management can be distributed among institutional actors in different ways
- Different mandates and areas of expertise of first responders and other stakeholders
- Crisis management in case of terrorist attacks or of natural or accidental disaster is under civilian control
- The use of military resources is often considered as a last resort
- Considering the tempo of a crisis, the reaction time is usually longer than that of civilian services (except for hospitals or laboratories)

Operational challenges to overcome

- Relative scarcity of specialized military assets
- Importance of developing a common framework of intervention, and of enhancing interoperability (e.g. R&T and standards):
 - Define intervention doctrines guaranteeing interoperability of Member States' capabilities
 - Translate this interoperability into common equipment standards (role of the EDA, work carried out within the NATO framework)
 - Train the military to implement civil doctrines and supplement accordingly their endowments
 - Train them to respond within an inter-sectoral organisation, including at the field level.

A role of that has to be further explored (1)

Involvement of military assets, an added-value in the event of a large-scale CBRN incident on the European territory:

- Requires prior planning taking into account the specificities, updated capacities and therefore the real possibilities of each MS
- If possible and reasonable, try to adjust the capacities so that they can be better adapted to the needs of civilian interventions
- Joint preparation and training (in the conditions that would be encountered and according to doctrines for intervention in a civilian environment, but with the added-value of the military expertise to operate in the framework of a complex security crisis)
- Important to express the objective to achieve (vs specific means)

A role of that has to be further explored (2)

Military capabilities provided on a voluntary basis by States could be structured in two levels:

- A limited but highly specialized level for immediate intervention, including:
 - Modules similar in principle to the modules of the civil protection mechanism, but focused on some key specific competencies held by the armed forces (e.g. medical skills to address CBRN events, decontamination of equipment and the environment), combined with an on-call system to provide the necessary staff when required
 - A common reserve of equipment that could be used as a last resort on an emergency basis (comparable to rescEU)
- A deferred level of intervention to reinforce and ensure the replacement of local capacities, and which could be quickly used

A role of that has to be further explored (3)

- In the context of negotiations about a possible strengthening of the UCPM and the creation of a reserve, assess:
 - the current stance of all Member States on their perception on the possible use of military assets, their expectations and the options they are keen to explore
 - the military capacities they could provide in the event of a CBRN disaster in a Member State
- Contribute to the development of a common framework through:
 - A symposium on the comparison of civilian and military doctrines of intervention in response to a CBRN event, on the possible ways of convergence when necessary, as well as on the mutual assistance that the civilian and military sectors could provide to each other
 - The Hybrid CoE that could be tasked with organizing some focused scenario-based discussions
 - Training of EU civilian and military leaders on the issue pertaining to the mutual adaptation of doctrines
- Explore further the relationships between the various solidarity and assistance EU mechanisms, in particular the solidarity clause and the mutual assistance clause
- Explore further the scope of the limitation to the invocation of the solidarity clause introduced by the necessity to have exhausted all other possibilities

PE 603.875
EP/EXPO/B/SEDE/FWC/2013-08/LOT6/24

Print ISBN 978-92-846-4567-1 | doi:10.2861/780767 | QA-02-19-076-EN-C
PDF ISBN 978-92-846-4568-8 | doi:10.2861/91 | QA-02-19-076-EN-N