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*Committee on Civil Liberties, Justice and Home Affairs*

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**2012/2223(INI)**

15.10.2012

# OPINION

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Foreign Affairs

on the EU's mutual defence and solidarity clauses: political and operational dimensions  
(2012/2223(INI))

Rapporteur: Simon Busuttil

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## SUGGESTIONS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Foreign Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

- A. Whereas the progressive development and fortification of a common defence policy aimed at reinforcing the strategic autonomy of the EU is a primary purpose for the Union;
- B. Whereas Article 222 TFEU ('Solidarity Clause') introduces for the first time a legal obligation on the Union and its Member States to assist one another in case of a terrorist attack or a natural or man-made disaster;
- C. Whereas, while Member States retain the primary responsibility for the management of crises within their territory, disasters increasingly have a cross-border nature and may overwhelm the response capacity of a single Member State and therefore EU action is instrumental in pooling efforts and resources and in coordinating the response;
  1. Calls on the Commission and the High Representative for Foreign Affairs and Security Policy to quickly submit a legislative proposal to implement the Solidarity Clause in order to enhance the Union's organisation and efficiency in managing crises, in terms of both prevention and response;
  2. Points out the need for monitoring relationships and improving coordination between Member States and between existing instruments as well as identifying gaps and overlaps;
  3. Points out that many useful instruments already exist at EU level and that these instruments include the EU's Emergency and Crisis Coordination Arrangements, European Civil Protection, EEAS Crisis Response and Operational Coordination, EU Intelligence Analysis Centre, the Commission's Strategic Analysis and Response Capability, Europol's First Response Network, CBRN Action Plan, Atlas Network, ARGUS and agencies such as Frontex; notes that the Solidarity Clause should avoid creating new instruments and opt for the coordination, adaptation or strengthening of these instruments for the purposes of preventing and responding to disasters and attacks in accordance with the principles of necessity and proportionality;
  4. Calls on the Commission to detail the situations which would trigger the Solidarity Clause, and the democratic procedure for its application, which should also ensure accountability for decisions taken, and include the proper involvement of the national parliaments and the European Parliament; encourages the Commission to outline a fair system laying out how Member States should pool the necessary equipment or resources in the spirit of solidarity should the need arise;
  5. Calls on Member States to increase their capacities to respond to the obligations under the Solidarity Clause to 'act jointly' and to 'assist';
  6. Underlines that the Solidarity Clause should be triggered under the same structures and procedures envisaged for the mutual defence clause and notes that the Council should take

the decision within five days;

7. Calls on the Commission to clearly define disasters and attacks enabling the Solidarity Clause to effectively cover a broad range of situations where solidarity is requested while preventing any disproportionate use that would infringe upon fundamental rights; notes that the Solidarity Clause should also cover serious incidents happening outside the Union with a direct and substantial impact on a Member State;
8. Draws attention to the fact that Article 222 TFEU specifically refers to the prevention of terrorist threats and the protection of society against them and thus recalls the importance of the EU counter terrorism strategy;
9. Believes that the obligation in Article 222 TFEU for the European Council to conduct a regular EU threat assessment is an important component of EU efforts to coordinate the prevention policies; calls on the Commission to come forward with proposals on how best to implement this obligation;
10. Believes that Parliament and the Council, as the EU legislators and budgetary authorities, should be kept informed of the situation on the ground in the case of a disaster or attack that would trigger the Solidarity Clause, as well as of its origins and possible consequences so that a thorough and unbiased assessment based on up-to-date and concrete information can be carried out for future reference.

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	11.10.2012
<b>Result of final vote</b>	+: 33 -: 3 0: 4
<b>Members present for the final vote</b>	Jan Philipp Albrecht, Roberta Angelilli, Rita Borsellino, Emine Bozkurt, Arkadiusz Tomasz Bratkowski, Simon Busuttil, Carlos Coelho, Ioan Enciu, Frank Engel, Cornelia Ernst, Tanja Fajon, Monika Flašíková Beňová, Kinga Gál, Kinga Göncz, Nathalie Griesbeck, Sylvie Guillaume, Anna Hedh, Sophia in 't Veld, Lívia Járóka, Juan Fernando López Aguilar, Monica Luisa Macovei, Svetoslav Hristov Malinov, Véronique Mathieu, Nuno Melo, Claude Moraes, Georgios Papanikolaou, Carmen Romero López, Judith Sargentini, Birgit Sippel, Csaba Sógor, Renate Sommer, Nils Torvalds, Wim van de Camp, Axel Voss, Renate Weber, Tatjana Ždanoka, Auke Zijlstra
<b>Substitute(s) present for the final vote</b>	Stanimir Ilchev, Jan Mulder, Siiri Oviir, Marco Scurria
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Kay Swinburne, Salvatore Tatarella