

# Questions et réponses sur l'examen à mi-parcours du plan d'action pour l'union des marchés des capitaux

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## Statement by the Spokesperson on the reported detention of the h

We have learned with concern from media reports and from Amnesty International that the Head of Amnesty International in Turkey, lawyer and human rights defender Taner Kılıç, was detained on recently. We call on the Turkish authorities to clarify the charges swiftly, in line with the standards of the European Convention on Human Rights and the case-law of the European Court of Human Rights. In particular, it is important to fully respect the presumption of innocence. Amnesty International is an internationally highly respected member of civil society which is a key pillar of democracy.

The European Union is monitoring the on-going procedure closely.

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## Remarks by High Representative/Vice-

# President Federica Mogherini

Brussels, 7 June 2017

Check against delivery!

Let me start with a word of condolences to the victims of the attacks we have seen in Iran in these hours. We have been following very closely what is happening. It is still very unclear but I just wanted to mention this in the beginning, because this is obviously a very sad day again. For us every time that there is a terrorist attack anywhere in the world we follow the developments closely and I will be in contact with Foreign Minister [of the Islamic Republic of Iran, Mohammad] Zarif in the course of the day.

Today we adopted in the College a reflection paper on the future of defence of the European Union, and we also decided to launch a European Defence Fund which will also support more efficient defence spending by our Member States. I will leave the details on the fund to Jirky, to Vice President Katainen. But today the message we are passing is double, I would say. On one side, we are delivering concretely on the very ambitious decisions that we took already at 28 last autumn and we are also looking beyond the current implementation of decisions, with the reflection paper looking at the future developments that we are ready to support if the Member States decide to go further, having for the first time probably the [European] Commission clearly playing its full role in support of the ambition of the European defence.

I will start with the reflection paper and then say a few words on the fund and leave the floor to Jirky [Katainen, Vice President of the European Commission]. On the reflection paper: it is a contribution to a debate. As you know, the instrument of the reflection paper does not put forward concrete proposals but opens questions, options and alternatives for the public debate and for the debate within the institutions in Member States. As all other papers, this one also presents different scenarios, but this reflection paper does not foresee a negative scenario, does not foresee a minor or a step back on the defence and security cooperation.

This because the public support for the European defence and security work is clear, if you look at the polls across the continent, our citizens support clearly the European Union doing more and better on defence and security. And also if you look at the political commitment of our Member States, if you look at their own declaration that 27 Heads of State and Government adopted in March during the celebrations for the Rome Treaties, for the 60th anniversary, I quote: "Heads of State and Government "pledge[d] to work towards a Union ready to take more responsibilities and to assist in creating a more competitive and integrated defence industry; a Union committed to strengthening its common security and defence, also in cooperation and complementarity with NATO".

So this is the starting point and we do not go backwards. We start from there and we present different ideas, different options, not alternatives to each

other but a sort of menu out of which some of the ideas can be implemented in the future. Some of them, by the way, not in a faraway future but also in the coming months, if not weeks. So, I want to be clear on one thing: even in the most ambitious scenario we present in the reflection paper we are not suggesting in any way to substitute, duplicate, or compete with NATO. This has to be clear. This is clear in the paper, but I think it is worth repeating it once again, probably it is the one hundredth time I repeat it publicly but it is always good to re-stress it.

This work is a work on strengthening the European defence that will increase the security and the defence of European Union citizens, that is needed for the European Union security, but will also help strengthening the transatlantic alliance and responsibility sharing across the Atlantic. It is about using the full added value of the European Union for European security; and now I would say the big difference is that all the European institutions are determined to fully use it. And this again, as I said, will also strengthen NATO.

Let me say also one word – I do not go through the different scenarios, I think you have the paper and I am ready to answer any of the questions you have on each and every of them – on the current work on defence because the two elements, the current work on strengthening the European Union security and defence and the reflection on the future, go hand in hand. And there is a certain degree of coherence in the work we are doing together.

On the current work: first of all, I would like to say a word on the Defence Fund. It is a very ambitious and very important contribution to the European Union's work to strengthen European defence, together with the work we are doing with NATO. I will present this week, together with Secretary General [of NATO, Jens] Stoltenberg, a joint report on the 42 concrete actions that the European Union and NATO have decided to run together. So this week we will present, together, a joint report on the implementation of this. This goes together with the work we are doing to implement the decisions that the European Council took at the end of last year to concretely use all of the instruments that the Treaties give the European Union to strengthen European Union's defence and security.

I will give you just a couple of examples where we have already achieved a few results. Just to name a few: as of tomorrow 8 June, the European Union, for the first time ever, will have a military structure at the Brussels level responsible for operational planning of non-executive military missions and their conduct, the Military Planning and Conduct Capability [MPCC], that will take over command responsibilities of the European Union training missions in the Central African Republic, Mali and Somalia. Tomorrow that will be in place. I visited by the way our men and women in uniform in Mali, in Bamako just on Sunday, seeing how valued and essential their work is on a daily basis.

Second example that is very relevant to the [European] Defence Fund: we are working with Member States to activate the Permanent Structured Cooperation (PESCO) which would bring more binding commitments for the Member States that would decide to join the Permanent Structured Cooperation and that would

provide also a good basis for projects that could be financed by the fund. This obviously in full coordination with the role of the European Defence Agency. I am using more and more not only my two heads but my third one as the Head of the European Defence Agency, avoiding any duplication but putting together all the institutional competences that we have.

So, it is indeed a true package on European defence that we are presenting today, bringing together all the different instruments, tools, possibilities that we have across the institutional board. Some of them currently ongoing and some others, as in the reflection paper, options for the future discussion about what could come next.

I would like to say one word on another decision we took today that is also part of our security work on a different field, not on defence. Today we adopted in college our strategy for more resilient states and societies. This is essential complementary work on the security and defence front, because the European Union's way to security is an integrated way. We know very well that the military way, sometimes needed, but alone is never sufficient and so we adopted also this strategy for investing more and better on resilience in our partner countries. This means having a more structured long term approach to vulnerabilities and fragilities; anticipating threats; preventing them to turn into conflicts, working to fostering participatory societies, adapting national policies also to economic resilience, improving work to prevent conflicts, addressing climate change, environmental degradation. All of this for us is part of our work on security and this I think makes the European Union such an indispensable partner across the world.

I was last week in Latin America and in Africa, having the summit with our Chinese counterparts here in Brussels. If you go from Latin America to Asia, to Africa, you see how much the European Union is valued and needed on all these issues from security, defence, climate, trade, investments, economic development, humanitarian aid. This is also the approach we have also to security and the fact that today we adopted very important decisions both on defence and our strategy on resilience shows that the integrated approach of the European Union is truly an asset that we are investing in.

#### Q&A

Q. You both stress that this is not about duplicating NATO or replacing it. But to what degree would you be prepared for a scenario in which, under President Trump, the United States would prove to be not a reliable partner as the Europeans were used to?

FM: There is a political issue here and there is a military issue here. On the political side, what we can do is to encourage our American friends to stay engaged in [on] the global scene. I know it sounds surreal to hear this from Brussels to Washington, but that is the reality of facts. I was mentioning the fact that I spent the last 10 days across the world, and what I can say is that there is a growing need, desire to partner with the European Union. Part of this might be linked to a certain unpredictability of positions that on some issues our partners have seen in Washington. I mentioned the climate change as the key element we have seen in the last week. We wish to see the United States stay in the course of their global role and commitment to partner, together with us and others, across the

Atlantic and further away for peace, stability, security and development in the world. We are currently facing, for instance, a very destabilising moment around the Gulf that worries both of us very much. And obviously the more we work together, the more we can expect our messages to be heard.

On the military side, the reason why both Jyrki and I are stressing clearly that any work we are doing to strengthen the European security and defence is not going to replace or compete with NATO. First of all, this is because we know what the European Union is. The European Union is not a military alliance and is not going to turn into a military alliance. It is a matter of maximising the added-value that the European Union can bring to the EU Member States' work on security and defence, including through more cooperation – being it in the research field, being it in capabilities developments, being it through our EU military and civilian missions and operations. Everything is very clearly spelled already in the Treaties.

The Treaties are the limit here. And I was now going through the articles that are related to our Common Security and Defence Policy – you clearly see here that we have limits that we are very far from reaching now, and that – if needed – we can explore. One of the articles of the Treaties, Article 43, indicates the tasks that the European Union can fulfil, if Member States decide to go in that direction, using capabilities and assets of the Member States. For instance, this includes peacekeeping tasks, humanitarian and rescue tasks, military advice and assistance tasks. But also the task of combat forces in crisis management, including peace-making and post-conflict stabilisation, including contributing to the fight against terrorism, including supporting third countries in combatting terrorism on their territories. So we are not talking about Article 5 of NATO, let us say.

We are not talking about the protection of the territory of the European Union – this is the core business of the NATO alliance. But we are talking about, for sure, exploring the ways in which the European Union can contribute to its own security through civilian and military capability strengthening, both in terms of the industrial basis, but also in operational terms. Because we know that there are things that can and should be done outside of our borders that would have a positive influence also on our security. So it is not about substituting neither the alliance nor the United States, but it is a matter of focusing on what more we can do for our own purposes, for our own interests and checking to what degree of determination and commitment Member States are ready to commit and provide, on the Commission side, the basis for sustaining this work and incentivising common work on security and defence.

Q. Une question pour la Haute représentante / Vice-présidente Mogherini. Madame la Vice-présidente, on voit bien la difficulté de trouver la base dans les traités – donc on passe par la recherche, par le marché intérieur pour avoir certaines compétences au niveau communautaire avec ce projet. Est-ce que vous ne craigniez pas, en tordant un peu les traités d'une certaine manière, de brusquer les Etats membres et peut-être aussi les citoyens en voulant aller trop vite?

FM: Normalement on est accusés d'aller trop lentement. Pour une fois que l'Union européenne arrive vite à prendre des décisions et à avoir des

résultats sur un domaine qui est assez difficile et complexe, je pense que nos citoyens l'apprécient; au moins, c'est l'impression que j'ai. Ce que j'ai vu pendant ces dix mois de travail intense et commun sur la défense européenne – on a travaillé aussi avant, mais c'est après la présentation de la stratégie globale qu'on a vraiment commencé à accélérer le travail sur la défense européenne – j'ai vu premièrement une forte détermination de la part des Etats membres qui sont arrivés à discuter en septembre, à Bratislava, de la mise en œuvre concrète sur le domaine de la défense, de la sécurité et de la stratégie globale; une prise des décisions commune à l'unanimité, à 28, déjà en novembre, et puis au Conseil européen en décembre. En parallèle, le même niveau d'unanimité dans le travail intensifié avec l'OTAN qui, aussi, a signifié des actions concrètes dans le délai de quelques mois.

Et du côté de la Commission, un travail bien fait et soutenu et inclusif, dans le sens qu'on a vraiment travaillé ensemble – Jyrki, moi-même, Elżbieta – avec l'Agence européenne de défense et avec les Etats membres. Jyrki est même venu à un Conseil des ministres de la défense, que, comme vous le savez, je préside dans un autre rôle. Je pense que pour la première fois il y avait cette présence – exactement pour travailler en équipe. Et ce que j'ai vu pendant ces dix mois a été vraiment un travail d'équipe avec une forte détermination politique, avec une grande satisfaction de la part des Etats membres sur la façon dont chaque institution – soit la Commission, soit l'Agence européenne de défense, soit le Conseil – ont vraiment mobilisé – soit l'OTAN aussi, comme partenaire, pas une institution européenne, mais un partenaire – toutes leurs capacités, tous leurs atouts pour arriver à un but commun: celui de renforcer l'Europe de la défense. Je ne vois pas de frustration à cet égard de la part des Etats membres; au contraire, je vois une forte détermination à continuer, avec le même rythme, avec le même niveau d'unité, à 28 encore, et après, quand ce sera le cas, à 27, avec chaque institution jouant son rôle.

If I can switch to English, for the sake of being safe: the Treaties are very clear. The Common Security and Defence Policy is Council competence, but there is one part – several parts, but specifically one – of the work underlying this work of strengthening the European Security and Defence policy that is clearly in the hands of the Commission, and that is exactly the Fund that Jyrki presented – the industrial part, the research part. And this can provide the basis for common projects that would then provide the basis for a more integrated European Security and Defence policy. So it is complementarity, it is an excellent example of bringing the institutions together, and for the time being in a very consensual, united and fast – for once – way of working. I think this is just and only [one] good example – as I said, several times, I believe the field of defence is going to be one of the major fields in which we could relaunch the European Union; and we are doing that already. I can only hope that the same can apply to other fields of action and other fields of work.

Q: [Translated from IT] Vice-President Mogherini, on defence: you said earlier that it is for external operations because the defence of a Member State's territory is NATO's responsibility, as an article of the Treaty says. But there is another article of the Treaty, 42.7, which foresees the

obligation of aid and assistance to a Member State that has suffered an aggression – is the project aimed at this too? And from a political point of view, do you think Europeans are ready to die for Tallinn, should green men appear on the territory of one of the Member States?

FM: [Translated from IT] There is an obligation of solidarity among the Member States in the Treaty, including for territorial defence. It is Article 42.7 TUE. This is the article we have used one year and a half ago in the wake of the terrorist attacks in Paris, when the French government – the then President François Hollande and the then Defence Minister Jean-Yves Le Drian – requested the triggering of this article at the Defence Council; I remember that day very well. The Member States responded immediately and provided aid and assistance by all the means in their power, as foreseen by the Treaty. This translated into some concrete actions during the past year and a half where the Member States – as foreseen by the Treaty – took the initiative to this effect, because the Treaty speaks of an obligation of aid and assistance by the Member States, not the European institutions; so it is an intergovernmental tool – I am getting a bit technical here, but we all know what we are talking about.

In this case, we have also played a role as European institutions because we have acted as a clearing house of the different elements of aid and assistance that the different Member States have put at France's disposal, so we have even added a slight "communautaire" element to a Treaty provision that is exclusively intergovernmental. I want to say by this that not only can the obligation of solidarity by the Member States in the case of an armed aggression against a fellow Member State be there at any moment of time, but it has also been there already, as has been the case during the past and a half and continues being the case. Each article of the Treaty does not require a specific act to be made implementable; it already is our legal framework for action and can be triggered immediately. It is in the case my responsibility as the High Representative to guarantee its triggering, as has been done since one year and half ago until now for the solidarity Paris requested in the face of the terrorist attacks on its territory.

However, this has not put into the question the fact that the territorial defence as such of Member States that are also NATO allies is covered by article 5 of the NATO Treaty. Territorial defence is the very essence of the North Atlantic Alliance. Not all EU Member States are part of the North Atlantic Alliance, but for those EU Member States that are NATO members, territorial defence is guaranteed firstly and mainly by the North Atlantic Alliance. Having said this, Article 42.7 TUE, which foresees solidarity in terms of aid and assistance by the Member States to any Member State that suffers an armed aggression on its territory, remains valid – and has indeed been triggered during the past year and a half already.

I forgot to add something on the solidarity in case of an armed aggression against the territory of a Member State. On this too, the Treaty is very clear on NATO's role – I think it is the only point where the Treaty explicitly mentions the North Atlantic Treaty Organisation. It foresees that any action carried out by the Member States in solidarity with and in support to a Member State that is the victim of armed aggression on its territory



shall be consistent with the commitments under the North Atlantic Alliance, which – says the Treaty – for those Member States that are NATO members “remains the foundation of their collective defence and the forum for its implementation”. This means that the Treaty on European Union acknowledges NATO as the main forum to guarantee collective territorial defence for those Member States that are also part of the North Atlantic Alliance, and it foresees that the actions that EU Member States can carry out in solidarity with and assistance to a Member State that is the victim of an armed aggression on its territory should be coordinated and consistent with the action that the NATO can undertake in this regard. So we have a clear legal basis in the Treaty; and all the work we have been doing during the past year of deepening and pushing, speeding up the development of European defence is set – both legally and politically – within the framework and on the basis of the current Treaty.

Link to the video (remarks):

<http://ec.europa.eu/avservices/video/player.cfm?ref=I139310>

Link to the video (Q&A):

<http://ec.europa.eu/avservices/video/player.cfm?ref=I139311>

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## **Discours du Président Jean-Claude Juncker aux Journées européennes du développement**

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