

POLICY ANALYSIS

The European Union Integrated Political Crisis Response Arrangements: Improving the European Union's Major Crisis Response Coordination Capacities

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ABSTRACT

In recent years, the European Union (EU) has progressively assumed more and more of a primary role in crisis response coordination. The EU Integrated Political Crisis Response arrangements (IPCR) were recently approved to facilitate this task. These new agreements, which substitute for the Crisis Coordination Agreements, will add more flexibility to crisis response mechanisms in the EU. They will also strengthen cooperation between the different relevant agents in a major crisis situation and create new useful tools, such as the Integrated Situational Awareness and Analysis. Their real performance still needs to be fully tested, but some weakness can already be foreseen. This article provides a deep analysis of this new legislation. (*Disaster Med Public Health Preparedness*. 2015;9:234-238)

Key Words: liability, legal, policy making, health policy, public policy

In recent years, the European Union (EU) has progressively assumed more and more of a primary role in crisis response coordination.^{1,2} This fact involves a major change in the EU's institutional and regulatory framework. For a long time, crisis prevention and reaction measures were considered as within Member States' competence. However, in the post-9/11 framework, things changed dramatically. At that moment, EU Member States realized that they could never face such a scenario in an efficient way on their own. Soon after the attacks, the Commission stated that "The need for a Europe-wide approach to civil protection took on a new sense of urgency after the terrorist attacks in the USA on 11 September 2001. Member States quickly realized that the Union would need a clear, coordinated disaster-response strategy if a similar attack were to take place in a Member State."³ Soon afterwards, in 2004, the Hague Programme called for an integrated EU arrangement for managing transboundary crises.⁴

Consequently, during the middle of the 2000-2010 decade, EU institutions were expected to develop a new institutional architecture able to serve as the necessary complement to national authorities. This change of mindset provoked the progressive development of a new legal framework. Indeed, currently, the EU has substantially improved its normative tools related to crisis, a concept that is currently defined as

a "disaster or terrorist attack of such a wide-ranging impact or political significance that it requires timely policy coordination and response at Union political level."⁵

The first piece of this puzzle, the EU Emergency and Crisis Coordination Arrangements (CCA) was created by the Council of the EU on 29 November 2005⁶ and was formally approved by the Justice and Home Affairs Council, held 1-2 December of the same year.⁷ Soon afterwards, the "solidarity clause" was finally enshrined in article 222 of the Consolidated version of the Treaty on the Functioning of the European Union,⁸ which entered into force on 1 December 2009. Its implementation was recently addressed by the Council Decision of 24 June 2014 on the arrangements for the implementation by the Union of the solidarity clause. In recent years, this normative development has incorporated the EU Integrated Political Crisis Response arrangements (IPCR), which replace the CCA and complement the solidarity clause.

This article analyzes these last agreements, which constitute an extremely interesting attempt to optimize the EU institutional framework related to crisis response. We will try to cover a necessary gap: even though the academic literature focused on the EU as a crisis actor has increased considerably in recent years and several extremely interesting articles and books are now

available,⁹⁻¹¹ the continuous change in the normative framework will render existing sources obsolete very soon.

THE ORIGIN OF THE IPCR

The IPCR were approved by the General Affairs Council (GAC) on 25 June 2013,¹² updating the CCA.¹³ According to the Council, they were designed to “reinforce EU member states’ ability to make decisions in a timely manner when facing major emergencies that require a response at EU political level.”

In order to understand the improvements introduced by this new tool, it makes sense to briefly describe its predecessor, the CCA. The CCA was created by the Council of the European Union on 29 November 2005¹⁴ and was formally approved by the Justice and Home Affairs Council held in 1-2 December of the same year.¹⁵ Even though we usually refer to the CCA in plural, they should be considered as a unique arrangement.¹⁶ The main aims of the CCA were to facilitate information exchange between the Member States and the EU institutions, when competent; to facilitate the provision of mutual operational support to Member States who had no sufficient capabilities to deal with the crisis; to enable consistency in the action taken by the Member States, the Commission, and EU agencies through coordination of their crisis management actions; to enable debate on contentious policy decisions; to enable debate on collective external action between the Member States and the Commission; and to ensure media coordination between the Member States, the Commission, and EU agencies.¹⁷

The CCA was an important step in the improvement of EU crisis management tools. It introduced long-needed facilities for strategic cross-sector crisis management coordination at the EU level and improved the Member States’ facilities for exchange of information about a national crisis situation, thereby providing the Member States and the Union as a whole with a more alert and nuanced crisis situation awareness when facing transnational crises. Moreover, the introduction of the CCA created increased pressure for reforms and upgrading of the national crisis management system in those Member States in the Union that might have problems meeting the demands the CCA place on them.¹⁶ However, the annual CCA exercises introduced in 2006 revealed the weaknesses of the CCA: uncertainty as to the distribution of work and responsibility between the “CCA Support Machinery,” the Crisis Steering Group, and COREPER II;¹⁸ defective management of the information to be provided to the media and the public; or a cluster of more technical problems such as enhanced management of SMS messaging and adequate contact lists.¹⁶ As a result of these findings, discussions on the need to review the CCA began in 2009.

An ad hoc working group called Friends of the Presidency (FoP) CCA/SCI was formally confirmed by COREPER on

3 December 2010 to lead the process of reviewing the CCA. After discussions during the CCA workshop organized by the Presidency on 17 November 2010 and subsequent consultation of all Member States, the FoP working group received the mandate to examine whether the CCA in its current configuration was the political and strategic tool required by the EU as a whole to respond quickly and adequately to a serious crisis situation. The FoP was also tasked with developing proposals that incorporated all relevant EU-level actors and crisis coordination tools.¹⁹ To accomplish its mission, the FoP made use of the lessons learned from the exercises mentioned above and real-life crises. The FoP was finally committed to assess whether the CCA was still an appropriate tool for responding to crisis situations. The decision to reform the CCA was made in December 2010.²⁰

On 4 June 2013, the FoP completed the CCA review process by reviewing and agreeing at this level on the document setting up the new architecture. In the process, the FoP working group decided to change the name of the CCA to “EU Integrated Political Crisis Response (IPCR) arrangements” to better reflect the new approach.²¹ The FoP recommended creating a new tool on the basis of several considerations: (1) the CCA did not fit well with the institutional implications of the Lisbon Treaty; (2) the CCA had “proved too elaborate, but the post-Lisbon institutional changes required a reassessment of the institutional home and role of the CCA”; and (3) “the CCA are not, in their current configuration, the politically and strategically agile tool required by the EU as a whole to respond quickly and adequately to a serious crisis situation.”^{20(p22)}

THE IPCR: THE NOVELTIES INTRODUCED

The IPCR were created with the firm purpose to avoid the weaknesses that had affected the CCA. Indeed, the IPCR are intended to improve the CCA by enforcing the role to be played by both the Permanent Representatives Committee (COREPER), which acts as a representative of the Member States, and the Council and its different bodies and agencies in major crisis situations. This change involves a fundamental message, in that the Council is usually considered a much more political body than the Commission. As Boin et al stated, “it is a clear sign that member states do not see crisis management only as a technocratic, sectoral endeavor; rather, crisis management is political and requires member state governments’ engagement at the highest level.”^{20(p28)}

The IPCR also strengthen cooperation between the different relevant agents in a major crisis situation response: Member States, the Council Secretariat General, the Commission, the European External Action Service (EEAS), etc,²² thanks to an increased range of participation by all these bodies in the response process. Moreover, they are much more flexible than the CCA, in so far as thresholds and ad hoc groups have been carefully excluded.

The general improvement of the framework relies also on the new bodies and tools created by the IPCR to accelerate EU crisis response coordination. The best example of this is a new capability, an Integrated Situational Awareness and Analysis (ISAA), developed by the Commission and the EEAS from existing means, which supports the Presidency's and the Council's decision-making. Upon activation of the IPCR, the ISAA provides an overview of the situation, as well as its possible evolution and consequences. It also creates input for the Member States and supports the Commission's and the EEAS's activities.²²

Furthermore, the IPCR have established a new web platform, owned by the Council but permanently available, albeit on the basis of restricted access. It receives input from Member States, the Commission, the EEAS, and the EU Agencies, acting as the IPCR communications hub. The IPCR web platform allows information sharing outside times of crisis, notably for preparedness purposes. Moreover, the IPCR establish that, in crisis times, one or several crisis pages can be generated, depending on the situation and political needs.²² Thus, it can be concluded that "the information management system of the CCA has been totally reshaped."^{20(p26)} This makes full sense if we keep in mind what the Council of the European Union stated in 2010 about the CCA web: "serious work is needed to make it more usable and user-friendly."²³ It seems that the IPCR are the right way to achieve this extremely important goal.

Another important novelty is that the IPCR are based on a scalability process, which adds significant flexibility to their functioning. This way, the nature of the crisis will determine the level at which decisions will be made. This means that the final responsibility for major crisis management might be taken on by the Council or even the European Council if the gravity of the situation indicates that it would be recommended to proceed in this way.²³ However, the IPCR share the CCA's respect for the subsidiarity principle and the competences of the Member States while facing major crisis situations, which might undermine its potential to play a decisive role in major crisis response coordination. Moreover, the IPCR also fully support the principle of using existing procedures, so that no financial budget has been assigned to the IPCR, which might be quite problematic in practice.

We would finally like to point out that the IPCR foundational charter included as one of its fundamental aims to support the solidarity clause, ensuring a coherent, efficient, and timely response at the EU political level in the event of activation (single set of crisis arrangements).²³ Indeed, the link between the IPCR and the solidarity clause was strengthened after the Council adopted a decision on the arrangements for the implementation by the Union of the solidarity clause.²⁴ The IPCR are explicitly mentioned in Articles 1 and 5. Article 1 states that the IPCR arrangements

will serve as the appropriate tool to be used by the Council to coordinate at the political level the response to the invocation of the solidarity clause. Article 5 states that the IPCR are the means by which the Presidency of the Council shall ensure the political and strategic direction of the Union response to the invocation of the solidarity clause, taking full account of the Commission's and the High Representative of the EU's competences. Therefore, it must be concluded that, according to the new legal framework, the IPCR play a key role in the implementation of the solidarity clause.

THE IPCR: THE PROCEDURE

The procedure of activating the IPCR could start in 2 different ways. The first begins when a country launches a crisis alarm through the corresponding system (and this will depend on the nature of the crisis) and it arrives at the Commission and the EEAS. The second path starts with invocation of the solidarity clause by a Member State.

In the case in which the IPCR are activated by a crisis alarm, the procedure works this way: first, the Commission, the EEAS, and the Council Secretariat General will analyze the situation and advise on it. Then, the Presidency gathers an informal Presidency-chaired roundtable to receive further support and advice. The roundtable usually comprises a representative of the General Secretariat, the European Commission, the EEAS, the office of the President of the European Council, the EU Counter Terrorism Coordinator, if appropriate, and other relevant stakeholders or experts from the Member States or the Union bodies. However, the final composition will depend on the preferences expressed by the Presidency. The General Secretariat is responsible for supporting the organization of these meetings.

Afterwards, the Presidency will decide on whether the IPCR are activated. If activation is decided upon, the activation will be assessed by the Commission, the EEAS, and the General Secretariat of the Council. A new Presidency roundtable will be gathered and concrete proposals on the possible handling of the crisis will be elaborated. Then, these proposals will be presented to the COREPER. The concrete functioning of this mechanism has been christened the IPCR "Snake."²⁵

The solidarity clause path works differently, as far as in this case the Presidency cannot avoid the activation of the IPCR. According to the Council Decision of 24 June 2014 on the arrangements for the implementation by the Union of the solidarity clause, it is obliged to use the IPCR after a Member State has invoked the solidarity clause in order to coordinate its response at the political level and to ensure the political and strategic direction of the Union's response to the invocation of the solidarity clause, taking full account of the Commission's and the High Representative of the EU's competences, as previously mentioned.

FINAL REMARK

If we are to arrive at a conclusion, we would like to point out that the IPCR seem to be a promising tool to improve the efficiency of crisis response coordination and management at the EU level. The new role assigned to the Presidency, the creation of the ISAA, and the general improvements introduced in the conception and management of data gathering and sharing through the IPCR web page are relevant enough to consider that the situation has certainly improved.

However, it is necessary to highlight that the IPCR had not been tested or used until November 2014,²⁶ and the results of this exercise are still to be fully analyzed. Thus, any failures of the IPCR in a crisis situation are still to be discovered. According to Boin et al (an opinion that we share), one of its greatest weaknesses comes from the fact that the IPCR lack practical resources.²⁰ Its data collecting relies basically on information gathered and collected via Commission systems and “the Commission is not always ready to engage fully when it feels that its systems suffice to provide the functions being developed independently by the Council.”^{20p28} Issues might also come from the information provided by national agencies and authorities, as far as they may not be so well coordinated with their national political representatives in Brussels. Thus, it seems that the IPCR are hampered by both resource shortages and institutional politics. Consequently, it seems reasonable to put attention to the work of the FoP working group, which continues to work on the IPCR to improve its performance whenever necessary.

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