

COUNCIL DECISION (CFSP) 2022/2244
of 14 November 2022
on the participation of the United Kingdom of Great Britain and Northern Ireland in the PESCO
project Military Mobility

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, in particular Article 46(6) thereof,

Having regard to Council Decision (CFSP) 2017/2315 of 11 December 2017 establishing permanent structured cooperation (PESCO) and determining the list of participating Member States ⁽¹⁾, and in particular Article 9(2) thereof,

Having regard to Council Decision (CFSP) 2020/1639 of 5 November 2020 establishing the general conditions under which third States could exceptionally be invited to participate in individual PESCO projects ⁽²⁾, and in particular Article 2(4) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) Article 9(2) of Decision (CFSP) 2017/2315 provides that the Council is to decide, in accordance with Article 46(6) of the Treaty on European Union (TEU), whether a third State, which the participating Member States taking part in a project wish to invite to take part in that project, meets the requirements to be established by the Council.
- (2) On 6 March 2018, the Council adopted Decision (CFSP) 2018/340 ⁽³⁾ establishing the list of projects to be developed under PESCO. Article 1 of that Decision provides that a project entitled 'Military Mobility' is to be developed within the framework of that list by 24 project members, including the Netherlands as project coordinator.
- (3) On 5 November 2020, the Council adopted Decision (CFSP) 2020/1639, establishing the general conditions under which third States could exceptionally be invited to participate in individual PESCO projects. Article 2(4) of that Decision provides that, based on a notification by the coordinator or coordinators of a PESCO project, and following an opinion by the Political and Security Committee (PSC), the Council is to take a decision in accordance with Article 46(6) TEU and Article 9(2) of Decision (CFSP) 2017/2315 as to whether the participation of the third State in that project meets the conditions set out in Article 3 of Decision (CFSP) 2020/1639.
- (4) On 29 July 2022, the United Kingdom of Great Britain and Northern Ireland (the 'UK') sent its request for participation in the PESCO project Military Mobility to the coordinator of that project, in accordance with Article 2(1) of Decision (CFSP) 2020/1639. The project members then assessed, on the basis of the information provided by the UK, whether it complies with the general conditions, in accordance with Article 2(2) of Decision (CFSP) 2020/1639.
- (5) On 7 October 2022, the coordinator of the PESCO project Military Mobility notified the Council and the High Representative of the Union for Foreign Affairs and Security Policy, in accordance with Article 2(3) of Decision (CFSP) 2020/1639, that the project members of that PESCO project had unanimously agreed: that they wish to invite the UK to participate in that project; on the scope, form and relevant stages of the participation of the UK in that project; and that the UK complies with the general conditions set out in Article 3 of Decision (CFSP) 2020/1639.

⁽¹⁾ OJ L 331, 14.12.2017, p. 57.

⁽²⁾ OJ L 371, 6.11.2020, p. 3.

⁽³⁾ Council Decision (CFSP) 2018/340 of 6 March 2018 establishing the list of projects to be developed under PESCO (OJ L 65, 8.3.2018, p. 24).

- (6) On 19 October 2022, the PSC agreed on an opinion on the notification regarding the request by the UK to participate in the PESCO project Military Mobility. In particular, the PSC took note of the description of the PESCO project Military Mobility as provided in the notification, including its objectives, organisation and decision making, as well as focus areas of work. It also noted that no EU classified or sensitive information is shared within that project and that it is not implemented with the support of the European Defence Agency (EDA) within the meaning of Article 3(g) of Decision (CFSP) 2020/1639. Furthermore, it noted that the PESCO project Military Mobility does not involve armament procurement, research and capability development, or the use and export of arms or capabilities and technology. It also noted that it does not involve entities, investments, funding from PESCO participating Member States or requests for Union funding for project activities.
- (7) The PSC also agreed with the proposed scope, form and extent of the participation of the UK in the PESCO project Military Mobility as described in the notification. It acknowledged that the UK had expressed that it fully supports the scope of that project as defined in the notification.
- (8) In the same opinion, the PSC confirmed the view unanimously agreed by the project members that the UK complies with the general conditions set out in Article 3 of Decision (CFSP) 2020/1639, as follows:
- the UK meets the conditions set out in Article 3(a) of Decision (CFSP) 2020/1639, which requires: sharing of the values on which the Union is founded, as laid down in Article 2 TEU, the principles referred to in Article 21(1) TEU, and the objectives of the common foreign and security policy as laid down in points (a), (b), (c) and (h) of Article 21(2) TEU; not contravening the security and defence interests of the Union and its Member States, including respect for the principle of good neighbourly relations with the Member States; and having a political dialogue with the Union, which should also cover security and defence aspects when participating in a PESCO project;
 - as regards the condition in Article 3(b) of Decision (CFSP) 2020/1639 on the substantial added value of the UK to the PESCO project Military Mobility, the notification provides a detailed outline of the UK contribution including on the scope, form and extent of the participation in that project, which substantiates the fulfilment of this condition;
 - as regards the condition in Article 3(c) of Decision (CFSP) 2020/1639, the UK's participation in the PESCO project Military Mobility will contribute to strengthening the common security and defence policy (CSDP) and the Union's level of ambition including in support of CSDP missions and operations, as also specified in the notification;
 - as regards the condition in Article 3(d) of Decision (CFSP) 2020/1639, the PESCO project Military Mobility does not involve armament procurement, research and capability development, or the use and export of arms, capabilities and technology. It does not develop any capability or technology. Consequently, the UK's participation in that project will not lead to dependencies on it or to restrictions imposed by it against any Member State of the Union;
 - the requirement in Article 3(e) of Decision (CFSP) 2020/1639 as regards the consistency of the UK's participation with the relevant more binding PESCO commitments, as specified in the Annex to Decision (CFSP) 2017/2315, is also met, as further detailed in the notification. As the PESCO project Military Mobility is not a capability-orientated project, the condition concerning the contribution of the UK's participation to fulfilling priorities derived from the Capability Development Plan and the Coordinated Annual Review on Defence, or having a positive impact on the European Defence Technological Industrial Base, is not applicable in this context;
 - the requirement set out in Article 3(f) of Decision (CFSP) 2020/1639 is fulfilled as the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland concerning security procedures for exchanging and protecting classified information (*) has been in force since 1 May 2021;

(*) OJ L 149, 30.4.2021, p. 2540.

- the condition set out in Article 3(g) of Decision (CFSP) 2020/1639 is not applicable in this case, as the PESCO project Military Mobility is not implemented with the support of the EDA and therefore an administrative arrangement which has taken effect with the EDA is not required;
 - as regards the condition set out in Article 3(h) of Decision (CFSP) 2020/1639, the UK has committed to seeking to conclude a project-specific administrative arrangement and any other necessary documentation in accordance with Decision (CFSP) 2017/2315 and Council Decision (CFSP) 2018/909 ⁽⁷⁾, concerning PESCO governance rules.
- (9) Finally, in its opinion, the PSC recommended that the Council take a positive decision as to whether the participation of the UK in the PESCO project Military Mobility meets the conditions set out in Article 3 of Decision (CFSP) 2020/1639.
- (10) The Council should therefore decide that the participation of the UK in the PESCO project Military Mobility meets the conditions set out in Article 3 of Decision (CFSP) 2020/1639. The UK will join that project on the date specified in the administrative arrangement to be entered into by the UK and the project members, in accordance with Article 2(7) of Decision (CFSP) 2020/1639. The Council will exercise its oversight in accordance with Article 5(2) of Decision (CFSP) 2020/1639 and may take further decisions in accordance with Article 6(2) and (3) thereof,

HAS ADOPTED THIS DECISION:

Article 1

The participation of the United Kingdom of Great Britain and Northern Ireland in the PESCO project Military Mobility meets the conditions set out in Article 3 of Decision (CFSP) 2020/1639.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 14 November 2022.

For the Council
The President
J. BORRELL FONTELLES

⁽⁷⁾ Council Decision (CFSP) 2018/909 of 25 June 2018 establishing a common set of governance rules for PESCO projects (OJ L 161, 26.6.2018, p. 37).