



# European Security and Defence Assembly Assembly of Western European Union

## Assembly Fact Sheet No. 5

### **The Treaty of Lisbon**

#### **The legal basis of the EU's activities under the Common Security and Defence Policy (CSDP)**

The European Union's crisis-management capabilities have come a long way since 1999. The EU has a range of civil and military instruments which have enabled it to carry out numerous civil and military crisis-management missions throughout the world since 2003.<sup>1</sup>

The **Treaty of Lisbon, amending the Treaty on European Union and the Treaty establishing the European Community** was signed on 13 December 2007 and came into force on 1 December 2009. It replaces the Treaty of Nice, formerly the legal basis for EU activities under the Common Foreign and Security Policy (CFSP). The European Security and Defence Policy (ESDP) has been renamed the Common Security and Defence Policy (CSDP) in the Lisbon Treaty.

The new **Article 42 of the Treaty on European Union** defines the CSDP and replaces Article 17 of the Treaty of Nice.

#### ----- **TREATY OF LISBON**

#### **TITLE V: GENERAL PROVISIONS ON THE UNION'S EXTERNAL ACTION AND SPECIFIC PROVISIONS ON THE COMMON FOREIGN AND SECURITY POLICY**

#### **CHAPTER 2: SPECIFIC PROVISIONS ON THE COMMON FOREIGN AND SECURITY POLICY**

#### **SECTION 2: PROVISIONS ON THE COMMON SECURITY AND DEFENCE POLICY**

#### **ARTICLE 42**

**1.** The common security and defence policy shall be an integral part of the common foreign and security policy. It shall provide the Union with an operational capacity drawing on civil and military assets. The Union may use them on missions outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter. The performance of these tasks shall be undertaken using capabilities provided by the Member States.

**2.** The common security and defence policy shall include the progressive framing of a common Union defence policy. This will lead to a common defence, when the European Council, acting unanimously, so decides. It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements.

The policy of the Union in accordance with this Section shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation (NATO), under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework.

**3.** Member States shall make civilian and military capabilities available to the Union for the implementation of the common security and defence policy, to contribute to the objectives defined by the Council. Those Member States which together establish multinational forces may also make them available to the common security and defence policy.

Member States shall undertake progressively to improve their military capabilities. The Agency in the field of defence capabilities development, research, acquisition and armaments (European Defence Agency) shall identify operational requirements, shall promote measures to satisfy those requirements, shall contribute to identifying and, where appropriate, implementing any measure needed to strengthen the industrial and technological base of the defence sector, shall participate in defining a European capabilities and armaments policy, and shall assist the Council in evaluating the improvement of military capabilities.

4. Decisions relating to the common security and defence policy, including those initiating a mission as referred to in this Article, shall be adopted by the Council acting unanimously on a proposal from the High Representative of the Union for Foreign Affairs and Security Policy or an initiative from a Member State. The High Representative may propose the use of both national resources and Union instruments, together with the Commission where appropriate.

5. The Council may entrust the execution of a task, within the Union framework, to a group of Member States in order to protect the Union's values and serve its interests. The execution of such a task shall be governed by Article 44.

6. Those Member States whose military capabilities fulfil higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions shall establish permanent structured cooperation within the Union framework. Such cooperation shall be governed by Article 46. It shall not affect the provisions of Article 43.

7. 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. This shall not prejudice the specific character of the security and defence policy of certain Member States.

Commitments and cooperation in this area shall be consistent with commitments under the North Atlantic Treaty Organisation, which, for those States which are members of it, remains the foundation of their collective defence and the forum for its implementation.

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**Today**, at the intergovernmental level, the main EU bodies involved in developing and implementing the Common Security and Defence Policy under the authority of the EU Council are:

**The Political and Security Committee (PSC):**

The PSC comprises the permanent representatives of the member states (most of whom also represent their countries in the WEU Permanent Council) and is responsible for the political control and strategic direction of crisis-management operations. It is assisted by the European Union Military Committee (EUMC) and the Committee for Civilian Aspects of Crisis Management (CIVCOM).

**The European Union Military Committee (EUMC):**

The EUMC was set up to “enable the EU to assume its responsibilities for the full range of conflict-prevention and crisis-management tasks defined in the EU Treaty, the Petersberg Tasks”. It is made up of the Chiefs of Defence Staff (CHODs) of the EU member states, represented by their military representatives (MILREPs). The role of the EUMC is to translate the PSC’s guidelines into military opinions.

**The European Union Military Staff (EUMS):<sup>2</sup>**

The EUMS is a staff at the disposal of the EUMC. Its main mission is to perform early warning and situation assessment tasks, and strategic planning prior to decisions in the event of an emerging crisis. It is the source of the EU’s military expertise. The EUMS is organised into five staff divisions: policy and planning; intelligence; operations and exercises; logistics and resources; communications and information systems.

These EU bodies created to implement the Union’s security and defence policy were inspired by (PSC, EUMC and EUMS) or inherited from (Satellite Centre and the Institute for Security Studies) the relevant WEU organs. The functions of the Western European Armaments Group (WEAG) and the Western European Armaments Organisation (WEAO) in the area of armaments cooperation were transferred to the European Defence Agency (EDA).

<sup>1</sup> See Assembly Fact Sheet No. 4: “EU Operations”. <http://www.assembly-weu.org/en/presse/fiches-information/index.php>

<sup>2</sup> See Assembly Fact Sheet No. 6 “European Union Military Staff”.  
<http://www.assembly-weu.org/en/presse/fiches-information/index.php>