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**LIMITE**

**EUMC 15  
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POLMIL 11  
COMPET 33  
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RECH 27**

**NOTE**

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From: General Secretariat of the Council  
To: European Union Military Committee (EUMC)  
Subject: Speaking Note of the Council Legal Service representative at the EUMC meeting held on 15 January 2018

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Delegations will find attached the Speaking Note of the Council Legal Service representative at the EUMC meeting held on 15 January 2018.

### SPEAKING NOTE

The non-paper of the Commission services states that "the Commission proposes to consult the Military Committee of the European Union (EUMC) on a first draft of the work programme" in relation to the Regulation Establishing the European Defence Industrial Development Programme (EDIDP).

The EUMC is a preparatory body of the Council. As such, it may not provide advice directly to another Institution. Its role rather is to inform the decision-making of **the Council** on military matters, including defence priorities. In particular, Council Decision 2001/79 setting up the EUMC provides that the Committee is responsible for providing the Political and Security Committee of the Council with military advice and recommendations on all military matters within the EU, in order to inform the PSC's deliberations.

In line with the legal advice of the Council Legal Service (14876/17), the EDIDP Regulation does make clear that actions undertaken under the Regulation "*must respect defence and security policy as established under the CFSP*" by the Council. It is therefore important that the arrangements for implementing the Regulation ensure that respect defence and security policy as established by the Council is fully respected, for example in relation to identifying defence priorities. These are however matters to be decided and where appropriate communicated by the Council itself drawing on the input and advice of its preparatory bodies including the PSC and EUMC.

The EDIDP proposal provides for the involvement of **Member States** at two stages: in Article 12 through Comitology procedure, to which the work programme is submitted, and in Article 14 through the appointment of "independent experts" validated by Member States.

It is of course for each Member State to determine how to provide its input on each of these points including as regards the provision of military expertise. It is for example possible for a Member State to decide to be represented in the Comitology procedure by its Military Representative or other military expert.

Equally there is no objection to representatives of Member States meeting within the EUMC to discuss or coordinate their **national** positions as regards the input of their representatives in the Comitology procedure or to provide collective input to the European Defence Agency as regards the Agency's own role under the Regulation. Such national coordination should however be distinguished from the role of the EUMC itself which as noted above is to inform the work of the Council.