

Terms of Reference

Regarding the implementation of the
European Intervention Initiative (EI2)

between

The Minister of Defence of the Kingdom of Belgium

The Ministry of Defence of the Kingdom of Denmark

The Ministry of Defence of the Republic of Estonia

The Ministry of Defence of the Republic of Finland

The Minister of Defence of the French Republic

**The Federal Ministry of Defence
of the Federal Republic of Germany**

**The Minister of Defence
of the Kingdom of the Netherlands**

**The Ministry of National Defence
of the Portuguese Republic**

The Ministry of Defence of the Kingdom of Spain

**The Ministry of Defence of the United Kingdom
of Great Britain and Northern Ireland**

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The Minister of Defence of the Kingdom of Belgium,
The Ministry of Defence of the Kingdom of Denmark,
The Ministry of Defence of the Republic of Estonia,
The Ministry of Defence of the Republic of Finland,
The Minister of Defence of the French Republic,
The Federal Ministry of Defence of the Federal Republic of Germany,
The Minister of Defence of the Kingdom of the Netherlands,
The Ministry of National Defence of the Portuguese Republic,
The Ministry of Defence of the Kingdom of Spain
The Ministry of Defence of the United Kingdom of Great Britain and Northern Ireland,

hereinafter referred to as the “Participants”;

Following the Letter of Intent between the Defence Ministers of Belgium, Denmark, Estonia, France, Germany, the Netherlands, Portugal, Spain and the United Kingdom concerning the development of the European Intervention Initiative (EI2), signed on 25th June, 2018, and on 7th November 2018 for Finland (hereinafter referred to as “the LoI”);

In line with the CM (2002) 49 and the supporting documents concerning the security within the North Atlantic Treaty Organization;

According to the Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU Classified information;

And in accordance with the applicable Agreements between the Participants’ states, on the exchange and mutual protection of Classified Information.

Have reached the following understanding:

Section I ABBREVIATIONS AND DEFINITIONS

1.1 Abbreviations

EI2	European Intervention Initiative
BICES	Battlefield Information Collection and Exploitation Systems
LoI	Letter of Intent
MEST	Military European Strategic Talks
PESCO	Permanent Structured Cooperation
DPD	Defence Policy Director
UN	United Nations
EU	European Union
NATO	North Atlantic Treaty Organization
OSCE	Organization for Security and Co-operation in Europe
CoI	Community of Interest
PoC	Point of Contact

1.2 Terms and definitions

Workstrand	Political guidance given by Ministers and/or DPDs as appropriate.
Activity	Any specific activity carried out as part of one main field.
Working Group	Community of voluntary Participants (at least three) dealing with issues of common interest.
Support to operations	Any initiative or coordination of EI2 efforts to enhance the ability of the Participants to carry out military missions and operations under the framework of the EU, NATO, the UN and/or ad hoc coalitions.
Strategic foresight	Based on national horizon scanning for the upcoming three years, elaboration of shared perspectives in order to assess the strategic context and address the opportunities and challenges of the future.
Scenario development	Based on EI2 ministerial and MEST decisions, development of scenarios [including prudent planning if needed] within appropriate Working Groups to address the issues identified through the strategic foresight.
Lessons learned	Knowledge, validated by the presenting Participant, and experience derived from observation and historical study of military training, exercises, and multinational operations.
Participants	EI2 Ministries / Ministers of defence and/or their representative(s).

Section II PURPOSE

Considering the necessity to develop a shared strategic culture among European States that are able and willing to engage their military capabilities and forces when and where necessary to protect European security interests, in accordance with their respective national and relevant international obligations.

2.1 This Terms of Reference (ToR) will set the terms and understanding between the Participants regarding the scope and functioning of EI2, which is resource neutral and a flexible non-binding forum between the Participants.

2.2 This ToR will formalize and clarify EI2 processes and organization. Additionally, the Participants will establish a working cycle in order to support the achievement of objectives identified in the LoI.

2.3 In accordance with the LoI, the ultimate objective of EI2 is to develop a shared strategic culture, which will enhance the Participants' ability to protect European security interests and to carry out military missions and operations under the framework of the EU, NATO, the UN and/or ad hoc coalitions.

Section III SCOPE

3.1 In accordance with the LoI, actions carried out according to this ToR will aim to enhance in particular:

- a) the emergence of a shared strategic culture;
- b) the conditions for potential joint coordinated and facilitated future military engagements, whatever their framework or type, in accordance with each Participant's respective national legislation and constitutional processes, as well as relevant international obligations (including the EU and NATO);
- c) information sharing and trust between Participants to improve common understanding and discuss appropriate potential answers to challenges posed to European security interests.

3.2 Participants will develop cooperation in the four fields identified in the LoI:

- a) strategic foresight and intelligence sharing;
- b) scenario development and planning;
- c) support to operations;
- d) lessons learned and doctrine.

3.3 EI2 will not duplicate activities within the EU, NATO, UN, the OSCE or ad hoc coalitions, but will be complementary to them. EI2 will strive to identify possible improvements for European defence cooperation as well as the best institutional forum how to achieve those, in order to be quicker and more efficient.

3.4 EI2 Participants will strive to ensure that EI2 serves the objectives and projects of PESCO to the maximum extent possible, taking into consideration national legal constraints and the issue of third parties' access to PESCO.

Section IV ORGANIZATION

4.1 Governance

EI2 is a flexible and non-binding forum, where all the Participants are equal. As set out in the LoI, it will not create a new rapid reaction force or earmark national forces for its own response purposes but will focus on enhanced interaction in the four fields mentioned above in Section 3.2.

Ways and means for Participants to address EI2 work could include:

- Discussions and exchange of information;
- Joint statements or harmonised messages on particular issues where the EI2 members would like to make their collective position known;
- Working Groups when three or more Participants identify a common interest or requirement they can agree on;
- Non-papers or joint articles on subjects of common interest;
- Where appropriate, scenario-based Table Top discussions to learn more about and from each other, laying the groundwork for improved interoperability and helping ensure smoother handling of crises.

Any new work proposed under EI2 will be endorsed or approved at the MEST, DPDs meetings or ministerial meetings, as appropriate, on the basis of a concerted understanding.

Any such work will be open to all Participants who wish to get involved. Its progress and outcomes, including proposed external communication, will be reported back to all Participants at the MEST, DPDs meetings or ministerial meetings, as appropriate.

Participants will be free to leave a Working Group when they become unable or unwilling to contribute anymore. Participants who decide to withdraw from a Working Group may do so by notifying the other Participants of that decision.

4.2 Working language: The working language of EI2 is English.

4.3 Meetings: EI2 meetings will take place when necessary. The timing, location, content/agenda and level of delegations is flexible and meetings can be hosted and/or chaired on a rotational and voluntary basis. In principle they should follow the rhythm as set out below:

a) EI2 ministerial meeting:

- i. Composition: Defence Ministers or their representative(s) will lead the delegations.
- ii. Meetings: The ministerial meeting will be held once a year, preceded by the EI2 MEST and EI2 Strategic Dialogue.

- iii. Objectives: the Participants will examine the deliverables and lessons learned from the previous working cycle and approve new political decisions, orientations and priorities for the next one.
- b) EI2 Strategic Dialogue:
 - i. Composition: DPDs or their representative will lead the delegation.
 - ii. Meetings: This meeting will be held annually, preceding the EI2 Ministerial Meeting.
 - iii. Objectives: DPDs will review MEST's assessments and proposals and prepare political decisions, orientations and priorities for the Defence Ministers for the next working cycle. It will also enable a common, strategic dialogue between DPDs, regarding multilateral and European security issues relating to EI2, in line with ministerial political guidance.
- c) EI2 MEST:
 - i. Composition: Directors/Heads of operations and/or strategy or their representative(s) will lead the delegation.
 - ii. Meetings: MEST will take place in principle twice a year. At least one of the meetings will precede the EI2 Strategic Dialogue and the ministerial meeting of the year.
 - iii. Objectives: military talks at joint or military staff level will build on *ad hoc* Working Groups pertaining to the four main fields, in line with the orientations and priorities agreed upon at the ministerial meeting.
- d) Working Groups:
 - i. Composition: Working Group delegations will be composed as required.
 - ii. Meetings: Working Groups will hold sessions, as needed. It is the responsibility of the Working Group members to arrange for the appropriate meetings, under financial conditions described in Section V.
 - iii. Objectives: to take forward specific Activities launched as part of the four main fields.

In addition to those regular meetings, *ad hoc* meetings can be held, as appropriate, for instance in the margin of a multilateral meeting (e.g.: NATO, EU or UN meetings).

4.5. Communication Strategy. EI2 and its purpose need to be further explained. Therefore, a communication strategy (narrative, key messages etc.) will be developed and maintained. DPDs will discuss this communication strategy, to be agreed by all participants. Communication on EI2 should be thoroughly coordinated and driven forward only after consultation of all Participants. A vital part of communication covering EI2 is the development of a narrative explaining the purpose and the objectives of EI2 as well as the procedures of the Working Groups and the rationale of the selection of its members.

4.6 Structures. EI2 is designed as a flexible and non-binding forum to conduct a meaningful discussion between Participants at a strategic or operational level without causing an unnecessary overload for military and defence policy staffs. As such, EI2 structures are kept to

a minimum, based on a light permanent secretariat and identified points of contact for information sharing.

4.7 Light Permanent Secretariat: the light Permanent Secretariat will handle the general administrative coordination of EI2. It will be located in Paris, France and based on French personnel and on the existing network of national liaison officers in the various military structures of the French Ministry of Defence (possibly complemented by national voluntary contributions). The national contribution to the light Permanent Secretariat will remain at the discretion of each Participant. Participants may also be represented by personnel of their Defence Attaché staff. In order to ensure a transparent and effective information flow, a list with all necessary PoCs – located in Paris and in the respective national Ministries of Defence (MoD) and relevant Military (Joint) Staffs will be made available to the Participants.

The light Permanent Secretariat will ensure that all general information is forwarded to all PoCs in time to allow for meaningful analysis while taking into account different national structures, responsibilities and processes. This is to ensure Participants full awareness of all agreed ongoing (and/or proposed) EI2 work.

Section V FINANCIAL PROVISIONS

5.1 The implementation of this ToR will entail the following costs, as well as per diem:

Provided no other agreement is applicable, and as EI2 is a resource neutral forum, the Participants agree that the principle “costs lie where they fall” will generally apply.

Other costs will have to be agreed on by the Participants.

5.2. All activities under this ToR will be subject to the availability of ordinary annual funds to the Participants.

Section VI SECURITY AND USE OF INFORMATION, CLASSIFIED INFORMATION AND INTELLIGENCE

6.1 All Classified Information or material provided pursuant to this ToR will be used, stored, handled, transmitted, protected, released, disclosed and managed in accordance with the applicable bilateral Agreements, regarding the exchange and mutual protection of Classified Information and the relevant national security laws and regulations. The exchange of NATO Classified Information is subject to the NATO regulation CM (2002) 49 and its subsequent regulations. The exchange and protection of EU Classified Information is subject to the applicable EU-legislation and notably to the Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU Classified information, when applicable.

6.2 Each Participant will take all lawful steps available not to disclose any Classified Information generated or exchanged under this ToR to any third party without the consent of the originating Participant(s).

6.3 A Community of Interest (CoI) dedicated to EI2 will allow each Participant to share Classified Information and Working Group classified information on BICES. The French Participant has created this CoI which is accessible for all Participants.

Section VII ADMISSION OF NEW PARTICIPANTS

7.1 Admission prerequisites: Further incremental enlargement is possible with the consent of all participants. The number of new Participants and the timing of their admission must be consistent with sustaining the efficient operation of EI2. Applicants wishing to join EI2 should fulfill the following prerequisites:

- be a Member State of the EU and/or a European member of NATO;
- share the aim of EI2 as set out in the LoI;
- show a proper commitment, and an adequate level of operational capabilities;
- have practical experience in deploying and operating military forces beyond their national borders.

7.2 Admission process: Any country interested in joining needs to set out that interest in writing at DPD level to all existing EI2 participants. If that interest is endorsed by DPDs, it then needs to write at Ministerial level to all existing EI2 Participants expressing formally its wish to join EI2. Any admission of a new Participant will be decided by consensus of all existing Participants at EI2 Ministerial level. The admission will be formalised during a ministerial meeting by signing a Note of Joining, which covers the LoI and the ToR. The model of the Note of Joining is annexed.

Section VIII COMING INTO EFFECT, DURATION, AMENDEMENT AND TERMINATION

8.1 This ToR will come into effect on the date of the last-signature, for a 5-year validity period, renewable by tacit consent for successive 5-year periods.

8.2 This ToR may be amended or terminated only by written mutual consent of all the Participants.

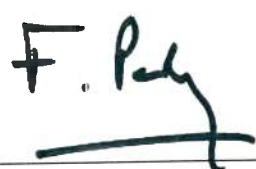
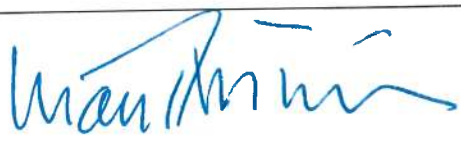
8.3 Any Participant may withdraw from this ToR unilaterally at any time by notifying the other Participants of that intention in writing. Such withdrawal will come into effect once the notification has been received by all the Participants.

8.4 In case of termination of this ToR or the withdrawal of a Participant from this ToR, the obligations set out in Section VI of this ToR incurred during its period of validity remain in effect.

Section IX SIGNATURE

9.1 This ToR is not legally binding and does not supersede national law or international obligations by which the Participants are bound.

Signed in the English language in 10 copies on September 20th, 2019.

The Minister of Defence of the Kingdom of Belgium	
The Ministry of Defence of the Kingdom of Denmark	
The Ministry of Defence of the Republic of Estonia	
The Ministry of Defence of the Republic of Finland	
The Minister for the Armed Forces of the French Republic	
The Federal Ministry of Defence of the Federal Republic of Germany	
The Minister of Defence of the Kingdom of the Netherlands	
The Ministry of National Defence of the Portuguese Republic	
The Ministry of Defence of the Kingdom of Spain	
The Ministry of Defence of the United Kingdom of Great Britain and Northern Ireland	