SUNYMEU 2023 AGENDA

Proposed by Member States, submitted by the General Secretariat of
the Council of the European Union, and finalised by the Swedish
Presidency of the Council of the European Union, European Council President, European
Commission President, and High Representative of the Union for Foreign Affairs and
Security Policy

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Background

In the digital age, information is readily available at one's fingertips. From a Google search to connecting with friends, family, and colleagues on social media, there are countless avenues for looking up information. Yet where there is truth, there is also a web of lies and false statements coming from countries and groups seeking to undermine faith in European democracies, the European Union, and the European way of life. Democracies depend on the citizenry's trust in their democratic institutions and democratically-elected leaders. Post-Brexit and post-EU elections both revealed that Russian intelligence spread disinformation intended to undermine the integrity of the EU.

Disinformation continues today, but is increasingly more sophisticated. Artificial Intelligence (AI) technology such as "Deep Fakes"(AI systems that adapt audio, images, and videos to make people say and do things they never did) have been used to spread misinformation. The EU set the global standard with its 2018 General Data Protection Regulation (GDPR). Our global standard setting partner - the US - has been unable to pass comprehensive federal legislation specifically focusing on AI, but has passed the National Defense Authorization Act, which established a National Artificial Intelligence Initiative Office to coordinate and fund US federal AI research and development efforts. Bills dealing with AI introduced in the US Congress have stalled, while states such as California and Illinois have enacted statutes to regulate the use of AI in job interviews.

The EU, on the other hand, has taken a proactive approach to regulating AI in the (proposed) Artificial Intelligence (IA) Act, which the Commission presented in April 2021. The AI Act has the potential to become the world's first comprehensive legal framework for AI and establish a global standard. The AI Act will create a harmonised legal framework for AI across the EU, with the aim of promoting trust and transparency in AI technologies while protecting fundamental rights and ensuring safety. The Council (Transport, Telecommunications and Energy) unanimously adopted its general approach (common position) on the AI Act (6 December 2022). Some key provisions of the proposed AI Act include: a risk-based approach (high-risk subject to more stringent requirements); prohibition of AI systems that manipulate human behaviour or exploit vulnerable groups; require AI systems to be transparent and explainable; human oversight and control; AI systems comply with the GDPR (privacy requirements). The Council thinks that its general approach is a balanced compromise between innovation, on one hand, and respecting and protecting the fundamental rights of our citizens, on the other. However, the EP has not yet adopted its own position on The AI Act with fundamental disagreement as to which AI systems should be categorised as high risk.

Recommendations

1. Establish a high-level permanent group, within the European Artificial Intelligence Board, named "EUROFACE" (European Fake/Artificial Accounts Central Enforcer) to study: which AI practices are considered high risk (subject to more stringent regulation) and which should be prohibited, oversight of new AI technology through cost/benefit analysis.
   a. EUROFACE will be comprised of subject matter experts from Member States to which the following should be considered "high risk" AI:
      i. AI generated deep fakes, audio visual content representing a person doing or saying something that has never happened
      ii. AI-powered subliminal techniques for scientific research on therapeutic purposes
   b. EUROFACE will make recommendations to the Council which AI systems are safe for European consumers and respect the fundamental rights of Europeans.
      i. Investigate the inclusion of AI systems for "Member State national security, EU security, defence, and military purposes" that are not covered in The AI Act.
   c. Group will ensure that transparency will be maintained to ensure rights will not be violated.
      i. Authorities will expedite external audits testing the performance, predictability, interpretability, corrigibility, safety and cybersecurity in line with The AI Act's strictest requirements.

2. AI providers and deployers register in an EU-wide database.
   a. Prohibit private actors from using AI for social scoring.
   b. Add a horizontal layer on top of high-risk classification to ensure that AI systems that are not likely to cause serious fundamental rights violations or other significant risks are not captured.

3. Increase use and funding for European Cybersecurity Competence Centre to €10 billion.
   a. Funding will be supported by 2% of each member's GNI revenue.
   b. EDA creation of an anti-AI/Deep detection software for the European Cybersecurity Competence Centre (ECCC) and for utilisation by all Member States
      i. Firewall encryption of EU governmental and Member State government systems
      ii. Creation of kill switches for computer systems if inaccurate messages, aimed at destabilising European democracy and undermining security, are created or disseminated.

4. Strengthening coordinated and joint responses to disinformation.
    a. Impose stricter enforcement of Article 52 (3) for detecting, preventing, and investigating criminal use of AI systems when 'freedom of expression' is used as a cover to destabilise Member State governance.
    b. Enforcement of labelling techniques when Deepfakes or AI generation is used.
        i. Banning of AI models that fill in facial recognition databases by indiscriminately scrapping face images from social media profile pictures, closed-circuit television (CCTVs), and other sources listed as high-risk.
    c. Creation of punishments and/or penalties that were not created in Article 71.
        i. These punishments and penalties will be enforced equally among all Member States.
            1. Punitive action for independent actors including fines and imprisonment
            2. Punitive actions for commercial entities, including revocation of licences to operate, fines, and prosecution of perpetrators.
            3. Targeted victims will be permitted to file a complaint with Europol and/or file suit in the Court of Justice of the European Union against the entity disseminating false and harmful information.
        ii. Europol working in conjunction with national agencies will lead these investigations.
    d. Impose sanctions on third countries found to engage in disinformation and deep fakes.
    e. Invest in knowledge and technology transfer to developing countries.
    f. Create dialogue via the EEAS with state-sponsored actors to dissuade them for engaging in disinformation campaigns.
    g. Work in tandem with NATO and the United States National Security Agency (NSA) and Diplomatic Security Service to share knowledge about misinformation threats.
        i. EU Member States will endorse and participate in NATO's initiative "Strategy of Emerging and Disruptive Technologies" (EDT).
    h. If AI/Deep fakes are determined to cause substantial malice and disruption to a Member State, the EU's mutual protection (TEU Article 42.7) can be invoked.

5. Mobilising the private sector to tackle disinformation.
    a. Mandate that social media companies use an upload filter to require consent for using manipulated images.
    b. Enforcement of detection bots to enable the identification of fake accounts and artificial amplification.
    c. Claims can be made against private firms if Deepfakes are utilised against the wishes of those being impersonated.
    d. Companies that are non-compliant with these measures will be placed under immediate punitive action and disbanded for improper AI/Deep fake usage.

    e. State media and newspapers that disseminate false claims will be shut down and disbanded.

    f. Strengthen the security of financial institutions to prevent illegitimate access to Member State central bank accounts.

6. Establishment of a data codicil for how people wish their data to be shared after death.
    a. Signatories have the ability to revoke or reinstate data being stored and shared as they see fit.
        i. If cognitive functions are seen to be deteriorating, individuals with power of attorney can make decisions on the individual's behalf

7. Invest in media literacy and technological citizenship by €25 million.
    a. Education should take place at all levels - primary and secondary school, university, and in vocational training programmes.
    b. Mandatory education in primary schools.
    c. Annual training for employees in the private, public, and voluntary sectors.
    d. Literacy training will include AI regulation compliance.
        i. Interacting with the algorithmic recommendations and interacting safely with AI technology
        ii. Training on how to psychologically handle and utilise AI algorithms and their determination whether a task is subjective or objective in nature.
            1. Eurostat to develop a Eurobaromoter survey for AI, including the initiation of longitudinal (panel) study of the impact of AI on the mental well being of Europeans.

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FOREIGN AFFAIRS COUNCIL

2. European Commission proposal to determine EU-PRC relations in the Economic and Security sector in response to the growing threat of the PRC's use of surveillance systems to compromise Member States' Defence Capabilities, undermining EU Security and Sovereignty

Links to:

European Council, *A New Strategic Agenda, 2019 - 2024* - Protecting citizens and freedoms

Programme of the Swedish Presidency - General Affairs (p. 5); Foreign Affairs (pp. 6-8); Defence (p. 9); Internal Market and Industry (pp. 21-22)

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Background

The EU-China relationship is complex and changing. Member States and China are inextricably tied through global trade and investment, with the EU increasingly reliant on China for trade and the EU's growth tied to European investment in China. So while China is a 'cooperation partner' and 'negotiating partner', it is also an 'economic competitor' and 'systematic rival' to Europe. The total value of the goods trade between China and Europe was €696 billion (2021). China is the EU's third biggest export destination and Europe's wealth consumer market is a major export market for China. There has been an imbalance in trade in goods between the EU and China for many years and this imbalance continues to be problematic, with only Ireland (2022) the only Member State posting a balance of goods surplus with China. It is a highly interdependent relationship.

A number of concerns have been raised by the EU over China's behaviour in the global system. Ranking high among these concerns over spying, human rights abuses, and China's aggressive behaviour in the South China Sea and in Africa.

First, Chinese 'spy' balloons were spotted in early 2023 across the world, the EU and our security partners have raised concern about possible threats to our security. These incidents have accelerated concerns with respect to orbiting satellites capable of collecting geospatial, communications, and other forms of intelligence that can be used to undermine European competitiveness, defence and security. Adding to the concerns over the spy balloons, investigations by foreign partners, mainly by the United States, have revealed that the Chinese-owned and operated company ByteDance's app 'TikTok' has also been used as a means to collect biometrics, personal global positioning via system signal dissemination, and computing background topography – information the Chinese government can use to undermine European and Member State defence and industry capabilities. In response, EU institutions have banned TikTok's use in government agencies as have many Member State government agencies.

Second, China has been behaving more aggressively in the South China Sea region, establishing government beachheads and military bases in the region, causing concern for Europe's regional commercial and security partners, including Japan, South Korea, Australia, and the Philippines. The EU is also concerned about China's activity in Sub-saharan Africa and ways in which China's economic activities might destabilise and undermine the EU's human rights and reduction of conflict efforts it has been supporting in cooperation with the African Union, African states, and regional NGOs.

Third, China's reticence to share information with the international community regarding the COVID-19 pandemic, supply chain disruptions in Europe due to COVID-19 plant shutdowns in China, China's refusal to condemn Russia's aggression in Ukraine, and China's human rights

abuses against its domestic minorities all have contributed to the straining of this important relationship.

So while over the years there have been a number of concerns raised about the nature of the EU-China relationship, the immediacy of the need to reevaluate the state of EU-China's relations can be understood in terms of the EU's current experience with being too dependent on Russia for energy. Is the EU too dependent on China? What concrete steps can the EU take to re-engage and reinvigorate the China-EU relationship?

Recommendations

1. Constructively dialogue with China over the trade imbalance in goods.
   a. Direct the Commission to begin high-level talks with Chinese trade officials regarding the imbalance of trade between the EU and China.
   b. Provide an incentive of €500 million for Member States to aid in their manufacturing sectors, with an annual investment of 5% of GNIs to aid in its funding.
      i. Manufacturing plants within Chinese territory will be incentivised to move to the Member State which hosts its parent company in efforts to increase domestic production.
      ii. Develop a plan to increase semiconductor chip production in the EU.

2. Bolstering Defence and Intelligence Capabilities of Member States
   a. Keep course with the Strategic Compass and ensure furtherance among all Member States.
   b. Establishment of a task force 'Dragon's Lance' within the European Union Intelligence and Situation Centre (EU INTCEN) to monitor Chinese influence on Member States and their governance.
      i. This task force will publish and provide biannual reports on recent influence measures by China.
      ii. Task force 'Dragon's Lance' will work in conjunction with Member States' Ministries of Defence to facilitate seamless communication and intelligence sharing.
      iii. A proposed budget of €1 million will be used to fund the establishment of this task force.
      iv. All Member States will be asked to provide expertise and subject matter experts to aid in intelligence activities.
   c. Negotiate with China about TikTok ('the application') utilisation by those working and residing in the EU and for Member State governments.
      i. The ban on TikTok's use in EU institutions will continue.

    d. The European Commission will establish a committee to review security risks of any application used on official government devices within the European Union.
- i. This committee will be made up of a representative from each of the Member States.
- ii. This committee will review all existing and potential applications on electronic devices and search for security risks that they may pose, along with establishing a set of guidelines that all applications must follow for permitted usage.

3. Suspension of Chinese-born nationals or those with ties to China from working in sensitive R&D facilities, technical firms/corporations, energy companies, or other critical infrastructure.
   - a. Screening of those suspected with ties to China, even European nationals will be included.

4. Enhancement of advanced early warning satellite systems and RADAR systems to enhance EU Member State defensive capabilities.
   - a. Increasing funds spent on the European Space Agency (ESA) budget to €50 billion.
   - b. Hardening of data links for the Copernicus, Galileo, European Geostationary Navigation Overlay Service (EGNOS), Governmental Satellite Communications (GOVSATCOM).
   - c. Utilisation of European Defence Agency with PESCO backing to develop next-generation RADAR systems, Satellite tracking systems, C4ISR, Surface to Air Missile intercept systems, and Anti-Satellite weapons to protect and intercept identified belligerent Chinese satellites and other means of intelligence aerial collection.
     - i. Funding will be provided by €150 million via Eurobonds for R&D into these projects.

5. Strengthening of ties with allies for deterrence
   - a. Formal recognition of Taiwan as an independent and sovereign state
     - i. Increase intelligence sharing with Taiwan.
     - ii. Establishment of embassies within Taiwan and increase dialogue for trade.
     - iii. Allow Taiwanese companies to send technical experts to Member States to provide cyber capabilities against China.
   - b. Enhanced intelligence sharing with Five-Eye (FVEY) members (United States, United Kingdom, Australia, New Zealand, and Canada) and NATO members.
     - i. Increase dialogue with ASEAN, Japan, South Korea, the African Union, Turkey, Australia, Canada, India, South Africa, Brazil, and the UK, New Zealand, United States

ii.   Develop trade plans with these allies and set a dialogue for reduction of their trade relations with China and shift their investments into the EU

iii.   Further invest in dialogue with G-20 members, minus China and Russia, for trade relations and investigate cross transfer of trade of technological, manufacturing, defence, and infrastructure

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ECONOMIC AND FINANCIAL COMMITTEE

3. Enhancing EU security through policies for reducing global warming, energy dependence, and food insecurity

Links to:

European Council, *A New Strategic Agenda, 2019 - 2024* - Building a climate-neutral, green, fair, and social Europe.

Programme of the Swedish Presidency - Green & energy transitions (p. 2); Economic and financial affairs (pp. 12-14); Internal market (p. 21-22); Research and innovation (pp. 22-23); Energy (pp. 26-27)

European External Action Service, *A Strategic Compass for Security and Defence* - Enhancing resilience to climate change, disasters and emergencies (p. 38)

Shared vision, common action: a stronger Europe — A global strategy for the European Union's foreign and security policy - Energy security (pp. 22-23);

Taking Forward the Strategic Agenda 18-month Programme of the Council (1 January 2022-30 June 2023), Part IV – Building a Climate-Neutral, Green, Fair and Social Europe: Building a climate-neutral and green Europe (pp. 15-17)

Background

The EU faces a three-fold and interrelated security crisis: global warming, food insecurity, and energy insecurity. We face a climate crisis due to global warming that, if left unchecked, will bring about more frequent heat waves, floods, forest fires, and droughts. These conditions, in turn, threaten the EU's food security that the EU's Common Agricultural Policy (CAP) has done so much to ensure from the Union's inception. We also face food security challenges due to interruption in food supplies brought about by the COVID-19 pandemic and Russia's invasion of Ukraine. European food security is not only threatened by these immediate crises, but by the long-term crisis of the ageing farmer and high barriers of entry to farm ownership for younger farmers and historically underrepresented groups. Finally, the EU has been striving to achieve energy independence. Russia's weaponization of natural gas to punish European support for Ukraine

coupled with the EU's determination that Russia's fossil fuel revenues should be kept to a minimum so as not to fund Russia's war of aggression against Ukraine, has increased the determination of the Member States to work in unity to end their energy vulnerability. The EU has an important role to play in assisting Member States to diversify their energy supplies.

This proposal offers recommendations at the EU level to ensure Europeans can live securely in their environs, consume wholesome food grown with eco-friendly practices, and access affordable, clean energy.

The GD is the most innovative and ambitious plan anywhere in the world to reverse global warming and biodiversity losses. The EU continues to meet its targets for reducing greenhouse gas (GHG) emissions by at least 55 per cent by 2030 (compared to 1990 levels) and achieve climate neutrality (no net emissions) by 2050, thus becoming the first climate neutral continent and making a substantial contribution towards slowing global climate change. In agreeing to tie COVID-19 recovery to the NextGeneration fund (1/3 of NextGen's €1.8 trillion) in the 2021-27 Multiannual Financial Framework (MFF), the EU has made the resources to Member States to continue to promote and achieve environmentally friendly policies. The EP and Council have made substantial progress in agreeing the 'Fit for 55' package, but the EU must ensure Member State implementation of the Green Deal.

The CAP is crucial to European food security. Furthermore, climate change has added a level of unpredictability regarding the future of our farms and the ability to transition at a more rapid pace to ecological and carbon neutral farm practices. The EU must continue to build on its highly developed and successful CAP: to ensure adequate food supplies for Europeans, continue to integrate green practices with farming, adopt innovative plans to support younger people to own farms, and meets the EU's social justice goals.

Russia's unprovoked and unjustified military aggression against Ukraine has disrupted the world's energy system and created energy insecurity. The EU is confronting the intertwined challenges of continuing to meet the intermediate goals of reducing GHG emissions, reducing EU dependence on Russian fossil fuels, and accelerating innovations in renewables. Europeans have endured high energy prices and uncertain energy supply and disruptions, further underlining the critical need for the EU to accelerate Europe's green transition. The Member States' decisions regarding their energy mix must be respected. Nevertheless, as exemplified in the REPowerEU Plan COM (2022) 230 final (18.5.2022), the EU has a demonstrable role to play in securing energy through coordination of energy supplies, building infrastructure, supporting R&D, diversifying gas supplies and routes, ensuring adequate oil stocks and gas storage, and reducing household, government, and commercial energy consumption. Despite facing higher energy costs throughout the winter of 22/23, the European citizenry's support for Ukraine has not wavered. Europeans consistently support the idea that by acting as a Union we can end our dependence on Russian fossil fuels. While the EU has made significant strides in renewals (wind, hydro, geothermal, solar) this proposal recognizes both the immediate problem of bridging current energy needs with

fossil fuels and the long-term necessity of developing large capacity renewable sources of electricity.

Recommendations

Continuing the EU's Commitment to the Green Deal with a Special Focus on Agriculture

1. Establish a European Union Committee of Environmental Experts (EUCEE), a subcommittee under the European Environment Agency (EAA), to implement the Fit for 55 Package.
   a. Continue studies of environmental changes, the economic impact thereof and the impact on citizens, and other aspects deemed necessary by the committee or requested by Member States. Social justice should be considered.
   b. The EUCEE will be composed of non-partisan scientists and experts on environmental science and/or climate change.
   c. The EUCEE should, following the results of the study, recommend agricultural policies regarding carbon dioxide emissions and climate change.
   d. The EUCEE should further assist in rural and intermediate areas to preserve native ecosystems related to agriculture,with an emphasis on ensuring the generational renewal of resources and maintenance of native biodiversity.
   e. Each Member State will have one representative who will serve as a liaison between their Member State and the EUCEE. This representative can be appointed as a new role or be in an existing position.
   f. The results of this study should be made available to Member States and cooperating countries via Eionet.

2. The EUCEE, in conjunction with the ESABCC, will make recommendations to the Committee on Agriculture and Rural Development (AGRI) pertaining to the environmental welfare of agricultural plants and animals to help benefit consumers and producers within the European Union.

3. Member States should submit Carbon Reduction Target Plans (CRTPs) to the EAA every six months for assessment purposes, outlining their country's short-term and long-term steps to meeting set benchmarks, and how far along they are in implementing these steps.
   a. The EAA will evaluate all CRTPs, and determine if they are 'above standard', 'standard', or 'below standard'. A Member State that submits two consecutive CRTPs that are determined to be 'below standard' will be required to consult with the EAA on how to improve their CRTPs submissions. Penalties may include withholding cohesion funding and/or other developmental funds or subsidies from the European Union.
   b. The EUCEE will also work alongside Member States to recommend individualised plans for how to best achieve benchmarks.

4. The EUCEE should consult with the AGRI and its Committees for Opinion regarding economic resources for large fertile pastures and regarding agricultural economic policies that do not create negative environmental externalities.

Ensuring the Health of our Farming Sector while Respecting the EU's Social Justice Goals

5. Increase internally-produced agricultural commodities and products from Member States, and wherever possible, decrease reliance on external trade partners.
    a. Direct funding to the AGRI in order to increase livestock and crop production; request funding from the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund of Rural Development (EAFRD).
    b. In order to prevent greenwashing, AGRI should publish a proposal for a common certification scheme for sustainable agriculture for agricultural products and foodstuffs under the reformed CAP. Deadline 1 December 2023.

6. Incentivize agricultural careers to encourage marginalised individuals to become farmers in EU Member States.
    a. Inheritance and estate taxes are crippling the ability of young people to continue to farm the land they inherit. Therefore, Member States should agree to reduce or eliminate estate and inheritance taxes for farms provided the heirs agree to continue to farm the land no less than ten years. If the heirs sell the farm for development prior to that period, the heirs will need to pay inheritance and estate taxes.
    b. Create an EU-wide Agricultural Extension Programme as part of the Common Agricultural Policy (CAP). This extension programme will provide specialised training for farmers in technological knowledge, entrepreneurial skills (marketing, communication), and resource/environment management.
        i. Training programmes should be made available through e-learning platforms.
        ii. Provide grants to national regulatory authorities to ensure broadband connection in those rural areas that do not yet have access to the internet per the Universal Service Directive.
    c. Fund an exchange scheme for young farmers to gain experience in a farm in their own country or another EU Member State.
    d. Develop schemes for more joint ventures between existing farmers and newcomers.
    e. Develop pilot projects to enable migrants with farming experience to establish new farms.
    f. Incentivize women to join the agricultural sector.
    g. Offer bonuses for firms that invest in women-focused groups for knowledge transfer.

Improving Energy Security through Diversification of Energy Sources

As the natural gas reserves began to dry up in the North Sea, the EU became more dependent on Russian sources. Today, the largest reserves of natural gas can be found in Norway, the UK, the Netherlands, and Romania. Romania has substantial untapped gas reserves both in the Black Sea and onshore that could substantially alleviate CEEC dependence on Russian natural gas, particularly in southern Ukraine and in Moldova. However, Romania is poor compared to other EU countries - in 2021, the median annual income of the EU was PPS (purchasing power standard) 18,019 per capita, ranging from PPS 8,703 in Romania and PPS 32,132 in Luxembourg. Romania needs financial assistance from the EU to develop a gas distribution

network both within Romania and to neighbouring Moldova and southern Ukraine. Furthermore, about one half of Romanian households use firewood for heating (compared to a 20 per cent average for Europe) and 93 per cent of villages and rural communities lack connections to a gas network. The inability of so many Romanians to access natural gas leads to both legal and illegal deforestation, further contributing to global warming.

7. Earmark funds from NextGenerationEU for Romania to participate in public-private partnerships for building the necessary infrastructure for onshore and offshore natural gas extraction and to build a gas delivery infrastructure in Romania, to Moldova, and to Southern Ukraine.

8. Hydraulic fracturing ('fracking') has enabled the U.S. to become energy independent from the Middle East. The EU should consider fracking as a viable medium-and long-term strategy for reducing Europe's energy dependence on Russia. The EU should establish a geological service to assist those Member States interested in exploring 'fracking'.

Nuclear reactors generate 25.2 per cent of the total electricity produced in the EU and 50 per cent of low-carbon electricity. There are 103 reactors operating in 13 Member States. As with other energy supplies, nuclear power does not fall under EU competence, but is governed by the Euratom Treaty. Eleven EU Member States signed *The Alliance for Nuclear Power* on 28 February 2023 in order to 'cooperate more closely' across the entire nuclear supply chain and promote 'common industrial projects' in new generation capacity and new technologies like small reactors. This inaugural meeting was organised by Sweden and signed in a side meeting of the EU energy ministers. The signatories are Bulgaria, Croatia, Czech Republic, Finland, France, Hungary, the Netherlands, Poland, Romania, Slovakia, and Slovenia with the EU Commissioner for Energy, Kadri Simson, taking part in the meeting.

9. The heads of government of the EU should approve the Alliance for Nuclear Power to build a nuclear power agreement at the EU level through the **enhanced cooperation** mechanism, specifically permitting these EU Member States to work within EU institutions to:
    a. Develop a uniform set of safety rules for operating nuclear reactors in accordance with best international practice.
    b. Jointly work together to build small modular reactors (SMRs).
    c. Develop a regulatory/legal framework within the EU for nuclear power generation that will be fully integrated into the GD's carbon reduction strategy.
    d. Prepare a budgetary proposal for the EU to fund SMRs from NextGenerationEU.

10. Establish a panel of experts who specialise in researching best practices regarding nuclear energy: the Safe Nuclear Analytic Panel (SNAP), which will report findings and recommendations to the European Atomic Energy Community (Euratom).
    a. The SNAP will coordinate with the IAEA, Euratom, and United States Department of Energy's Office of Spent Fuel and Waste Disposition in order to determine the best practice standards for all Member States.
    b. The SNAP will engage in ongoing analysis of safety risks related to nuclear technology, including the risk of accidents, nuclear proliferation, and nuclear terrorism.

    c. Each Member State will be responsible for the maintenance and security of disposal sites per their national regulatory authorities following recommendations made by Euratom.

11. Under the auspices of Euratom, SNAP will assess the potential environmental impacts of nuclear technology, including risks related to nuclear waste disposal, emissions of greenhouse gases and other pollutants, and potential impact on biodiversity and ecosystem services.
    a. Following this assessment, an emergency fund, the Nuclear Emergency Relief Fund (NERF), will be created in order to provide aid specific to nuclear emergencies. The NERF will be funded voluntarily from Member State energy taxation revenue at a rate of 1% per year.

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COMMITTEE OF PERMANENT REPRESENTATIVES (COREPER II)

4. Coordinating an EU-Wide response to the maritime migration crisis by merging Frontex with the European Maritime Safety Agency into a new European Coast Guard with authorisation to conduct search and rescue operations, and implementing the Voluntary Solitary Mechanism.

Links to:

European Council, *A New Strategic Agenda, 2019 - 2024* - Protecting citizens and freedoms; Promoting Europe's interests and values in the world

European Commission, *An enhanced EU Maritime Security Strategy for evolving maritime threats*

Programme of the Swedish Presidency - General affairs (pp. 4-5); Foreign affairs (pp. 6-9); Justice and home affairs (pp. 15-17)

European External Action Service, *A Strategic Compass for Security and Defence* - 2. Act: Acting together (pp. 25-28); Prepare together (pp. 28-29); 3: Secure: Securing our access to strategic domains (pp. 35-37); 4. Invest (pp. 43-48)

European External Action Service, *The Common Security and Defence Policy*

Shared vision, common action: a stronger Europe — A global strategy for the European Union's foreign and security policy - The Security of Our Union (pp. 18-19); Security and Defence (pp. 19-21); Our Neighbours (p. 25); A More Effective Migration Policy (pp. 27-28); Security and Stabilisation (p. 30); Cooperative Regional Orders (p. 32); A Peaceful and Prosperous Mediterranean, Middle East and Africa (pp. 34-36); Partnering (pp. 43-44); From Vision to Action (pp. 44-51)

Taking Forward the Strategic Agenda 18-month Programme of the Council (1 January 2022-30 June 2023), Migration, Schengen, police and judicial cooperation (pp. 5-6); Crisis management and civil protection (p. 7); Defending and promoting multilateralism and responding to major challenges and international crises (p. 20-21); Security and defence (pp. 26-27)

Background

Irregular migration into the EU has once again reached crisis levels. Irregular journeys into the EU by land and sea increased by 77% of in 2022 (January-October) as compared to the same period in 2021 (JHA Council, 2022). The Central Mediterranean route recorded around 85,000 detections in this period, an increase of 81% compared to the same period of 2021. According to the IOM (Missing Migrants Project) there have been 25,983 missing migrants recorded in the Mediterranean since 2015. The Central Mediterranean is the deadliest known migration route in the world, with more than 17,000 deaths and disappearances recorded by the Missing Migrants Project (MMP) since 2014. On February 26 high waves and strong winds dashed a wooden boat carrying 130 to 189 migrants against the rocks on the coast of Calabria in Southern Italy, drowning at least 59 migrants including a newborn and other children. Italy's president, Sergio Mattarella, called the shipwreck the 'umpteenth tragedy in the Mediterranean that can't leave anyone indifferent'. Mattarella called on the international community to tackle the causes of migration, adding, 'It is essential that the European Union finally takes on the concrete responsibility' to control migration and take it out of the hands of human traffickers' (Pianigiani 2023).

Providing assistance to any persons found in distress at sea is a legal obligation of EU countries established in international customary and conventional law (International Convention for the Safety of Life at Sea - SOLAS Convention, 1974; United Nations Convention of the Law of the Sea - UNCLOS, 1979; International Convention on Maritime Search and Rescue - SAR Convention, 1979), as well as EU law (European Commission, nd). According to the SAR Convention, contracting countries are obliged to develop maritime SAR services and to take any urgent steps to ensure that the necessary assistance is provided to any person who is, or appears to be, in distress at sea. This also includes the coordination of SAR operations. The EU's Search and Rescue (SAR) falls under Common Security and Defence (CSDP) operations.

The catalyst for EU involvement with interdiction on the high seas was the recognition that a member state cannot undertake effective interdiction on its own. After a series of migrant shipwrecks in the Southern Mediterranean, EU Member States began to accept that military operations would be necessary. Accordingly, in 2015 the EU established a joint CSDP operation, EUNAVFOR MED (Operation Sophia) as a direct successor to Italy's attempt at SAR (Operation Mare Nostrum) and established its operational headquarters in Rome.   Military contributions of ships and aircraft from Member States were voluntary and at their own expense, but military operations were carried out under the joint command of the EU. Operation Sophia's mandate was

threefold: collaboration and assessment of human smuggling and trafficking networks in the Mediterranean; search and, if necessary, diversion of suspicious vessels; and disposal of vessels and related assets and to apprehend traffickers and smugglers. While SAR was never an 'official' mandate of Operation Sophia, it was widely perceived to be an SAR operation by Operation Sophia's detractors because under international law sailors cannot ignore people in distress at sea. Critics claimed that Operation Sophia 'pulls' migrants by giving them (often, a false) sense of hope they will be rescued and brought to an EU member state. The Italian government complained about Operation Sophia because the main point of disembarkation for Operation Sophia crafts had been Italian ports. Italy called on other EU Member States to open their ports for these ships to disembark rescued migrants; however, no EU Member States volunteered (EurActiv, 2019; Tutton, 2019). In February 2020, the EU foreign affairs ministers agreed to close down Operation Sophia. Filling the gap left by Operation Sophia, NGOS are actively engaged in SAR. The problem has come to head for the Med-5 (Greece, Italy, Cyprus, Malta, Spain) because these SAR vessels are run by a variety of NGOs and not under the control of any Member State government or the EU itself. Many of the NGO vessels are registered in Germany and other Northern European countries (including Schengen member Norway).

In January 2023, the Italian government issued a decree imposing an NGO 'Code of Conduct,' which the government is now seeking to codify in Italian law. The Italian government has also begun to designate 'safe ports' in central and northern Italy instead of in the south, forcing ships to undertake longer and more expensive journeys (Liboreiro, 2023). Giorgia Meloni's government has attempted to institute 'selective disembarkation' (allowing 'vulnerable' asylum seekers to disembark at Italian ports and sending the vessel with 'able-bodied' asylum seekers back to Libya). A new law being proposed (passed by the Chamber of Deputies of the Italian Parliament in mid-February 2023) requires humanitarian rescue ships to head to port immediately after each rescue even if there are victims in distress in the immediate vicinity. Furthermore, the new law requires ships' crews to register every person who is planning to ask for international protection, shifting responsibility from the Member State's border authorities to the NGO ship's crew. NGOs that do not comply with the new rules would be subject to administrative sanctions, fines, and have their vessels seized (UNHCR 2023a). NGOs persist in their contention that they are saving lives and filling a gap left by the EU and the EU Member States. They also argue that Italy cannot regulate SAR beyond Italy's 12 nautical mile territorial waters. An EU response is needed to end this impasse.

The SAR situation and the Dublin Regulation that requires the country of embarkation to be responsible for processing asylum claims has increasingly pitted the Central Mediterranean countries (Italy, Greece, Cyprus, and Malta) against NGOs. In a joint statement issued in November 2022, the four countries expressed their exasperation with other EU Member States:

'On 10th June 2022, we approved a Political Declaration establishing a temporary and voluntary relocation mechanism, despite the fact that the MED 5 countries supported a mandatory relocation scheme. Unfortunately, the number of pledges for relocation made by participating Member States only represents a very small fraction of the actual number

of irregular arrivals that we have received so far this year...Pending agreement on an effective, fair and permanent burden sharing mechanism, we cannot subscribe to the notion that countries of first entry are the only possible European landing spots for illegal immigrants, especially when this happens in an uncoordinated fashion based on the basis of a choice made by private vessels, acting in total autonomy from the competent state authorities..With full respect to the competences of littoral states in accordance with international law, we consider that a serious discussion on how to better coordinate these operations in the Mediterranean, including by ensuring that all these private vessels respect the relevant international conventions and other applicable rules, and that all Flag States take responsibility in accordance with their international obligations, is urgent and necessary. We ask the European Commission and the Presidency to take the necessary steps to initiate this discussion' (Joint Statement by Italy, Greece, Malta and Cyprus 2022).

Over the past decade, the EU has increased the scope of Frontex (EBCGA). For example, Regulation 2019/1896 expanded Frontex's scope to include extending cooperation to third countries in the matter of returns of irregular migrants and information sharing, overseeing EUROSUR, establishing a standing corps of 10,000 ECBG border guards (such as identity checks, authorising entry at the external borders, and carrying out border surveillance), its own equipment (such as vessels, planes and vehicles), and supporting Member States in returning irregular migrants. The usual roles of a coast guard agency on the national level are dispersed among several different agencies at the EU level or have no EU level equivalent. This has led to a lack of coordination in past efforts to secure the Mediterranean, and caused the burdens of securing the border to fall unfairly onto those Member States most impacted by the migration crisis.

Recommendations

1. The maritime component of Frontex (EBCGA) and the European Maritime Safety Agency (EMSA) will be merged into a new European Coast Guard Agency (ECGA), to act in cooperation with national coast guards.
   a. The European Coast Guard's mission shall include SAR, maritime law enforcement, protection of maritime borders, protection of marine resources, enforcement of maritime pollution regulations, safety of navigation, vessel safety, and coordination and assistance of member state coast guard operations.
   b. Authorise ECGA to purchase and commission vessels to assist ongoing SAR and interdiction operations in the Central Mediterranean.
   c. The European Contact Group on Search and Rescue (ECGSR), currently housed in the European Commission, will be integrated into the ECGA's SAR mission. (Refer to Recommendation 4.)
   d. All maritime SAR assets, and any other maritime assets currently possessed by Frontex, will be transferred to the ECGA.

    e. The maritime component of Frontex's mission shall be transferred to the ECGA. Frontex will focus on protection of land borders, maintenance of EUROSUR, and information sharing.

    f. ECGA will be authorised to conduct and direct its own independent operations, in addition to assisting Member State coast guard agencies.

    g. ECGA will be authorised to expand its fleet, assets, and personnel to meet future operational needs.

    h. Recommend ECGA to be headquartered in a major Mediterranean port to ensure proximity to the primary operational area.

2. Support efforts by EU Member States for enhanced cooperation in Voluntary Solidarity Mechanism (VSM) to relocate asylum seekers from (mainly) Greece, Italy, and Malta. Member States must honour their pledges to relocate   Ensure that the VSM is in place by the agreed deadline of July 2023.

    a. Set up relocation hubs in Greece, Italy, and Malta where EUAA officials will process applicants.

    b. Frontex or ECGA officials will be responsible for the physical transfers of asylum seekers from the Med5 to the member state.

    c. Family members should be transferred as a unit.

    d. The relocation hubs will be located at Mediterranean ports and operated under the joint auspices of ECGA and the European Union Asylum Agency (EUAA). These will be EU funded and operated with national authorities on site to assist with transfers and other national regulations.

    e. Relocation interviews must take place in-person at the relocation centres.

    f. There should be no preference by Member States who will take responsibility for relocated asylum seekers in terms of national origin.

    g. The EUAA and Frontex should agree to Standard Operating Procedures, which will be approved by the European Commission.

    h. The EUAA must conduct a study regarding the feasibility of transferring unaccompanied minors under the VSM. This report should be delivered to the European Commission, Migration and Home Affairs by July 2023.

    i. The Commission (Migration and Home Affairs) should publish a relocation key (based on Member State capacity to relocate and process asylum seekers). The Commission will set a goal for relocating asylum seekers from the Med-5 to participating Member States as follows: 20,000 in 2022, 25,000 in 2023, and 30,000 in 2024. Member States will receive Euro 30,000 for each asylum seeker relocated.

Commission (Migration and Home Affairs): Continue to work with Member States and the EUAA to increase the number of migrant transfers from point of debarkation to other Member States.

3. New Central Mediterranean Action Plan
    a. The ECGA, working with the International Maritime Organisation, the UN High Commission for Refugees (UNHCR), and the International Organisation for Migration (IOM), will convene a 'wise person's group' to establish a framework and guidelines for vessels with respect to SAR activities.
    b. The EUNAVFOR Med SAR programme (Operation Sophia) will be reinstated in the Central Mediterranean, under the direction of ECGA and the Italian Coast Guard, in time for the busy spring and summer crossing season. Participation in Sophia will become a permanent programme under PESCO (permanent structured cooperation).

Council of the European Union, Foreign Affairs Council

4. The European Contact Group on Search and Rescue (ECGSR) will be used to coordinate search and rescue activities between NGOs, the ECGA, and national coast guard agencies.
    a. The ECGSR will be integrated into the new ECGA's Search and Rescue mission.
    b. Agree and implement an SAR alert system for NGOs to inform the ECGA, Member State coast guards, and commercial ships to engage in an SAR operation and bring the migrants for disembarkation in the EU rather than return them to Libya or Tunisia where they are at grave risk of human rights abuses.
    c. NGOs will be required to maintain communication with ECGA and to alert the agency of any sighting of vessels in distress. NGOs must not continue to insert themselves into SAR in the Mediterranean.
    d. If engaged in a SAR operation, NGOs must immediately inform the ECGA as to the location, number of migrants, and port of destination.

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