

European Defence Cooperation

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Abstract

The article offers a view on the state of events and initiatives leading to recent developments in European defence cooperation from June 2016 – when the EU Global Strategy was presented – till June 2018 – when a call for the evaluation of progress of PESCO projects was endorsed by the Council. It argues that despite being presented as an inclusive and binding endeavour, European defence cooperation comprises political, technological and operational standards, which are not accessible to all Member States for reasons of national interest, technological and industrial gap and operational output. However, the developments of the past two years seem to have been having an incremental effect on defence cooperation, regarding the identification and agreement on strategic priorities and the development of financial incentives and processes that may consolidate European defence cooperation, as claimed by the EUGS.

Resumo

Cooperação Europeia no Domínio da Defesa

O artigo é uma perspetiva sobre a evolução de acontecimentos e iniciativas conducentes ao desenvolvimento da cooperação no domínio da defesa no período compreendido entre Junho de 2016, quando a Estratégia Global foi apresentada, até junho de 2018 altura em que o Conselho decidiu a avaliação do progresso dos projetos de Cooperação Estruturada Permanente. Considera que, pese embora o carácter inclusivo e vinculativo deste projeto cooperativo, o mesmo compreende requisitos políticos, tecnológicos e operacionais, não acessíveis a todos os Estados-Membros por razões de interesse nacional, atraso tecnológico e industrial ou desempenho operacional. Contudo os recentes desenvolvimentos dos últimos dois anos parecem estar a ter um efeito incremental sobre a cooperação no domínio da defesa no que respeita à identificação e acordo incremental sobre as prioridades estratégicas da União e sobre os incentivos financeiros e processuais, que poderão contribuir para consolidar a cooperação no quadro da defesa europeia, tal como referido na Estratégia Global da UE.

“I have always believed that Europe would be built through crisis and that it would be the sum of their solution”

Jean Monet (1978, p. 421)

During the European Council of December 2013, Member States representatives acknowledged that the changing strategic environment called for a better development of European capabilities, asserting that “defence matters” (European Council, 2013, §1) and that more attention and investment should be placed on European defence. Three years later, on the 28th of June 2016, the High Representative of the Union for Foreign Affairs and Security Policy (HR) presented to Member States the document “European Union Global Strategy for the European Union’s Foreign and Security Policy” (EUGS), an introduction caught up by the result of the British referendum that would set the process of withdrawal of the United Kingdom from the European Union. Despite the setback marked by the fact the European Council did not formally endorse the EUGS and one of the Union’s strategically most capable Member State decided to leave the organization, the EU and NATO reaffirmed their willingness to improve European and transatlantic security and defense cooperation, with the approval of a Joint Declaration between the two organizations. Conversely to 2003, when the European Security Strategy was approved, in 2016 in different stages and at different paces the European Union, its Member States and its strategic partners presented a united diplomatic front, as a reaction to the external events that could have led to further fragmentation of interests, with consequences over European foreign, security and defence policy. On the 25th of June of 2018, the European Council emphasized the importance of security and defence cooperation to the strengthening of EU’s “capacity to act as a security provider, its strategic autonomy, and its ability to cooperate with partners” (Council of the European Union, 2018/402), reiterating the goals and targets set earlier by the EUGS regarding the internal and international responsibilities of the Union. This article offers a comprehensive view on the evolution of events and initiatives leading to recent developments in European defence cooperation from June 2016, when the EU Global Strategy was presented, till June 2018, when a call for the evaluation of progress of Permanent Structured Cooperation (PESCO) projects was endorsed by the Council. It argues that despite being presented as an inclusive and binding endeavour, European defence cooperation comprises political, technological and operational standards, which are not accessible to all Member States for reasons of national interest, technological and industrial gap and operational output. However, the developments of the past two years seem to have been having an incremental effect on defence cooperation, regarding de identification and agreement on strategic priorities and the development of incentives and rewards that

may contribute to the strategic autonomy of the European Union, as claimed by the EUGS.

The Institutional Setting of European Defence

In current international affairs and to the majority of international actors cooperation is no longer a matter of choice, but a necessity due to the transnational effects of instability and insecurity, which transformed the traditional sovereign domains of security and defense into a more interdependent policy domain, not only from each other but also with other policy domains. The combined consequences of current threats and the growing exposure of both states and international organizations to public scrutiny, turns collaborative practice into a much needed instrument that adds legitimacy to external action and increases the amount of instruments and resources available to international and regional actors. When cooperative practice involves major strategic players and long standing organizations, such as the European Union and NATO, it has better chances of dealing successfully with the uncertainties of systemic instability, strengthening institutions and operational circumstances to better deal with risks through responsibility sharing in external crisis management and conflict management¹.

When international organizations and states commit to cooperative frameworks this facilitates access to specialized knowledge, information and resources like capabilities, whether one refers to the possibility of the EU to use command, control and planning structures of NATO or NATO access to EU specific civilian proficiencies in crisis management contexts.

In order for cooperation to happen, political will must be strengthened on the base of common perceptions of risks, interests and opportunities or through a strategic imperative to react. This is not a technical detail, sometimes not even a financial one. It is a choice that shapes the opportunity for states and organizations to engage collective as international actors, in crisis response. Frequently, academics and practitioners deny the EU the status of an international actor, whether by stressing its inability to perform traditional state like competences in external action, based on sovereignty, territory and coercion or by comparing it to other security actors such as NATO, which as a defense organization is centered on the military dimension of international security². Through CSDP, the EU aims at projec-

1 Despite the fact favourable institutional and operational conditions may be present, leading to better coordination and cooperation, the presence of multiple actors brings representativeness of interests, preferences (Moravcsik, 1991; 1997) and traditions of foreign policy into the security and defense equation, which conditions the degree of political commitment and operational engagement of self-interested players.

2 See also Hyde-Price (2006) and Ojanen (2006).

ting a more constitutive³, rather than confrontational security and strategic culture. International actorness means that with the consensus of its constitutive parts that is, its Member States and external partners, the EU exercises governance in a way that projects influence and changes behavioral patterns among its constitutive parts enabling or leading to cooperative practices (Nunes, 2017, p. 45).

Cooperation is likely to work better in an interdependent security environment, where resources are scarce, too expensive to be individually owned or unevenly distributed, but fragmentation of threats has a wide spread effect over all.

As the European project evolves, the European Union tends to strengthen its executive, legislative and deliberative powers mimicking state like actors, which is likely to pose problems of consistency between policy formulation and policy implementation on European defence given it has to aggregate the preferences of 28, now 27 Member States.

With the ratification of the Treaty of the European Union (TEU), the Union sought to strengthen consistency and coherence of its external policy and external representation with the establishment of a High Representative of the Union for Foreign Affairs and Security Policy in charge of leading the Union's foreign and security policy fulfilling its executive functions at the highest level of foreign policy and security policy, a role complemented by the integration of the national diplomatic services of Member States under the European External Action Service (EEAS) seeking to develop a European diplomatic culture, a more efficient international engagement and in time a European common defence⁴.

In 2003 the adoption of the European Security Strategy (ESS) identified the challenges and risks that affected the EU and outlined the strategic objectives to safeguard Europe's security. This was followed in 2004 by the establishment of the European Defense Agency (EDA), created to help developing Europe's defence capabilities and support the European Security and Defence Policy (ESDP)⁵.

In 12 July 2004, the European Council⁶ with the extinction of the Western European Union and the creation of EDA, would endorse an expansion of the designated Petersberg Missions⁷ (TEU, Article 43) from its initial scope, comprising crisis

3 See also Eckes (2015).

4 With the Treaty of Lisbon, the European Parliament was granted greater power to monitor the High Representative and Vice-President of the European Commission's action thus reducing the established idea of democratic deficit.

5 As designated until 2007, date when the Lisbon Treaty was signed and ESDC took the designation Common Security and Defence Policy (CSDP).

6 See Council of the European Union (2004).

7 Agreed during the ministerial summit of the Council of the Western European Union in 19 June 1992.

management, conflict prevention, peacekeeping, humanitarian missions, rescue missions and employment of combat forces in crisis management, adding to its tasks portfolio joint disarmament operations, military assistance, security sector reform, post conflict stabilization, fight against terrorism and the development of the civilian dimension of ESDP.

In 2009, Permanent Structured Cooperation did not emerged from a specific concern with the identification of traditional threats or enemies, but from the need to secure and strengthen Europe's interests in the face of external security challenges. PESCO, as confirmed in the Lisbon Treaty Declaration on PESCO, introduced a method of cooperation structured around a flexible mechanism of participation in European defence, which was meant to work as a vehicle of functional compensation, in case negative deliberation by Member States occurred regarding decisions with impact on security and defence. As Vimont (2018, p. 7) observes, flexible provisions have to "take into account the need to safeguard the solidarity principle that remains the bedrock of EU cooperation" therefore should not be used in a way that weakens the purpose of further integration of willing Member States. The relaunch of PESCO on the 11 December 2017, led the Council to adopt a decision establishing Permanent Structured Cooperation, shortly after receiving a joint notification by twenty three Member States expressing their intention to participate in joint defence cooperation⁸.

With the entry into force of the Treaty of Lisbon, European Security and Defence Policy (ESDP) was renamed Common Security and Defence Policy (CSDP) with the intent to further collective action of Member States and introduced PESCO as an inclusive cooperative initiative.

From the institutional point of view, CSDP came out reinforced with the Treaty of the European Union with the introduction of five mechanisms: two of imperative nature and three of flexible order. Those of imperative nature came under the form of a Solidarity Clause (TEU Article 222) bound by the political pressures generated by the terrorist attacks in Madrid 2004 and specifically designed to encourage joint action of Member States in case a "Member State is the object or the victim of a natural or man-made disaster. The Union shall mobilize all the instruments at its disposal, including the military resources made available by the Member States to respond to terrorist threat, protect democratic institutions and civilians and assist Member States in their territories in the event of a natural or man-made disaster". Further, the Treaty states that "The Council shall act in accordance with

8 Pierre Haroche (2017, p. 231) argues that European defence cooperation seeks primarily to respond and solve problems of inter-European interdependence triggered by the impact of international crises. See also Simón (2017, pp. 192-197).

Article 31(1)⁹ of the Treaty on European Union, [noting] where this decision has defence implications” (TEU Article 222, §3), the Council would not exercise legislative functions. The Council would adopt a decision acting on a joint proposal by the European Commission and the High Representative and the European Parliament would be informed.

The Mutual Assistance Clause¹⁰ according to Article 42(7) of the TEU agreed under the “Provisions on the Common Security and Defence Policy” states that “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”. However not all Member States are able to fulfill this commitment for political or operational circumstances to do so. As Bakker (2017, p. 2) refers, within NATO “the Mutual assistance commitment is backed by a common practice of planning, training and exercises, whereas within the EU, under Article 42(7) this is not the case. This shall not prejudice the specific character of the security and defence policy of certain Member States” for instance regarding the Scandinavian countries, notably Denmark which does not take part on the defence dimension of CSDP. The Treaty foresees that commitments and cooperation in this area shall be consistent with responsibilities assumed under the North Atlantic Treaty Organisation which, for those States which are NATO allies, remains the foundation of their collective defence and the main forum for its implementation (Article 42, §2 and §7). The importance of these provisions of the Treaty pertains also to the fact it authorizes CSDP bodies to act militarily within the Union’s territory.

For those other flexible arrangements, they allow groups of Member States to further cooperation and integration, whenever the Union as a whole does not wish or cannot pursue collectively. “Enhanced Cooperation” is one of these flexible mechanisms foreseen in the Treaty through which a formal delegation of tasks can be given to a specific group of Member States by the Council, a decision meant to improve the Union’s external position, allowing a group of willing Member States to take forward a decision, declaring in its Article 327 that “Any enhanced cooperation shall respect the competences, rights and obligations of those Member States which do not participate in it. Those Member States shall not impede its implemen-

9 Article 15b (1) of the TEU states that “The European Council shall provide the Union with the necessary impetus for its development and shall define the general political directions and priorities thereof. It shall not exercise legislative functions”.

10 The Mutual Assistance Clause was invoked for the first time, since the Treaty of the European Union ratification, on the 17th of November 2015 by France, in the follow up of the events related with terrorist acts in Paris occurred on the 13th of November.

tation by the participating Member States”¹¹. According to Article 20 of the TEU, Member States may establish enhanced cooperation “within the framework of the Union’s non-exclusive competences”, with the aim to protect European interests and strengthen the integration process. The Council adopts the decision authorizing enhanced cooperation, whenever the cooperation cannot be undertaken “within a reasonable period by the Union as a whole” by at least nine Member States, providing functional flexibility to policy implementation on the base of willing Member States.

The Treaty also foresees that specific missions can be delegated by the Council to a Member State in the preservation of the interests of the Union in the context of the “Framework Nation” concept (Article 44)¹². This provision enables a Member State to assume “specific responsibilities in an EU-led military operation or mission over which the EU exercises political control and strategic direction, after Council decision” (EEAS, 2015, §8), notably the capacity of setting headquarters, complementing the functional flexibility offered by Enhanced Cooperation and Permanent Structured Cooperation, in situations requiring a rapid response.

The last flexible mechanism regards Permanent Structured Cooperation. Despite, its inclusive essence PESCO is formally limited by eligibility criteria of normative nature, through the institutionalization of a permanent commitment and by a functional criteria¹³, through the requisite of previous participation of Member States in missions and operations at the operational high end. In order to soften the idea of competition, and in line with Article 42 of the Lisbon Treaty, PESCO framework was introduced as compatible with the responsibilities assumed in the context of other organizations and without implications over the specific character of national security and defence policies of Member States.

11 The status of “participating Member States” is for the moment limited to EU Member States who are at least engaged in one European defence cooperation project led by the European Defence Agency. For PESCO projects the treaty set the requirement for a minimum of nine participating Member States. For third countries, cooperation is being envisaged, but in the field of research and innovation regarding defence products, access to technologies is limited to EU Member States. In the UK case, after March 2019, contracts with the British “with any manner of sensitive content will be terminated” (Directorate-General for External Policies, 2018, p. 32), which will pose a legal challenge to their participation in defense projects. See also Nunes (2017a, pp. 120-122). The United Kingdom on a position paper regarding the vision for the government on foreign, security and defence policy cooperation with the EU outlines its conditional to take part on defence initiatives, if it can “work with the EU during mandate development and detailed operational planning”, see also United Kingdom Government (2017, p. 19, §72).

12 The concept of Framework Nation regards the “conceptual basis for the planning, launch and conduct of autonomous EU-led military operation/mission where there is a FN” (framework nation), see EEAS (2015, p. 5).

13 See also Koening and Walter-Franke (2017, p. 13).

The provisions on Permanent Structured Cooperation, as referred to in Article 42(6) approved in 2007 comprehend eight goals. The first regarded the improvement of defence capacities through the development of “contributions and participation in multinational forces, in the main European equipment programmes and in the activity of the Agency in the field of defence capabilities development, research, acquisition and armaments” (Article 1(a), Protocol 10 to the TEU). The second, to develop the capacity to supply by 2010, either at the national level or as part of a multinational force groups, combat units for missions planned and structured at a tactical level as battle groups (Idem, Article 1(b)). The third, to increase participation with support elements, including transport and logistic capable of carrying missions within a period of 5 to 30 days in response to requests from the United Nations, which could be sustained for an initial period of 30 days extended up to 120 days (Idem, *ibidem*) setting forward the limits underlining the development of the Headline Goal 2010. The fourth, to bring the respective defence apparatus into line with each other as far as possible by harmonizing, pooling and specializing¹⁴ their defence capabilities, encouraging defence cooperation in the field of training and logistics (Article 2(b), Protocol 10). The fifth, to take measures to improve availability, interoperability, flexibility and deployability of forces (Article 2(c), Protocol 10) that could guarantee the projection of security and defence of Europe’s interest.

The large majority of these goals regarded military defence, a trend which PESCO framework in 2017 came to confirm. Despite the fact currently the number of CSDP civilian missions being higher than military operations, from the seventeen PESCO projects¹⁵, adopted by participating Member States, eight have a military focus and nine may have dual use or more specific civilian purpose¹⁶. The sixth was to identify and overcome the shortfalls perceived in the context of the “Capability Development Mechanism”. The seventh to take part, where appropriate in the

14 This assumes multilateral cooperation as a given fact, because Member States would become more interdependent.

15 Permanent Structured Cooperation (PESCO) first collaborative projects – Overview. Available at <https://www.consilium.europa.eu/media/32079/pesco-overview-of-first-collaborative-of-projects-for-press.pdf>. Portugal will take part in five projects: European Secure Software Defined Radio; Military Mobility; Maritime (semi)Autonomous Systems for Mine Countermeasures; Cyber Threats and Incident Response Information Sharing Platform; and Strategic Command and Control System for CSDP Missions and Operations. See Council of the European Union (6393/18) Council Decision establishing the list of projects to be developed under PESCO. Brussels, 1 March.

16 At the time when the Treaty was ratified, the Protocol on PESCO would recall providing the Union with the operational capacity drawing on “civilian and military assets”. In 2017 in a total of 16 CSDP missions, ten are civilian missions and six military operations. See EEAS (2017a).

development of major joint or European equipment programmes in the framework of the European Defence Agency (Article 2(e), Protocol 10).

The Protocol safeguards that Member States have both the political and operational control over the capabilities to be made available in a PESCO framework and that they do not interfere with the security and defence “obligations under the North Atlantic Treaty”. The tasks to be performed are to be “undertaken using the capabilities provided by the Member States in accordance with the principle of a single set of forces” (Protocol 10), ensuring the integrity of the commitments assumed in the context of other international organizations and guaranteeing that no overlap or duplication occurs. Finally, the Treaty anticipated the creation of a startup fund for the launch of peacekeeping operations of CSDP, with the aim to provide the financial autonomy and the capacity for rapid response.

While the Solidarity Clause and Mutual Assistance Clause offer the legally binding agreement among Member States that wish to express political will to collective support its peers in situation of crisis and conflict. The mechanisms of Enhanced Cooperation, Framework Nation and Permanent Structured Cooperation were perhaps perceived by the legislators as opportunities to overcome the difficulties foreseen ahead in the development of European defence cooperation, thus creating cooperative alternative and flexible mechanisms, through which some Member States could pursue flexible collective action, in those circumstances where full collective action was difficult or impossible.

“Defense Matters”

Several reasons may account for the difficulties experienced in launching defence cooperation between 2009 (when the Lisbon Treaty was ratified) and 2017 when a Council Decision on the 11th December 2018 established for the first time a Permanent Structured Cooperation¹⁷. These ranged from difficulty in agreeing on common objectives for CSDP, due to the presence of distinct national interests and perspectives on legality and legitimacy in external action, to different perceptions of immediate risk and threat.

These circumstances were aggravated by the events that followed the decisions to intervene in Afghanistan and Iraq and later by the consequences of the ‘Arab Spring’ movement, the Eurozone crisis, the revisionist turn in Russia’s foreign policy with the intervention in Crimea, the multinational military actions in Libya and Mali, the escalation of the refugee crisis, the beginning of the negotiations laying out the withdrawal of the United Kingdom from the UE and Trump’s

17 See Council of the European Union (2017/2315). The list of participating Member States is in Official Journal of the European Union, L331/57-77, 14 December.

election. These external events¹⁸ had a considerable influence on the decisions leading to Europe seeking a stronger regional and international role.

The long period that mediates between 2009 and 2018 has been marked by the uncertainty of the European project in general and European defence in particular, but it has also been a period of acknowledgement that an interdependent international security environment requires better cooperation.

The presentation on the 28th June 2016 by the High Representative of the EU Global Strategy, placed defence at the centre of the European agenda, an initiative that was strengthened on the 8th July 2016 by the “EU-NATO Joint Declaration” signed by the Presidents of the European Council, European Commission and the Secretary General of NATO, manifesting an united front among main political European actors and transatlantic allies in face of the divisive political context that marked the year. Further, the EU Global Strategy reviewed the military level of ambition calling for a “sectoral strategy to be agreed by the Council” and specified “the civil-military level of ambition, tasks, requirements and capability priorities stemming from this Strategy” (EU Global Strategy, 2016) with three main objectives: to protect the European citizens leading to increase cooperation between internal and external security; to respond to external crises through more intense and efficient cooperation that fosters resilience; and to strengthen capacities of partners and with partners transforming formal political pledges into cooperative actions. The informal meeting of Defence Ministers in Bratislava paved the agreement between EU Defence Ministers on a roadmap to further European defence, an initiative that would be consolidated with High Representative Mogherini’s proposal on an “Implementation Plan on Security and Defence” (High Representative, 2016/14392). The Implementation Plan on Security and Defence set out the level of ambition based on the agreement between EU Foreign and Defense Ministers on how to develop European security and defence policy, in straight consonance with the European Commission adoption of a “European Defence Action Plan” (EDAP) (European Commission, 2016/950 final) presented in November 2016. The Action Plan is structured around three areas: trigger the European Defence Fund; foster investments in the defence supply chain and strengthen the single market for defence (Idem, p. 5). The Plan also reminded the need to overcome inefficient spending and duplication and to solve problems of “lack of interoperability and technological gaps” (Idem, p. 3) essential to the set out of an effective PESCO. Being specialization, harmonization and pooling of capacities, one of the targets in PESCO the proposal to launch the “European Network of Defence-related Regions” will allow the European Commission to financially support regions with relevant indus-

18 What Barry Posen (2006, p. 173) refers as the “precipitating events”.

trial and research capital, giving the incentive to the formation of “regional clusters of excellence” in support of the defence sector (Idem, p. 13)¹⁹. This is particularly relevant for Member States, which despite not having major industries, able to deliver high end defence related technologies and products may, with the adequate financial support, be able to develop research and capabilities necessary to the implementation of PESCO projects. As Biscop (2018) observes “any additional capacity that the European acquire thanks to PESCO, can still be deployed for operations in all possible frameworks: the EU itself, NATO and UN”. On July 2016, it was agreed the EU-NATO Joint Declaration followed in June 2018 by a joint follow up declaration²⁰, completing a sequence of cooperative initiatives, bringing together the Council political representation and the EEAS diplomatic network, the Commission’s financial and regulative weigh and NATO’s operational credentials into the European defence agenda.

The EUGS privileged Europe’s strategic autonomy through effective and timely response to external conflicts and crises; development of the EU’s capacities through better defence cooperation, leading to “interoperability, effectiveness, efficiency and trust” (EUGS, 2016) and protection of the Union and its citizens. In this last context, the European Defense Action Plan also aims at promoting civil/military synergies between defence matters and other Union’s policies, aiming at guaranteeing strategic autonomy by ensuring the “protection and resilience of critical European civil and military space infrastructure” and to “tackle growing security challenges”, especially those related to “border control”, “maritime surveillance” and “maritime security” (European Commission 2016/950, p. 18)

By the end of 2016, the European Council endorsed a “Defence Package” that comprised a common threefold understanding on: the European security and defence commitments, as agreed at 27 Member States with the EUGS; the “European Defence Action Plan”, which includes the European Defence Fund (EDF); and the cooperative initiatives approved in the context of EU-NATO relations that identified forty proposals organized in seven areas of cooperation including hybrid threats, operational cooperation, cyber security, defence capability industry, research, exercises and capacity building.

19 See European Network of Defence-related Regions (ENDR) aimed at bringing together regional authorities and clusters helping to develop dual-use strategies and providing access to EU funding, particularly to the benefit of small and medium size enterprises. Available at <https://www.endr.eu/about-us>.

20 See Joint Declaration by the President of the European Council, The President of the European Commission and the Secretary General of the North Atlantic Treaty Organization, 2016. EU-NATO Joint Declaration. Brussels, 8 July. Available at <http://www.consilium.europa.eu/media/21481/nato-eu-declaration-8-july-en-final.pdf>.

The unveiling of the European Defence Fund (European Commission 2017/295, p. 10)²¹ by the European Commission in June 2017, set the agreement on the creation of a joint funding mechanism that will help the development of a “capability pillar” necessary to PESCO implementation and the enhancing of European operational ability. Investments are to be coordinated on the base of the priorities identified by Member States such as: remotely piloted aircraft systems, air to air refueling, satellite communications and cyber domain²², which will “remain in the hands of Member States”(Idem, p. 3). The EDF is founded on two “legally distinct but complementary windows” coordinated by an overarching Coordination Board constituted by the European Commission, the High Representative, the Member States, the European Defence Agency and representatives of the industry comprising EU supranational and intergovernmental bodies and non-governmental actors. The programmes in both windows (Research and Capabilities) are open to all the potential interested participants from Member States, including enterprises. The Research Window will finance collaborative research in defence products and technologies and it may include “projects developed in the framework of the Permanent Structured Cooperation” in line with defence capabilities priorities as previously agreed (Idem, p. 4). The EU defence research programme will be capability driven and will privilege “critical defence technologies” (Idem, p. 7). The funding is sourced in the EU budget under the next Multiannual Financial Framework and it should be operational by January 1st 2021. The Capability Window will provide support to the “joint development and joint acquisition of key defence capabilities” (Idem, p. 5). The funding in this case will come mainly from Member States through the European Defence Industrial Development Programme, which will make part of the Capability Window that integrates the European Defence Fund for the development phase of new European defence products and technologies. According to a European Parliament briefing document²³, during the negotiations between the Council, the Commission and the European Parliament that occurred between 15th March and 22nd May 2018, an agreement²⁴ on the majority of the goals and means proposed by the European Commission was reached. However, from the €500 million for the period from January 1st 2019 to 31 December 2020, only €200 million will come from the EU budget and the remaining amount will be drawn from existing budget lines (European Parliament 2018, p. 12). This will be beneficial to Member States, not only in terms of an additional financial incentives to defence cooperation in terms of capabilities, but also

21 See also Council of the European Union (2016/34, p. 4).

22 See Council of the European Union (2013/217, §11).

23 See European Parliament (2018).

24 See Council of the European Union (2018).

on what regards the multiannual financial contributions to the EU overall budget, given that the EDF will not be entirely provide for by new financings, which would require an increase in budget contributions by Member States, but complemented with existent budget lines.

The European Commission's document on the European Defense Fund²⁵ openly points out some of the difficulties regarding joint development and acquisition of defence capacities pertaining to the requirement to synchronize national defence planning and budget cycles, as well as to consider the risk taking factor that result from the "technical and financial risks that individual Member States may not be willing or able to take" (European Commission 2017/295 final, p. 8). A more consistent and integrated European cooperation on development and acquisition of European capabilities, based on pooled financial contributions²⁶ and advisory, administrative and financial support by the European Commission will give the incentive to willing Member States to joint cooperative defence initiatives²⁷. The advantages of this arrangement are three fold. It provides a solid startup financial base, offers better conditions for modernization of eligible industries and capability development, and facilitates access to wider markets, especially for small and medium size enterprises, offering the opportunity for jobs creation, foster scientific research and development of higher technical qualification on dual-use and defence capabilities. As Biscop (2017, p. 1) points out, bilateral cooperation among strong strategic and industrial capable Member States alone, will not be sufficient to "reach the critical mass of investors and customers needed to make a project economically viable". Further, the financial toolbox, as suggested by EDF, by helping to support niches of specialization on defence products and technologies, through the European Network of Defence-related Regions, it may encourage existent clusters and induce the development of new regional clusters where a specific category of expertise is available or relevant to defence research and production, thus contributing to the use of funding for cooperation on what the Commission designates by "smart specialization".

25 The EDF was announced by Claude Juncker in his 2016 State of the Union address. See European Commission (2016). The Fund was also opportunity to contribute to the development of the European Defense Technological and Industrial Base through research and investments on defence capabilities.

26 These contributions will be "discounted from the structural fiscal effort expected to be accomplished" by each participant Member State. See European Commission (2017/295 final, footnote 15, p. 13).

27 The European Commission will constitute a Task Force which will assist and provide project-specific input on the base of advisory support (standardization, legal compliance, planning and best practices); administrative help (meetings, secretariat support and information hub) and financial advantages (fund and assets management and debt issuance). See European Commission (2017, p. 19).

From the strategic and operational point of view, in March 2017, the Council²⁸ as part of the preparation for the implementation of the EU Global Strategy, a Concept Note on the operational planning and conduct capabilities for CSDP missions and operations, was agreed under the designation Military Planning and Conduct Capability (MPCC) (Council of the European Union 6881/2017). The MPCC is meant to offer a “permanent military planning and conduct capability at the military strategic level and within the EEAS” (Idem, p. 7). This new body was placed within the EU Military Staff, directed by its Director General in order to improve civilian-military synergies and implement non-executive mission (mentoring, advising and monitoring). The Director of MPCC will retain command authority by transfer of authority from the contributing Member States involved in CSDP operations.

Having created the financial base leading to enhancing defence investments with EDF and the operational command structure to conduct CSDP operations, in line with the Civilian Planning Conduct and Capability and Military Planning Conduct and Capability within EEAS, the Council of European Union endorsed the proposal of an annual review of Member States defence commitments, putting some degree of political pressure on compliance. On the 6th March 2017 the Council endorsed modalities to establish the Coordinated Annual Review on Defence (CARD) (Council of the European Union 110/2017) with the aim to further defence cooperation and promote a capability development methodology that could address european defence shortfalls and improve coherent in defence spending, under the principles of transparency and political commitment. CARD has a voluntary essence (Idem, §11) in full observation of commitments in terms of defence planning of Member States in the context of responsibilities of collective defence, in the framework of other organizations, especially NATO. At the European political level, CARD is supposed to offer “an overarching assessment on capability-related issues contributing to political guidance by the Council” (Council of the European Union 110/2017, §11) based on the information regarding Member States defence spending, their defence investments and state of national defence research initiatives provided on an annual review. At the strategic and operational levels, CARD is meant to streamline Member States spending and capability development on the base of the Capability Development Plan (CDP)²⁹. A “trial run” methodology

28 Council of the European Union (2017). See also Council of the European Union (2017/9178).

29 Since July 2008 the European Defence Agency has been taking the responsibility for gathering the inputs of participating Member States anticipating future capability needs together with the European Union Military Committee and EU Military Staff and the Council Secretariat, to identify opportunities to pool and collaborate, assess current and future operations, and to integrate technologies into military capabilities. See Fiott (2018).

(Council of the European Union 2017/ 9178, §22), will allow Member States to test and validate CARD's formulation, before its full implementation is to happen in the autumn 2019. In this context, the European Defence Agency was entrusted with collecting the relevant information regarding defence planning and spending, as well as the stages of implementation of the EU capability development, resulting from priorities set by the Capability Development Plan (CDP)³⁰. In June 2018 a revised Capability Defence Plan was endorsed by the European Defence Agency (EDA) in line with the developments brought by the Security and Defense Implementation Plan, CARD, EDF and PESCO initiatives; with the identification of the domains of cooperation and with the evaluation by Members States, the EU Military Committee and EU Military Staff on three levels that constitute the European Capability Development Priorities. The first, regards short-term assessment on lessons learnt from recent CSDP operations and identification of capacity shortfalls. The second, pertains to mid-term analysis of planned capabilities and future European defence opportunities for cooperation. The third concerns long term trends that will connect capability development, technological trends and industrial needs (European Defense Agency, 2018).

PESCO: Willing and Binding Compliance in Defence Cooperation

The European Union being a multilevel organization operates at different policy levels, based on a policy and security paradigm led by negotiation, confidence building and cooperation, rather by the threat of confrontational use of force. This means that full formal transfer of decision making and policy implementation to the European level may not necessarily be a requisite in the field of security and defence³¹. On the contrary, by not having acquired yet that prerogative to decide and take action on behalf of Member States, but only by having achieved the competence to act commonly with their consent, Common Foreign and Security Policy (CFSP) forges the conditions for willing compliance of participants on decision making and foreign, security and defence policy implementation. As Kaunert and Leonard (2013, p. 13) assert, policy formulation and implementation of policies "take place in Brussels by national and European civil servants, even if the compe-

30 The Capability Development Plan was initially agreed in 2008. By 2011 ten prioritized actions were approved by the Steering Board of the European Defence Agency: medical support; intelligence, surveillance and reconnaissance; counter improvised explosive devices; helicopters availability; cyber defence; logistic support; CSDP information exchange; strategic and tactical airlift management; fuel and energy and mobility assurance. See European Defence Agency (2011).

31 The transformation of the European Security and Defence Policy (ESDP) in 1999 into Common Security and Defence Policy (CSDP) in 2009, occurred without transfer of competences from Member States to the EU institutions.

tencies continue to be the prerogative of member states". The setting up of a Permanent Structured Cooperation, as envisaged in 2009 in the Protocol 10 to the Lisbon Treaty and Articles 42(6) and 46, falls into this category of policy acting by willing compliance, based on binding commitments, without formal transfer of sovereignty competences to the EU on European defence³². Protocol 10 states that CSDP will be conducted on the base of "mutual political solidarity", "identification of questions of general interest" and achievement of a higher "degree of convergence of Member States' actions" and the Council and the High Representative shall ensure compliance with those principles.

Despite the fact PESCO may fit into a categorization of cooperation by willing compliance, its developments in 2017 in its relation with the European Defence Fund would lead to an agreement on regulation for setting up the EDF under the 2021-2027 multi-annual financial framework (European Commission, 2018, 476 final) and the settlement of governance rules for PESCO projects and plans to implement defence initiatives (the National Implementation Plans) in terms of fostering spending for defence research and industrial development, helping to streamline the actors engagement, the financial support to defence cooperation, the procedures to further security and defence cooperation through an inclusive and flexible method of cooperation.

On the other hand, on what regards CARD monitoring procedure by the European Council and the National Implementation Plans of PESCO by the European Defense Agency and European Commission may partially fall into a border line between intergovernmental decision making and implementation, and supranational ruling in financial terms. In its latest version of 2017, PESCO appears to fit into a more integrated model of defence policy, that blends willing compliance with a mandatory and legally binding approach (Council Decision, 2017/2315), in particular on the implementation phase, although still limited by operational criteria, in spite of its aggregative and inclusive nature.

In 2017, following the European Council of June, the High Representative, the Council, the Commission and the EU Member States showed a renewed interest on Permanent Structured Cooperation in a context of growing regionalization of policies and interests³³. The fragmentation of threats and the consequences of budget constraints on capabilities, challenged the classical and conventional way of formulating and implementing defence policies, leading to different forms of defence cooperation for instance under the format of defense clusters, which can be a good base of experience to establish PESCO³⁴. In September a group of 23 Member States

32 See also Fiott, Missiroli and Tardy (2017, pp. 44-46).

33 See Council of the European Union (2017).

34 On defence clusters see Drent, Zandee and Casteleijn (2014).

presented a list of commitments in line with Protocol 10 of the TEU regarding investments, capability development and operational readiness in the areas of security and defence (Notification on PESCO 2017). The political intent to participate in PESCO was initially signed by 23 Member States through a common notification presented to the Council and the High Representative on September 2017³⁵. On the 7th December, Portugal and Ireland notified the Council on their intention to join the common notification and on the 8th December the Council adopted a Council Decision formally establishing for the first time a Permanent Structured Cooperation and the list of Participating Member States (Council of the European Union 2017/14866). With PESCO, despite the fact “capabilities will remain owned and operated by Member States” as a “single set of forces” (Council of the European Union 2018 /10246)³⁶ the Council agreement underlines that PESCO offers an inclusive arrangement of willing states to make “binding commitments and meet the criteria based on Article 42.6, 46 and Protocol 10 of the TEU” (Notification on PESCO 2017). The statement was meant to signal the Union’s interest in developing European defence as an intergovernmental policy, where Member States governments have the last word in political and operational terms, although bound by political commitments and operational criteria. The underpinning message was that of preservation of integrity of sovereign governance by participating Member States, bound by elements of selective operational eligibility and legally binding compromise.

The Council Decision formalized the intent to establish PESCO; acknowledged the list the participating Member States and the projects on which Member States can take part; adopted the political process of governance for PESCO; set the supervision, reporting arrangements and financing procedures; identified the EU actors which will take part in PESCO arrangements and formalized the opportunity for participation of third States in individual projects.

A few contending aspects can be found between the political purpose and framework of PESCO and its process of implementation, especially on the voluntary and binding essence of this cooperative process. Participation in PESCO is of voluntary nature, but the commitments agreed by Member States have a “binding” emphasis, remaining decision-making on the participant Member States. In the medium and

35 According the TEU a common notification to the Council and HR is the first formal step to establish PESCO. The initial proposal was set in motion by Germany, Spain, France and Italy. The Council Decision approved on the 8th December 2018 foresees that in accordance with Article 46(3) of the TEU other states may later participate in PESCO. From the 27 Member States Denmark, due to the Treaty reserve invoked in 2007, does not take part of the defence dimension of CSDP and Malta.

36 Single set of forces it means that they can be made available to the EU, United Nations and NATO.

long term, the non-implementation of commitments may result in some type of consequence in terms of “name and shame” or even loss of access to funding, but no further explicit consequences can be drawn from the policy documents³⁷.

The Council Decision is clear on this matter by dissipating fears of loss of sovereignty over decisions with implications in the field of defence: “The decision of Member States to participate in PESCO is voluntary and does not in itself affect national sovereignty or the specific character of the security and defence policy of certain Member States” (Council of the European Union 2017/14866, p. 3). This means that not only it preserves the commitments assumed in the context of other international organizations, but participation in PESCO occurs also in conformity with their national legal system: “Contributions by the participating Member States to fulfil the more binding commitments under PESCO will be made in accordance with their applicable constitutional provisions” (Idem, *ibidem*).

The main binding commitments regard “collaborative defence capability development projects”, being the financing of these projects supported by the Union’s budget (Idem, p. 3), consequently sourced and managed by the European Commission, a supranational body of the Union³⁸. The administrative expenditures of the European Union institutions and those that will fall over the EEAS, regarding the implementation of the Council Decisions, will be “charged to the Union budget”. The “administrative expenditures of the EDA” will be draw from the “financing rules of the EDA” in accordance with the Council Decision (2015/1835)³⁹. Whereas the operational expenditures that result from projects “shall be supported primarily by the participating Member States that take part in an individual project” (Idem, Article 8 (2)), which means that costs fall where they lie. This in itself already poses a limitation to participation, due to the fact not all willing Member States, will be able to take part in PESCO projects or to achieve significant progress, as referred on the respective National Implementation Plans, but perhaps only those financially and strategically more robust are able to meet the more demanding criteria.

The Council Decision when referring to the establishment of PESCO limits it to a conditionality pertaining to the participation of Member States “whose military capabilities fulfil higher criteria” (Council of the European Union, 2017/14866)

37 In the short term it is not foreseeable that commitments assumed in the context of defense related projects financing will be object of what Schimmelfennig (2017, p. 10) “collective financial liabilities” for participant Member States as it is the case in the European economic, monetary and budgetary domains.

38 See Lavallée (2011, p. 373 and p. 381).

39 As referred in the Council Decision (CFSP) 2017/2315. See Council Decision (CFSP) 2015/18835 defining the statute, seat and operational rule of the European Defence Agency. Official Journal of the European Union 266, 13.10.2015, p. 55

following the provisions adopted by Article 1 of Protocol 10. This in practical terms limits PESCO not only to the military dimension of CSDP, but again to those Member States which are willing, but also strategically and operationally more able and capable.

Conversely to the original PESCO version of 2007 (TEU, Protocol 10, Article 2) and in order to strengthen the binding nature of the commitments assumed by participant Member States, PESCO in 2017, despite underlining the voluntary nature (Council of the European Union 2017/14866, §4, p. 3), it also specifies the requirements attached to a list of binding commitments annexed to the Council Decision establishing PESCO (Idem, Article 3, §1 and Annex pp. 1-6). The Decision determines the mode and periodicity of compliant practice with the “more binding commitments” assumed by Member States. The mode takes the form of National Implementation Plans “in which they [Member States] are to outline how they will meet the more binding commitments, specifying how they will fulfil the more precise objectives that are to be set at each phase” (Idem, Article 3, §2). The National Implementation Plans are to be communicated to PESCO Secretariat, monitored by EDA on defense investments and capability development and by the European External Action Service (EEAS), including the EU Military Staff on what concerns operational aspects. They will produce a joint assessment to be delivered to the Political and Security Committee, which will take a PESCO format⁴⁰. The result of the supervision and monitoring of the National Implementation Plans by these five bodies will be of common knowledge to all the participant Member States, which in case commitments are not fulfilled may generate problems of trust on the political and strategical reliability. On what concerns periodicity, the National Implementation Plans shall be submitted to revision on an annual base.

The binding principles to which Member States are to be bounded included five major commitments based on “collective benchmarks” (Council Decision (CFSP) 2017/2315), as identified and agreed upon in 2007. First, the commitment to increase investment expenditure on defence up to 20% of total defence spending in order to “fill strategic capability gaps”, in line with the Coordinated Annual Review and to increase up to 2% in defence research and technology (Idem, p. 62). Second, line up defence apparatus by harmonizing needs, pooling capabilities and specializing means and capabilities. Specialization does not mean that Member States will quit on having the full spectrum of means and capabilities they need, but rather that they may invest on capabilities where they can deliver a better output in terms of defence research, technologies, industries or strategic ability at the political-strategic or operational level. This is not a novelty in itself, considering that some Member States have already offered in the past specialized capabilities without

⁴⁰ See Council Decision (CFSP) 2017/2315, Annex III, §4.1.

losing political or strategic autonomy⁴¹. In this cooperative context, the European Defense Fund may offer the financial incentive to improve capabilities, whereas CARD may keep participating Member States aligned with the necessary capability development benchmark to meet the output criteria targeted by PESCO initiative. The third commitment regards the availability of necessary capabilities in accordance with the existent treat level and required interoperability among Member States and with strategic partners. This will facilitate deployability, efficiency and operational output in different operational contexts in the protection of European interests in the near neighbourhood and in the far security border. The fourth commitment concerns working together to overcome perceived shortfalls in the framework of the “Capability Development Plan”. The fifth and last commitment respects to participation of participants Member States in collaborative projects of the European Defence Agency, based on European equipment programmes that can fill shortages and help to develop the European Defense Technological and Industrial Base (EDTIB).

Despite the voluntary nature to participate in PESCO, once contributions are pledged they are binding and subject to monitorization and obligation to implement. A sanction process is foreseen, in case compliance with contributions is not met. The Council Decision (CFSP 2017/2315, Annex III), in accordance with Article 46(4) of the Lisbon Treaty, foresees the suspension of Member States who are no longer able or willing to fulfill higher criteria, in order to ensure a coherent and credible implementation of PESCO. Participation in PESCO according to the Council Decision (CFSP, 2017/2315)⁴² is “voluntary”, maintaining “national sovereignty untouched”, being established in “full compliance with the provisions of the TEU and the protocols attached and respecting constitutional provisions of member States”. Compliance will be bound by political willingness and national interest/gain of participant Member States and by solidarity with cooperative practice regarding European defence. As Coelmont (2017) observes “in the end PESCO is about 100% national sovereignty coupled with 100 % European solidarity”.

On the 14th December 2017 the Council Decision establishing PESCO was published in the Official Journal of the European Union, where legislative acts are translated into guidelines and harmonized norms and rules with a view to informal adoption or formal transposition into national legal context. The Council Decisions gathers both the Notification on PESCO, addressed to the Council and the High Represen-

41 That was the case of Germany with its strategic mobility assets, The Netherlands with precision-guided munitions, Czech Republic with its special anti-chemical and nuclear warfare unit or Spain with its air-to-air refueling capacity, which can be place at the service of various multinational force configurations.

42 See also Official Journal of the European Union L.331/57, 14 December 2017, Annex I, p. 70.

tative, and the Council Decision establishing PESCO⁴³. Five principles guiding PESCO (Council Decision (CFSP) 2017/2315, Annex I) can be identified: conditional eligibility, compliance, flexibility, inclusiveness and complementarity. On conditional eligibility, this principle is based on the concept of higher strategic and military output, in close connection with the principle of inclusiveness of Member States and third countries, notably NATO or the departing United Kingdom. Compliance and flexibility are principles with a focus on European internal output, thus strengthening the Union's consistency and coherence between principles and actions in security and defence. With the principle of legal compliance, "PESCO offers a reliable and binding legal framework within the EU institutional framework" conform to the EU Treaty and the constitutional setting of each Member State (Idem). The principle of flexibility contributes to the principle of inclusiveness, empowering the European Union to reach the level of ambition as outlined in the EU Global Strategy: to protect European citizens, to increase capacities and readiness in response to crises and to promote better relations with neighbours and strategic partners⁴⁴. On the principle of complementarity PESCO is introduced as a framework that will strengthen "defence capabilities of the EU Member States (and) will also benefit NATO" (Idem). The Council Decision stresses this benefit by adopting a very conservative tone, which characterized the initial stages of the then European Security and Defence Identity in late 90's, by recovering the expression a "European pillar within the Alliance" that helps responding to the demand for a more efficient transatlantic burden sharing, eventually to appease those Member States that will only commit to European defence, if that will not jeopardize their transatlantic interests (Biscop, 2017).

The formal establishment of PESCO led to the setting up of a governance mechanism where the Council (Idem, Article 4, §2, p. 8) provides: "strategic direction and guidance"; follows the fulfilment of commitments for the periods 2018-2020 and 2021-2025; identifies the objectives necessary to efficient accomplishment of the commitments undertaken and assesses the contributions of participating Member

43 Agreed respectively on the 13th November and 11th December were published in the Official Journal of the European Union on the 14th December 2017.

44 An element that may strengthened the requirement for a better connection between internal and external security lies on the development of a Civilian CSDP Compact, as endorsed by the European Council on 14th December 2017. A Civilian Capability Development Plan is envisaged to be agreed in June 2018, followed by a final agreement on a Civilian CSDP Compact in November 2018, reinforcing the commitment to the EU's joined up approach as presented by the EU Global Strategy. During the European Council of December 2017, the High Representative was invited to report on the Summer 2018 on the developments made on the consultation process with the Member States and European Commission on a Civilian CSDP Compact, see Council of the European Union (2017 EUCO19/17) and Taitto (2017).

States to fulfill the agreed commitments, according to the mechanism described in Article 6" (Idem, §2(d)), which are those of "unity, consistency and effectiveness of PESCO" (Article 6, §1). The Council also holds the responsibility for establishing the list of projects to be developed under PESCO framework.

Following the Council Decision of the 6th March 2018, establishing the list of projects to be developed under PESCO, project members will have to define objectives and timelines for each project, as well as the roles and responsibilities of each Member State. During the European Council of June 2018, it was agreed to assess the progress of the current seventeen PESCO projects and to call, in a rather surprising manner, to a "second wave of PESCO projects". Further a new Council Decision is expected to be issued in November 2018 on the "exceptional participation in PESCO projects" (Council of the European Union 2018/10246) of third countries. This pressure for an agreement on a second wave of new projects can be counterproductive considering that the initial stage of PESCO is still under way and a call to assess progress and implementation of the first seventeen projects is on. Participation in PESCO should not be regarded as a doing by decree project. It is a rather complex enterprise that touches core domains of states' sovereignty, with a likely potential to fall victim of the particularities of national interests of Member States. It is a matter that involves political will, like minded strategic outlooks, similar security and defence cultures, structural availability of funding, adequate military capabilities and also industrial and technological capacity. To cooperate in capabilities development in order to make them more deployable, interoperable, sustainable and effective involves an accurate assessment on the current international environment, a validation of Member States solidarity and a long term commitment to defence cooperation on how and with what are Member States willing and able to guarantee the security and defence of collective interests. Considering that the majority of current CSDP actions are of civilian nature, a closer cooperation between internal and external security must be taken into consideration and PESCO should be a relevant part of this equation. The strengthening of the civilian dimension of CSDP, with the agreement on a Civilian CSDP Compact (Council of the European Union 2017/19) is already awkwardly drawing from the short experience achieved with collaborative defence projects from which only a few are dual use. It will be interesting to follow how much dual use interface there will be between civilian and military Capability Development Plans and how much the EU Global Strategy call for a "EU strategic approach to resilience" (European Commission and High Representative, 2017/21 final) and rapid response will translate into EU initiatives and how crisis management will not be replaced, but rather complemented by a common defence project⁴⁵.

45 See European Political Strategy Centre (2017).

If the European Union will be able to develop civilian and military initiatives in a true joined-up approach⁴⁶, it will have to improve opportunities for European and Member-State's actors responsible for the internal dimensions of security and justice to work closely with those responsible for CSDP. The combined efforts between preventive and reactive EU policies, instruments and capabilities will be the test case for future CSDP or for a more effective international role for the European Union.

On what regards cooperation with third countries, notably with the UK, their participation on European defence initiatives, namely through PESCO, will only reinforce this initiative if their commitment is a long term compromise and not a pledge conditioned by the less favourable developments of their national policies or by the internal peculiarities of national party politics, with a negative impact on the future of the European project and political solidarity.

Conclusion

European defense cooperation comes at a time when multilateralism is relentlessly contested and international cooperation dismissed from the foreign policy agenda by a few major international players. Despite the apparent unfavourable context, recent European defence cooperation signals three singular developments. First, it marks some degree of unprecedented internal commonality of views, among EU Member States, on a policy domain that traditionally rests close to states sovereign attributes. This has been signalled in different ways with the identification of clear framing goals that will guide European defence (protect European citizens, respond to crisis, develop cooperative regional order with partners), together with the functional targets of rationalisation, synchronization, harmonization, specialization and interoperability. Commonality of views is also expressed on the processes of financial and political governance and on the definition of strategic priorities that will guide European capability development, offering an indication of a common assessment of the challenges ahead. Second, it was able to generate within the EU and among transatlantic allies (the US excluded) a collective sense of necessity to coope-

46 In 2011 in a pioneer work, the EU Political and Security Committee invited the Crisis Management Planning Directorate to draw together with the representatives of the EEAS bodies, the European Commission and the Chairman of the COSI Support Group a Road Map document aiming at identify lines of action within specific areas and the correspondent stakeholders necessary to develop ways to strengthen ties between CSDP and FSJ domains. The result was the identification of 27 lines of action in 5 specific domains (Comprehensive Situational Awareness and Intelligence Support to the EU; Exchange of Information and Mutual Support; Improving Mechanisms in the Decision-Making Process; Improving Cooperation in Planning EU External Action and Capabilities: Human Resources and Training). See Council of the European Union (2011/15562).

rate, rather than the privilege of choosing to do so, with effective cooperation initiatives already under development between the EU and NATO. Third, it happens following the introduction of the EU Global Strategy, that despite the fact it was not endorsed by the Council, it was able to mobilize the will and to set the basic framework of dialogue for future European defense cooperation.

After June 2016, an Implementation Plan on Security and Defense, a Defence Action Plan, a plan to further develop capabilities and a European Defence Fund were set off to strengthen European defence, mobilising the political will, the necessary funding and the availability of European and national public and private actors essential to this endeavour. Simultaneously, the EU-NATO joint initiative offers a singular opportunity to improve interoperability and create better synergies between both organizations. The European reiteration that defence capabilities will not be developed at the expenses of a weaker transatlantic alliance nor with heavier costs to the Member States budgets, makes the idea politically appealing, economically more viable and from the research and innovation point of view an interesting opportunity for the industrial sector.

Similarly, the investments to be made on European defence according to a set of strategic priorities, not only resonate the interests of EU Member States, but of those who are also transatlantic allies, by helping to meet the challenges of hybrid threats, in the cyber domain, on fight against terrorism and in crisis response, not only with better cooperation, but also with more integrated education, training, confidence building and capabilities development.

The EUGS departing from its “principled pragmatism” paved the way for an approach to European foreign policy based on the acknowledgment that Europe has interests, that “defense matters” and that cooperation is a necessity in foreign policy and an opportunity to enhance capabilities and develop national and European research, technologies and industries. This may be a reason why European defence cooperation can be said to be a transformative project that in the end will benefit small, medium and large Member States and defense stakeholders of various scales.

European defence cooperation is not only about strategic approach, funding and technological developments. It is also about fostering political will, trust and common support to a more rational manner of managing security and defence needs and resources, with the joint effort of European actors, Member States and that of strategic partners like NATO.

From an implementation point of view, European defence cooperation offers a blend of two sets of orders. On the one hand, an order made of constitutive norms of willing compliance, respectful of Member States constitutional orders and of their international and bilateral commitments. On the other, a regulative order based on legally binding responsibilities supervised by European bodies, on the

base of regular reviews of foreign, security and defense decisions and actions of Member States. This means not only an opportunity for more integrated decision making and shaping, more financial governance for defence, but also more internal and international responsibility for Member States on European defense. The EU with its “Defense Package” appears to be evolving to a more integrated model of defence policy that blends willing compliance with a mandatory and legally binding approaches, in particular on the implementation phases, although still limited by operational criteria, in spite of its much announced inclusive character. The test case for any defense project does not arise from circumstances of unity, but from when internal and external challenges call for decisions and actions at the high end of international politics, in crisis and conflict prevention and immediate response.

References

- Bakker, A., 2017. Defending Europe – Translating Mutual Assistance into Action. *EU Strategy to Defence Series*. The Hague: Clingendael Institute, January.
- Biscop, S., 2017. European Defence: What’s in the CARD for PESCO?. *Security Policy Brief* n°91. Brussels: Egmont Institute.
- Biscop, S., 2017. How the EU can Save NATO. *Security Policy Brief* n°8. Brussels: Egmont Institute.
- Coelmont, J., 2017. With PESCO Brought to Life, Will European Defence Live Happily Ever After? *Security Policy Brief* n°90. Brussels: Egmont Institute.
- Council Decision (CFSP), 2017/2315. Establishing permanent structure cooperation (PESCO) and determining the list of participating Member States. *Official Journal of the European Union* L.331/57, 14 December 2017.
- Council Decision (CFSP), 2015/18835. Defining the statute, seat and operational rule of the European Defence Agency. *Official Journal of the European Union* 266, 13 October 2015.
- Council of the European Union, 2018/10246. Council Conclusions on Security and Defence in the Context of the EU Global Strategy. Brussels, 25 June 2018.
- Council of the European Union, 2018/402. Security and Defence Cooperation: EU will enhance its capacity to act as a security provider, its strategic autonomy, and its ability to cooperate with partners. Brussels, 25 June 2018.
- Council of the European Union, 2018. European Defense: Council and European Parliament reach provisional agreement on a regulation establishing the European Defence Industrial Development Programme. Brussels, 23 May.
- Council of the European Union, 2018/6393. Council Decision establishing the list of projects to be developed under PESCO. Brussels, 1 March 2018.

- Council of the European Union, 2017/19. Council Conclusions. Brussels, 14 December 2017.
- Council of the European Union, 2017/2315. Council Decision (CFSP) Establishing Permanent Structured Cooperation (PESCO) and determining the list of participating Member States. *Official Journal of the European Union*, L331/57-77, 14 December 2017.
- Council of the European Union, 2017/14866. Council Decision establishing Permanent Structured Cooperation and determining the list of Participating Member States. Brussels, 8 December 2017.
- Council of the European Union, 2017/6881. Concept Note: Operational Planning and Conduct Capabilities for CSDP Missions and Operations. Brussels, 6 March 2017.
- Council of the European Union, 2017/110. Council conclusions on progress in implementing the EU Global Strategy in the area of Security and Defence. Brussels, 6 March 2017.
- Council of the European Union, 2017/9178. Council Conclusions on Security and Defence in the context of Global Strategy. Brussels, 18 May 2017.
- Council of the European Union, 2017. Council Conclusions, 22-23 June. Brussels.
- Council of the European Union, 2016/34. European Council Conclusions, 15 December. Brussels.
- Council of the European Union, 2013/217. European Council Conclusions, 20 December. Brussels.
- Council of the European Union, 2011/15562. Strengthening ties between CSDP and FSJ. Brussels, 17 October.
- Council of the European Union, 2004. Council Conclusions. Brussels, 12 July.
- Drent, M.; Zandee, D. and Casteleijn, L., 2014. Defense Cooperation in Clusters – Identifying the Next Steps. *Clingendael Report* October. The Hague: Clingendael Institute.
- Eckes, C., 2015. The CFSP and Other EU Policies: A Difference in Nature?. *European Foreign Affairs Review*, 20(4), pp. 535–552.
- European Commission and High Representative, 2017/21 final. A Strategic Approach to Resilience in the EU's external action. Brussels, 7 June 2017.
- European Defense Agency, 2018. Capability Development Plan. Brussels.
- European Commission, 2018/476 final. Regulation of the European Parliament and the Council establishing the European Defence Fund. Brussels, 13 June 2018.
- European Commission, 2017/295 final. Launching the European Defence Fund. Brussels, 7 June 2017.
- European Commission, 2016/950 final. European Defence Action Plan. Brussels, 30 November 2016.
- European Commission, 2016. State of the Union Address 2016: Towards a better Europe – a Europe that protects, empowers and defends. Strasbourg, 14 September 2016.

- European Defence Agency, 2011. Capability Development Plan. Brussels, 9 November.
- European External Action Service, 2017. Coordinated Annual Review on Defence (CARD) Factsheet. Brussels, 29 November.
- European External Action Service, 2017a. EU Common Security and Defence Policy Missions and Operations: Annual Report. Brussels.
- European External Action Service, 2015/15494. EU Framework Nation Concept. Brussels, 18 December 2015.
- European Parliament, 2018. European defence industrial development programme (EDIP). Briefing EU Legislations in Progress, European Parliament Research Service. Brussels, 29 June.
- European Political Strategy Centre, 2017. The Defence-Security Nexus – Towards an EU Collective Security. *EPSC Strategic Notes* n°28. Brussels: European Commission.
- EU-NATO Joint Declaration*, 2016. Brussels, 8 July.
- Fiott, D.; Missiroli, A. and Tardy, T., 2017. Permanent Structured Cooperation: What's in a name?. *Chaillot Paper* n°142. Brussels: European Union Institute for Security Studies.
- Fiott, D., 2018. EU defence capability development – Plans, priorities, projects. *Brief Issue*, Brussels: European Union Institute for Security Studies.
- Haroche, P., 2017. Interdependence, asymmetric crises, and European defence cooperation. *European Security*, 26(2), pp. 226-252.
- Hyde-Price, A., 2006. Normative Power Europe: A Realist Critique. *Journal of European Public Policy*, 13(2), pp. 217-234.
- High Representative of the Union for Foreign Affairs and Security Policy, 2016/14392. Implementation Plan on Security and Defence, 14 November 2016.
- Joint Declaration by the President of the European Council, The President of the European Commission and the Secretary General of the North Atlantic Treaty Organization, 2016. EU-NATO Joint Declaration. Brussels, 8 July.
- Kaunert, C. and Léonard, S., 2013. *European Security Governance and the European Neighbourhood after the Lisbon Treaty*. Oxon: Routledge.
- Koening, N. and Walter-Franke, M., 2017. France and Germany: Spearheading a European Security and Defence Union. *Policy Paper* n°202. Berlin: Jacques Delors Institute.
- Lavallée, C., 2011. The European Commission's Position in the Field of Security and Defense: An Unconventional Actor at a Meeting Point. *Perspectives on European Politics and Society*, 12(4), pp. 371-389.
- Monet, J., 1978. *Memoirs*. New York: Doubleday & Company.
- Moravcsik, A., 1991. Negotiating the Single European Act: National Interest and Conventional Statecraft in the European Community. *International Organization*, 45(1), pp. 19-56.

- Moravcsik, A., 1997. Taking Preferences Seriously: A Liberal Theory of International Politics. *International Organization*, 51(4), pp. 513–553.
- Notification on Permanent Structured Cooperation to the Council and to the High Representative of the Union for Foreign Affairs and Security Policy (2017), 13 November 2017.
- Nunes, I. F., 2017. “A União Europeia como Sistema de Governação Regional no Domínio da Segurança”. In: V. R. Viana and I. F. Nunes, eds., *Segurança Europeia*. Lisboa: Instituto da Defesa Nacional, pp. 37-74.
- Nunes, I. F., 2017a. O Referendo Britânico e a Segurança e Defesa Europeia. *Nação e Defesa* n°147, pp. 112-128.
- Ojanen, H., 2006. The EU and NATO: Two Competing Models for a Common Defence Policy. *Journal of Common Market Studies*, 44(1), pp. 57-76.
- Permanent Structured Cooperation (PESCO) (s.d.). First collaborative PESCO projects – Overview.
- Posen, B., 2006. European Union security and defence: response to unipolarity? *Security Studies*, 15(2), pp. 149-186.
- Santopinto, F. and Izquierdo, L. V., 2018. CSDP after Brexit: the Way Forward. Brussels: European Parliament, PE 603.852, 22 May.
- Schimmelfennig, F., 2017. European Integration (Theory) in Times of Crisis. European Union Studies Association Conference. Miami, May.
- Simón, L., 2017. Neorealism, Security Cooperation, and Europe’s Relative Gains Dilemma. *Security Studies*, 26(2), pp. 185-212.
- Taitto, P., 2017. The Civilian CSDP Compact – A new paradigm or a strategic communication tool?, *IECEU Policy Briefing Paper*. Laurea, University of Applied Sciences, Finland.
- Treaty of the European Union, C326/13-2012. *Official Journal of the European Union*, 26 October 2012.
- United Kingdom Government, 2017. Foreign Policy, Defense and Development: A Future. *Partnership Paper*, September 12.
- Vimont, P., 2018. Flexibility is not Europe’s Miracle Solution. Carnegie Europe, June 26.