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# **Assessing Current CSDP Structures and Processes and Formulating Recommendations**

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**ENVISIONING A NEW  
GOVERNANCE ARCHITECTURE  
FOR A GLOBAL EUROPE**



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## Executive Summary

This working paper presents selected results from the research performed in [Work Package 4](#) of the ENGAGE project, which focused on the Common Security and Defence Policy (CSDP) of the EU. It reports the strengths and weaknesses of CSDP cooperation, starting from its legal basis and governance structure. It further highlights important aspects characterising operational deployments under the EU flag and cooperation for capability development, both among EU Member States and in partnership with third countries. Finally, the paper advances recommendations for more joined-up and sustainable cooperation in defence.

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# 1 Introduction

This paper presents selected findings from the research performed in [Work Package 4](#) of the ENGAGE project, which focused on the Common Security and Defence Policy (CSDP) of the European Union (EU). The work package investigated cooperative activities under the EU framework and among EU Member States, including areas not officially considered in the context of CSDP but affecting it. First, it examined the legal and governance structures underpinning defence cooperation under the EU framework, as well as cooperative frameworks with defence implications among Member States. Starting from the analysis of EU Treaty provisions, Szép et al. (2021, ENGAGE [Working Paper 4](#)) highlighted the presence of ‘sleeping beauties’ in the defence field, such as Article 44 of the Treaty on the EU (TEU). The paper further reviewed the capability development and industry-related aspects of defence cooperation, analysing the flexible integration mechanism of Permanent Structured Cooperation (PESCO) and the European Defence Fund (EDF), and identifying industrial cooperation for capability development as an area that could drive cooperation among EU Member States.

The analysis of the legal basis and governance structures ruling defence cooperation at the EU level provided a starting point for further research. To perform this research, an innovative assessment framework was developed. Sabatino et al. (2022, ENGAGE [Working Paper 9](#)) proposed a broad set of criteria and metrics to assess ex-ante and ex-post cooperation:

1. under the CSDP framework;
2. for defence research and development (R&D) investment;
3. for joint procurement, production and export of defence and defence related materials;
4. for pooling & sharing (P&S) of capabilities; and
5. for multilevel cooperation among EU bodies and agencies, EU Member States and with third countries and international organisations.

Given the relevance of operational deployments in defence cooperation, Sabatino et al. (2023, ENGAGE [Working Paper 19](#)) assessed a selected number of civilian and military missions and operations conducted under CSDP since 2003. This analysis was performed by applying part of the assessment criteria proposed in the previous deliverable of ENGAGE [Working Paper 19](#), and it aimed to analyse the effectiveness, efficiency, coherence and sustainability of this type of EU engagement abroad.

The remaining assessment criteria proposed in Sabatino et al. (2022) were applied in the preparation of this working paper. While the main results of the analysis are presented in the following section, a more detailed review of: (1) cooperation at politico-strategic level; (2) operational trends in operational deployments; (3) cooperation for capability development; and (4) cooperation with third actors is presented in the Appendix. Finally, this working paper advances a set of recommendations to improve cooperation in defence among Member States and under the EU framework in terms of effectiveness, coherence and sustainability.



## 2 Diagnosis

The research performed in WP4 can be traced back to three macro levels of analysis: (1) legal basis and governance structures; (2) operational deployments; and (3) capability development. This categorisation allowed for the investigation of weaknesses and potential areas for improvement at each level of cooperation. Table 1, below, provides a brief overview of the shortcomings identified in each macro level of analysis. Subsequent sections present a more detailed analysis of these shortcomings, as well as opportunities for strengthening defence cooperation.

**Table 1: Selected Weaknesses in CSDP per Level of Cooperation**

Legal basis and governance	Operational deployment	Capability development
<ul style="list-style-type: none"> <li>• Different political priorities and strategic cultures</li> <li>• Existing treaty provisions not fully exploited</li> <li>• Incomplete politico-strategic guidance</li> </ul>	<ul style="list-style-type: none"> <li>• Different political priorities and strategic cultures</li> <li>• Inappropriate mandates</li> <li>• Inappropriate and insufficient resources (personnel and equipment) from Member States</li> <li>• National caveats to deployments</li> <li>• Insufficient provision of capabilities to third countries and inability to verify their use</li> <li>• Insufficient attention to gender balance and mainstreaming</li> <li>• Insufficient attention to environmental considerations in CSDP</li> </ul>	<ul style="list-style-type: none"> <li>• Different political priorities and strategic cultures</li> <li>• No binding commitments to shared capability development</li> <li>• Lack of an updated EU defence industrial strategy</li> <li>• Unharmonised military requirements</li> <li>• Prevalence of national industrial, strategic interests</li> <li>• Fragmented EU defence market</li> <li>• Shortcomings in R&amp;D and security of supply (SoS)</li> <li>• Limited exploitation of partners' expertise</li> </ul>

Source: own elaboration

### 2.1 Legal Basis and Governance

Defence policy is an area of national competence. As such, the general principles of CSDP delineated in Article 42 TEU ensure that specific national defence policies or memberships of defence frameworks outside of the EU are respected. According to Article 42(1) TEU, the Union shall be able to use civilian and military missions outside EU territory for the purposes of peacekeeping, conflict prevention and strengthening of international security, by using civilian and military capabilities of Member States (Article 42(3) TEU) and Union instruments (Article 42(4) TEU). Activities under CSDP include a “progressive framing of a common Union defence



policy” (Article 42(2) TEU) and can take the form of “joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation. All these tasks may contribute to the fight against terrorism, including by supporting third countries in combating terrorism in their territories” (Article 43(1) TEU). Besides, Member States committed to improving their military capabilities and to ensuring consistency between cooperation in CSDP and the North Atlantic Treaty Organisation (NATO).

### 2.1.1 Member State Control Remains Firm

The control of Member States over defence cooperation is enhanced by the unanimity requirement necessary to adopt any decision pertaining to Title V, Chapter 2, Section 2 of the TEU, on the CSDP. The potential use of qualified majority voting (Article 31(2) TEU) or of the *passerelle clause* (Article 31(3) TEU) is not extended to “decisions having military implications” (Article 31(4) TEU). This preclusion is in line with a further specification of Article 42(2) TEU that reaffirms “national security remains the sole responsibility of each member state”. The TEU, however, includes a potential opening to different types of defence cooperation, that could include a “common defence”, if Member States unanimously so decide (Szép et al., 2021, p. 7, (ENGAGE [Working Paper 4](#))).

### 2.1.2 Reciprocal Protection

A legacy of the Western European Union (WEU), the mutual assistance clause is part of the *acquis*. Following Denmark’s decision to renounce its CSDP opt-out clause in June 2022, all EU Member States are now obliged by Article 42(7) TEU to provide assistance in case of armed aggression against other Member States, by all possible means. In case of activation of the mutual assistance clause, the common effort is coordinated by the European Council, further underlining the Member State-driven operationalisation of the clause. The EU treaties furthermore foresee a solidarity clause, as specified in Article 222 of the Treaty on the Functioning of the EU (TFEU), that requires Member States to be prepared to assist another Member State in case of terrorist attacks or man-made disasters. A relevant difference between the two clauses for reciprocal protection resides in the different types of support Member States can provide to the country activating the clauses. Specifically, the mutual assistance clause (Article 42(7) TEU) includes a potential provision of support both on the national territory of the country requesting assistance, and outside of EU territory. This latter possibility is not foreseen in Article 222 TFEU, which can only generate actions on the territory of the country invoking the activation of the article (Szép et al., 2021).

### 2.1.3 Awakening the Sleeping Beauties: Possibilities Beyond PESCO

Through the activation of PESCO in 2017, Member States decided to ‘awaken’ one of the sleeping beauties of the Treaties. PESCO represents the potential of differentiated integration. Its activation created the structures and instruments to cooperate towards specific goals in the areas of defence investment, interoperability of military capabilities, and readiness of



forces. However, the governance of PESCO also highlights the intergovernmental nature of defence cooperation. For a country to be included in PESCO, and to activate or stop projects, the unanimous decision of participating Member States is required.

A further sleeping beauty identified in ENGAGE [Working Paper 4](#) is Article 44 TEU, which would authorise a group of capable Member States “to protect the Union’s values and serve its interests” (Article 42(5) TEU) in the name of the EU. Article 43(1) TEU defines the tasks that can be assigned to these groups, and therefore concern tasks to be performed outside of the EU territory. The operationalisation of Article 44 would help increase outputs in terms of missions and operations, and its activation by 2023 is one of the goals included in the 2022 Strategic Compass (EEAS, 2022a). Article 44 represents, however, another example of Member States holding final decision-making power, as a unanimous Council decision is required for its activation. To accelerate the potential activation of Article 44, constructive abstention is among the possibilities currently discussed (European Parliament, 2023).

#### 2.1.4 Politico-Strategic Guidance Remains Incomplete

Whilst the treaties define the boundaries and the legal procedures pertaining to cooperation in matters related to security and defence, policy guidance for cooperation is delineated and updated in strategic documents, such as the 2016 EU Global Strategy (EUGS) or the 2022 Strategic Compass. The process leading up to the adoption of the strategic documents, which was not analysed in previous ENGAGE working papers, is therefore presented in the Appendix to this working paper. The effectiveness, coherence and sustainability of defence cooperation depends to a significant extent on these documents, and on the way they were developed and agreed upon. As highlighted in Sabatino et al. (2022, ENGAGE [Working Paper 9](#)), the clarity and inclusiveness of the mandate are two characteristics that are likely to have an impact on practical cooperation resulting from politico-strategic documents.

Analysis of the EUGS and the Strategic Compass, reveals a trend towards improvement in the definition of the respective mandates of the documents, on the one hand, and the inclusiveness of the drafting process, on the other. The Strategic Compass had a clear mandate from the outset, aiming to translate the EU’s priorities into tangible goals, and to define what capabilities the Union should develop (Scazzieri, 2020). Furthermore, it was developed on the basis of the first-ever European comprehensive threat analysis, which was coordinated by the European External Action Service (EEAS) and took into account inputs from the European Union Intelligence and Situation Centre (INTCEN), the EU Military Staff (EUMS) and Member States. When it comes to political support, unlike the EUGS, the development of the Strategic Compass was driven by Member States. Most importantly, its adoption by the EU Council and the Foreign Affairs Council was intended from the outset. The adoption of the Compass by the Council increased the expectations attached to it. To enable an easier and thorough implementation of the Compass, the document itself delineates action points and defines deadlines for almost all proposed activities. Moreover, Member States had a more pronounced sense of ownership of the document and officially committed to its implementation. The lack of specific guidance for the politico-military domain in the EUGS was among the reasons why Germany proposed the delineation of a Strategic Compass in 2019.



That is, to provide clear direction on which security and defence responsibilities the EU should assume through CSDP. Nonetheless, while the Compass was successful in defining targets and timelines, it did not entirely succeed in determining specific guidance for CSDP. For example, the EU Rapid Deployment Capacity (EU RDC), introduced in the Strategic Compass, is expected to be developed and made operational by 2025. It should be deployed to react to different types of crises, but there is no guidance on when, specifically, the EU RDC might be used (i.e. whether it should be deployed in cases of CSDP missions or operations or in the case of action under Article 44 TEU). Furthermore, it is not clear if national contributions will be made compulsory for Member States (Zandee & Stoetman, 2022).

## 2.2 Operational Deployments

The translation of policy goals into actions is a well-known deficiency at the EU level. When it comes to CSDP, it can take various forms, depending on the type of activities to be performed. With reference to CSDP missions and operations, since the inception of CSDP in 2003, the EU has engaged in 40 deployments: 25 civilian and 15 military operations and missions in Europe, Africa and Asia (EEAS, 2023a).

### 2.2.1 Policy Context Matters for the Integrated Approach

Deployments to a third country can usually be related to an EU country or regional strategy for this third party, thus embedding the mission/operation in a broader policy framework with the host country and the region in which it is located. The presence of a country and/or regional policy provides a framework for deployment that is particularly relevant in the context of the EU's Integrated Approach for security and peace. According to this approach, the Union should make "full and coherent use of all available EU policies and instruments and maximise synergies and complementarity between internal and external security, security and development, as well as the civilian and military dimensions of our Common Security and Defence Policy" (EEAS, 2022a).

### 2.2.2 Unanimous Control of Deployment and Shared Structures

In the case of CSDP missions and operations, the unanimity required for their activation does not seem to be an obstacle for action. For example, whilst Kosovo is recognised by only 22 Member States, the non-recognition by some EU members has not stood in the way of the mission's activation, nor of the extensions and recalibrations of the mission's mandate. This suggests that priorities of the EU's regional policy for the Western Balkans might trump national policies.

Sabatino et al. (2023, ENGAGE [Working Paper 19](#)) observed an improvement in the command-and-control structures and procedures governing CSDP missions and operations. When CSDP deployments started in 2003, common procedures and structures were virtually non-existent. The EU Police Mission (EUPM) in Bosnia-Herzegovina, for example, commenced deployment while procedures were still being finalised.





## 2.2.3 Mandate Challenges

Some of the deficiencies and obstacles that ENGAGE [Working Paper 19](#) identified as possibly hindering effective and sustainable CSDP deployment relate to the short-term character of missions' and operations' mandates, and to timid cooperation and coordination with local authorities. On the former, with the only exception of the EU Training Mission (EUTM) in Mali, all CSDP missions/operations have a mandate of up to two years, which causes a mismatch between the type of activities to be performed and the length of the mandates. The EU often engages in capacity building and state-building activities, which require a much longer timeframe than the length of a single mandate. This is evidenced in the numerous renewals of the mandates, which, in the cases of Operation Althea and EULEX Kosovo, led to a continuous presence in Bosnia-Herzegovina and Kosovo for 19<sup>1</sup> and 15 years respectively. As for coordination with local authorities, previous ENGAGE research highlighted the presence of dialogue, but also the need to better delineate requirements and activities with and for the host country, both at the beginning of the mission/operation and in the cases of mandate renewals.

## 2.2.4 Third Countries' Involvement

In Szép et al. (2021) it was shown that CSDP missions and operations are usually joined by non-EU states or partners to increase the effectiveness of EU actions. The closest cooperation has been established with non-EU NATO allies and candidate countries. Between 2003 and 2017, approximately 45 non-EU states participated in CSDP operations. Nonetheless, third country participation does not always provide an added value to the mission, as their participation is mainly driven by political considerations. Furthermore, the number of seconded personnel per contributing third country is commonly very low, confirming the political character of cooperation. Even in cases where there is an authentic interest to contribute, the format for third country participation limits the possibility of the third state to be actively involved in the planning of and decision-making on the activities to be performed, reducing the appeal of cooperation (Sabatino et al., 2023).

## 2.2.5 Operational Cooperation with NATO

Operational cooperation with NATO was identified as a relevant, enabling feature in CSDP activities, that found its practical application through the Berlin Plus agreement. ENGAGE [Working Paper 19](#) highlighted how relevant cooperation was for the setting-up and operationalisation of Operation Althea in Bosnia-Herzegovina, but it also underlined the unlikely future recurrence of this approach. Since the activation of the Berlin Plus framework in 2004, the EU and its Member States improved their respective capacity to command and control military operations, reducing the appeal and necessity to use the Berlin Plus framework (Sabatino et al., 2023). Furthermore, Berlin Plus brings with it political and procedural hurdles

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<sup>1</sup> Under the CSDP framework, the EU has been uninterruptedly present in Bosnia-Herzegovina since 2003 if EUPM is included in the counting.



related to the different composition of memberships and the sensibilities of the two organisations.

## 2.2.6 Capacity Building and the European Peace Facility

Some CSDP missions and operations include the provision of equipment to the host country. The capacity of the EU to provide these capabilities has been limited. Furthermore, in certain cases (e.g. in the EU Capacity Building Mission in Mali, EUCAP SAHEL Mali), the lack of a verification mechanism to certify the use of the capabilities provided negatively affected the sustainability of the mission/operation.

The paradox of providing training and not being able to transfer the necessary equipment has been partly solved by the European Peace Facility (EPF), introduced in May 2021. The EPF replaces the Athena funding mechanism and the African Peace Facility. It allows the EU to support partners in peace-keeping operations and in enhancing the capability of partners' armed forces to ensure peace and security on their own territory. Furthermore, the EPF enlarges the geographical scope of its precursor instruments, as EPF funding can be assigned on a global level (Council of the EU, 2021). As with other CSDP activities, the EPF requires unanimity in the Council to finance actions (Szép et al., 2021). Among the case studies covered in ENGAGE [Working Paper 19](#), Bosnia-Herzegovina and Mali received funding for a total allocation of EUR 10 million and EUR 24 million, respectively. However, in consideration of the security situation in Mali, EPF funding has been suspended (EEAS, 2023b). The most relevant use of EPF is occurring in Ukraine: between February 2022 and March 2023, the country has received EUR 3.6 billion in military equipment, EUR 61 million for the performance of EUMAM Ukraine and EUR 31 million in field hospital and medical equipment (EEAS, 2023b), representing almost 57% of the revised total EPF budget for the period 2021-2027 (EUR 7.9 billion). Moreover, EU Member States decided to streamline the delivery and joint procurement of ammunition for Ukraine to be partially reimbursed through the EPF (Council of the EU, 2023). The assistance the EU is providing to Ukraine through the EPF shows the capacity of the EU to sustain and contribute to the security and defence of a foreign country if that capacity is backed up with political determination.

## 2.2.7 Member State Contributions

By looking into the details of the case studies considered in ENGAGE [Working Paper 19](#), it was possible to identify differences among Member States' contributions to CSDP deployments.<sup>2</sup> Some EU countries contribute systematically to CSDP activities, while others are more selective, or do not contribute at all. Overall, however, in terms of Member States' contributions, a clear differentiation can be identified between deployments in close proximity of the EU, and those taking place outside of the European continent. In the case of CSDP deployments in Kosovo and Bosnia-Herzegovina (BiH), there is a clear commitment by the vast majority of EU Member States. With specific reference to the deployments in BiH, Flessenkemper & Helly

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<sup>2</sup> For a more detailed analysis of patterns of operational deployment, please refer to the Appendix.



(2013) highlight how important operational success is, particularly because the EU needs to be able to manage and project stability and security in its immediate neighbourhood in order to be considered a credible foreign policy actor. All Member States contributed forces to the EUPM in Bosnia-Herzegovina (2003–2012), whilst Operation Althea (2004–ongoing) also received significant political support, with most Member States contributing troops. In the EULEX mission in Kosovo (2008–ongoing), the top contributors have been Poland, Finland, Romania, Sweden, Germany, France, Denmark, Italy and the Netherlands.

A further, major aspect impacting the operational patterns of EU Member States is the presence of a pronounced national political priority or relevance assigned to the region and the country of deployment. This is particularly evident in the case of France, which took a leading role in the deployments in Congo and Mali, and in the latter case deployed nationally-led operations to further contribute to the stability of the country and the Sahel region. Other countries, such as Germany and Italy, increased their support to deployments in the African continent following concerns regarding the repercussions that migration flows and the wider regional instability might have in the home countries (Sabatino et al., 2023).

An additional identified driver for operational deployment is the presence of political returns. While Central and Eastern European countries, such as Estonia, did not deploy under the EUTM framework, they did provide support to stabilisation forces in the country, and namely to the French-led operation Takuba, by mobilizing special operations force units. This participation was an attempt to ensure reciprocal protection from the threats they perceived to be most pressing from their own perspective (i.e. Russia).

### 2.2.8 National Caveats

Different approaches to risk taking in deployments by participating Member States often translate into national caveats on the deployment of personnel and use of equipment (Sabatino et al. 2023). These restrictions were particularly pronounced in the cases of CSDP deployments in the Democratic Republic of Congo (DRC) and Mali, where personnel and equipment from certain Member States could be involved only in specific timeframes, places and to perform a reduced number of activities. National caveats also led to the establishment of inefficient logistic support in Congo. Furthermore, restrictions on personnel employment generated lower levels of available personnel to perform the activities of the mission than originally expected and agreed upon during the force generation conferences (Sabatino et al., 2023). These examples show how national caveats can generate considerable obstacles to the efficiency and effectiveness of the missions. Differences in risk aversion and risk-taking in deployment are two features that can be related to the operational strategic culture of the country. The presence of national caveats, therefore, reflects both differences in national strategic cultures and differences in policy priorities of the EU members.

### 2.2.9 Issues Related to Personnel Provision

Sabatino et al. (2023) identified how the operationalisation of CSDP missions and operations and the good functioning of command and technical structures depend on the personality of



the people on the ground and those with roles of responsibility. Furthermore, the length of deployments or appointments does not always allow for a complete exploitation of resources, which are in some cases inadequate in terms of the number of people deployed, and in terms of the necessary specific technical requirements (e.g. language competences). These factors negatively affect CSDP activities. In the case of EULEX Kosovo, for instance, the short-term appointments of personnel and the lengthy duration of judicial proceedings caused a re-start of the processes by subsequent prosecutors, wasting time and resources (Sabatino et al., 2023). A further issue related to the high rate of personnel rotation is that it complicates attempts to establish relations based on trust, which are particularly important for capacity-building and advisory roles.

### 2.2.10 Gender Balance in an Operational Setting

Gender balance and equality are policy goals of the EU in all sectors (European Commission, n. d.). In the defence sector, the inclusion of gender considerations in the planning of CSDP missions and operations is a compulsory feature for all deployments (EEAS, 2022e). Furthermore, the Strategic Compass reiterated the EU's strong commitment to delivering on the UN objectives of the Women, Peace and Security (WPS) agenda. The document commits the EU to tackling gender inequalities and systematically mainstreaming "a gender perspective, based on gender analysis, in all civilian and military CSDP planning and actions, focusing also on the equal and meaningful participation of women in all functions, including in leadership positions" (EEAS, 2022a, p. 28). Despite these policy goals, civilian and military missions and operations lack gender balanced representation and activities related to gender are not the primary focus of deployments.

On the representation of women in deployments, the unbalanced composition of personnel in CSDP deployments cannot be attributed to the EU, as it is usually a function of the composition of security and defence sectors at Member State level (Sabatino et al., 2023). To increase awareness and provide strategic advice on gender mainstreaming with regards to the implementation of the mission's mandate, the position of gender advisor was created in 2006, and it was first deployed in EU Force RD Congo (EUFOR Congo) in the same year. The position of gender advisor became compulsory for all CSDP civilian and military missions and operations, although some deployments (e.g. EUTM Mali) have a part-time or double-hatted gender advisor, usually also responsible for human rights. A lack of appropriate financial resources for the role represented an additional burden on gender in deployment (Council of the EU, 2022a).

Better incorporation of tasks and programmes on gender inclusion and mainstreaming in the host country would require an intense effort in negotiations with the local authorities. Host countries are often focused on other priorities. Furthermore, cultural differences also play a role in the feasibility and success of activities related to gender balance and inclusion (Sabatino et al., 2023).



## 2.2.11 CSDP's Attention to Environmental Issues

CSDP missions and operations attempt to keep pace with policy development and international changes. It is against this background that the Strategic Compass identifies the goal of having environmental advisors in all CSDP missions and operations by 2025 (EEAS, 2022a), to minimise the environmental impact of CSDP deployments and contribute to capability development to mitigate climate change. Furthermore, the *Operational guidelines for integrating environmental and climate aspects into civilian Common Security and Defence Policy missions*, currently under refinement, will constitute the first framework for the Environmental Management System and environmental footprint reporting of CSDP missions, on both internal and external activities (EEAS, 2022c). When it comes to environmental considerations in military CSDP deployments, these are required to be conducted in accordance with the *2012 Military concept on environmental protection and energy efficiency for EU-led military operations*, as modified in 2021 (EEAS, 2021). The implementation of policy guidance, however, remains mostly in the hands of Member States. They need to provide the necessary support (e.g. funding and personnel) and eliminate potential obstacles to reach the policy goal.

## 2.3 Capability Development

The third level of analysis investigated in ENGAGE [Work Package 4](#) refers to cooperation for capability development under the EU framework and among Member States. Several elements of defence planning exist in the EU, but these initiatives have never been designed to form a consistent and integrated capability development planning process at the EU level. They intend to influence national processes and to incentivise cooperation at the EU level. Therefore, they lack a framework to synchronise the different national systems and instil more discipline in a process that is intergovernmental (Szép et al., 2021). The Strategic Compass tried to inject coherence and most notably to align various initiatives, calling for a better integrated, interoperable, resilient European Defence Technological and Industrial Base (EDTIB) to ensure sufficient industrial capacity to produce the equipment for the EU's and national ambitions (EEAS, 2022a).

### 2.3.1 Different Strategic Cultures

Vertical incoherence between policies at the EU level and Member States' activities in cooperation for capability development can be traced back to differences in national strategic cultures and the interests of Member States. The previous section highlighted how national caveats in deployments can represent these differences. Equally, differences in strategic cultures affect industrial considerations. For instance, military requirements of Member States vary according to: (1) the type of engagements a country considers to be a legitimate use of military force; (2) its geographical position; and (3) the demands of specific deployments and the activities for which the equipment will be used. Divergences on these aspects are reflected in the difficulty to agree on shared requirements. The creation of new, shared standards could



over time have a positive impact and align strategic cultures more, but the current initiatives conducted by the EDA are non-binding in nature.<sup>3</sup>

### 2.3.2 Shared Priorities but Optional Follow Through

One of the necessary steps in reaching commonalities in production of defence equipment is the definition of common priorities. At the EU level, the Headline Goal Process, High Impact Capability Goals (HICGs), Progress Catalogue High Impact Capability Shortfalls, and the European Defence Agency (EDA) Capability Development Plans (CDP) all contribute to defining common priorities for capability development. In particular, the CDP, introduced in 2008 and currently again under revision, highlights capability development priorities for Member State investments, to enable the provision of the equipment necessary to satisfy and operationalise political guidelines. Yet, regardless of the involvement of Member States in the definition of these priorities, they are non-binding in nature, and national planning remains the responsibility of Member States. This means that national planning efforts are still largely uncoordinated at the EU level, despite the inclusion of focus areas for improved coordination and cooperation in the EDA's Coordinated Annual Review on Defence (CARD) (European Defence Agency, n. d. a). The fact that little meaningful coordination exists at the EU level is often attributed to the "single set of forces" principle, and the preference of many EU Member States to privilege the more binding NATO planning process over the EU one. Despite coordination and staff-to-staff meetings on capability development planning between NATO and the EU (NATO, 2022), differences in prioritisation do still exist. There is, however, an opportunity to improve the alignment of the two planning processes when they are revised in 2023.

### 2.3.3 Prevalence of National Interests

While the protection of national interests is ensured by the unanimity requirement at the political level, at the industrial level they are guaranteed by the possibility of excluding the defence market from the application of standard procedures – in cases where the standard procedure could endanger national interests. In consideration of the strategic relevance of the defence industrial sector, this market has been granted an exception from EU procurement procedures. Article 346 TFEU enables Member States to disregard EU law obligations on grounds of national security. Szép et al. (2021, p. 31) underline that the liberal interpretation of the article in the field of public procurement "has allowed EU Member States to 'set their own rules' notably for the tendering of defence-related contracts". The Defence Package Directives (2009/43/EC and 2009/81/EC) aim to mitigate these problems by ensuring an open market for defence procurement and streamlining procedures for internal transfer of defence and defence-related materials. However, their application was evaluated as unsatisfactory (Ioannides et al., 2020), with negative repercussions for the strengthening of the internal market in defence. This strengthening "was seen as a precondition to establish a competitive and sustainable defence industrial base in the EU [but t]he absence of competition combined

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<sup>3</sup> For further details please refer to the Appendix.



with strong protectionist attitudes resulted in inefficient spending and duplication of capabilities” (Szép et al., 2021, p. 34).

### 2.3.4 Fragmentation of the European Defence Equipment Market

The protection of the national industrial and strategic interests and the historical national character of defence industry, among others, led to a fragmented EDTIB. As highlighted in Szép et al. (2021, p. 33):

The definition of the European Defence and Technological Industrial Base (EDTIB) strategy in 2007 was a response to ramp up the EU’s efforts to develop military capabilities and to deepen European defence cooperation. The EU has been increasingly faced with the rise of competitors and its inability to react to these developments. Strengthening the EDTIB was not only due to security and strategic considerations but also economic reasons: defence expenditure was on decline in many EU Member States.

Despite the intended aim of the strategy, the document was only approved by the EDA Steering Board of national defence ministers (European Defence Agency, 2007). A formal EU Council approval would have ensured stronger political support to the strategy, but the selected procedure underlines, once again, that Member States are protective of their national defence industries and interests. The fragmentation of the defence market contributes to the duplication of production lines (with several types of the same equipment across Europe) and of production costs (e.g. research and development, logistic or maintenance costs). This fragmentation and duplication have been estimated to account for around EUR 22 billion per year (Del Monte et al., 2019).

### 2.3.5 Shortcomings in Security of Supply

One relevant aspect of the EDTIB’s capacity to produce defence equipment concerns the security of supply (SoS) of the industry chain, which has not been sufficiently addressed in a cooperative way so far. The 2007 EDA’s EDTIB strategy already mentioned the necessity to cooperate more at the EU level to ensure SoS, as national level SoS appeared to be unsustainable. Increasing prices for services and materials have a high impact on the costs borne by industries, reflected in the costs of the final products and the capacity to invest in innovation (European Commission, 2022b). The 2016 EUGS also refers to the need to reach higher levels of SoS in the defence sector, as reiterated in the “Invest” pillar of the Strategic Compass (EEAS, 2022a). While strategic dependency in supply chains is a problem for the entire single market, it has particular repercussions for the defence sector (European Commission, 2023a) because producing defence goods requires a total of at least 39 raw materials, of which 22 are critical raw materials (European Commission, 2020a, p. 70). It remains to be seen whether strategic partnership initiatives will improve the resilience of the supply chain (European Commission, 2023a, pp. 32–33).



### 2.3.6 Shortfalls in R&D Spending

The chronic underinvestment of EU Member States in defence affects both the acquisition of new equipment and investment in defence research and development (R&D). Among the 27 Member States, only two countries invest more than 20% of the budget for equipment procurement in defence R&D, according to the EDA<sup>4</sup>. The target to dedicate 2% of total defence expenditure in research and technology (R&T) investment has still not been met, with cumulative expenditure presently representing 1.2% of the total aggregated defence budget (European Commission, 2022a, p. 4). Low levels of investment in R&D and R&T indicate a limited capacity of the industry to keep up with technological advancement. This is even more evident if the levels of investments of EU Member States are compared with those of other major international actors such as China or the US.

To sustain cross-border collaboration on R&D projects for military capabilities, boost industrial cooperation and increase the capacity of the EDTIB to satisfy the demands of the national armed forces, the EU Commission proposed and activated the European Defence Fund (EDF), managed by the Directorate-General for Defence Industry and Space (DG DEFIS)<sup>5</sup>. The institutionalisation of DG DEFIS in 2019 revealed the Commission's ambition to increase its competences in R&D investments on defence and defence-related materials, aiming for a more pronounced role in defence industrial matters.

### 2.3.7 PESCO and EDF: Early Impressions

Cooperation for capability development further entails cooperation among Member States to, on the one hand, improve the levels of interoperability of the armed forces and, on the other, improve the joint production of equipment between Member States' industries. Sustained levels of cooperation also help to develop shared cultures. Indeed, by looking at paths for cooperation, a trend can be observed towards steady cooperation among countries and industries that already cooperated in the past, which facilitates sharing of know-how and competences for a more effective and sustainable EDTIB. Regarding the defence industrial sector, small and medium-sized enterprises (SMEs) suffer from limited involvement in major projects. Following the 2021 EDF call for proposals, around 300 SMEs (European Commission, 2023b) received funding in 62 ongoing EDF projects. Despite representing 43% of all entities participating in EDF projects, SMEs do experience difficulties when integrating into the defence market (European Commission, 2020b), pointing to the necessity to further facilitate and promote this process. Projects receiving EDF funding are in line with the priorities defined in the annual work programme of the Fund and further synergies with other initiatives are encouraged by the Commission. Increased coherence between supranational initiatives and intergovernmental defence projects, such as PESCO and the EDF, is also one of the goals of the 2022 Strategic Compass (Håkansson, 2022). The purpose of PESCO is to establish a more

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<sup>4</sup> The EDA defence data aggregate expenditures for new equipment and investment for R&D under the general label "Defence investment" (European Defence Agency, 2022a)

<sup>5</sup> For further information on the precursor programmes of the EDF, please refer to Szép et al. (2021).





coherent European capability landscape among participating Member States that voluntarily decide to commit to higher and stricter standards. The requirements for participation in PESCO are moderate, considering there is no specification of any minimum strength for force contributions or benchmarks for the levels of ambition in capability development. The Member State-driven approach of PESCO allows states that contribute less to cooperation to block decisions within the framework, leading to its potential politicisation (Szép et al., 2021). In its sixth year of implementation, PESCO already experienced delays in delivering results, caused by administrative difficulties and lack of support from Member States (Council Recommendation C433, 2022). Furthermore, the Protocol establishing PESCO underlined that capability development targets and collaborative efforts should not affect similar efforts within NATO. This is a requirement for the existing EU-NATO arrangements that aim to avoid duplication of efforts and to ensure compromise among EU members with diverging positions on the transatlantic bond (Szép et al., 2021). With Finland joining NATO in April 2023, out of the 27 EU Member States, 23 countries are also members of NATO; therefore, cooperation between the two organisation is particularly relevant.

#### Third Countries' and Entities' Participation in PESCO and EDF

Both PESCO and the EDF are open to the participation of third countries and third countries' entities respectively, although their participation is regarded as exceptional. When participating in PESCO projects, third countries must abide by rules similar to those applied to EU Member States (Council Decision 1639, 2020, Article 3), but third states hold no sway over the governance of PESCO itself (Council Decision 2315, 2017, Article 9). Their participation is further constrained by the requirement to provide clear, complementary added value to the projects (Council Decision 2315, 2017, Article 3) and to avoid increased dependencies “as regards armament procurement, research and capability development, or on the use and export of arms or capabilities and technology, which would hamper progress or prevent the usability, whether joint or otherwise, the export or the operational deployment of the capability developed in the PESCO project” (Council Decision 2315, 2017, Article 3). Third country participation is therefore limited and the only project to date involving third countries is the military mobility project, with the participation of Canada, Norway, the UK, and the US (Council of the EU, 2022b). Nonetheless, the improvement of military mobility in Europe is also a NATO priority, and cooperation in this sector was included among the 74 concrete actions for EU-NATO cooperation in capability development (EEAS, 2020b).

Participation of third parties is also limited in EDF projects. With some exceptions, non-EU/European Free Trade Area (EFTA) companies are not eligible for cooperative projects funded under the EDF, as “the recipients and subcontractors involved in an action shall not be subject to control by a non-associated third country or by a non-associated third-country entity” (Regulation (EU) 2021/697, Article 9§3). Despite the possibility of participating, there is no reported involvement of third-country entities as major participants in the first two rounds of calls for proposals for EDF projects. However, non-EU entities are involved in EDF projects in subcontractor roles, although they do not receive direct funding from the EU budget. In the Commission’s view, EU funds should principally be channelled to support European autonomy



or sovereignty, and should not serve primarily to fund third party actors<sup>6</sup>. Limitations on third party entities' participation is further intended to limit potential dependencies of armament R&D and production on non-EU entities and countries. As highlighted in the Appendix to this working paper, these aspects already complicate cooperation among EU Member States and European entities, and further complexity could arise if a third, external actor is included. It remains to be assessed whether these constraints prevent or limit the potential for European entities to fully exploit cooperation. Similarly, it remains to be seen whether difficulties in the inclusion of non-EU entities lead to increased defence industrial cooperation between EU and non-EU entities outside of the EU framework.

### 2.3.8 Towards Joint Procurement?

A further instrument for cooperation in the acquisition of military capabilities that might have repercussions for industrial relations with third actors is the European Defence Industry Reinforcement Through Common Procurement Act (EDIRPA). EDIRPA is a short-term defence procurement instrument with an expected value of EUR 500 million in the 2022–2024 period. The instrument will address the most urgent and critical capability gaps identified in the 'Defence investment gap analysis and way forward' joint communication (European Commission, 2022c). However, it remains at an incipient stage, and as of early April 2023 it has not yet been translated into a consolidated institutional form. The European Commission has scheduled the publication of its proposal on this matter for the early summer of 2023, aiming to incentivise joint procurement of defence products (including in the context of high intensity territorial conflicts). At this stage, EDIRPA plans do not exclude procurement from third party actors, including purchases to fulfil short-term needs. This has generated an ongoing debate (particularly in the context of Russia's war in Ukraine) between proponents of pragmatically plugging short-term gaps, such as weapons that are not available in the EU or munition stockpiles, via non-EU suppliers, against those preferring to channel EU funds towards the EU's own industry. These funds are indeed framed in the context of the EU's competencies, which extend to supporting industry, but not, at this point, to supporting military purchases as such.

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<sup>6</sup> In the context of a range of institutional debates between the European Commission and other EU actors, and a number of political debates between EU capitals, the legal form of EDF tends to suggest that the Commission's philosophy has prevailed in this instance.



## 3 Recommendations

The previous section of this working paper highlighted important aspects and weaknesses of CSDP cooperation. This closing section advances recommendations on potential ways to improve the effectiveness, coherence and sustainability of CSDP and defence cooperation among EU Member States. Recommendations are presented according to the level of analysis presented above.

### 3.1 Legal Basis and Governance

#### Recommendation 1: Define more ambitious and clearer activities for the CSDP framework

Cooperation under the CSDP framework and on defence among EU Member States can only be based on Member States' willingness to cooperate on defence, as evidenced by the unanimity requirement for any activity to be performed under Title V, Chapter 2, Section 2 of the TEU. A clear, ambitious, periodic recalibration and reflection on what should be achieved under the CSDP framework could help to harmonise the divergent positions and priorities of Member States and could contribute to building a common strategic culture. The aim to periodically review the EU threat analysis that informed the Strategic Compass, and to potentially review the Compass itself, are two positive examples. Their review, however, should be followed by the adoption of the documents by the EU Council. This would ensure a higher level of commitment from Member States. A clearer definition of the activities and level of ambition of CSDP would also enhance the effectiveness of cooperation.

#### Recommendation 2: Improve horizontal and vertical coherence of cooperation at the legal and governance level

Better identification and delineation of activities and level of ambition further helps to improve the coherence of policies (horizontal coherence) and the alignment of Member States activities with EU policies (vertical coherence). Vertical and horizontal coherence represents a major issue in CSDP. Lack of coherence can result from ambiguous language in the politico-strategic guiding documents, which are not always accompanied by clear guidance on how to operationalise proposed objectives or how to develop concrete synergies and recommendations for change. In addition to the periodic review and adoption of strategic documents, a further action that could positively affect the coherence of CSDP cooperation would be to better coordinate and align policies falling under the Common Foreign and Security Policy (CFSP) framework with those of CSDP, thus facilitating the integrated approach for security and peace.

#### Recommendation 3: Define more clearly the responsible actors and ensure maximum synergy in cases where governance falls under different structures

Cooperation at the legal and governance levels could benefit from a clearer delineation of roles and responsibilities in the implementation of the policy documents. The implementation of the Strategic Compass, for example, falls on different actors (states, EU institutions, bodies and



agencies), whose coordination can be complex if responsibilities are not clearly defined. In the case of the EU Rapid Deployment Force, for instance, there is no clear indication in the Strategic Compass of the goal and target of the new tool.

#### Recommendation 4: Exploit the potential of the EU treaties

Research in previous ENGAGE working papers on CSDP highlighted that some of the treaty provisions for CSDP cooperation are still not used, as in the case of Article 44 TEU. The full use of the legal tools at the disposal of Member States could help increase the effectiveness of CSDP. This includes the potential use of constructive abstention (Article 31(1) TEU) to facilitate the implementation of some of the activities under CSDP and as defined by strategic documents.

#### Recommendation 5: Create a verification mechanism

The non-binding character of cooperation under CSDP is a problem in the application phase of cooperative activities, as there is no mechanism to ensure Member States provide the necessary support (whether political, economic, or in terms of capabilities). This might lead to both incoherent and ineffective action, depending on the extent of Member State commitment to the specific policy. The varying degrees of commitment, however, can be looked at as representing the different priorities and strategic cultures of EU Member States. Once a policy or action under CSDP is defined and (some) Member States agree on their support for it, then verification mechanisms should be put in place. These mechanisms would help to verify that Member States delivered the declared intended contributions to a specific policy goal. Despite the risk of creating more bureaucracy, verification mechanisms could ensure compliance and improve the effectiveness and horizontal coherence of cooperation at different levels. Furthermore, these mechanisms would highlight the areas in which Member States are more reluctant to cooperate or provide tangible and valuable resources, allowing for a recalibration of cooperation needs and ambitions.

## 3.2 Operational Deployments

#### Recommendation 1: Longer mandates to align with the type of required activities

The types of activities CSDP deployments are meant to perform (crisis management, peacebuilding, state-building and training) necessitate a longer presence in the country than is usually foreseen in the single mandates of the missions<sup>7</sup>; something that has also been highlighted in EU strategic reviews (Council of the EU, 2022c). This negatively affects the effectiveness of the missions because the limited length of mandates does not allow for mid- or long-term planning of activities and projects. If the time required to perform internal reviews of the missions/operations is considered, the remaining time available for the implementation of the mission's activities is reduced further. A longer mandate, which foresees the possibility

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<sup>7</sup> Examples of this are EULEX Kosovo and EUFOR Operation Althea, both of which belong to the longest EU deployments, in spite of their mandates having a limited duration of two years.



of periodic operational re-assessment, would make the EU engagement in the host country more credible from the beginning.

#### Recommendation 2: Tailor the approach to local needs

Regarding the quality of the mandates, the specificities of the situation on the ground and of the activities to be conducted should be considered in the planning stage of the missions/operations, with the goal of ensuring a tailored approach that takes the political and cultural specificities of the host countries into account. While this aspect is improving with the most recently launched CSDP missions, more can be done to enhance the understanding of local dynamics to ensure appropriate tools are provided in a suitable timeframe. This tailored approach requires a closer dialogue with local authorities and communities. While on a formal level communication is already happening, it should be further strengthened to take into consideration local needs and requests. An example is the inclusion of gender considerations. Training focusing on gender and dedicated to the female part of the population in host countries exists, but communication with local policymakers with regards to the gender approach could be improved. Better coordinated action would entail discussions with military or political leaders in countries in which war or terrorist groups threaten the stability and security of the country.

#### Recommendation 3: Increase transparency of communication with Member States and host country

The repeated engagement by the EU in state-building activities is not sufficiently accompanied by clear communication strategies on what this entails, resulting in incoherence between the political messages that are provided to Member State and host country policymakers and populations. Policymakers should be made aware of the length of such engagements, and the ways in which a premature disengagement might undermine chances for success should be clearly communicated. Fostering a clear communication strategy on what the specific missions require in terms of time and nature of engagement is directly connected to the political support by EU Member States to EU external action, as well as to the perceived sustainability of EU engagement in activities related to state-building.

#### Recommendation 4: Better highlight the added value of deployments for the EU

At the operational level, the unanimity requirement for the activation of CSDP missions and operations did not prevent deployments under the EU flag, even in cases where there is no political alignment among Member States. The activation and extensions of EULEX Kosovo despite the non-unanimous recognition of the country by EU Member States is indicative of the value of the mission to EU interests (e.g. the stability of the Western Balkan region). Research conducted in ENGAGE Work Package 4 on CSDP suggests the presence and prevalence of national interests over the decision to contribute to CSDP deployments. Higher levels of national interest correspond to greater commitment in terms of personnel, equipment and level of responsibility Member States are willing to take on. However, national decisions might not take into consideration the interest the EU has in deploying to a specific country. Therefore, when discussing the activation of a new CSDP activity and determining national



contributions to the mission or operations, Member States should be made aware explicitly of the interests at stake for the EU. The principle of vertical coherence implies the alignment of national and EU policies and indirectly of national and EU interests.

#### [Recommendation 5: Improve the provision of trained and qualified personnel](#)

The provision of personnel is currently not efficient and the rules for the selection and appointment of personnel should be further improved. Several attempts have been made to improve selection mechanisms, i.e. through the Civilian CSDP Compact for Civilian Deployments. However, the absence of a mechanism to make agreed contributions compulsory complicates the EU's capacity to ensure the availability of an adequate level of competent personnel. Moreover, and most importantly, deployment in CSDP missions and operations is severely affected by the available pool of professionals in Member States, who are often not willing to do without certain types of competent personnel, even temporarily.

#### [Recommendation 6: Review mechanisms and verification tools to improve horizontal coherence](#)

The introduction of verification mechanisms for operational deployment could improve the horizontal coherence of cooperation. The heavy dependency on the personalities of the people on the ground for the coordination and conduct of activities affects the coherence and effectiveness of cooperation. A more centralised and harmonised delineation of duties and responsibilities of the actors present in the country or in the region could be developed. This should be accompanied by verification mechanisms to ensure compliance and improve horizontal coherence.

#### [Recommendation 7: Improve the environmental sustainability of CSDP](#)

An improvement of the environmental sustainability of CSDP, both in terms of inclusion of environmental considerations in the planning and conduct of missions/operations, and in the analysis of security risks related to climate change and environmental degradation, is required. While for military deployments guidelines and international standards exist, civilian deployments paid little attention to these issues. The decision to include an environmental advisor in all CSDP missions by 2025 (EEAS, 2022d) is a positive development, but their presence needs to be accompanied by a clear commitment from EU structures and participating Member States to limit the environmental footprint of CSDP in third countries.

#### [Recommendation 8: Improve cooperation with third countries](#)

When it comes to partnerships with third actors in defence, the scope of cooperation is not always evident, and activities tend to be vague. This is particularly the case for framework participation agreements regulating third countries participation in CSDP deployments. So far, third country participation does not translate into substantial force contributions. This type of cooperation helps in building a common strategic culture and similarities in approach among the EU and partner countries. For countries where the EU has a clear interest in having stronger ties, it could be worth discussing or taking into consideration the potential of a different type



of cooperation that would preserve the decision-making autonomy of the EU in CSDP, but ensure higher attractiveness of the deployment for third countries.

### 3.3 Capability Development

#### Recommendation 1: Improve the harmonisation of capability requirements among Member States

Cooperation for capability development is characterised by the prevalence of national interests and priorities. Despite the presence of several EU policy documents – including the Strategic Compass – and initiatives advanced by the EDA, no binding document on the harmonisation of capability planning and requirements has ever been issued. This is valid also in the case of PESCO, whose binding commitments do not specify any minimum strength for force contributions or benchmarks for the national levels of ambition in capability development. The more binding nature of the NATO Defence Planning Process in comparison with the EU CDP could be considered a good guiding principle to lead EU Member States to commit more substantially to shared priorities. Nonetheless, the different memberships of the two organisations and the principle of the single set of forces should be considered when priorities are determined. Depending on the extent of agreement, this could imply the creation of different working groups focusing on capability priorities that represent both a national and European priority.

#### Recommendation 2: Define an EU defence industrial strategy

At the industrial level, there is the necessity to ensure coherence of actions following a clearly defined and shared strategy among Member States. In consideration of the state of the art of the current equipment of European armed forces, limited defence budgets and investment in defence, it is paramount to synchronise activities and to take strategic decisions at the EU level. Since the 2007 EDTIB Strategy no similar document has been issued. An update to the strategy could increase clarity of action and horizontal coherence among the different ongoing initiatives involving the EU's defence industry. The adoption of the document by the Council could increase the implementation rate from Member States. Such a strategy should be reviewed and updated periodically to ensure the relevance and timeliness of policies. This strategy should not be a collection of national interests and priorities, but should be the result of a strategic EU reflection on the way EU Member states intend to re-structure the European defence industrial landscape, in view of: (1) the available industrial expertise; (2) the technological advancements that are realistic to master in a mid- to long-term perspective, taking into account the competitiveness of products; (3) the availability and lifespan of current equipment; and (4) the market potential of the capabilities to be developed.

#### Recommendation 3: Improve coordination of goals among the different actors involved

Defence industry and markets have been given special attention in consideration of their specificities, and due to Member States' reluctance to cooperate in this sector. The more active role the Commission advocated for itself in defence industrial matters was possible due



to the specific industrial aspects the Commission wants to focus on. However, this poses questions of coordination between the Commission and Member States, as industrial developments affect the types and quality of military capabilities available. Activities and instruments falling under the responsibility of DG DEFIS for the sustainment of the industrial sector risk leading to the availability of products that do not fully match the priorities of Member States. Therefore, a clearer connection of activities with priority documents developed by different actors should be linked to multiannual planning of industrial developments.

#### Recommendation 4: Increase partnership with strategic industrial actors

The speed of technological development and the insufficient attention devoted to it by EU Member States enhance the need for cooperation with partners. Moreover, the limited availability on the market of the raw materials required to produce defence equipment make partnerships with third actors even more necessary. These aspects need to be balanced against the drive to increase strategic autonomy in the sector, and reduce strategic dependencies on third actors. The latter aspects became guiding principles for cooperation with third entities under the EDF framework, but it is unclear if this will lead to a rapid improvement of competences. A potential solution to the challenge of safeguarding autonomous development of capabilities at a competitive pace could be to open EDF projects to additional non-EU funding. This could lower the financial burden for Member States and improve the attractiveness of EDF projects for third entities satisfying the requirements of the EDF regulation.





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# Appendix: Application of the Remaining Assessment Criteria for the Politico-Strategic Level, Operational Deployment, Capability Development and Cooperation with Third Actors

[Work Package 4](#) of the ENGAGE project conducted an assessment of defence cooperation at different levels, by applying the assessment framework presented in ENGAGE [Working Paper 9](#) (Sabatino et al., 2022) to a series of case studies. The framework adopted the definitions of effectiveness, coherence and sustainability proposed by Sus et al. (2021) in ENGAGE [Working Paper 3](#), and advanced a broader set of criteria and metrics to assess effectiveness, efficiency, coherence and sustainability of defence cooperation at different levels. ENGAGE [Working Paper 19](#) assessed one category of assessment criteria from ENGAGE [Working Paper 9](#), applying them to case studies of CSDP deployments. Consequently, the assessment of (1) defence cooperation at the politico-strategic level, (2) patterns for operational deployment, (3) capability development, and (4) cooperation with third actors had not yet been performed in the context of the papers comprising ENGAGE Work Package 4. To complete the analysis of defence cooperation under the CSDP framework and among Member States, this Appendix therefore proposes an assessment of these remaining categories.

## 1. Assessing the Formulation of Political-Military Strategic Guidance

Assessing the politico-strategic level of defence cooperation represents an essential step towards the evaluation of defence cooperation. For instance, cooperation at the politico-strategic level affects the outcome of cooperation and has different effects on stakeholders' perception of ownership of the process. This level of cooperation involves two stages, beginning with the provision of strategic political guidance, and then feeding into strategic military guidance (Sabatino et al. 2022). At the EU level, both the 2016 EU Global Strategy (EUGS) and the 2022 Strategic Compass set the political level of ambition for the EU, which has been translated into specific military tasks the EU might aim to undertake. Both documents set out long-term strategic policy objectives which shall be pursued by the EU and its Member States. The EUGS set out five priorities for the Union: the security of the EU, state and societal resilience to the EU's East and South, and integral approach to conflicts, cooperative regional orders, and global governance for 21<sup>st</sup> century (EUGS, 2016). All the priorities were meant to translate into concrete tasks related to CFSP and CSDP. Similarly, the Strategic Compass has marked a high level of ambition for EU security and defence, focusing on five main objectives: to act rapidly and robustly, enhance the ability to anticipate threats, guarantee secure access to strategic domains and protect citizens, invest more and better in



capabilities and innovative technologies, and strengthen EU cooperation with partners to address common threats and challenges (Strategic Compass, 2022). In practice, the Strategic Compass identifies the key threats to Europe and develops actions on how to counter them. Both the EUGS and the Strategic Compass codify relevant defence ambitions and they are the core of the EU's cooperation. In order to identify the level of political-military strategic guidance of the two documents, the following paragraphs present an assessment of their effectiveness, efficiency, coherence, and sustainability.

### 1.1 Application of the "Effectiveness" Criteria at Political-Strategic Level

Measuring the effectiveness of cooperation at the political-strategic level entails two levels of analysis. The first relates to the ability of the politico-strategic documents to generate collective strategic guidance. The second level of analysis relates to the quality of the mandate underpinning the strategic documents. Furthermore, it is also important to determine the effectiveness of the process as such (Sabatino et al. 2022).

A first criterion to evaluate the effectiveness of politico-strategic guidance is to investigate the clarity and inclusiveness of the mandate given to the EU institutions tasked with developing the politico-strategic documents. When it comes to the EUGS, the High Representative/Vice President (HR/VP) received a mandate from the European Council in 2013 to produce an assessment of the impact of the changing global environment. Furthermore, the HR/VP was mandated to report on the new challenges and opportunities for the Union, and to consult with Member States in the process (European Council, 2013). The mandate did not specifically require the development of a new strategic document that would have replaced the European Security Strategy (ESS), however, the lack of strategy resulting from the assessment prompted the HR/VP to produce one. In 2015, with an increasingly contested and conflictual world and shifting powers, an assessment of the strategic environment had to translate into strategy (Tocci, 2016). Although the process of formulating a common strategy within the EU had been inclusive, external consultations were not balanced entirely if compared with the consultations performed with EU experts. There had been several meetings beyond EU borders (US, Japan, Brazil, Norway, Georgia and Serbia) including meetings with NATO and the United Nations (UN) where external experts were consulted, yet their representation was lower compared to the amount of EU experts (Tocci, 2016). Consequently, this process could be regarded as inclusive with few external consultations. Looking at the participation of women, the whole strategy was driven by HR/VP Federica Mogherini together with Natalie Tocci, who was responsible for the writing of the strategic document (Sus, 2021a). As argued in Sabatino et al. (2022), while the literature is mostly silent on the added value of women involvement in the elaboration process of a politico-strategic document, it can be assumed, from the peacebuilding literature, that similar dynamics apply to the effectiveness of politico-strategic processes.

By turning to the Strategic Compass, the process leading to its adoption was introduced by the German Council Presidency in 2020 and had a clearer mandate than that of the EUGS. In June 2020, EU defence ministers tasked HR/VP Joseph Borrell with drawing up a security position and operational orientation for CSDP in the form of military doctrine (Kaim & Kempin, 2022). The Strategic Compass had a clear mandate from the outset, aiming to translate the EU's



priorities into tangible goals and defining what capabilities the Union should develop (Scazzieri, 2020). Furthermore, it was built on the first-ever comprehensive EU threat analysis, coordinated by the European External Action Service (EEAS), and with inputs from the European Union Intelligence and Situation Centre (INTCEN), the EU Military Staff (EUMS) and Member States. When it comes to political support, unlike the EUGS, the Strategic Compass was driven by the Member States. The level of political support for the document is also reflected in the extent of Franco-German cooperation and support for the development of the document. While the German Presidency of the EU Council initiated the process, the Strategic Compass was finalised and delivered during the French Presidency. France made the timely completion of the document a vital political ambition, even in the shadow of the Russian war in Ukraine. When it comes to the inclusiveness of external consultations, this remains somewhat ambiguous and unclear.

Further aspects to evaluate the effectiveness of politico-strategic guidance refer to the drafting process and the ability to produce a document against the set mandate. Although EUGS had undergone several consultations among EU institutions, Member States, and experts, it did not translate into a common political will. Policymaking elites across the Member States expressed that the process failed to prioritise the visions of the Member States (Gubalova et al., 2022, p. 13). Member States feel little obligation to let EUGS determine the agenda of CFSP, CSDP and even less for their national foreign and defence policy agendas. The same applies to the Commission, where few Commission directorates-general are particularly willing to align their policies and activities with an external document (Biscop, 2021). When it comes to political support, unlike the EUGS, the Strategic Compass has been driven by Member States, and most importantly, was planned to be adopted by the EU Council and the Foreign Affairs Council formation from the outset. The adoption of the Compass by the Council increased the expectations attached to it. To enable an easier and thorough implementation of the Compass, the document itself delineates action points and defines deadlines for almost all activities. Moreover, Member States had a more pronounced sense of ownership over the document and officially committed to its implementation. Consequently, the EU's Strategic Compass is regarded as a major advance compared to previous strategy documents.

By looking at the adoption process of the strategic documents, both the EUGS and the Strategic Compass were presented during challenging times. While the former was introduced a few days after the UK referendum on Brexit, the Strategic Compass was adopted shortly after Russia's invasion of Ukraine.

When it comes to the leadership capacity of the EU's strategic documents, understood as the capacity to generate (positive) reactions in third countries and strategic partners, the EUGS brought about a wave of criticism triggered by the concept of 'strategic autonomy'. The EUGS states that "the Strategy nurtures the ambition of strategic autonomy for the European Union" (EUGS, 2016, p. 4), generating concerns in numerous non-EU countries. The US, under the Trump administration, approached the idea with scepticism and rejection (Lippert et al., 2019). Norway, the EU's closest partner when it comes to CFSP and CSDP, emphasised that the EU's



new initiatives must not challenge the centrality of NATO and Norway's traditional security affirmations (Knutsen, 2022). Overall, the EUGS enjoyed rather negative short-term reactions from third countries. In the case of the Strategic Compass, Turkey was very prompt in its negative reaction towards the document. The Turkish Ministry of Foreign Affairs expressed concerns over the chapter on the Eastern Mediterranean, which Ankara believed was in contradiction with international law and failed to point in the right direction, meaning it should not be considered a guideline for the EU (Ministry of Foreign Affairs of the Republic of Turkey, 2022). That the document induced such a reaction could be interpreted as a sign that the Strategic Compass had a greater impact than its predecessors. However, there was also a considerable lack of reaction from other countries, such as China or Russia, which on the other hand, points to a lack of impact.

## 1.2 Application of the "Efficiency" Criteria at Political-Strategic Level

Efficiency at the political strategic level can be assessed by looking at the ability to meet deadlines for the operationalisation of the strategic document (Sabatino et al. 2022). In order to determine the efficiency of the EUGS and the Strategic Compass this study looks at the timeframe for the adoption of the two documents.

On the basis of an official Council request, in the summer 2015, HR/VP Mogherini presented her assessment of the new international environment. The intensification of global threats and a changing global environment called for more than just an assessment. The European Council, therefore, tasked the HR/VP with delivering a threat assessment to construct an EU Global Strategy on Foreign and Security Policy by June 2016 (Zandee, 2016). Although it was considerably overshadowed by Brexit, the HR/VP presented the EUGS to the European Council on June 28, 2016 (EEAS, 2016). The document was delivered on time, and although it faced several obstacles, the process proved to be efficient. Similarly, the EU's Strategic Compass, with an initial deadline of first half of 2022, was adopted on March 21, 2022. The Russian invasion of Ukraine did not delay the document. Instead, it magnified its importance. The EEAS developed a precise timeline for the whole process of the creation of the document, which proved to be efficient and met all the key milestones (Strategic Compass, 2022).

## 1.3 Application of the "Coherence" Criteria at Political-Strategic Level

Coherence at the politico-strategic level is measured along two dimensions: horizontal (consistency across EU policies) and vertical (consistency at different levels of decision and policymaking processes). Sus et al. (2021, p. 13) define coherence of EU external action in two dimensions:

Horizontal coherence between different policies of the Union, their objectives, and their implementation: the EU's capacity to coordinate and manage policies and institutions that are involved in the pursuit of Union's external objectives. And Vertical coherence between the EU and the Member States: The EU's capacity to work together with Member States on the pursuit of external objectives and to coordinate between the foreign policies of the Member States and the foreign policy of the EU.





Sabatino et al. (2022) advance a further aspect to look at when measuring horizontal coherence. In addition to the consistency of the strategic documents with other policies, given that strategic documents are aimed at creating reforms or changes within the institution, their implementation is likely to require changes to pre-existing policies. The EUGS introduces a new overall approach to foreign and security policy, but while it references to other policies (neighbourhood policy, migration policy, CSDP), there is no specific strategy for the politico-military domain. In other words, the document is not in contradiction with other policies, however, it also does not provide clear guidance for adapting these policies, nor does it recommend any changes. This is also among the reasons why Germany proposed the delineation of a Strategic Compass in 2019 – to provide clear guidelines on security and defence responsibilities the EU should assume through CSDP. The document was designed to inject coherence into European defence and most notably to align various initiatives. It focuses on increasing coherence between supranational initiatives and intergovernmental defence projects (Håkansson, 2022). The document does not contradict other policies and provides guidelines and policy-oriented actions when it comes to CSDP and other related policies. Among others, it also outlines a range of proposals aimed at ensuring protection against hybrid threats, such as creating EU Rapid Hybrid Response Teams, strengthening the EU Cyber Diplomacy Toolbox and further developing the EU's Cyber Defence Policy Framework.

When it comes to coherence with other strategic documents from external organisations, both the EUGS and the Strategic Compass contain many references to the UN, NATO, and the Organisation for Security and Cooperation in Europe (OSCE). Both documents are in alignment with the UN Charter and promise coherence with the UN's actions in the area of peace and security. Furthermore, the Strategic Compass reiterates its commitment to supporting the implementation of the recommendations of the UN Secretary General's report 'Our Common Agenda including the New agenda for peace' (Strategic Compass, 2022, p. 54). The EUGS and the Strategic Compass commit to strengthening cooperation between the EU and the OSCE. Additionally, both documents assure cooperation and complementarity with NATO. However, while the EUGS does not mention any specific guidelines to ensure such cooperation, the Strategic Compass puts forward concrete steps to enhance cooperation between the EU and NATO and assures their alignment on political dialogue, information sharing, crisis management operations, military capability development and military mobility (Strategic Compass, 2022).

With regards to vertical coherence - which can be assessed by examining Member States' contributions to the elaboration of the strategic document as well as the intensity of the acknowledgment of the document's importance at national level - the political will of Member States regarding the EUGS had been restricted since the outset. Neither the Committee of Permanent Representatives (COREPER) nor the Political and Security Committee (PSC) were required to adopt the document. Instead, each Member State designated points of contact who engaged in monthly meetings on the EUGS. Similarly, when it comes to the acknowledgment of intensity of the document, Member States felt very limited ownership over the process. Overshadowed by Brexit, this non-binding document produced little obligation to let the EUGS determine the agenda of CFSP/CSDP. Even though HR/VP Mogherini succeeded



with the adoption of the Implementation Plan on Security and Defence (IPSD) by the Foreign Affairs Council (FAC), the EUGS itself was never adopted by the Member States (Sus, 2021b). Similarly, the 2019 EUGS updated version, 'The European Union's Global Strategy Three Years on Looking Forward', did not bring any additional political will across the Member States. On the contrary, the Strategic Compass was endorsed by Member States that were directly involved in an elaborated multi-stage process. Yet, the Compass's successful implementation will depend on whether Member States will allocate the necessary political and financial resources to its implementation. Due to the recent adoption of the document, the intensity of the acknowledgment of Strategic Compass by Member States is still to be determined.

#### 1.4 Application of the "Sustainability" Criteria at Political-Strategic Level

Measuring sustainability at the politico-strategic level entails the assessment of the sustainability of the process leading to the adoption of strategic documents. It further includes monitoring its effects over time, as well as the environmental sustainability, gender considerations and social impact of the document (Sabatino et al., 2022).

Sustainability as reusability of the adoption process of both the EUGS and the Strategic Compass remains unclear and there are no existing guideline documents or lessons learnt from the process. While the making of EUGS proved to be a rather unattractive process, the Strategic Compass has a potential to guide the making of akin documents in the future. The processes leading to the finalisation of the documents and their inclusivity were already discussed in the section on effectiveness. Turning to the adaptability and monitoring of the strategic documents, the EUGS was set to undergo periodic reviews in consultation with the Council, the Commission and the European Parliament. Additionally, a state of play of the strategy, pointing out where further implementation was needed, was set to take place on yearly basis (EUGS, 2016), but took place only until 2019. Over the years there had been a considerable lack of political will to consult the document as well as very little substantial improvement. The Strategic Compass on the other hand, seeks to ensure political accountability through regular review and progress reports, scrutinised at the highest political level. "Together with the Commission and Defence Agency, the HRVP will deliver an annual progress report. Starting in 2022, the threat analysis will be regularly revisited – 'at least every three years or sooner' (EPRS, 2022, p. 7). Apart from the regular review, the Strategic Compass sets a clear set of deliverables as well as timelines to achieve them. Out of 81 deliverables defined by the document, 51 were implemented by the end of 2022. However, not all deliverables were adopted on time. For instance, hosting the first biennial Security and Defence Partnerships Forum was officially postponed to 2023 (EPRS, 2022).

Lastly, sustainability can be assessed in terms of the document's inclusion of ESG elements and ethics, gender considerations and the document's impact on human rights (Sabatino et al., 2022). The EUGS mentions its effort to foster inclusive governance, by "promoting the role of women in peace efforts – from implementing the UNSC Resolution on Women, Peace and Security to improving the EU's internal gender balance" (EUGS, 2016, p. 31). Additionally, it commits to mainstreaming human rights and gender issues across policy sectors and institutions, but it fails to include tangible ways to achieve the goals. The Strategic Compass



is also strongly committed to delivering on the EU's objectives on the Women, Peace and Security (WPS) agenda. The document commits the EU to tackling gender inequalities and it aims to "systematically mainstream a gender perspective, based on gender analysis, in all civilian and military CSDP planning and actions, focusing also on the equal and meaningful participation of women in all functions, including in leadership positions" (Strategic Compass, 2022, p. 28). It also emphasises the need to include gender advisors in the EU's CSDP civilian and military missions. Differently from the EUGS, the Compass also addresses objectives on how to achieve gender equality.

The protection and promotion of human rights is mentioned thirty-one times in the EUGS. The document emphasises the need to mainstream human rights across policy sectors and institutions and advocates for a global order based on international humanitarian law and human rights. It sees the promotion of human rights as its core objective and considers the UN Charter and the Universal Declaration of Human Rights as the only guarantee for lasting peace and security (EUGS, 2016). Overall, there are considerable mentions of human rights in the document, with objectives seeking positive social impact. The Strategic Compass, on the other hand, makes ten references to human rights. It addresses the EU's commitment to promoting and advancing human security and the respect of, and the compliance with, international humanitarian law and human rights. When it comes to objectives, the document sets the goal of systematic mainstreaming of human rights in all civilian and military CSDP actions, and of strengthening its network of human rights advisers by 2023 (Strategic Compass, 2022).

## 2. Assessing Patterns of Operational Cooperation Among EU Member States in the CSDP Framework

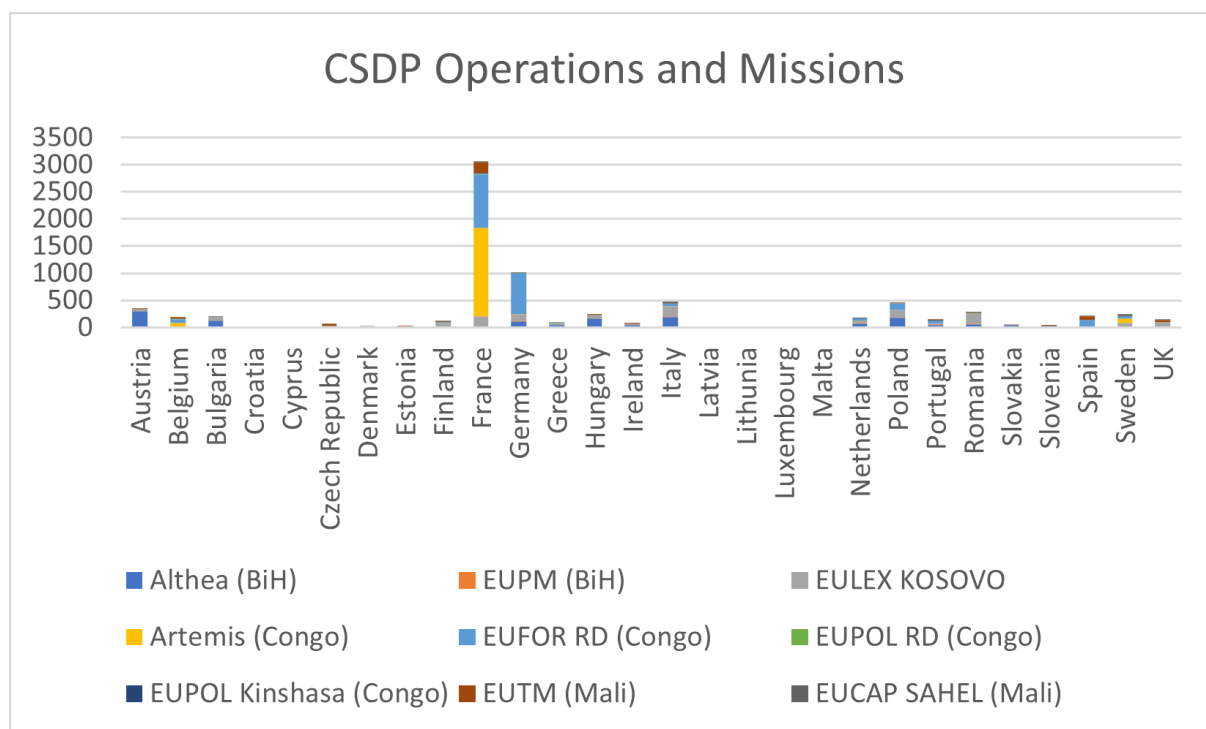
The various CSDP operations and missions the EU has conducted throughout the years in the Democratic Republic of the Congo, Mali, Kosovo and Bosnia-Herzegovina, which were analysed in ENGAGE D4.3, illustrate diverging motivations, standards and procedures among Member States that ultimately generate challenges for operational cooperation.

Differences in deployment exist between the Member States: some Member States contribute systematically to CSDP deployments, while others are more selective, or do not contribute at all. A database of CSDP Military Operations and Civilian Missions Worldwide (Di Mauro et al., 2017) provides a centralised, comprehensive and accurate database of the EU's military operations and civilian missions worldwide, containing detailed information on Member States' provision of personnel to EU military and civilian deployments from the first CSDP operation in January 2003 to December 2017. On the basis of these data, some patterns can be identified. France, Italy, and Sweden are the only Member States that contributed personnel to all the operations analysed in [Work Package 4](#) of the ENGAGE project. France is the country that clearly contributed the most. Quantity-wise, after France come Poland, Italy, and Austria, in this order. The UK has contributed surprisingly little, considering the strong role it used to have in the Union. Germany has contributed to all the operations except for EUPOL Kinshasa in Congo. From 2022, Germany also contributed to EUTM Mali. Portugal, too, has been active



in all operations, except EUCAP Sahel Mali and Operation Artemis in Congo. Spain has contributed to all operations except Althea, EUPOL RD and EUPOL Kinshasa (Di Mauro et al., 2017).

**Figure 1: CSDP Operations and Missions**



Source: Di Mauro et al. (2017)

Worthy of attention are those Member States which do not deploy at all or deploy very little. A noteworthy fact that emerges from the statistics is that Croatia has been passive in terms of personnel, regarding the majority of operations and missions considered in ENGAGE [Working Paper 19](#) and until 2017. It has provided, however, political, logistical and material support to some of the operations. The Baltic countries – Estonia, Latvia and Lithuania – have had rather linear contribution levels throughout all the operations. In Congo, none of the Baltic countries contributed personnel, but they had the same level of contribution in Mali: contributions to EUTM Mali were very modest and absent in operation EUCAP Sahel Mali. In the operations in BiH and Kosovo, Baltic states’ contribution was quite modest as well (Di Mauro et al., 2017). As Šešelgytė (2019) points out, in comparison with the international deployments of Baltic states elsewhere (NATO, international coalitions), their involvement in EU military operations remains nominal. Slovakia and Slovenia share a similar pattern of contributions, which have been non-existent or low-level throughout the operations. Similar dynamics of Member State involvement are evident when reviewing the EU’s defence policy in other fields. A database from Blockmans and Macchiarini Crosson (2019) on the European defence technological and industrial base and expenditures demonstrates that France, then Spain, Germany, Italy and Austria are the main contributions in this field. Comparably, it is possible to observe a similar



trend as described above when it comes to those Member States that do not contribute: Estonia, Latvia, and Lithuania are again among the countries contributing the least.

In Congo, the EU has launched five operations - Operation Artemis, EUFOR RD Congo, EUPOL Kinshasa, EUPOL RD Congo and EUSEC Congo. In operation Artemis (2003–2003), the political support came primarily from France. Belgium and the UK supported the mission politically, and the operation is viewed as a success at the political level. France provided the large majority of personnel, up to 80 percent of the total personnel deployed. France was also the actor who immediately responded to the UN Secretary General Kofi Annan's request to the international community to provide aid in the Democratic Republic of Congo (DRC). According to Di Mauro et al. (2017), France provided 1,639 personnel, while the second most active contributor, Sweden, provided 81 soldiers. Hence, this can be clearly considered as a French-led operation under the EU flag.

In addition to France's practical lead, the process leading to the activation of EUFOR RD Congo (2006–2006) demonstrated also France's important role as an initiator. During March 2006, the EU and especially France and Germany, held a series of informal meetings on a possible EU operation in the DRC, managing to convince the European Council to positively respond to the UN request for operational support. However, the overall decision-making and planning process was slow. Only after informal discussions took place and agreement between France and Germany was found, did the planning process and the force generation conferences take place (Helmut, 2008). In EUFOR RD Congo, Germany provided the operational guidance, as France had already lead Operation Artemis. Therefore, Germany provided the operation headquarter (OHQ) in Potsdam, while France was on charge of the force headquarter (FHQ) at N'Dolo airport in Kinshasa. (Mattelaer, 2007). Some challenges to the operation were caused by national caveats: Spain and Germany placed serious national limitations on how their troops were to be used (Helmut, 2008, p. 73). German and Dutch troops were only to be used inside Kinshasa (Major, 2008, p. 315), and Spanish units had multiple conditions on when and where they could be deployed, with national authorisation required for operations. These limitations caused significant operational challenges.

During EUPOL Kinshasa (2005–2007), France and the UK maintained parallel bilateral projects in the DRC. France initiated in 2003 a programme for modernising the equipment and implementing a human rights regime into the operations of the Congolese Rapid Intervention Police (PIR) (OPLAN, 2005, pp. 9–10), while the UK mostly focused on financing various police training programmes (Vircoulon, 2010, p. 227; OPLAN, 2005, p. 9). In EUPOL RD Congo (2007–2014), which can be considered an extension of EUPOL Kinshasa, France and the UK maintained their bilateral programmes. Other countries with limited resources to undertake their own bilateral projects, such as Belgium, Germany, Spain, and Sweden (Vircoulon, 2012, p. 228) took the operation as an opportunity to support police reform in the DRC (ibid, p. 228). In EUPOL RD Congo, the most significant contributors were France and Belgium while other EU Member States were quite passive.

During the two operations in Mali – EUTM Mali (2013–ongoing) and EUCAP SAHEL Mali (2014–ongoing), similar issues emerged. As highlighted in Sabatino et al. (2023) during EUTM



Mali different approaches to risk taking by the Member States posed great obstacle to the efficiency of the mission. While France was prepared to take political risk to enhance its presence on the ground, Germany made the safety of its trainers a priority as it only agreed to contribute to the mission if training would have taken place in safe areas. During EUTM Mali, Central and Eastern European countries, such as Estonia, brought their support to France in the French Operation Takuba by mobilising special operations forces units. However, the motivation behind this deployment was mainly to ensure reciprocal protection from their own perception of threats (i.e. Russia).

France has been the most active contributor to both operations in Mali. Spain, the UK, and Belgium have been active in the EUTM. Spain and Belgium are still contributing to the training mission, whereas the UK has opted out (EUTM Mali, n. d.). In EUCAP SAHEL Mali, Italy was the main contributor after France. After the negative consequences of the Libyan crisis in 2011, Italy has increased its diplomatic action in the Sahel, strengthened its development cooperation and used its military tools to intervene in countries of the region. At the 2020 Franco-Italian summit, France and Italy confirmed the centrality of the Sahel for European security and the control of migration flows. Supporting France enables Italy to secure its strategic interests in the region. Croatia, Cyprus, Denmark, Greece, Malta, the Netherlands and Slovakia were not active in any of the operations in Mali in terms of personnel between 2013 and 2017 (Di Mauro et al., 2017). Currently, however, Greece, the Netherlands and Slovakia are contributing to EUTM Mali (EUTM Mali, n. d.).

The deployment of troops in the region from the Wagner Group, a Russian private military company and a state-sponsored organised criminal group, has increased tensions with European partners to the point of questioning the continuation of EUTM Mali (Baudais & Maïga 2022). In April 2022, the EU Ministers of Defence decided to suspend all operational training activities for the units of the Malian armed forces and the National Guard, due to possible interference of the Russian Wagner group. This is a quite problematic unintended consequence, and the problem of how to prevent EU-trained units from being involved in terrorist activities remains. Lastly, the French language barrier caused problems in Mali, as it did in Congo. The staff is expected to know the French language and to have some regional expertise, however, this has not always been the case (SIPRI, 2022; Vircoulon, 2012, p. 229).

In Bosnia-Herzegovina, there have been two EU operations, and both have had high level of involvement by Member States. Flessenkemper & Helly (2013) brings out how operational success in Bosnia-Herzegovina is especially important for the EU's necessity to project stability and security in its immediate neighbourhood in order to be considered a credible foreign policy actor. The operations were conducted in a country that shares a border of almost 1,000 kilometres with the EU since Croatia became a member in 2013. A proper level of effectiveness of the EU action in Bosnia-Herzegovina is made even more important given Bosnia-Herzegovina aims to become an EU member.

This proximity can be seen in Member States' participation levels during the operations. Operation Althea (2004–ongoing) received significant political support and most EU Member States have contributed troops. The most enthusiastic participants in terms of contributions



to the Multinational Battalion have been Austria, Bulgaria, Hungary and Romania (European Union Force in BiH, n. d.). When looking at the personnel contributions, Bulgaria, Italy, Germany and Poland have been active too, each contributing more than 100 personnel between 2004 and 2017. Cyprus and Malta could not participate since they were not members of NATO, while Denmark, due to its (then valid) opt-out to CSDP was exempted from participating to CSDP deployments (Di Mauro et al. 2017).

In operation EULEX Kosovo (2008–ongoing), the top contributors between 2008–2017 were Poland, Finland, Romania, Sweden, Germany, France, Denmark, Italy and the Netherlands. What is remarkable when reviewing the EU’s action in Kosovo, is the fact that only 22 out of 27 Member States have recognised Kosovo’s independence; yet this did not prevent the activation of the mission, in consideration of the relevance of regional stability. Additionally, the extension of the mission was supported each time by all Member States. As Spain has not recognised Kosovo’s independence, the fact that the EU is represented by a Spanish HR/VP, Joseph Borrell, has contributed to locals’ criticism towards the operation. EULEX experts identified the lack of competent judges as one of the major problems. It has been difficult to ensure more and better judges, since EU Member States have proved reluctant or at least faced challenges seconding enough experienced judges in a timely manner. Short-term deployments of one year, or less, usually appeal to younger and less experienced staff (EEAS, 2022f). This directly affected the mission’s operational capacities and efficiency.

Pre-deployment training has caused challenges for all CSDP activities considered in [ENGAGE Working Paper 19](#). Regarding pre-deployment training, EULEX Kosovo personnel must follow the mandatory Pre-Deployment Training in accordance with the CSDP agreed Training Policy, or a national alternative of the course. Additionally, based on the 2011 OPLAN, Member States are expected to provide pre-mission training Based on Implementing Guidelines. The overall aim of the training architecture is to allow interoperability and harmonise training standards among EU Member States. However, a report based on field interviews concluded that the quality of the training was not satisfactory (Boštjančič Pulko, 2017).

The provision of adequate pre-mission training proved problematic also in other operations. Especially during the EUPM mission in Bosnia-Herzegovina, no common training standards were present as the mission was deployed whilst procedures were still being agreed upon at the EU level. The lack of standardised training was also prominent in the deployments in Congo, and especially during EUPOL RD Congo and EUFOR RD Congo. In EUPOL RD Congo, the level of pre-deployment training participating Member States were supposed to provide was insufficient, while in EUPOL Kinshasa pre-mission training was not harmonised, leading to uneven levels of pre-mission training (Council, 2008, p. 13). General guidelines in CSDP defined pre-deployment training policy, but the responsibility of each Member State to ensure its provision seems to remain problematic.



### 3. Assessing Cooperation for Capability Development at the EU Level and Among Member States

The following text proposes an evaluation of defence cooperation for capability development at the EU level. To perform the assessment, the effectiveness, efficiency, coherence and sustainability criteria referring to capability development proposed in Sabatino et al. (2022) were used. Considering the fragmented, competing and national aspects of the defence industry, the following section proposes an evaluation of cooperation for capability development by considering initiatives and tools available at the EU level, when present, and focusing on cooperative examples among European companies and Member States, when EU examples are missing.

This type of cooperation aims at jointly developing and producing military equipment. The defence sector is one of the seven areas in which the EU wants to establish a single market, but the current fragmented market, different national systems and competing industries slow down the process of achieving a true single market in defence. Pillar three of the Strategic Compass, Invest, calls for a better integrated, interoperable, resilient European Defence Technological and Industrial Base (EDTIB) (EEAS, 2022a).

The relevance of this sector is both economic and strategic, as the production of defence products generates added value in the entire value chain. The European aerospace and defence industry is estimated to generate EUR 1.4 of indirect and induced turnover (European Aerospace and Defence Industry, 2022). Furthermore, the aerospace and defence sector largely produces value added at the national level – 74% (European Commission, 2023a, p. 8). Despite the presence of different initiatives and tools, EU countries mostly produce and acquire their equipment from national producers or favour non-EU off the shelf acquisitions (European Defence Agency, 2022b, point 6). Indeed, the level of collaborative defence spending is still below the agreed benchmark (36%), at 18%, with negative effects on the effectiveness and sustainability of the European defence market (European Defence Agency, 2022a).

#### 3.1 Assessing the “Effectiveness” Criteria

One way to reach effectiveness in capability development relates to the capacity to jointly define common priorities and eventually reach commonalities in production of defence equipment. At the EU level, the Headline Goal Process, High Impact Capability Goals (HICGs), Progress Catalogue High Impact Capability Shortfalls, and the European Defence Agency (EDA) Capability Development Plans (CDP) all contribute to defining common priorities for capability development. In particular, the CDP produced since 2008 and currently under revision, highlights Capability Development Priorities on which Member States should prioritise their investments, to have the necessary equipment to satisfy and operationalise the political guidelines. Yet, regardless of the involvement of Member States in the definition of priorities, these are non-binding in nature and national planning remains the full responsibility of Member States. As a consequence, national planning is still limitedly coordinated at the EU





level, despite the indication of focus areas for improved coordination and cooperation in the EDA's Coordinated Annual Review on Defence (CARD) (European Defence Agency, n. d. a). The little coordination at the EU level is often regarded as a consequence of the "single set of forces" principle, and the preference of EU Member States to privilege the more binding NATO planning process over the EU one. Despite coordination and staff-to-staff meetings on capability development planning between NATO and the EU have been taking place in the framework of the EU-NATO strategic partnership (NATO, 2022), differences in prioritisation remain. The synchronisation issue of the two planning processes could be overcome in 2023, as both processes will be revised throughout the year and potentially be better aligned.

The effort to improve cooperation for capability development at the EU level also involves cooperation under the Permanent Structured Cooperation (PESCO) and the European Defence Fund (EDF). While both initiatives have the final goal of improving the operational capabilities of EU Member States, they do so by focusing on different aspects. PESCO, requiring a minimum of two states, has the purpose of arriving at a coherent full spectrum of capabilities for the countries participating in PESCO projects (Council Decision 2315, 2017). The EDF, instead, aims at sustaining cross-border collaboration on research and development projects for military capabilities, to boost industrial cooperation and increase the capacity of the EDTIB to satisfy the demands of the national armed forces.

Turning to the joint production of military capability, the specific equipment requirements need to be harmonised to ensure effective cooperation. Military requirements vary according to the type of engagements a country pursues, its geographical position and deployment, as well as the activities the equipment will be used for. At the EU level, there are different typologies of employment of the military that lead to difficulties when agreeing on shared requirements. The higher the number of variants to be produced, the lower the effectiveness of cooperation, as different variants require different logistic supports and might complicate the interoperability of the systems.

In the case of the NH90 helicopter jointly produced by France, Germany, Italy, and the Netherlands, the two versions of the helicopter – tactical transport and frigate helicopter – further differ in the way they satisfy different national requirements. As an example, the German version focuses on tactical transport and search and rescue (Bundeswehr, n. d.), while the Italian configuration allows for amphibious support and special forces operations (Report Difesa, 2018). The NH90 cooperation underlines also a further relevant aspect: matching the military requirements with operational ones, and the capacity to receive the appropriate logistic and industrial support at a bearable cost. After several in-service years, more recently the NH-90 helicopters were withdrawn by Australia, Belgium, Norway and Sweden (Meta-defense.fr, 2022a; Chapman, 2022).

The creation of new, shared standards could positively impact the effectiveness of cooperation. An example is the effort to harmonise airworthiness standards. The activities conducted by the EDA on their harmonisation helped when agreeing on different European military airworthiness requirements (European Defence Agency, n.d. b). Nonetheless, these



requirements are non-binding in nature, thus leaving their application in the hands of the relevant national authorities (European Defence Agency, n.d. c).

The assessment of the effectiveness of cooperation cannot be untied from the effect cooperation produces on the EDTIB and its resilience, as cooperation for capability development heavily depends on industry. One relevant aspect of the EDTIB's capacity to produce defence equipment is related to the security of supply (SoS) of the industry chain, which so far has not been sufficiently addressed in a cooperative way. Increasing costs for services and materials have a high impact on the costs bore by industries, which are reflected in the costs of final products and the capacity to invest in innovation (European Commission, 2022b). Against this backdrop, the EDA has developed a portal of the SoS (European Defence Agency, n.d. d) and issued a Framework agreement for SoS aiming at creating a non-binding mechanism among participating Member States to react in case of difficulties regarding SoS (European Defence Agency n.d., e). Furthermore, both the EUGS and the Strategic Compass referred to the need to reach higher levels of SoS in the defence sector. Strategic dependency on the supply chain is a problem affecting the entire single market, but it has particular repercussions on the defence sector (European Commission, 2023a) because the production of defence goods requires a total of at least 39 raw materials, 22 of which are critical raw materials (European Commission, 2020a, p. 70). In line with the Action Plan on Critical Raw Materials, the EU is pursuing strategic partnerships to improve the resilience of the supply chain (European Commission 2023a, pp. 32–33), but it remains to be seen whether the initiatives are fit for purpose.

Further aspects to consider when assessing the effectiveness of capability development cooperation are the level of technology and innovation of the equipment and the ability of cooperation to attract third countries, both in the production phase and during export. The chronic underinvestment of EU Member States in defence affected both the acquisition of new equipment, and investment in defence research and development (R&D). Among the 27 Member States, only two countries invest more than 20% of their budgets for equipment procurement in defence R&D, and the target of dedicating 2% of the total defence expenditure to research and technology (R&T) investment has still not been met, with cumulative expenditure representing 1.2% of the total aggregated defence budget (European Commission, 2022a, p. 4). Low levels of investment in R&D and R&T indicate limited capacity of the industry to keep up with technological advancement. This is even more evident if the levels of investments of EU Member States are compared with those of other major international actors i.e. China or the US. To reverse this trend and optimise the use of resources, the EU Commission proposed an Action plan on synergies between civil, defence and space industries, to make the most from investment in other complementary sectors (European Commission, 2021), particularly addressing investment in emerging and disruptive technologies of dual application. Moreover, at the beginning of 2022, the Commission published its contribution to European Defence together with a long-awaited roadmap on critical technologies. The two documents identify areas of strategic dependency of the EU and propose initiatives to sustain investment and technological development in defence (European Commission, 2022d). The gaps in defence investments were further identified in a May 2022



joint communication from the Commission and the EDA, which proposed areas of investment priorities (European Commission, 2022c). Finally, innovation will increasingly be the focus of the Hub for Defence Innovation of the European Defence Agency (2022c).

Coming to the capacity of cooperation to attract third countries, a PESCO project that managed to increase the number of participating countries is the European Patrol Corvette (EPC) programme. The EPC was launched by France, Greece, Italy and Spain, and it currently comprises also Denmark and Norway, which have been included in the preliminary consortium agreement (Naval news, 2022). The strong capacity of the project to include new actors is related to both the interest Member States have in the equipment and the potential economic and technological involvement of national companies in the project.

### 3.2 Assessing the "Efficiency" Criteria

Economic returns are part of the aspects to look at to evaluate the efficiency of cooperation (Sabatino et al., 2022). At the EU level, offset contracts are not allowed since they diverge from the free market and have considerable consequences on the transparency and competitiveness of the EU defence market (European Defence Agency, 2009; EURLEX, 2007). However, the specificity of the sector implies the possibility to sign an offset agreement, should the equipment to be acquired be essential to ensure the security of the country. Additionally, government-to-government agreements might foresee the inclusion of offset clauses. Given the confidentiality of these type of agreements and the often recourse to Article 347 of the Treaty on the Functioning of the European Union (TFEU), market distortions are theoretically forbidden, but practically possible. In view of increased cooperation activities, an extended use of the global balance principle that is applied in the Organisation for Joint Armament Co-operation (OCCAR) could be a way to overcome the problem. According to this principle, industrial compensations are calculated over different programmes, in order to avoid delaying single cooperative programmes due to disagreements on the balance of economic returns (OCCAR, n.d., a). As a matter of fact, industrial shares are often among the reasons for delays in this type of cooperation. In the case of the bilateral project Main Ground Combat System (MGCS) between France and Germany, delays characterised the first years of cooperation. The start date of the joint demonstration phase, initially set to start in mid-2019 (Marrone & Sabatino, 2020, p. 55) experienced a year of delay (Gain & de Saint Victor, 2020). A further halt of cooperation in 2022 was caused by divergences over the definition of technicalities and industrial shares in both the MGCS and the Future Combat Aircraft System (FCAS) project (Dean, 2023; Meta-defense.fr, 2022b), as well as by contrasting views on export policies. On the latter, the stalling of cooperation was overcome by an agreement on a "de minimis" clause that determines a threshold below which each country is allowed to export the product resulting from cooperation without pursuing a prior approval of the export by the counterpart (French Ministry of Europe and of Foreign Affairs, 2019). Export-related issues are extremely relevant for cooperative agreements on capability development, as they are connected to the market profitability of the products resulting from cooperation, and to the intellectual property rights' protection of innovation. The convergence towards a common system on export is becoming more and more important considering the increasing joint



production of armaments in the EU. Divergent national arms export procedures risks, creating additional market distortions and related obstacles to the strategic planning of relevant companies and armed forces. The EU Common position on arms export (Council of the EU, 2019) is, theoretically, a good starting point to instil common standards and coordinate positions on export. Nonetheless, the position is exempted from EU jurisdiction, de facto preserving national divergences at the expenses of a common approach. Related to the export regulation is the (mis-)application of the intra-community transfer directive 2009/43/EC, which aims at facilitating the cross-border transfer of defence related products. Instead of considering intra-community transfers as such, some Member States still consider them as a normal export, with the result of having long administrative solutions despite the presence of mechanisms to streamline the process (European Parliament, 2020, point 31).

### 3.3 Assessing the "Coherence" Criteria

To assess the coherence of capability-development cooperation at the EU level, it is necessary to investigate whether cooperative efforts are in line with the EU's political goals and priorities. At the level of cooperation for capability development, the 2007 EDTIB strategy stated the impossibility of national industries to deliver equipment covering the full spectrum of forces a country needs. The strategy further underlined the necessity of having common operational requirements and integrated response to armies' needs. It also called for a reduction of duplication to be reached through improved levels of demand coordination and investments (European Defence Agency, 2007). The strategy was followed by the European Defence research and technology (R&T) strategy in 2008 on the need to establish and reach a benchmark for R&T in defence (European Defence Agency, 2008). However, both documents were issued by the EDA and were not endorsed by a Council decision that would have represented a clearer political commitment to implement the strategies. The goals for the defence industrial dimension at the EU level are therefore to be understood as a combination of different documents and initiatives.

In the case of PESCO, its coherence with the policy goals for capability development can be assessed by looking at the alignment of the EU sponsored and funded projects with the EU priorities. In this sense, PESCO projects all satisfy the requirements indicated in the PESCO regulation. However, some projects are delaying results due to administrative difficulties and lack of support from Member States (Council Recommendation C433, 2022). A second layer of coherence involves the alignment of priorities between projects receiving EDF funding and their connection to PESCO projects. If it is true that EDF aims at improving the EDTIB, the capability developments resulting from EDF will affect the availability and quality of future military capabilities. The work programme of the EDF, therefore, needs to be in line with national and EU priorities. The bonuses given to EDF projects based on a PESCO project are good incentives for cooperation. On a few occasions, projects have not undergone a selection process, but have been assigned EDF funding based on the relevance of the capability to be developed. This was the case of the European Secure Software Defined Radio (ESSOR) project or of the Medium Altitude Long Endurance – Remoted Piloted Aircraft System (MALE-RPAS), both representing capability priorities and shortfalls identified among the 2018 Capability



Development Priorities (European Defence Agency, 2018). The MALE RPAS project was first developed outside the EU framework and coordinated by OCCAR, to then become a PESCO project and receive funds under one of the EDF's precursor programmes, the European Defence Industrial Development Programme (European Union, 2021; Kington, 2021). Despite the clear necessity of having such a capability at the European level, wavering political support affected the vertical coherence of cooperation. After the completion of an initial requirement study in 2018, OCCAR delayed the signing of the development contract due to disagreements on the value of the contract – a solution was finally found in early 2022 (OCCAR, 2022).

### 3.4 Assessing the "Sustainability" Criteria

The MALE RPAS project allows for an investigation of some of the characteristics defining the sustainability of defence cooperation at the EU level. One metric to assess the sustainability of industrial cooperation is concerns the eventual cooperative paths among the involved countries and national industries, as steady cooperation among defence industries (and states) facilitates the exchange of practices among the industries and countries involved. MALE RPAS is a project developed by Airbus defence and space (DE and ES), Dassault Aviation and Leonardo Spa. The countries involved in the development of the RPAS are those that cooperate the most at the EU level. This suggests an alignment of political priorities and know-how on how to cooperate and work together with the companies of the countries considered, both on platforms and ammunitions, thus facilitating the development of common practices and more effective and sustainable collaboration.

A further parameter to assess the level of sustainability investigates whether cooperation generates an impact on the industrial structure of the involved businesses. Joint ventures facilitate reaching a level of critical mass, which in turn makes it possible to maintain technological standards with limited budgets. Industrial integration is able to generate further benefits and to consolidate the industrial base (Schroeder, et al., 2020). An example in this regard is provided by the multinational company MBDA. Guided by a strong political willingness to reduce the European dependency on the US supplier of missiles, the industrial entity allowed European States to develop competitive European products in an industrial segment in which the countries used to lag behind. Despite the benefit reached with MBDA, the restructuring that followed at the EU level has mainly taken the form of joint ventures and mergers (Csernaton, 2021) both at national and European level, and with limited examples.

Initiatives to aggregate the demand-side and sustain the production represent further ways to assess the sustainability of cooperation. In this regard, the aggregation of the demand-side is the declared aim of the European defence industry reinforcement through common procurement act (EDIRPA). Still to be discussed and approved (Clapp, 2023), EDIRPA should also economically sustain the procurement of short-term defence equipment to replenish part of the depleted stockpiles following the transfer of equipment to Ukraine since the beginning of the Russian war in Ukraine.

Coming to potential ways sustaining the production side, to foster higher levels of cooperation among EU entities for the joint development and production of capabilities, the EU commission



is considering ways to grant VAT exemption to the entire lifecycle of a defence product - if jointly developed and produced by a consortium. VAT exemption is expected to be included in the European Defence Investment Programme (EDIP) awaiting proposal. Such a development, discussed in an ad hoc Working Party on defence industry (StateWatch, 2022), would benefit industries forming a consortium, but it remains to be seen how to ensure the participation of small and medium-sized enterprises (SMEs). Following the 2021 EDF call for proposals, around 300 SMEs (European Commission, 2023b, p. 4) are recipient of EDF funding in 62 of the ongoing EDF projects. Despite representing 43% of all entities participating in EDF projects, SMEs do experience difficulties in integrating in the single market, and in the defence market in particular (European Commission, 2020b).

According to Sabatino et al. (2022), an additional aspect of sustainability for capability development pertains to the equipment life cycle and particularly to the presence of in-service support agreements. In the case of A400M cooperation, economic and operational gains resulting from a shared in-service support agreement were agreed upon at a later stage (European Defence Agency, 2015). Also, the TIGER helicopter in-service support (OCCAR, n.d., c) or of the MALE RPAS project are good examples in this regard. In-service support is further relevant to ensure interoperability among the systems used in different countries. As the Transall C-160 case shows, the lack of common support resulted in different maintenance processes which led, in the end, to two largely different systems with different spare parts.

Finally, sustainability can translate into the capacity of cooperation to comply with ESG criteria. The defence sector is an energy-intensive sector, and to reduce its environmental footprint the EU developed a Climate Change and Defence Roadmap (EEAS, 2020a). Reducing the environmental impact of capability development activities requires changing the industrial set-up and developing new technologies enabling the reduction of carbon-fossil fuels, thus requiring time and investments. Through the EDF, the Commission dedicated EUR 153 million to energy management, efficiency and environmental transition (EEAS, 2022b). Additionally, a pathway towards a more resilient defence industrial sector through the definition of an action plan to improve the green transition in defence is expected for the second part of 2023 (European Commission, 2023a).

#### 4. Assessing Capability Cooperation for CSDP with Third Countries and International Organisations

A final aspect to analyse is the EU's capability cooperation with third parties, which may appear at first glance to be a largely technical subject. In fact, the broader questions of European autonomy and sovereignty will often find their tangible translation in such technical issues. Beyond conceptual debates, the reality of autonomy or sovereignty is indeed often lodged in the detail. Assessing capability cooperation of the EU with other actors, in the context of its strategic objectives, requires setting out the precise basis for capability cooperation in the context of CSDP.



The institutional arrangements that have been developed by the EU since the publication of the EUGS in 2016 have put the Union in a situation wherein it can cooperate with third parties on capabilities by maintaining control over how the partnership is initiated, how it develops and how it ends. The EDF, PESCO, third country EDA arrangements and future EDIRPA come with detailed legal guidance about technological transfers, sharing of sensitive information with external actors, control by third parties and management of external dependencies.

Ultimately, however, it is only possible to assess the effectiveness, efficiency, coherence and sustainability of CSDP with any precision against a manifest objective. Yet, it remains the case that there is little political agreement across the EU as to the objectives of CSDP and European defence policies.

#### 4.1 Permanent Structured Cooperation

In 2017, the foreign and defence ministers of 25 EU Member States signed an agreement to implement Permanent Structured Cooperation (PESCO). PESCO is an intergovernmental-driven cooperation, and its commitments are legally binding for participating Member States. There is a clear normative aspect of cooperation. To participate in PESCO projects, the third party must abide by the values of the European Union, as set out in the treaties, and the general aims of European foreign policy. It should be engaged in a political dialogue with the EU and respect the principle of “good neighbourly relations” (Council Decision 1639, 2020, Article 3).

Furthermore, third countries must comply with similar rules to those that apply to EU Member States (Council Decision 1639, 2020, Article 3). Such third-party cooperation in PESCO is understood as “exceptional” (Council Decision 2315, 2017, Article 4§2), and avenues for cooperation are limited. Any such cooperation will happen under EU rules, as opposed to third party control: “such arrangements shall respect the procedures and the decision-making autonomy of the Union” (Council Decision 2315, 2017, Article 9). As such, third States will hold no sway over the governance of PESCO itself.

In these cases, however, “the invited third State may take part in the decision-making process for the implementation of the project, taking account of its contribution” (Council Decision 2315, 2017, Article 4). PESCO can be financially supported by the EDF and is guided by the Coordinated Annual Review on Defence, the aim of which is to identify opportunities to further the coherence and the orientation of these initiatives. However, “the participation of third States in a PESCO project does not imply that third-country entities will necessarily have access to the EU Defence Industrial Development Programme (EDIDP) or other relevant Union instruments” (Council Decision 1639, 2020, Article 2).

Third parties must provide clear added value to the putative projects, in a manner which is complementary (Council Decision 1639, 2020, Article 3). Conversely, the projects should not lead to increasing dependencies on third parties:

[P]articipation must not lead to dependencies on that third State or to restrictions imposed by it against any Member State of the Union, as regards armament procurement, research and capability development, or on the use and export of arms



or capabilities and technology, which would hamper progress or prevent the usability, whether joint or otherwise, the export or the operational deployment of the capability developed in the PESCO project (Council Decision 1639, 2020, Article 3).

Subsequent technology transfers are only decided on a case-by-case basis, to avoid “capabilities from being used against the Union and its Member States” (Council Decision 1639, 2020, Article 3). Security of information should also be ensured by cooperating third parties.

The request to partake in a PESCO project originates from a third State but must be assessed by Member State participants. A third party may:

[S]ubmit to the coordinator or coordinators of a PESCO project a request to participate in that project. Such request shall contain sufficiently detailed information on the reasons for participating in the project, as well as the scope and form of the proposed participation, in stages of the project if applicable (Council Decision 1639, 2020, Article 2).

The request, like the subsequent structured cooperation, is subject to the rule of unanimity and codified in an administrative template (Council Decision 1639, 2020, Article 9) following a period of negotiation (Council Decision 1639, 2020, Article 2). Cooperation can be ended at the behest of Member States, after referral to the Council (Council Decision 1639, 2020, Article 6).

One model of said cooperation under EU criteria is the partnership on military mobility. The military mobility PESCO project is currently the only project envisioning the participation of third states, namely of Canada, Norway, the US and, more recently, the UK (Council of the EU, 2022b). For their inclusion in cooperation, all third states had to follow the abovementioned procedures and satisfy the said requirements. Nonetheless, it is relevant to note that the improvement of military mobility is a strategic priority for both the EU and NATO, and it was included among the 74 cooperative activities under the EU-NATO strategic partnership framework in 2017 (NATO, 2023b). This underlines the exceptionality of third countries’ participation, limited to those cases in which there is a tangible added value resulting from their participation.

## 4.2 The European Defence Fund

Similar to PESCO, the EDF sets out a number of stringent conditions for third party cooperation. With some exceptions, non-EU/EFTA companies are not eligible for cooperative projects funded under the EDF. The general principle of the fund entails that “for the purposes of an action supported by the Fund, the recipients and subcontractors involved in an action shall not be subject to control by a non-associated third country or by a non-associated third-country entity” (Regulation 697, 2021, Article 9§3). EU funds and therefore the taxpayer’s money, in the Commission’s philosophy, should primarily be channelled to the EU to support European autonomy or sovereignty, and should not serve to fund third party actors. In the context of a range of institutional debates between the European Commission and other EU actors, and a





number of political debates between EU capitals, the legal form of EDF tends to suggest that the Commission's philosophy has prevailed in this instance.

It remains that companies participating in an action may, under certain conditions, collaborate with third country actors in the realisation of their projects.

When carrying out an eligible action, recipients and subcontractors involved in an action may also cooperate with legal entities established outside the territory of the Member States or of associated countries, or controlled by a non-associated third country or by a non-associated third-country entity, including by using the assets, infrastructure, facilities and resources of such legal entities, provided that this does not contravene the security and defence interests of the Union and its Member States (Regulation 697, 2021, Article 9§6) .

The results of the 2021 call for proposals show that non-EU controlled entities are involved in almost 45% of the EDF projects managed by the European Commission, in the role of subcontractors. The participation of these entities also satisfies the requirements defined in article 10§2 of the EDF regulation. The article states that the EDF:

Shall provide support for actions covering new defence products and technologies and the upgrade of existing defence products and technologies provided that the use of pre-existing information needed to carry out the action for the upgrade is not subject to a restriction by a non-associated third country or a non-associated third-country entity directly, or indirectly through one or more intermediary legal entities, in such a way that the action cannot be carried out (Regulation 697, 2021, Article 9§6).

Similar restrictions apply to the output of capability cooperation between the EU and third parties: "the results of research actions supported by the Fund shall not be subject to any control or restriction by a non-associated third country or by a non-associated third-country entity, directly, or indirectly through one or more intermediate legal entities, including in terms of technology transfer" (Regulation 697, 2021, Article 20§3). Application of the general rules on capability cooperation extend to the circulation of classified information. They run along similar lines and include comparable exceptions (Regulation 697, 2021, Article 27§1). A "third country or international organisation may be given access to EU classified information were considered to be necessary on a case-by-case basis, according to the nature and content of such information, the recipient's need to know and the degree of advantage to the Union" (Regulation 697, 2021, Article 27§1).

#### 4.3 European Defence Industry Reinforcement Through Common Procurement Act

The European Defence Industry Reinforcement Through Common Procurement Act (EDIRPA) is a short-term defence procurement instrument worth EUR 500 million which aims to address the most urgent and critical capability gaps. It remains at an incipient stage, and has not yet been translated into a consolidated institutional form. The European Commission has scheduled the publication of a proposal in the early summer of 2023. It will aim to incentivise



Member States to jointly procure defence products, including in the context of high intensity territorial conflicts. At this stage it does not exclude procurement from third party actors, including purchases to fulfil short-term needs. This has generated an ongoing debate which pits proponents of plugging pragmatic short-term gaps such as weapons that are not available in the EU or munition stockpiles, particularly in the context of Russia's war in Ukraine, against defenders of the need to use EU funds to sustain the EU's own industry. These funds are indeed framed by the EU's competencies, which extend to supporting industry, but not to supporting military purchases as such.

There is still considerable political division within the EU about the objectives of new cooperation initiatives, particularly between Member States advocating for a strong embodiment of strategic autonomy, as per French parameters, and those who support a more "open" version of the concept, such as Poland. The latter have made known their concerns about the more "closed" idea of autonomy, which is liable to alienate important, powerful, longstanding allies of Europe, chief among which are NATO and the United States, at a time of conventional conflict on European soil, involving a nuclear dimension. The entirety of this discussion rests upon the far broader, foundational and far-ranging question of the ultimate purpose of EU defence and foreign policy. This highlights that the technical, legal, administrative, financial, procedural and institutional aspects involved in European capability cooperation refer back in fine to a fundamentally political debate.

The proposed regulatory framework for EDIRPA allows for participation "of Member States and members of the European Free Trade Association which are members of the European Economic Area (associated countries), in accordance with the conditions laid down in the Agreement on the European Economic Area" (Regulation 697, 2021, Article 5). Similarly to the EDF specifications, EDIRPA is expected to have a range of funding conditions, exceptions, and regulations on technology transfer and circulation of classified information. The first condition is that "contractors and subcontractors involved in the common procurement shall be established and have their executive management structures in the Union. They shall not be subject to control by a non-associated third country or by a non-associated third country entity" (European Commission, 2022e, Article 8§4). There is a similar reference to third country restrictions on defence products: "common procurement procedures and contracts shall also include a requirement for the defence product to not be subject to a restriction by a non-associated third country or a non-associated third country entity" (European Commission, 2022e, Article 8§9).

Additional eligibility conditions can involve a screening by the EU:

The contractors and subcontractors involved in the joint acquisition and their management structures shall be established in the Union or in an associated country. They shall not be subject to control by a non-associated third country or a non-associated third country entity or, failing that, shall have been screened within the meaning of Regulation (EU) 2019/452 and, where necessary, mitigated, taking into account the objectives set out in Article 3 (European Commission, 2022e, Article 8§4).



Exceptions run parallel to EDF regulations (European Commission, 2022e, Article 8§5), as do restrictions on circulation of sensitive information (European Commission, 2022e, Article 8§7), which refer back to a “standardised model provided by the Commission”, in order “to ensure harmonised use throughout the European Union”. Finally, there is an interesting exception in the case of the absence of competitive substitutes:

Where no competitive substitutes are readily available in the Union or in an associated third country, contractors and subcontractors involved in the common procurement may use their assets, infrastructure, facilities and resources located or held outside the territory of the Member States or of the associated third countries provided that such use does not contravene the security and defence interests of the Union and its Member States and is consistent with the objectives set out in Article 3 (European Commission, 2022e, Article 8§8).

There are limits written into this model however, since “the cost of components originating in non-associated third countries shall not exceed 30% of the value of the final product. No component shall originate from non-associated third countries which contravene the security and defence interests of the Union and its Member States, including respect for the principle of good neighbourly relations” (European Commission, 2022e, Article 8§10).

In what is perhaps the most perceptible symptom of the meaningful effect of these institutional arrangements on Europe’s industrial base, they have generated significant pushback from third countries, particularly from the United States. The United Kingdom has been less vocal, because with some exceptions like military mobility, it has not wished to be publicly associated with CSDP since the Brexit vote in 2016. Both the US and the UK are or have been powerful actors on the global stage. As such, they will only enter with reluctance partnerships in which they are not the dominant party.

#### 4.4 The European Defence Agency

The European Defence Agency (EDA) is an intergovernmental agency which helps EU Member develop their military resources by coordinating strategic needs and shortfalls. In 2017, Member States committed to reinforcing the Agency’s role, with a view to making it a central operator in EU-funded defence-related activities. The ultimate objective of third-party cooperation for the EDA is to “establish working relations with third countries, with a view to facilitating their possible participation in specific projects and programmes” (Council Decision 1835, 2015, Article 26§5). In this context, the agency may “have recourse to [...] personnel of third countries, organisations and entities” (Council Decision 1835, 2015, Article 11§4) and also “receive additional revenue for a specific purpose [...] from [...] third countries” (Council Decision 1835, 2015, Article 15§1).

As such, the EDA can enter into administrative arrangements with third countries. The agency’s governance is set up so as to lay the responsibility for third-party cooperation with the Head of Agency, who is “responsible for the negotiation of administrative arrangements with third countries and other organisations, groupings or entities in accordance with directives given by



the Steering Board” (Council Decision 1835, 2015, Article 7§4). This cooperation covers partnerships with “third countries, organisations and entities” (Council Decision 1835, 2015, Article 26§1). Third party cooperation was entered into by the EDA on March 7, 2006, with Norway (European Defence Agency, 2006), on March 16, 2012 with the Swiss Confederation (European Defence Agency, 2012), on December 13, 2013 with the Republic of Serbia (European Defence Agency, 2013), and on December 7, 2015 with the Ukraine (European Defence Agency, 2015). More recently, the Council approved a draft administrative agreement between the EDA and the US Department of Defence to provide a framework for cooperation on topics of mutual interests and, particularly, on areas of capability development and research and technology (European Defence Agency, 2023).

#### 4.5 NATO-EU Cooperation

The capability cooperation between NATO and the EU has been codified in recent years by a spate of documents and declarations, which have come to complement the 2003 Berlin Plus agreement. The 2023 Joint Declaration, the 2018 Brussels Joint Declaration and the 2016 Warsaw Joint Declaration all place a heavy emphasis on capability cooperation, and proceed to specify the areas of cooperation. Whilst cooperation is thus highly institutionalised, in practice it remains incipient. Indeed, one might argue that the number of political declarations is inversely proportional to the reality of the capability cooperation.

In 2023, NATO and the EU both insisted that they “will mobilize the combined set of instruments at [their] disposal, be they political, economic or military” (NATO, 2023a). It also highlights that the EU and NATO “will assess progress on a regular basis” (NATO, 2023a, point 14). The 2018 Brussels declaration welcomed “EU efforts to bolster European security and defence to better protect the Union and its citizens and to contribute to peace and stability in the neighbourhood and beyond. The Permanent Structured Cooperation and the European Defence Fund contribute to these objectives” (NATO, 2023a, point 14).

Indeed, the declaration states that “EU efforts will also strengthen NATO, and thus will improve our common security. For NATO Allies, such efforts foster an equitable sharing of the burden, benefits and responsibilities, in full accordance with their commitment undertaken in the Defence Investment Pledge. For EU Member States, we welcome political agreement to give higher priority to security and defence in the forthcoming discussions on the next long-term EU budget”, but it specifies that “capabilities developed through the defence initiatives of the EU and NATO should remain coherent, complementary, and interoperable. They should be available to both organisations, subject to the sovereign decisions of the countries that own them” (NATO, 2023a, point 14). The 2016 Warsaw Declaration on Transatlantic Security highlighted NATO’s “respect for the rules-based European security architecture” (NATO, 2016).

In 2023, capability cooperation efforts more specifically encompass “countering hybrid and cyber threats, operational cooperation including maritime issues, military mobility, defence capabilities, defence industry and research, exercises, counter terrorism, and capacity-building of partners” (NATO, 2023a, point 8), and aim to further address “growing geostrategic competition, resilience issues, protection of critical infrastructures, emerging and disruptive



technologies, space, the security implications of climate change, as well as foreign information manipulation and interference” (NATO, 2023, point 9).

## 5. Conclusion

The institutional arrangements that have been developed by the EU since the publication of the EUGS in 2016 put the Union in a position to cooperate with third parties on capabilities while maintaining a degree of control over how the partnership is initiated, how it develops, and how it ends. PESCO and the EDF come with detailed legal guidance to avoid technological transfers and sharing of sensitive information with external actors, control by third parties and increased external dependencies.

Both instruments allow for wide participation by third parties, but only at the EU’s behest and on its own terms – which is perhaps one of the most concrete applications of the concept of strategic autonomy. They are open to cooperation which respects the EU’s rules, values and sovereignty. In other words, the Union perceives itself as the primary actor of its own cooperation activities, of which it therefore is happy to dictate the conditions. European Defence Agency agreements are different, chiefly because the Agency is an intergovernmental organisation.

In what is perhaps the most perceptible symptom of the meaningful effect of these new institutional arrangements, particularly on Europe’s industrial base, they have generated significant pushback from third countries, and especially from the United States.

EDIRPA arrangements are currently being shaped and have not yet taken on a consolidated institutional embodiment. The debate that presides over them, however, is interesting in that it highlights the political divergences in Europe about strategic autonomy. These cleavages throw up an important point. It is only possible to clearly assess the effectiveness, efficiency, coherence and sustainability of CSDP against a manifest objective. Debates around EDIRPA are symptomatic of a broader issue: the lack of a political agreement across the EU as to the objectives of CSDP and European defence policies. The definitions of strategic autonomy and the ultimate objectives of European defence vary according to EU Member State involvement, from territorial defence to out of area operations and crisis management.

This serves as a telling and acute reminder that assessing CSDP capability cooperation is neither a technical, financial, legal or administrative exercise. It is ultimately a political one. The key question to answer is ultimately whether European defence should be a vector for political integration, or whether political integration should be a vector for better output in European defence. Leaving behind constructive ambiguity for a clarified understanding of the aims of European strategy has the added benefit of sending a more coherent and consistent message to other global actors – be they allies, partners, competitors, rivals or enemies.

If European defence is primarily a political integration project, then it is easier for Europe’s partners to understand the rationale for reinforcing strategic autonomy and the EU’s industrial base in part through EU taxpayer money. If, conversely, European defence is primarily geared



towards defence output, then the EU should acknowledge that in this scenario, it is harder for NATO, the United States or the United Kingdom to understand why key allies are being excluded from cooperation.

It is hence apparent from the above that whilst its engagement with the world naturally requires the EU take into account its own legal grounding for cooperation, this step is a necessary but insufficient basis for analysis. To inform its response and fashion its global role, the EU must also look beyond its instruments to real world practices, challenges and evolutions. The assessment should therefore couple the analysis of the EU's legal grounding with its ramifications in practice, once the outcome of PESCO and EDF projects becomes clearer and more tangible.

Nor, however, can the EU be content with merely harnessing its tools and assessing their application to the world. It must also engage with the world to best understand how, where and why to apply these tools – as well as in conjunction and partnership with, or autonomously from other world actors. This requires an engagement with the evolutions and objectives of other world actors, rivals, competitors, partners and allies. As such, the question of the EU's engagement with other actors is in fact a key determinant of the evolution of European defence and foreign policy as a whole.



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