

DIRECTORATE-GENERAL FOR EXTERNAL POLICIES  
POLICY DEPARTMENT



**On the way towards  
a European Defence  
Union -  
A White Book  
as a first step**

SEDE



## STUDY

# On the way towards a European Defence Union - A White Book as a first step

### ABSTRACT

This study proposes a process, framed in the Lisbon Treaty, for the EU to produce a White Book (WB) on European defence. Based on document reviews and expert interviewing, this study details the core elements of a future EU Defence White Book: strategic objectives, necessary capabilities development, specific programs and measures aimed at achieving the improved capabilities, and the process and drafting team of a future European WB. The study synthesizes concrete proposals for each European institution, chief among which is calling on the European Council to entrust the High Representative with the drafting of the White Book.

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Author(s): Prof. Dr. Javier SOLANA, President, ESADE Center for Global Economy and Geopolitics, Spain

Prof. Dr. Angel SAZ-CARRANZA, Director, ESADE Center for Global Economy and Geopolitics, Spain

María GARCÍA CASAS, Research Assistant, ESADE Center for Global Economy and Geopolitics, Spain

Jose Francisco ESTÉBANEZ GÓMEZ, Research Assistant, ESADE Center for Global Economy and Geopolitics, Spain

Official Responsible: Wanda TROSZCZYNSKA-VAN GENDEREN, Jérôme LEGRAND

Editorial Assistants: Elina STERGATOU, Ifigeneia ZAMPA

Feedback of all kind is welcome. Please write to: [jerome.legrand@europarl.europa.eu](mailto:jerome.legrand@europarl.europa.eu).

To obtain copies, please send a request to: [poldep-expo@europarl.europa.eu](mailto:poldep-expo@europarl.europa.eu)

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## Executive Summary

This study's major contribution is to propose a process, framed in the Lisbon Treaty, for the EU to produce a White Book on European defence. The study wants to take advantage of the momentum the coming Global Strategy will generate, and help operationalise its security and defence components. Based on document reviews and expert interviewing, this study reviews the political debate around a possible European WB and explores the potential characteristics such a WB could and should have.

In Chapter 1, we justify the need for an EU-level WB on European defence. The current security challenges, the few concerted actions at EU level and the lack of an EU document that addresses these threats and describes how Europe will achieve the capabilities needed are the main reasons behind this document.

In Chapter 2, we define the WB concept and provide a historical summary of different EU defence documents. The idea of an EU-level White Book on defence is not new. Yet we underscore the support emanating from the 2013 European Council on defence. Particular attention is paid to the specific political context, such as the existence of new global crises, the post-financial crisis and the austerity measures and shortfalls in national defences. In this last sense, EU Member States are collectively spending 1.5 % of GDP in defence; below the target of 2 % of GDP agreed by NATO members in the 2014 Wales Summit. Additionally, the quantity of cooperative defence projects is insufficient: collaborative defence equipment procurement is at 15.9 % rather than at the targeted 35 % and collaborative defence R&T expenditure reached 8 % of total defence R&T expenditure (again much lower than the targeted 20 %).

In Chapter 3, we review the defence-related legal and institutional set-up established by the Lisbon Treaty that would frame the WB process. Regarding the intergovernmental and inter-parliamentary dimensions, we have underlined, among other aspects, the lack of a permanent forum for EU Member State ministers and a certain inflexibility of the Inter-parliamentary Conference. However, we also emphasise that the Lisbon Treaty gives us the solid legal ground on which a White Book process could be based. The right of initiative of the High Representative, the EEAS's strategic and military expertise, the supervision and budgetary control of the EU Parliament, the EDA's work on capabilities and operational needs, and the role of the European Commission regarding the defence industry are some of the competences we conclude as essential to successfully elaborate the WB. Moreover, concerning the available legal tools, the Lisbon Treaty includes relevant clauses for defence issues. These are the Enhanced Cooperation Clause (Article 20 TEU), the Solidarity Clause (Article 222 TFEU), the Flexibility Mechanism (Article 44 TEU), the Mutual Assistance Clause (Article 42.7 TEU), and, perhaps the most powerful, the Permanent Structured Cooperation (Article 46 TEU).

Chapter 4 underlines the possible impact and constraints on the EU relationship with both United States and NATO. Regarding the US, the main conclusion is that the EU-level White Book should not be, in principle, a problem for the EU-US relationship. However, the process should bear in mind a series of questions, especially those around collective defence research. Concerning NATO, we conclude that a future EU-level White Book could help improve its relationship with the EU. Although coordination mechanisms should be revised, NATO currently would welcome a European effort to strengthen its collective defence.

Later, Chapter 5 focuses on the national dimension and reviews how national White Books in defence look like. Although diverse in terminology, structure and content—some markedly more strategic, others more operational—they also share some common attributes. The chapter concludes by pointing out the main differences between a national defence WB and a future EU-level one. The central difference is the need for an EU WB to propose measures that incentivize Member States—rather than instructing them—to cooperate more intensely and carry out the necessary reforms.



In Chapter 6, the core elements of the EU Defence White Book are detailed. The basic elements are: strategic objectives, necessary capabilities development, specific programmes and measures aimed at achieving the improved capabilities, and the process and drafting team of a future European WB. Chapter 7 concludes precisely by arguing forcefully for the need of elaborating a White Book.

Lastly, in Chapter 8, we synthesise our proposals for each European institutions. We thus provide recommendations for EU Member States, the Council of the EU, the European Council, the High Representative, the European External Action Service, the European Commission, the European Defence Agency and the European Parliament.

On the basis of the work presented in this study, we recommend the European Union to act in a more decisive manner regarding defence issues. The enhancement of CSDP is extremely necessary and a WB would help advance towards a more robust and appropriate European defence.

# 1 Introduction and methodology

The European Union (EU) is facing a set of security challenges unprecedented in its history. The Libyan meltdown, the dramatic Syrian civil war as well as the presence of failed states in the Middle East and Sahel regions has unleashed such complex phenomena as transnational terrorism. The recent conflict in Ukraine has increased the awareness of Russia's more active role in foreign policy, and recent painful events in EU capitals have turned our attention to internal terrorist threats.

Despite this new regional and global context, European responses to these threats and challenges have mainly come from the Member States (MS), with few concerted actions at EU level. Moreover, the EU as such has a limited budget in defence and security in comparison with other policies (for example, the EDA's budget for 2015 is EUR 30.5 million — EUR 24.4 to cover the personnel and general running costs<sup>1</sup> — and the scope of funding of the European Parliament pilot project on Common Security and Defence Policy (CSDP) remains at EUR 1.5 million for the fiscal years 2016 and 2017<sup>2</sup>) and collaboration among Member States in security and defence issues far from sufficient.

Any state or polity needs a strategy to address multiple security challenges and a description of the capabilities needed to achieve its strategic security objective. Although EU Member States regularly publish national security and defence strategies and operational guidelines, there is no such document at the EU level.

Against the backdrop of an unstable global environment, the European Council of June 2015 requested the High Representative of the Union for Foreign Affairs and Security Policy / Vice-President of the Commission (HR/VP) to present an EU Global Strategy in June 2016. This strategy will aim to steer the Union's global action and set priorities in order to protect EU citizens while promoting the Union's interests and universal values. As for the EU Member States, the Union will need to describe what capabilities it needs as a whole to implement its Global Strategy, where gaps need to be closed, and how the EU Member States can contribute to such collective and common priorities<sup>3</sup>.

Indeed, this study's aim is to propose a process, framed in the Lisbon Treaty, for the EU to produce a White Book (WB) which could push European defence forward. The importance of the White Book is clear, since it will be used 'to set priorities and collectively to identify corresponding capabilities shortfalls and remedies'<sup>4</sup>, including institutional and programmatic changes at the EU level. Moreover, the White Book is also necessary 'to ensure that defence and security questions remain a high priority on the agendas of both national and European leaders,' adding '[...] a joint vision of defence and security to the EU's Member States' national visions'<sup>5</sup>. In sum, as recently stated by Michel Barnier (Special Adviser on European Defence and Security Policy), the White Book will help determine 'how we reinforce our military

<sup>1</sup> Information available at: <http://www.eda.europa.eu/aboutus/who-we-are/Finance> [Accessed on 11.4.2016].

<sup>2</sup> M. F. Mauro et K. Thoma, 'The future of EU defence research', Directorate-General for External Policies, Policy Department, European Parliament, March 2016, p. 30.

<sup>3</sup> M. Drent et al., 'New Threats, New EU and NATO Responses', *Netherlands Institute of International Relations*, Clingendael Report, July 2015, p. 57.

<sup>4</sup> N. Gnesotto et al., 'European Defence. A proposal for a White Book. Report of an independent Task Force', *EUISS*, May 2004, p. 128.

<sup>5</sup> J.-P. Perruche et al., 'For a European White Paper on Security and Defence', Policy Paper, *Fondation Robert Schuman*, n° 360, 9th June 2015, p. 8.

and civilian instruments and our action capacity, reviewing force generation, common financing, intelligence, conduct of operations and logistic support<sup>6</sup>.

Therefore, the White Book is seen as a necessary element to complement, flesh out, and operationalise the Global Strategy on Common Foreign and Security Policy (CFSP). The European Parliament (EP) has been a longstanding advocate of this initiative, and it seems as though the idea is currently gaining momentum, also due to the interest of the current Dutch Presidency, who officially announced it intends to further explore the possibility to move the process forward.

Thus, this study's specific goals are:

- To define key characteristics of a White Book
- To determine the key legal and institutional boundaries as set out in the Lisbon treaty
- To identify key aspects affecting the EU-NATO and EU-US relationships, which will have to be considered during the process
- To review different options available for the White Book process
- To propose a White Book process

In brief, this study provides a one-stop shop for revamping cooperation in EU defence and kickstarting the drafting of a WB.

Methodologically, this work is based primarily on document reviews and expert interviewing. The different data collection strategies have included: document review; interviews with experts; a workshop at the European Parliament with MEPs and main stakeholders; and finally the use of external friendly reviewers of draft versions of this document.

The documents used are all referenced in this study and we selected at least one interviewee per institutional actor, such as the High Representative (HR), European External Action Service (EEAS), European Defence Agency (EDA), Political and Security Committee (PSC), European Parliament, European Commission (EC), and North Atlantic Treaty Organisation (NATO). Experts from ECFR and CEPS think tanks were also interviewed in the research.

The structure of this study is as follows. In the next Chapter (n° 2) we review the origins of the White Book idea for the EU, outlining the first European strategic documents, the changes undergone by CSDP after the entry into force of the Lisbon Treaty and the most relevant documents approved after the 2013 European Council. Additionally, we analyse the current context for a White Book process, discussing the political dimension, basic defence data, the level of EU defence collaboration and the common obstacles for the project. Thereafter, in Chapter 3, we take special note of the legal and institutional set-up, based on the Lisbon Treaty, for the White Book process, including the inter-governmental, inter-parliamentary and inter-institutional dimensions. Moreover, we analyse the new and most significant instruments drawn up in this treaty concerning CSDP.

Chapter 4 looks at the special and critical relationship between the EU's defence efforts and NATO, as well as the implications a future EU WB could have for the EU's relationship with the United States, stressing

<sup>6</sup> Intervention of Michel Barnier in an informal meeting of the Defence Ministers in Amsterdam, on 4th and 5th February 2016. The original reference has been translated from French into English.

the constraints on the drafting process and the possible effects of the EU-level process. In the next chapter (n° 5) we look in detail at strategic and action documents (akin to White Books) that the Member States have produced in relation to their own national security and defence.

The last three chapters include a chapter (n° 6) which presents the basic elements of a potential EU White Book on defence. Core elements include: (1) Strategy -the scope of the WB, the pivotal strategy, the time horizon, the strategic definition-; (2) Capabilities –the necessary capabilities to operationalise and achieve EU strategic goals-; (3) Programme and Measures -a series of actions identified and proposed to develop European capabilities and thus reach the strategic objectives-; (4) WB production time –the duration of the WB drafting-; and (5) the WB drafting process –who should be involved and who should lead the process-. In each section, we position ourselves with one of the proposed options.

Chapter 7 provides a conclusion of the entire study, underscoring its key contributions. Lastly, in Chapter 8, we specify recommendations in relation to the study's previously identified core elements, targeting all key institutions (EEAS, EDA, Member States, Commission, Council, and Parliament).

## 2 Origins of a European White Book on defence

### 2.1 White Book: Concept

As the European Commission points out, a White Book is a **proposal for the European Union to act on a specific topic**<sup>7</sup>. In other words, a White Book is a programme of action which, at the level of the European Union, aims to boost a certain policy issue. To date, there are different examples of White Books that have been approved in sectors as diverse as insurance guarantees, safe and sustainable pensions or the single European transport area. In each of them, the White Book aims to put an issue on the table in policy terms, in order to discuss possible shortcomings and problems, while proposing a series of measures and including the potential role that the European Union may play. In the field of CSDP, the European Union has never drawn up a White Book, while the majority of EU Member States have published national reports that outline a specific strategy on security and defence.

### 2.2 First strategic documents

Although the EU has never initiated a WB process in the field of common defence, we can find some documents whose aim was to point out the objectives of European defence and to highlight the essential capabilities and means to achieve them. The first relevant document in this regard was the **Saint Malo Declaration**, signed in December 1998 by the Governments of France and the United Kingdom. The declaration established the European Security and Defence Policy and stated that ‘the Union must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises’<sup>8</sup>.

With this objective in mind, and after verifying that its military capabilities had been insufficient during the Bosnian War<sup>9</sup>, the European Union approved the **1999 Helsinki Headline Goal** specifically calling for EU Member States to be able, by 2003, to deploy forces (up to 15 brigades or 50 000-60 000 soldiers) within 60 days and for at least one year. However, the 1999 Headline Goal proved to be difficult to reach. In 2004, the EU adopted the 2010 Headline Goal, the focus of which was interoperability, deployability, and sustainability of EU military forces. More importantly, the 2010 Headline Goal called for the creation of EU Battlegroups, which should be capable of deploying a minimum of 1 500 soldiers within 10 days of the decision to launch the operation and sustain the deployment for up to 30 days. Thus far, however, no EU Battlegroup has been ever deployed.

In the meantime, during its 2001 EU presidency, Belgium tried in several ways to boost the European Security and Defence Policy and make it operational through a **White Book** on defence. However, this proposal did not find enough support, lagged behind, and ended up in 2004 as a European Union Institute for Security Studies (EUISS)’ publication<sup>10</sup>. Since then, there has been a wide debate about the desirability of having a European WB on defence but the project was never put back on the table.

<sup>7</sup> Information available at: [http://ec.europa.eu/white-papers/index\\_en.htm](http://ec.europa.eu/white-papers/index_en.htm) [Accessed on 11.1.2016].

<sup>8</sup> Joint Declaration on European Defence. Joint Declaration issued at the British-French Summit, Saint-Malo, 3-4 December 1998, available at: <https://www.consilium.europa.eu/uedocs/cmsUpload/French-British%20Summit%20Declaration,%20Saint-Malo,%201998%20-%20EN.pdf> [Accessed on 15.2.2016].

<sup>9</sup> Y. A. Stivachtis (ed.), *The state of European integration*, Ashgate Publishing, Ltd., 2013, p. 31.

<sup>10</sup> N. Gnesotto et al., ‘European Defence’.

In 2003 the EU and NATO signed the **Berlin Plus Agreement**, which allows the European Union to use NATO assets and capabilities for EU-led crisis management operations. Moreover, in December of that same year, in a context still marked by 9/11 and its aftermath, the European Council endorsed the **European Security Strategy** 'A Secure Europe in a Better World'. The 2003 strategy was structured around (1) global challenges and key threats (energy dependence, competition for natural resources, terrorism and proliferation of weapons of mass destruction, among others); (2) three strategic objectives (addressing threats, building security in our neighbourhood and multilateralism); and (3) policy implications for the EU. At the December 2007 European Council, the High Representative was tasked 'to examine the implementation of the Strategy with a view to proposing elements on how to improve the implementation and, as appropriate, elements to complement it'. The resulting document was the 2008 'Report of the Implementation of the European Security Strategy: Providing Security in a Changing World'.

## 2.3 The Lisbon Treaty

In December 2009, the **Lisbon Treaty** entered into force and became the cornerstone of CSDP at the European Union level. This treaty gives the European Union the necessary institutional architecture, along with some legal instruments, to develop security and defence policy, offering different paths to European policymakers that lead to different degrees of integration. In this respect, this Treaty provides greater 'external visibility for the Union and its foreign policy, through the creation of new posts of President of the European Council and a more powerful High Representative, assisted by the European External Action Service'<sup>11</sup>.

However, it is in its **Article 42.1 TEU** that the Treaty gives a more general view of CSDP, when stating that 'The common security and defence policy shall be an integral part of the common foreign and security policy.' In addition, and according to this provision, the European Union will have 'operational capacity', i.e., the civilian and military capabilities (provided by the EU Member States) needed to carry out missions and operations consistent with the principles set forth in the United Nations Charter. Ultimately, the Treaty calls for a 'progressive framing of a common Union defence policy'. While the Treaty reflects a high level of ambition, it is careful to underscore the relevance and importance of being coherent and supportive of NATO.

As can be seen, the Lisbon Treaty has taken important steps 'to provide a boost to foreign, security and defence policies'<sup>12</sup> and 'has endowed the EU with a set of powerful instruments'<sup>13</sup>. In this regard, a future EU-level White Book could help achieve the objective of Article 42.1 TEU, that is, to turn the CSDP into an integral part of CFSP.

Nevertheless, since then progress on the matter has been rather limited and most of the legal tools provided by the Treaty have never been invoked up to today. For example, while the Enhanced

<sup>11</sup> B. Lasheras et al., 'European Union Security and Defence White Paper A Proposal', *Friedrich-Ebert-Stiftung*, January 2010, p. 5-6, available at:

[http://www.fundacionalternativas.org/public/storage/publicaciones\\_archivos/108f9715b4a77b14a116951f1f4b55e4.pdf](http://www.fundacionalternativas.org/public/storage/publicaciones_archivos/108f9715b4a77b14a116951f1f4b55e4.pdf)  
[Accessed on 13.1.2016].

<sup>12</sup> W. Troszczynska-Van Genderen, 'The Lisbon Treaty's provisions on CFSP/CSDP State of implementation', *In-Depth Analysis*, Directorate-General for External Policies, Policy Department, European Parliament, October 2015, p. 1.

<sup>13</sup> K. Raube et al., 'Supporting European security and defence with existing EU measures and procedures', Directorate-General for External Policies, Policy Department, European Parliament, October 2015, p. 6.

Cooperation Clause has been used in other policy sectors — such as in the fields of patent and divorce law — it has not been applied to date in the field of security and defence. In fact, only the mutual assistance clause has been used, when France recently invoked it after the Paris attacks in November 2015. However, meaningful cooperation has yet to materialise.

**Figure 1. Brief CSDP Chronology of CSDP. 1998-2013**



Source: own

## 2.4 From 2013 European Council onwards

The **December 2013 European Council** was a turning point in relation to CSDP. The title sentence of the conclusions is quite illustrative of the regained relevance of CSDP: ‘Defence matters.’ During this meeting, the Heads of State and Government adopted conclusions in the form of three major objectives: (a) to increase the effectiveness, visibility and impact of CSDP; (b) to enhance the development of their capabilities; and (c) to strengthen the European defence industry.

- **To increase the effectiveness, visibility and impact of CSDP.** In relation to this first objective, the European Council highlighted the necessity to be more visible, being able ‘to plan and deploy the right civilian and military assets rapidly’. Moreover, in order to improve effectiveness, the European Council asked for: (a) an increment of synergies between CSDP and policies related to Freedom, Security, and Justice; (b) progress in supporting third states and regions in defence and security issues; (c) and more cooperation regarding energy security. Additionally, the European Council requested the elaboration of an EU Cyber Defence Policy Framework and an EU Maritime Security Strategy. Finally, the European Council mandated the High Representative to assess the changes in the international environment and produce, by 2015, a report on the challenges and opportunities for the EU.
- **To enhance the development of capabilities.** Regarding the second objective, the European Council requested the European Defence Agency ‘to examine ways in which Member States [could] cooperate more effectively in pooled procurement projects’. The European Council underlined the need to implement the Civilian Capability Development Plan (CCDP) and increase transparency and information sharing in defence planning. The European Council also endorsed four major capability cooperation programmes brokered by the EDA (Air-to-Air Refuelling, Remotely Piloted Aircraft Systems, Governmental Satellite Communication, and Cyber Defence).
- **To strengthen the European defence industry.** Concerning the third objective, the European Council asked for the strengthening of the European defence technological and industrial base and welcomed the efforts made by the Commission in its intention to implement the communication ‘Towards a more competitive and efficient defence and security sector’ (2013). It also pointed out four areas where improvement could be achieved: dual-use research (through a Preparatory Action to be



launched in 2017), certification and standardisation (the EDA is now working on this), SMEs (small and medium-sized enterprises) and security of supply.

The aim of these priority actions was the enhancement of CSDP through a higher degree of integration among EU Member States in security and defence issues. The increase of synergies with other policies, the development of military capabilities (identifying shortfalls and avoiding duplications), the EU Member States joint cooperation in pooled defence projects and the pursuit of a more competitive and efficient European defence industry are all objectives closely related to the content of a future EU-level White Book.

The different European Union institutions invoked by the 2013 European Council have responded to the requests and produced several advancements in the form of new communications, strategies, policy frameworks and reports. All these documents should be taken into consideration during the drafting process of the White Book in order to better know the current starting point and the bridges already created for CSDP enhancement. These documents are the following:

#### 2.4.1 To increase the effectiveness, visibility and impact of CSDP

In May 2014, the Council adopted the conclusions of the Joint Communication by the European Commission in collaboration with the High Representative on an **EU Comprehensive Approach to External Conflict and Crises**, published in December 2013. The report sets out measures to enhance ‘the coherence and effectiveness of EU external policy and action in conflict or crisis situations’, such as to develop shared analyses or to define a common strategic vision. This Communication has been followed by other joint initiatives such as the Joint Communication — of the Commission and the High Representative — on **Capacity Building in Support of Security and Development**, which identifies gaps and improvements in the EU’s capacity-building assistance to third countries.

At the same time, in May 2014, the Commission launched the European Energy Security Strategy in a context of security uncertainty due to the political situation in Ukraine. Being aware of the evident dependency on external energy supplies, the European Commission’s proposal sought to address short-term priorities with immediate actions, as well as to establish medium and long-term measures to overcome energy security challenges.<sup>14</sup>

Later, the European Council adopted the **EU Maritime Security Strategy** in June 2014, through which the EU and its Member States aim to enhance ‘the EU’s response to risks and threats in the maritime domain’, secure European maritime security interests, and ensure a coherent development of the specific policies undertaken by national and European authorities. Moreover, this strategy highlights the need for a comprehensive approach, which should allow the EU to strengthen ‘the coherence between all EU civilian and military instruments and policies’, covering at the same time both the internal and external aspects of EU maritime security. A few months later, in December 2014, the Council of the European Union adopted an Action Plan to implement the EU Maritime Security Strategy.

Also in 2014, the Council of the European Union adopted the **EU Cyber Defence Policy Framework**, which identifies priority areas and clarifies the role of the different European actors involved. The Framework also stipulates that a progress report will be presented every six months to the Politico-

<sup>14</sup> European Commission, ‘European Energy Security Strategy’, 28 May 2014, available at: [https://ec.europa.eu/energy/sites/ener/files/publication/European\\_Energy\\_Security\\_Strategy\\_en.pdf](https://ec.europa.eu/energy/sites/ener/files/publication/European_Energy_Security_Strategy_en.pdf) [Accessed on: 15.03.2016].



Military Group and to the Political and Security Committee, 'in order to assess the implementation of the policy framework'. The priority areas identified are:

- Supporting the development of Member States' cyber defence capabilities related to CSDP;
- Enhancing the protection of CSDP communication networks used by EU entities;
- Promoting civil-military cooperation and synergies with wider EU cyber policies, relevant EU institutions and agencies as well as with the private sector;
- Improving training, education and joint exercise opportunities;
- Enhancing cooperation with relevant international partners, particularly NATO.

Subsequently, in April 2015, the European Commission presented the **European Agenda on Security**, later adopted by the Council in June 2015, which is the initial building block of the renewed European Union Internal Security Strategy 2015-2020. This Agenda identified three core areas as priorities needed for immediate action: 1) a better EU response to terrorism and foreign terrorist fighters, 2) the desirability of updating the mechanism to fight against serious and organised cross-border crime, and finally, 3) the need to update the response to cybercrime. In this document, the European Commission proposed five key principles: full compliance with fundamental rights; more transparency, accountability, and democratic control; better application of EU legal instruments; a cross-sectoral approach; and to bring together the internal and external dimensions.

Particularly relevant to a future WB, in **June 2015**, and in response to the European Council's request 'to assess the impact of changes in the global environment', the High Representative presented the report entitled '**The EU in a Changing Global Environment: A more connected, contested and complex world**', in which she pictures the current global context. This document identified the following trends, challenges and opportunities, and key issues:

- **trends** that are characteristics of the current global environment: globalisation, fragile states, climate change, global power shifts.
- challenges **and opportunities** that the European Union faces: European neighbours, North Africa and the Middle East, Africa, Atlantic partnerships, Asia.
- **key issues** needed to be addressed: direction, flexibility, leverage, coordination, capabilities.

In response to the HR's external assessment, in June 2015 the European Council **requested action in three areas**:

- implementation of the internal security strategy;
- that the High Representative 'prepare a Global Strategy of the European Union on foreign policy and security in close cooperation with the Member States';
- a fuller development of civilian and military capabilities and the strengthening of Europe's defence industry.

## 2.4.2 To enhance the development of European capabilities

With regard to capabilities — a central issue in a future WB — there are three areas where some improvements have been achieved: civilian capabilities, military capabilities, and collaborative projects. In terms of civilian capabilities, the implementation of the **Civilian Capability Development Plan** is ongoing. The core thrust of the plan is to address shortfalls, as identified by EEAS in the 'List of generic

civilian CSDP tasks', particularly in relation to civilian missions in promoting stability and strengthening the rule of law in fragile environments<sup>15</sup>.

Moreover, the Council of the European Union adopted the **Policy Framework for Systematic and Long-Term Defence Cooperation** in November 2014, previously approved by the EDA's Steering Board. This Policy Framework will, 'in full coherence with existing NATO planning processes', guide the cooperative approaches of the Member States in order to achieve a 'structured process and dialogue between the EU and its Member States [...] to ensure both coherence of actions and opportunities for cooperation throughout all stages of capability development'. The objective of this document is 'to improve and foster a better use of these mechanisms and instruments, and without additional bureaucracy'.

Concerning the **four collaborative projects**, the work of the EDA has made it possible to progress in the 'establishment of a European strategic tanker capability by 2020', demonstrators 'to facilitate Air Traffic Insertion of RPAS', the development of the 'next generation of governmental satellite communications by 2025', and cyber activities 'in the areas of education, training and exercises, human factors and technologies'<sup>16</sup>.

### 2.4.3 To strengthen the European defence industry

In relation to industry — another key issue in a future WB — the Commission is currently financing dual-use research under the Horizon 2020 programme, and it will launch a **Preparatory Action** in 2017 for testing the added value of CSDP-related research. The idea behind these projects is to preserve the EU's strategic autonomy to face future challenges. Moreover, in the field of standardisation, a **new mechanism** was agreed between the Commission, EDA, and Member States 'to monitor and develop defence and hybrid standards'<sup>17</sup> in December 2014. Concerning certification, the European Aviation Safety Agency has been entrusted with 'the common European civil certification of certain military or dual-use products and infrastructure where manufacturers and Member States so desire'<sup>18</sup>. Lastly, with regard to the European Defence and Technological Industrial Base (EDTIB), the central actions have been aimed at reiterating the need for the implementation by Member States of the two directives already adopted: **Directive 2009/43/EC** on intra-EU transfers of defence-related products and **Directive 2009/81/EC** on defence and sensitive security procurement.

<sup>15</sup> Over the years, these civilian missions have been enhanced in its areas of action. While the first Civilian Headline Goals (adopted in the European Council of June 2000 in Santa Maria da Feira) included four priorities (police, strengthening of the rule of law, strengthening civil administration and civil protection), more goals were gradually extended. In the 2001 Gothenburg Council, three other priority areas were included: the possibility to deploy 200 judges and prosecutors for crisis management operations, the creation of a pool of experts in the area of civilian administration and the provision of civilian protection teams in these scenarios. Later, in a new commitment reflected in a document titled Civilian Headline Goals 2008, the European Union emphasised the relevance of the security sector reform (SSR) and disarmament, demobilisation and reintegration (DDR) in civilian missions. Finally, in order to synchronise the civilian and military goals, the Civilian Headline Goal 2010 stressed the value of cooperation and synergies in both dimensions and underscored the necessity to improve quality in missions and to enhance their availability.

<sup>16</sup> Report ahead of the European Council by the High Representative and Vice-President and Head of the European Defence Agency, 2015, available at:

[http://eeas.europa.eu/csdp/documents/pdf/report-ahead\\_european-defence-agency.pdf](http://eeas.europa.eu/csdp/documents/pdf/report-ahead_european-defence-agency.pdf) [Accessed on 2.2.2016].

<sup>17</sup> Report on the implementation of the European Commission's communication on defence, 2015, p.10, available at: <http://eeas.europa.eu/csdp/documents/pdf/report-implementation-communication-defence.pdf> [Accessed on 4.2.2016].

<sup>18</sup> Report on the implementation of the European Commission's communication on defence, p. 11.

**Figure 2. Relevant documents from 2009 onwards**



Source: own

## 2.5 Current context

### 2.5.1 The political dimension

The idea of a possible White Book has been gaining momentum in recent months and this study tries to do its bit in relation to this demand. At the meeting of defence ministers of the European Union, which took place in Luxembourg on 4 September 2015 **the proposal to elaborate a White Book on defence was discussed.**

The interest of the current **Dutch Presidency**, which has ‘come out forcefully in favour of a White Book’<sup>19</sup>, is undoubtedly something to take into consideration. According to its official programme, they will attach ‘particular importance to strengthening the Common Foreign and Security Policy (CFSP), including the Common Security and Defence Policy (CSDP)’ and will ‘therefore endeavour to ensure that the

<sup>19</sup> S. Biscop, ‘Out of the blue: a White Book’, *European Geostrategy*, 22 November 2015, available at: <http://www.europeangeostrategy.org/2015/11/out-of-the-blue-a-white-book/> [Accessed on 17.2.2016].

themes of security and defence are firmly embedded in the new Global Strategy on Foreign and Security Policy, the enhanced CSDP and the future of European defence cooperation<sup>20</sup>.

This debate is taking place amid global emergencies which have developed quickly and have put at risk the European Union in its role as a security actor in recent years. Moreover, the blurring of borders between **the external and the internal** (security)<sup>21</sup> is more and more apparent, and this traditional division is increasingly becoming less useful. Nowadays, it is not possible to consider the fields of justice and home affairs without linking them to foreign and security policy. For example, radicalisation and extremism within our borders is directly connected to the spread of transnational terrorism and conflicts abroad. In any case, challenges and threats have been identified in both dimensions.

Within the EU borders, the European Agenda on Security identified some priorities needing immediate action, such as terrorism and foreign terrorist fighters, organised cross-border crime, and finally, cybercrime. In the external dimension, the Sahel and the Horn of Africa are the anchor points of an 'arc of instability' that also crosses the regions of the Middle East and Caucasus, and this is a real threat to the borders of the Union<sup>22</sup>. Although the European Security Strategy was a big step in the development of the ESDP, today it is relatively outdated. As stated by the HR/VP, we live in a 'more complex, more connected, but also more contested world'<sup>23</sup>. The spread of ungoverned spaces across the Mediterranean, the new cleavages created by identity politics in the Middle East and the conflicts driven by climate change and resource scarcity across Asia are just some examples of this new global environment<sup>24</sup>.

In addition, the current **economic crisis and the austerity measures** that span Europe have been detrimental to the maintenance and development of Member States' military capabilities and resources. In general terms, the management of the crisis has caused disaffection among EU citizens — damaging the European integration project — and has had a direct and fatal impact on the Union as a political and security actor. First, the disaffection with the European Union (its institutions and pro-European political parties) has had as a result the rise of political movements asking for a return to a national approach — a signal of the current Euroscepticism<sup>25</sup>. Thus, the loss of faith in the EU project and the spread of Euroscepticism across the continent prevent the EU from taking further steps towards integration. Second, the economic crisis 'has put public budgets throughout the European Union under severe pressure'<sup>26</sup> and it can be assumed that 'current budgetary constraints for EU governments will persist at least until 2030'<sup>27</sup>. With these limitations — especially in smaller EU Member States<sup>28</sup> — the defence

<sup>20</sup> Programme of the Netherlands Presidency of the Council of the European Union, 1 January – 30 June 2016, p. 14, available at: <http://www.consilium.europa.eu/en/council-eu/presidency-council-eu/> [Accessed on: 5.2.2016].

<sup>21</sup> M. Drent et al., 'The relationship between external and internal security', *Netherlands Institute of International Relations, Clingendael Report*, June 2014, p. 5.

<sup>22</sup> Blockmans, S. and Faleg, G., 'More Union in European Defence', *CEPS*, 2015, p. 1.

<sup>23</sup> Strategic assessment by the HR/VP in preparation for the 2016 EU Global Strategy of June 2015, titled 'The European Union in a changing global environment. A more connected, contested and complex world', available at: [http://eeas.europa.eu/docs/strategic\\_review/eu-strategic-review\\_strategic\\_review\\_en.pdf](http://eeas.europa.eu/docs/strategic_review/eu-strategic-review_strategic_review_en.pdf) [Accessed on 10.2.2016].

<sup>24</sup> Strategic assessment by the HR/VP, p. 4.

<sup>25</sup> J.I. Torreblanca et al., 'The Continent-Wide Rise of Euroscepticism', *ECFR*, Policy Memo, p. 1.

<sup>26</sup> C. Mölling et S-C Brune, 'The Impact of the Financial Crisis and Cuts in Member States' Defence Budgets - How to spend Better within the EU', Directorate-General for External Policies, Policy Department, European Parliament, April 2011, p. 52.

<sup>27</sup> C. Mölling et S-C Brune, 'The Impact of the Financial Crisis', p. 34.

sector has been seriously affected and some of the consequences of the efforts to reduce spending has been, among others, the reduction of military personnel and the cancellation of military capabilities (for example, the Netherlands and Denmark eliminated their principal battle tanks)<sup>29</sup>. But, while it is also true that the only way to turn the situation around and thus move forward is to revitalise our institutions and to recover the support of our citizens, more and better actions are required in defence matters.

Therefore, as stated by **Article 42.2 TEU**, strengthening CSDP should be 'a major priority' for the Union. There is an urgent need to move forward. The Treaty of Lisbon gives us the opportunity, since it established the Common Security and Defence Policy — as well as a series of legal instruments — to reinforce European defence. The CSDP was conceived as a part of the Common Foreign and Security Policy. It is important to improve the CSDP's efficiency and effectiveness to meet current threats and challenges, while enhancing and promoting the European Union's values and interests. In this respect, the CSDP can serve as a vehicle for giving common answers to common threats.

## 2.5.2 Shortfalls in European defence

Defence efforts in Europe are insufficient and inefficient. In recent years, while other countries such as China, India and Russia have continued to increase their military spending, the economic crisis has provoked a sharp cut in military and defence budgets of most EU Member States. According to a recent report published by the EUISS, the total defence spending of EU Member States has declined 14.5 % since 2007: in 2015 EU Member States were annually spending EUR 36 billion less than in 2007 (from EUR 216 billion down to EUR 180 billion)<sup>30</sup>. EU Member States' average defence spending remains at 1.5 % of GDP<sup>31</sup> on defence; below the target of 2 % of GDP agreed by NATO members in the 2014 Wales Summit<sup>32</sup>.

<sup>28</sup> C.M. O'Donnells (ed.), 'The Implications of Military Spending Cuts for NATO's Largest Members', Analysis Paper, Center on the United States and Europe at Brookings, July 2002, p. 6.

<sup>29</sup> C.M. O'Donnells (ed.), 'The Implications of Military Spending Cuts', p. 7.

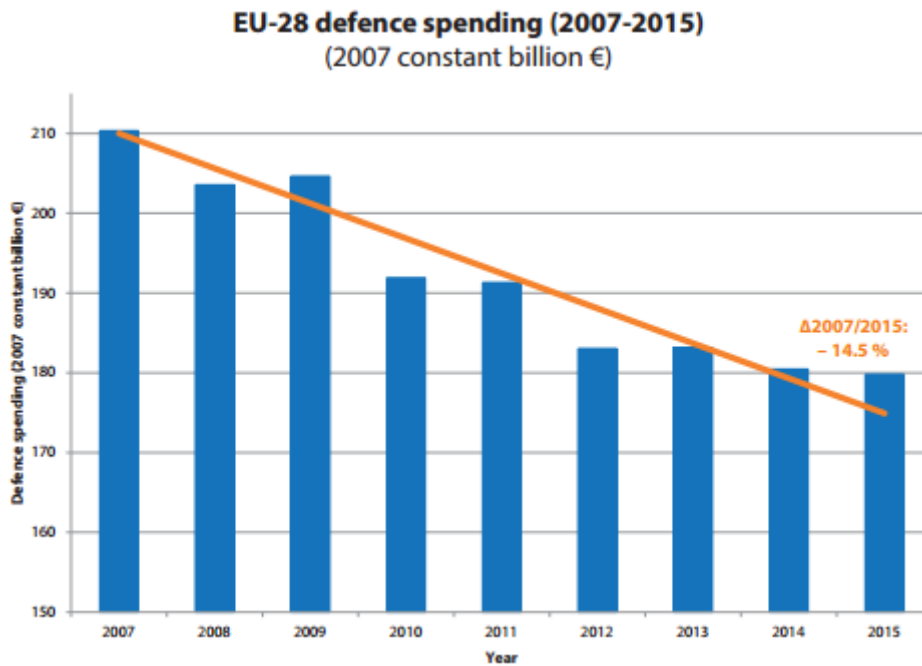
<sup>30</sup> J.J. Andersson et al., 'Envisioning European defence Five futures', *EUISS*, Chaillot Paper n° 137, March 2016, p. 42.

<sup>31</sup> J.J. Andersson et al., 'Envisioning European defence Five futures', p. 18.

<sup>32</sup> Press release, 'Wales Summit Declaration. Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Wales', 5 September 2014, available at:

[http://www.nato.int/cps/en/natohq/official\\_texts\\_112964.htm](http://www.nato.int/cps/en/natohq/official_texts_112964.htm) [Accessed on 5.2.2016].

**Figure 3. EU-28 defence spending (2007-15)**



Source: IISS, *Military Balance 2009-2016*

However, the decline in spending is not the only reason behind the identified shortfalls in the EU Common Security and Defence Policy. The absence of new financing sources for research, the inadequate level of interoperability (most standards in EU defence are civilian, and the defence standards are developed nationally), the wasteful duplication of capabilities (for example, due to the need to certify new products in every EU Member State), the persistent lack of integration among the different Member States' military structures (there are still 28 independent European armed forces, with its corresponding costs), and the absence of an integrated industrial market (for example, due to the difficulty of transposition of the Directive 2009/43/EC for transfer of defence-related products) are other key factors driving Europe's defence limitations. As Michel Barnier has pointed out, 'Europe is the world's second largest military spender. But it is far from being the second largest military power'<sup>33</sup>.

In this respect, a future EU-level WB could provide more coordination and integration among EU Member States and this could help reduce these limitations and add value in a policy issue (defence) that has traditionally been fragmented among the different Member States. There is still room for improvement and, as Chapter 3 will show, the WB's scope of action is significant. In this regard, some experts have argued that, with more coordination and integration, the European Union could save, for example, EUR 600 million 'from the sharing of infantry vehicles and EUR 500m from having a collective system of certification of ammunition'<sup>34</sup>. Hence, not only should Member States increase their defence spending, but, more importantly, they should spend much more together to overcome their overall weaknesses.

<sup>33</sup> M. Barnier, 'In Defence of Europe. Defence Integration as a Response to Europe's Strategic Moment', *EPSC Strategic Notes*, Issue 4/2015, 15 June, p. 3.

<sup>34</sup> M. Barnier, 'In Defence of Europe', p. 3.

Nevertheless, in the past years, a few small steps have been made in European defence cooperation. There are some encouraging examples, such as the Eurofighter Typhoon fighter plane (a common development programme of the UK, Germany, Italy and Spain), the 'strategic lift provided by the European Air Transport Command' (a good example of pooling and sharing), and the commitments included in the Lancaster House Treaties by France and the UK, according to which both countries committed themselves to 'sharing equipment and capabilities, exchanges between armed forces, providing access to each other's defence markets as well as setting up the Combined Joint Expeditionary Force'<sup>35</sup>. However, in spite of these measures, defence cooperation remains 'a patchwork of bilateral and multilateral agreements', and until now, the European pooling and sharing initiative 'has remained essentially an empty shell'<sup>36</sup>.

### 2.5.3 The level of collaboration among EU Member States and their national defence situation

A fundamental reason of the shortfalls in EU defence is the low level of collaboration among EU Member States. The attempts to improve the collaboration and integration among EU countries have been traditionally limited. Aware of this fact and of the convenience and benefits that mutual cooperation in defence matters could bring, some EU Member States decided to make further advances. In this context, and before the establishment of the European Defence Agency in 2004, the defence ministers of France, Spain, Germany, Italy, Sweden and the United Kingdom signed the **Letter of Intent Framework Agreement Treaty** in July 2000. This document was aimed at creating the political and legal framework necessary to develop an integrated EDTIB. This agreement was divided into six areas (security of supply, transfer/export procedures, security of information, research, treatment of technical information and harmonisation of military requirements), each of which was supervised by a sub-committee and all of them controlled by an Executive Committee. However, with the establishment of the EDA –formed by all EU Member States except Denmark- and the increasingly supportive attitude of the European Commission, both institutions have taken the lead in seeking to achieve more integration and cooperation in the European Union.

Currently, the level of collaboration among EU Member States has been managed through EDA, whose Ministerial Steering Board approved **four collective investment benchmarks** in November 2007. According to this voluntary agreement, participating EU Member States were invited to invest in line with the following guidelines<sup>37</sup>:

- Equipment procurement, including Research and Development (R&D) and Research and Technology (R&T): 20 % of total defence spending.
- European collaborative equipment procurement: 35 % of total equipment spending.
- Defence R&T: 2 % of total defence spending.
- European collaborative defence R&T: 20 % of total defence R&T spending.

<sup>35</sup> M. Barnier, 'In Defence of Europe', p. 6.

<sup>36</sup> M. Barnier, 'In Defence of Europe', p. 6.

<sup>37</sup> S. Guzelytê, 'National Defence Data 2013 of the 27 EDA Member States', European Defence Agency, May 2015, available at: [http://www.eda.europa.eu/docs/default-source/documents/national-defence-data-2013---27-eda-ms\\_updated.pdf](http://www.eda.europa.eu/docs/default-source/documents/national-defence-data-2013---27-eda-ms_updated.pdf) [Accessed on: 5.2.2016].



However, in the last **Defence Data Report** published by the EDA in 2013<sup>38</sup>, the low level of collaboration in most of these areas was significant. For example, regarding defence equipment procurement (with an expected expenditure of 35 % of total equipment spending), European collaborative expenditure decreased to 15.9 % (EUR 4.8 billion), which implies that the rest of the defence expenditure (84.1 %) is spent unilaterally. Once again, there is a missed opportunity here, since common expenditure in equipment procurement programmes would provide reductions in acquisition costs while maintaining the efficiency. Moreover, there has also been a reduction in defence R&T to 1.12 % in 2013 (below the 2 % suggested by the third benchmark), of which European collaborative defence R&T reached 8 % of total defence R&T expenditure (much lower than the suggested 20 % in the fourth benchmark). In this case, EU Member States could do more to get the full benefit from the advances in technologies. This situation affects directly to their defence capabilities, since the effectiveness of modern capabilities depend at a large extend on research and technology. And, as will be shown, this **low level of cooperation** has more side effects in terms of efficiency. For example, as stated by the EDA's 2013 Defence Data Report, of the overall defence expenditure of the EU Member States, around 49 % belonged to personal expenditure (approximately EUR 91 billion). This figure could be reduced through better alignment of the military structures. In this regard, some studies have underlined that 'the efficiency gains for EU Member States of consolidating their land forces [...] would be, at the high end of the calculations, approximately EUR 6.5 billion a year'<sup>39</sup>.

If the EU needs 'to do more with less money, gradually increased defence integration is our best - and only - option'<sup>40</sup>. And the White Book offers a unique opportunity to propose additional steps and advances –in the form of new programmes, initiatives and shared commitment- in order to remedy this situation.

#### 2.5.4 Common obstacles

Although the development of the mechanisms provided by the Lisbon Treaty would strengthen the weakest section of the European integration project, the European Union has been divided over recent years and thus has not achieved notable success in its basic aim of taking the lead as a global actor that wants to contribute to the maintenance of peace and security in the world. In this respect, some **common obstacles** have blocked the possibility to move forward, making it quite complicated to successfully complete any action aimed at drafting a White Book and subsequently developing the common security and defence policy:

- First, from a political point of view, the **lack of will** from the EU Member States, who 'fear relinquishing control over this policy'<sup>41</sup>. Defence matters are a national competence, and the deepening of CSDP could imply a loss in their autonomy of decision-making, and in some cases a loss of sovereignty. This could be controversial for some States that do not share the same interests and therefore are not willing to do so. But these fears could even have their roots in a more extended perception, which has been broadened since the outbreak of the economic crisis and has created suspicion or caution from some EU Member States when referring to integration. A good example is

<sup>38</sup> S. Guzelytê, 'National Defence Data 2013 of the 27 EDA Member States'

<sup>39</sup> B. Ballester, 'The Cost of Non-Europe in Common Security and Defence Policy', *European Parliamentary Research Service*, 4/2013, p. 22.

<sup>40</sup> M. Barnier, 'In Defence of Europe', p. 2.

<sup>41</sup> W. Troszczyńska-Van Genderen, 'The Lisbon Treaty's provisions', p. 17.



the debate around Brexit, which accurately reflects all the elements of this obstacle: lack of will towards more integration due to the fear of loss of control over national competences.

- Second, the fear of creating a '**two-speed Europe**'<sup>42</sup>. While some could see the use of Permanent Structure Cooperation (PESCO) — one of the instruments foreseen in the Lisbon Treaty — as a way of being faster, more flexible and more efficient in the field of defence, others could argue that this would imply a two-speed Europe and this would create divisions and undermine solidarity. Moreover, it is felt by some that the EU decision-making process is difficult enough, and the use of this kind of tool would increase the confusion.
- Third, from a military point of view, the **different strategic cultures** — marked by different historical experiences — of each EU Member State. Regarding this aspect, along with the tradition of neutrality of some EU Member States<sup>43</sup>, it seems evident that, for example, the north and east of Europe have their territorial defence against Russia at the core of their security strategies, while the south of Europe is more focused on the challenges coming from North Africa and the Middle East<sup>44</sup>.
- Fourth, in terms of capabilities, the fears that CSDP would **duplicate NATO**. In this respect, it is common to hear that the lack of 'a system of command and control for CSDP military operations (a permanent headquarters is lacking)' <sup>45</sup> is an impediment to moving forward in CSDP. However, there is also a desire to avoid a duplication of headquarters (there already exists the possibility of using NATO or national utilities) and this prevents the establishment of a management, command and control centre for the European Union's military operations.
- Fifth, the reluctance of national defence industries to a more integrated EU defence market. Based on interviews and informal conversations, national industrial companies fear losing their respective industrial base with the opening and transformation of the European market. The incomplete implementation of Directive 2009/43/EC and Directive 2009/81/EC –see section 2.4.3- is a good example of such reluctance. As stated by Michel Barnier, MS still make active use of 'offset requirements in defence procurement to shore up national industries and jobs, or circumvent the rules by referring to essential security interests.'<sup>46</sup>
- Finally, from an economic point of view, the existence of **inflexible financial rules**<sup>47</sup> at the EU level, which is clear in some of the following aspects. First, the failure of the Union to create the start-up fund (which would finance the costs of preparatory activities with military/defence implications). Second, the current list of 'common costs' (see Chapter 3) covered by the Athena mechanism (made up of contributions from EU Member States according to their GDP) is clearly insufficient. Third, the basic rule for financing military operations is the principle 'costs lie where they fall', under which 'countries pay for most of the expenses that they incur when participating in an operation'<sup>48</sup>. All three aspects underline the non-existence of strong financial cooperation and support, which prevents the

<sup>42</sup> W. Troszczyńska-Van Genderen, 'The Lisbon Treaty's provisions', p. 11.

<sup>43</sup> Austria, Finland, Ireland, Malta and Sweden. Cited in M. Ricci, 'The CSDP and NATO: friends, competitors or both?', *Nouvelle Europe*, 17 January 2014, available at: <http://www.nouvelle-europe.eu/node/1781> [Accessed on: 15.03.2016].

<sup>44</sup> M. Barnier, 'In Defence of Europe', p. 4.

<sup>45</sup> W. Troszczyńska-Van Genderen, 'The Lisbon Treaty's provisions', p. 10.

<sup>46</sup> M. Barnier, 'In Defence of Europe', p. 6.

<sup>47</sup> W. Troszczyńska-Van Genderen, 'The Lisbon Treaty's provisions', p. 10.

<sup>48</sup> T. Tardy, 'Funding peace operations: Better value for EU money', *Brief Issue EUISS*, 38, November 2013, p. 2.

European Union and its Member States from developing a common CSDP. Progress towards burden-sharing and the common financing of this integration project could help achieve better solutions.

As this chapter has shown, some positive conclusions can be drawn. First, the idea of an EU-level White Book on defence is not new and the 2013 European Council gave clear support to CSDP. This has been evident in the subsequent communications, strategies, frameworks and reports adopted by EU institutions and Member States. Second, the Lisbon Treaty now provides a more powerful legal framework that could help revitalise security and defence policy. And third and most important, there exist a series of global security challenges that require more efficient and effective measures by the EU to maintain their values and interests. Taking all these factors into account, and in spite of the aforementioned shortfalls and obstacles, the European Union should act in a more decisive manner. If the EU wants to manage any risk or threat that may affect its security in the short, medium or long term, the development of CSDP is imperative, and in this context, a future EU-level White Book could pave the way for the fulfilment of this objective.

## 3 The institutional and legal architecture of the Lisbon Treaty

In this section we review the defence-related legal and institutional set-up established by the Lisbon Treaty that would frame the WB process. This is of vital importance in the case of the EU given that defence is an exclusive competence of each EU Member State.

As specified in the TEU: 1) **Article 4.1 TEU**, ‘competences not conferred upon the Union in the Treaties remain with the Member States’; and 2) **Article 4.2 TEU**, ‘national security remains the sole responsibility of each Member State’. Concerning the first provision, since defence has not been conferred on the European Union, the competence on this issue remains under the control of the EU Member States (in line with the principle of conferral referred to in Article 5 TEU). In relation to the second provision, the Treaty gives ‘sole responsibility’ to each Member State in national security issues.

### 3.1 Inter-governmental dimension

CSDP is Member-State-driven, either bilaterally, via the European Council (unanimity strategy setting), or via the Council of the European Union. The European Council identifies the interests, determines the objectives and defines the guidelines for the CFSP, including CSDP (Article 26 TEU). Thereafter, the Council takes the steps necessary for the definition and implementation of CSDP following the strategic lines of the European Council. Moreover, CSDP decisions are taken by the Council by unanimity (Article 42 TEU) — an important exception to this unanimity rule is the decision to establish permanent structured cooperation (Article 46 TEU), which is adopted by qualified majority rule.

Under the Council’s structure, there are some committees and bodies that should be underscored due to their fundamental role in CFSP/CSDP matters, such as the Foreign Affairs Council (FAC), the Political and Security Committee (PSC), and the EU Military Committee (EUMC). The FAC is responsible for EU external action and in its defence, development and trade configuration covers defence issues. Its monthly meetings are chaired by the High Representative and it is the central decision-making body for CSDP. However, there is no such permanent forum for decision-making and consultation among EU Member States’ defence ministers, and formal meetings only occur when an important issue is set on the agenda. Obviously, this results in practical day-to-day topics being addressed in informal meetings or postponed, with the consequent loss of capacity for action and communication, particularly when there is no time to lose. Unlike the FAC, the PSC — whose meetings are twice a week — is organised at ambassador level. It monitors the international situation in CFSP matters, provides guidance to the Council, and exercises ‘the political control and strategic direction of the crisis management operations referred to in Article 43’ (as stated by Article 38 TEU). Additionally, the PSC and the High Representative receive advice and recommendations from the EUMC (composed of the Chiefs of Defence of the 28 Member States and their military representatives) with regard to military issues. This EUMC, together with the HR, oversees the EU Military Staff (EUMS), which reports to this military committee.

### 3.2 Inter-parliamentary dimension

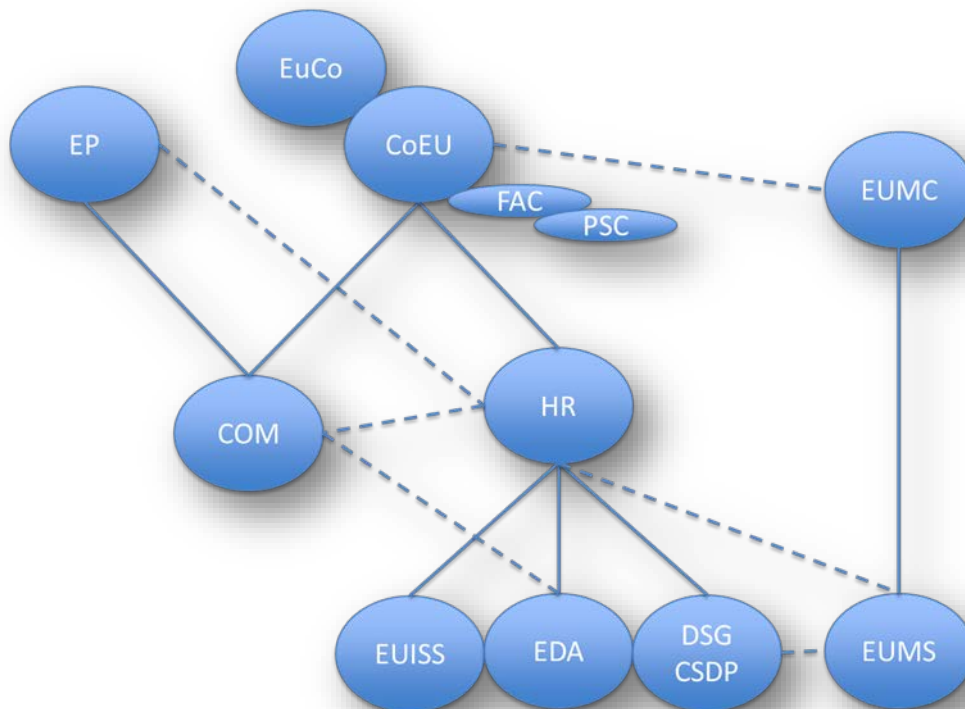
The role of the national parliaments in the EU is covered in Protocol 1 of the Lisbon Treaty. According to Article 10 of this Protocol, inter-parliamentary conferences are organised to debate matters of Common Foreign and Security Policy, mainly in order to promote the exchange of information and best practices. The **Inter-parliamentary Conference (IPC) for the Common Foreign and Security Policy** and the Common Security and Defence Policy takes place once **every six months**. The main objective of this Conference (composed of delegations of the national parliaments of the EU Member States and the European Parliament) is to provide a framework for the exchange of best practices and information in issues related to CFSP and CSDP, enabling national parliaments and the European Parliament to be fully informed and to adopt — non-binding — conclusions by consensus.

However, while national parliaments have significant competences in defence matters (deciding about planning, budget and deployment of troops, among other issues), their role is often ‘a neglected factor in the development of European defence cooperation’<sup>49</sup>. The limited knowledge of parliaments on defence is detrimental to the advancement of CSDP (it would be better to know the implications of making right decisions)<sup>50</sup> and the biannual meetings of the IPC ‘tend to be rather general in nature, also due to the large and formal setting’, which results in a lack of flexibility and prevents the Conference from addressing issues *ad hoc*<sup>51</sup>.

### 3.3 Inter-institutional dimension

With the entry into force of the Lisbon Treaty, notable changes were made in the institutional architecture of the European Union. The main aim of these modifications was to increase consistency among EU institutions’ roles. Following the Lisbon Treaty, and in the context of a future White Book, the main EU institutions in CSDP are:

**Figure 4. Map of EU actors involved in CSDP**



*Legend: solid lines represent strong hierarchical relationships; dashed lines represent horizontal and/or partial hierarchical relationships.*

*Source: own*

<sup>49</sup> A. Bakker et al., ‘The Parliamentary Dimension of Defence Cooperation’, *Netherlands Institute of International Relations, Clingendael Report*, April 2016, p. 1.

<sup>50</sup> A. Bakker et al., ‘The Parliamentary Dimension of Defence Cooperation’, p. 5.

<sup>51</sup> A. Bakker et al., ‘The Parliamentary Dimension of Defence Cooperation’, p. 7.

- **High Representative**

Although this position was created by the Treaty of Amsterdam, the Lisbon Treaty introduces some significant changes. For example, the High Representative presides over the Foreign Affairs Council (who 'elaborates the Union's external action on the basis of strategic guidelines laid down by the European Council', Article 16 TEU) and is also the Vice-President of the European Commission, mainly to increase inter-institutional efficiency and coherence (Article 18 TEU). Previously, the current responsibilities of the High Representative were separated into two roles within the EU: the High Representative for Common Foreign and Security Policy and the Commissioner for External Relations. With this modification, the European Union improves and enhances the consistency and visibility of its external action. The High Representative also represents the Union in CFSP matters and ensures that the decisions taken by the European Council and the Council are implemented (Article 27 TEU). In addition, the High Representative, acting on her own behalf or with the Commission's support (but not the Commission on its own), has been conferred **a right of initiative**, according to which she 'may refer any question relating to the common foreign and security policy to the Council and may submit to it, respectively, initiatives or proposals' (Article 30 TEU). Legally, this right of initiative is one of the most relevant aspects that should be taken into account when deciding who must lead the drafting process of the EU-level White Book, since the High Representative is especially responsible for CSDP proposals (Article 18.2 TEU).

Moreover, with the aim of improving the relationship and communication with other institutions, the High Representative is the Head of the European Defence Agency. In relation to the European Parliament, in 2010 the HR made a declaration of political accountability, improving inter-institutional cooperation between the High Representative and the European Parliament. This declaration includes **the obligation of the HR to appear before Parliament at least twice a year in order to inform about the state of CFSP/CSDP**; the right of the Parliament's 'special committee' to receive confidential information on CSDP missions and operations; and the appearance — when needed — of Heads of Delegations, Heads of CSDP missions and other senior EEAS officials 'in relevant parliamentary committees and subcommittees in order to provide regular briefings'.

Undoubtedly, the Lisbon Treaty conferred on the High Representative some ideal competences for the production of a White Book. As seen, the right of initiative in Article 30 TEU (providing a legal basis), the position of Vice-President of the Commission and Head of the EDA (increasing efficiency when accessing the work of both institutions on defence industry and capabilities matters) and the presidency of the FAC (allowing the HR to chair this decision-making body) are some significant elements to consider in order to carry out this process successfully.

- **European External Action Service**

Following the instructions of Article 27.3 TEU, the EEAS was developed by the Council Decision of 26 July 2010 establishing its organisation and functioning. Its aim is to **support and assist the High Representative 'in cooperation with the diplomatic services of the Member States'**, i.e., to put at the HR's disposal all the necessary means in order to carry out his or her duties. Apart from this, the EEAS also assists the President of the European Council, the President of the Commission, and the Commission 'in the exercise of their respective functions in the area of external relations (Article 2.2 of the Decision).' Regarding its composition, the staff of this service comprises members of the European Commission, the European Council and of the Member States. After the Treaty of Lisbon, the EEAS assumed the functions of the Commission's previous DG External Relations.

Within the European External Action Service's structure, several committees and directorates have an important role in defence matters, such as the Civilian Planning and Conduct Capability (CPCC), which is the operational headquarters for civilian CSDP missions; the EU Military Staff, which is the body that

provides the EEAS with military expertise, mainly in relation to assessment and strategic planning of CSDP missions; and the Crisis Management and Planning Directorate (CMPD), which, among other tasks, carries out CSDP training, conducts strategic reviews of existing CSDP missions, and coordinates the development of civilian and military capabilities. They are all integrated into the EEAS' structure.

Regarding the missions carried out by the EU over these years, the European Union Police Mission (EUPM) in Bosnia and Herzegovina — initiated after the end of the mandate of the UN's International Police Task Force — was the first CSDP operation. It was launched in January 2003 and it ended in June 2012. So far, according to data provided by the EEAS, the European Union has launched 32 missions and operations (21 civilian and 11 military), of which 17 are ongoing (11 civilian and 6 military)<sup>52</sup>. Concerning the Berlin Plus Agreement between the EU and NATO, it is significant that just two military missions have been launched: Operation Concordia (Macedonia, from March to December 2003) and Operation Althea (Bosnia-Herzegovina, from 2004 onwards). In both of them, the European Union replaced NATO forces, contributing to a stable, safe and secure environment. Outside this framework, Operation Artemis (Democratic Republic of the Congo, from June to September 2003) was the first autonomous EU-led military operation.

All these missions have been carried out following a legal mandate. This can be given by the United Nations (via a UN Security Council Resolution) or the European Union. Both organisations signed a Joint Declaration on UN-EU Co-operation in Crisis Management in September 2003, establishing 'a joint consultative mechanism at the working level to examine ways and means to enhance mutual co-ordination'. Within the European Union, the mandate of civilian or military CSDP missions is given by a Decision adopted by the Council of the European Union. This Decision sets out key aspects such as the duration, the objectives, the financing, etc. The Political and Security Committee, under the responsibility of the High Representative and the Council, exercises the political control and strategic direction. In civilian missions, the Civilian Planning and Conduct Capability is the permanent structure responsible for the autonomous operational conduct of civilian CSDP operations. Regarding the military operations, the EUMC 'monitor[s] the proper execution'<sup>53</sup>.

In relation to financing, civilian missions expenditure is funded by the EU budget, while the 'expenditure arising from operations having military or defence implications' (Article 41.2 TEU) is covered by the Athena mechanism<sup>54</sup>. Previously, five military operations have been financed directly by Athena (AMIS 2, EUFOR RD CONGO, EUFOR TCHAD/RCA, EUFOR Libya, EUFOR RCA)<sup>55</sup>, while currently there are six operations benefitting from it (EUFOR ALTHEA, EUNAVFOR ATALANTA, EUTM SOMALIA, EUTM MALI, EUMAM RCA, EUNAVFOR MED)<sup>56</sup>.

<sup>52</sup> Available at: [http://www.eeas.europa.eu/csdp/missions-and-operations/index\\_en.htm](http://www.eeas.europa.eu/csdp/missions-and-operations/index_en.htm), [Accessed on 8.2.2016].

<sup>53</sup> J. Rehr et G. Glume (eds.), 'Handbook on CSDP Missions and Operations. The Common Security and Defence Policy of the European Union', Federal Ministry of Defence and Sports of the Republic of Austria, p. 34, available at: [http://eeas.europa.eu/csdp/structures-instruments-agencies/european-security-defence-college/pdf/handbook/final\\_-\\_handbook\\_on\\_csdp\\_missions\\_and\\_operations.pdf](http://eeas.europa.eu/csdp/structures-instruments-agencies/european-security-defence-college/pdf/handbook/final_-_handbook_on_csdp_missions_and_operations.pdf), [Accessed on: 8.4.2016]

<sup>54</sup> For more information, see the section below 'The financing of CFSP/CSDP'.

<sup>55</sup> Available at: <http://www.consilium.europa.eu/en/policies/athena/>, [Accessed on 8.4.2016].

<sup>56</sup> Available at: <http://www.consilium.europa.eu/en/policies/athena/>, [Accessed on 8.4.2016].



**Table 1. EU civilian and military missions since 2003**

<b>Name</b>	<b>Date</b>	<b>Place</b>	<b>Type of mission</b>
<b>EUSEC RD</b>	Since 2005	Congo	Civilian
<b>EUBAM RAFAH</b>	Since 2005	Palestinian Territories	Civilian
<b>EUPOL COPPS</b>	Since 2006	Palestinian Territories	Civilian
<b>EUPOL</b>	Since 2007	Afghanistan	Civilian
<b>EULEX</b>	Since 2008	Kosovo	Civilian
<b>EUMM</b>	Since 2008	Georgia	Civilian
<b>EUCAP SAHEL</b>	Since 2012	Niger	Civilian
<b>EUCAP NESTOR</b>	Since 2012	Djibouti, Kenya, Somalia, Seychelles and Tanzania	Civilian
<b>EUBAM</b>	Since 2013	Libya	Civilian
<b>EUCAP SAHEL</b>	Since 2014	Mali	Civilian
<b>EUAM</b>	Since 2014	Ukraine	Civilian
<b>EUFOR ALTHEA</b>	Since 2004	Bosnia-Herzegovina	Military
<b>EUNAVFOR ATALANTA</b>	Since 2008	Somalia	Military
<b>EUTM</b>	Since 2010	Somalia	Military
<b>EUTM</b>	Since 2013	Mali	Military
<b>EUMAM RCA</b>	Since 2015	Central African Republic	Military
<b>EUNAVFOR MED</b>	Since 2015	Mediterranean	Military
<b>EUPM BiH</b>	2003-2012	Bosnia-Herzegovina	Civilian
<b>EUPOL PROXIMA FYROM</b>	2004-2005	Macedonia	Civilian
<b>EUJUST THEMIS</b>	2004-2005	Georgia	Civilian
<b>AMM Monitoring Mission</b>	2005-2006	Aceh/Indonesia	Civilian
<b>EUPOL</b>	2005-2007	Kinshasa	Civilian
<b>EUJUST LEX</b>	2005-2013	Iraq	Civilian
<b>EUPAT FYROM</b>	2005-2006	Macedonia	Civilian
<b>EUPOL DR CONGO</b>	2007-2014	Democratic Republic of the Congo	Civilian
<b>EU SSR</b>	2008-2010	Guinea-Bissau	Civilian
<b>EUAVSEC</b>	2012-2014	South Sudan	Civilian
<b>CONCORDIA FYROM</b>	2003-2003	Macedonia	Military
<b>ARTEMIS DR CONGO</b>	2003-2003	Democratic Republic of the Congo	Military
<b>EUFOR RD CONGO</b>	2006-2006	Democratic Republic of the Congo	Military
<b>EUFOR TCHAD/RCA</b>	2008-2009	Eastern Chad and the north-east of the Central African Republic	Military
<b>EUFOR RCA</b>	2014-2015	Central African Republic	Military

Source: EEAS

- **European Parliament**

The competences of the Parliament regarding CSDP focus on the field of foreign policy supervision and budgetary scrutiny. Concerning the first, the High Representative 'shall regularly consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and the common security and defence policy' (Article 36 TEU). The HR is also obliged to inform Parliament 'of how those policies evolve' and to 'duly take into consideration' the European Parliament's views. Furthermore, the European Parliament has the right to be regularly informed 'on the progress of negotiations' and 'immediately and fully informed at all stages of the procedure' (Articles 207 and 218 TFEU: Treaty on the Functioning of the European Union). Within the EU Parliament, the Committee on Foreign Affairs is

'responsible for the promotion, implementation and monitoring of the Union's foreign policy'<sup>57</sup> and is assisted by a sub-committee on Security and Defence, which 'has an important role in information gathering and research on CSDP'<sup>58</sup>.

Within this task of foreign policy supervision, the European Parliament has signed a series of agreements with other EU institutions in order to increase and enhance communication and transparency in defence matters. In addition to the above-mentioned HR/VP's declaration of political accountability of 2010, there are other agreements, such as the Inter-institutional Framework Agreement with the Commission of 2010, which defines the procedures for their political collaboration and comprises several provisions regarding the political responsibility of the Commission, the establishment of regular and effective political dialogue and the implementation of legislative procedures. Another agreement of note is **the Inter-institutional Agreement of 20 November 2002, which allows the European Parliament to have access to sensitive information of the Council in the field of security and defence policy**. In particular, it allows a committee of five MEPs to gain access to classified information (which may be top secret, secret or confidential) when the Chair of the Foreign Affairs Committee or the President of the Parliament requires.

In relation to budgetary scrutiny, **the European Parliament has the power to approve or refuse the annual CFSP budget**. According to article 41 TEU, the Council shall act after consulting the European Parliament with regard to the civilian aspects of CSDP which are financed by the EU budget (that is, civilian administrative and operational expenditures without military/defence implications). In addition, the 2013 Inter-institutional Agreement on budgetary discipline, cooperation in budgetary matters and sound financial management between the European Parliament, the Council and the Commission contains the inter-institutional cooperation procedures on the financing of CFSP.

- **European Defence Agency**

This body was established before the entry into force of the Lisbon Treaty, which sets out its mission in Articles 42.3 and 45 TEU. **The EDA shall identify operational requirements, promote measures to meet these necessities, and strengthen the industrial and technological base of the defence sector**. This article specifies additionally that the EDA shall define a 'European capabilities and armament policy' and that it shall act with the aim of assisting the Council 'in evaluating the improvement of military capabilities'.

The EDA shall act under the authority of the Council of the European Union and strategically focuses on the identification of Member States' military capabilities, the harmonisation of operational needs, the proposal of multilateral projects, the promotion of defence technology research and the 'strengthening of the industrial and technological base of the defence sector' (Article 45 TEU). According to this provision, a future decision would define other aspects concerning the EDA's functioning, such as its 'statute, seat and operational rules', which was established in depth by the Council Joint Action 2004/551.

The EDA dedicates most of its efforts to the following four areas:

1. **Pooling and sharing programmes:** initiatives aimed at enhancing the pooling of military capabilities among EU Member States, by improving coordination and interoperability, avoiding

<sup>57</sup> Rules of Procedure of the European Parliament, ANNEX VI: Powers and responsibilities of standing committees.

<sup>58</sup> R. Ginsberg et S. Penksa, *The European Union in Global Security: The Politics of Impact*, Palgrave Macmillan, 2012, p. 26.



gaps or possible duplications. Here, the EDA is a platform for information exchange in the defence planning and decision-making processes of the different EU Member States. The EDA, together with the Member States, has identified several priority programmes: air-to-air refuelling, helicopter training, and maritime surveillance, among others.

2. **Capability programmes:** According to the decision adopted by the European Council in December 2013, there are four capability programmes whose aim is to deliver key capabilities and address critical shortfalls through concrete cooperative projects. These four programmes are: Air-to-Air Refuelling, Remotely Piloted Aircraft Systems, Governmental Satellite Communication, and Cyber Defence.
3. **Capability Development Plan (CDP):** Thanks to the joint collaboration of the participating Member States, the Council Secretariat and the EUMC (with the support of the EUMS), the EDA devised the CDP and has constantly updated it since then. This Plan provides a diagnosis of current available capabilities of each EU Member State. The objective of this document is to provide each EU Member State with recommendations on its military capabilities.
4. **Research and technology:** Endorsed by the EDA Steering Board on 10 November 2008, the R&T strategy aims to raise investment in research and technology to maintain and reinforce the EU Member States' capabilities.

Moreover, there are two important documents produced by EDA:

1. the **Code of Conduct on Pooling & Sharing**, which was adopted in November 2012, and whose goal is to mainstream 'Pooling & Sharing in Member States' planning and decision-making processes'<sup>59</sup>, supports cooperation between EU Member States in capacity-building.
2. the **Policy Framework for Systematic and Long-Term Defence Cooperation** was approved by the EDA's Steering Board — and later by the Council — in November 2014. The Policy Framework will, 'in full coherence with existing NATO planning processes', guide the cooperative approaches of the Member States to ensure strategic consistency, information-sharing, identification of CSDP critical capability shortfalls, priority-setting and incentives for cooperation.

While it is true that the Head of the Agency is the HR/VP (responsible for its organisation and functioning), the EDA remains under the authority of the Council (to which it reports), and its Steering Board meets at ministerial level. In the Steering Board, the defence ministers of the Member States (except Denmark) decide on the budget, work programmes and projects.

- **European Commission**

With the entry into force of the Lisbon Treaty, this institution was reinforced in its essential functions of proposing legislation, setting priorities for action, implementing EU policies and the EU budget, and representing the Union outside Europe except for CFSP (this area being covered by the HR/EEAS). In CSDP matters, the European Commission's most notable task relates to the defence industry. In July 2013, the Commission presented the Communication '**Towards a more competitive and efficient defence and security sector**'. This document stated that both the increasing cuts in the national defence budget and

<sup>59</sup> Code of Conduct on Pooling & Sharing, European Defence Agency, p. 1, available at: <https://www.eda.europa.eu/docs/news/code-of-conduct.pdf> [Accessed on 20.1.2016].

the fragmented European defence market endangered the capacity of the European Union to effectively maintain its military capabilities and increase its defence industry's competitiveness. Therefore, the European Commission proposed key measures to enhance and harmonise the European defence industry, which in turn reinforced the two existing Directives (**Directive 2009/43/EC on intra-EU transfers of defence-related products** and **Directive 2009/81/EC on defence and sensitive security procurement**).

One year after, in June 2014, the European Commission presented a roadmap (called '**A New Deal for European Defence**') as a follow-up to its previous Communication. This new document identified a series of initiatives to be taken by the European Commission in order to achieve 'a more competitive defence industry and to foster synergies between civil and military research'<sup>60</sup>. Some of the proposed actions were:

1. to complete the single market for defence and security, tackling possible distortions,
2. to make the sector more competitive,
3. and to support European defence research, among others.

Moreover, in May 2015, the Commission adopted a new 'Report on the Implementation of the European Commission's Communication on Defence', which reviewed the EU's progress in promoting an EDTIB.

In this regard, it is likely that, after the publication of the Global Strategy in June 2016, the Commission will adopt the '**European Defence Action Plan**'. The main objective of this document is 'to bring together core elements of our existing defence policies on the **internal market, industrial policy and research** and combine them, in a coherent way with new initiatives to provide synergies between security and defence especially in the field of space'<sup>61</sup>. The principal consequence will be the enhancement of a more integrated and competitive EDTIB. In addition, this Defence Action Plan will include other measures, such as the launching of a **Preparatory Action** in order to find out potential benefits of **EU-funded research** in CSDP matters. Currently, the funding is exclusively focused on civilian or dual-use R&D through the Horizon 2020 programme.

More specifically, in December 2013 the European Commission published, in collaboration with the High Representative, the Joint Communication on an EU Comprehensive Approach to External Conflict and Crises, and subsequently, the Joint Communication — by the Commission and the High Representative — on Capacity Building in Support of Security and Development in third countries.

As shown in this inter-institutional dimension, the Lisbon Treaty gives us the legal ground on which a White Book process will be based. Some of the main competences of EU institutions in CSDP are the right of initiative of the HR/VP, the strategic planning and military expertise of some of the EEAS's committees and directorates, the supervision and budgetary control of the EU Parliament and the role of the SEDE, the EDA's identification process of capabilities and operational needs, and the role of the European Commission in the defence industry. All of them, among others, should be taken into consideration in order to produce the WB successfully.

<sup>60</sup> 'A New Deal for European Defence: Commission proposes industrial action plan', European Commission Press release, 24 June 2014, available at: [http://europa.eu/rapid/press-release\\_IP-14-718\\_en.htm](http://europa.eu/rapid/press-release_IP-14-718_en.htm) [Accessed on 13.1.2016].

<sup>61</sup> Roadmap of European Defence Action Plan, European Commission, 11/2014, p. 2, available at: [http://ec.europa.eu/smart-regulation/roadmaps/docs/2016\\_grow\\_006\\_cwp\\_european\\_defence\\_action\\_plan\\_en.pdf](http://ec.europa.eu/smart-regulation/roadmaps/docs/2016_grow_006_cwp_european_defence_action_plan_en.pdf) [Accessed on 13.1.2016].

### 3.4 Lisbon Treaty: legal boundaries

Concerning the development of the CSDP, the Lisbon Treaty introduces new instruments, whose implications and limits should be analysed in order to better know what they provide, how they can be implemented and how far they can go. This is essential for an EU-level White Book, since only by bearing this in mind will the WB be able to propose the most accurate measures to complement and operationalise the Global Strategy. Some of these legal tools are, for example, the solidarity clause (Article 222 TFEU), the enhanced cooperation clause (Article 20 TEU), the mutual assistance clause (Article 42.7 TEU) and the permanent structured cooperation mechanism (Article 46 TEU), among others. All these instruments set out in the Treaty may change the European Union foreign policy system, and may serve to revitalise the commitment to the defence policy. Undoubtedly, this wide range of possibilities is one of the major assets of the Lisbon Treaty.

- **Enhanced cooperation clause** (Articles 20 TEU and 326-334 TFEU)

This is a procedure according to which a minimum of nine Member States are allowed to advance in integration or cooperation in a given field remaining within EU structures, institutions and procedures. Enhanced cooperation must continually remain open to all other Member States. In line with Article 20 TEU, only a unanimous decision of the Council can enact such cooperation, and always as a last resort for when the pursued cooperation cannot be achieved by the Union as a whole 'within a reasonable period'. All EU Member States can participate in the meetings and deliberations, but only participating MSs will be able to vote. Prior to requesting such cooperation in the Council, the willing Member States have to communicate their willingness to the European Commission and the High Representative, both of which will give their opinion regarding the consistency of the proposal with other European policies (Article 329.2 TFEU). Moreover, the European Parliament must be informed.

In no event will acts and decisions taken within this enhanced cooperation become part of the *acquis communautaire*. And the enhanced cooperation shall not undermine the functioning of the European Union in relation to 'the internal market or economic, social and territorial cohesion' (Article 326 TFEU). The ultimate aim of this clause seems to be to enhance the process of integration of Union. In this respect, this mechanism is seen as a way to break the paralysis in EU decision-making and to accelerate the building of Europe for those willing Member States. This clause has not been used in CFSP/CSDP matters, though it has been applied to divorce law regulation and intellectual property rights.

- **Mutual assistance clause** (Article 42.7 TEU)

This establishes that in the event of 'armed aggression on its territory', the EU Member State which has suffered the attack can invoke this mechanism by which the fellow Member States 'shall have towards it an obligation of aid and assistance by all the means in their power', in accordance with the provisions of Article 51 of the United Nations Charter. The assistance will consist of civilian and military capabilities from other EU States.

As is clear, there are some similarities between the collective defence clause contained in Article 5 of the NATO Charter and the mutual assistance clause of Article 42.7 TEU. Both provisions have been invoked, the first one after the 9/11 attacks against the United States, and the second one after the attacks in Paris of November 2015. However, there is a significant difference to underline: while in the first case 'the

[NATO] decision-making procedure and military apparatus that ensures and organises collective response in the case of an attack'<sup>62</sup> is used, the EU mutual assistance clause is inter-governmental and coordination will be centralised by the requesting Member State. However, Article 42.7 TEU does 'not preclude EU coordination to ensure greater effectiveness'.

Concerning the relationship with the solidarity clause, both of them offer a 'possibility to request aid and assistance from partners'<sup>63</sup>, but there is a significant procedural difference. While Council Decision 2014/415/EU established the modalities for implementation by the EU of the solidarity clause, the mutual assistance clause 'does not set out any formal procedure' since 'no Council decision or conclusion is needed to implement Article 42.7 TEU, only the existence of the facts/situation constituting the reason for invoking the article'<sup>64</sup>.

- **Flexibility mechanism** (Article 44 TEU)

This provision has never been applied to date. In essence, this mechanism would allow the Council 'to entrust' the implementation of a Petersberg task — Article 43 TEU — 'to a group of EU Member States which are willing and have the necessary capability'. A literal interpretation of the provision would be that any operation under Article 44 would have to be carried out by at least two Member States, which would be responsible for the planning and command of the mission. In general terms, this provision could be useful for flexible and speedy action in cases requiring a rapid response by the EU. The tasks to be executed would have to be agreed upon among the interested Member States and the High Representative. The Council would be regularly informed of the progress of the task by the participating Member States. In such cases where the completion of the task could imply a modification of the 'objective, scope and conditions determined', the Council would be informed and would take the necessary measures.

Though it does not create a new category of EU operations — there is an explicit reference to Article 43 — this mechanism opens up the possibility to launch CSDP-related operations, civilian or military, 'by a 'coalition of willing' Member States under an EU flag and EU political control'<sup>65</sup>. Furthermore, although this tool provides more flexibility and speedy action than the enhanced cooperation clause or permanent structured cooperation, it is also clear that it should be put into practice under the EU legal framework. Importantly, the Council shall 'act unanimously, as for any other CSDP operation'<sup>66</sup>.

Regarding the management of the operation, there are two possible interpretations: (a) as an EU operation, it would be 'placed under the political control and strategic direction of the Political and Security Committee'<sup>67</sup>; (b) given that the Council 'entrusts' the implementation of the task to a group of

<sup>62</sup> ---, 'From Mutual Assistance to Collective Security. Article 42(7) TEU: Orchestrating Our Response to New Threats', *EPSC Strategic Notes*, Issue 10/2015, 22 December, p. 2.

<sup>63</sup> J. Rehl, 'Invoking the EU's Mutual Assistance Clause. What it says, what it means', Commentaries, Egmont Royal Institute for International Relations, 20 November 2015, available at: [http://www.egmontinstitute.be/publication\\_article/invoking-the-eus-mutual-assistance-clause-what-it-says-what-it-means/](http://www.egmontinstitute.be/publication_article/invoking-the-eus-mutual-assistance-clause-what-it-says-what-it-means/), [Accessed 8.4.2016].

<sup>64</sup> C.-C., Cirlig, 'The EU's mutual assistance clause. First ever activation of Article 42(7) TEU', *European Parliamentary Research Service*, Briefing November 2015, p. 4.

<sup>65</sup> C.-C., Cirlig, 'The EU's mutual assistance clause', p. 5.

<sup>66</sup> T. Tardy, 'In groups we trust. Implementing Article 44 of the Lisbon Treaty', *Brief Issue EUISS*, 27, October 2014, p. 2.

<sup>67</sup> T. Tardy, 'In groups we trust', p. 2.

EU Member States, it is likely that the standard 'procedures and planning cycle cannot be fully followed'<sup>68</sup>.

A positive aspect of the flexibility mechanism — as compared to the Mutual Assistance Clause — is that of burden-sharing, since common financial resources<sup>69</sup> could be used (apart from the costs covered by the Athena mechanism). Thus, the strong point of Article 44 is that the participating Member States could launch speedy CSDP operations under the EU framework, while retaining implementation autonomy. However, many doubts remain around this provision, which will remain in place until the article is used for the first time.

- **Permanent structured cooperation** (Articles 42.6 and 46 TEU)

This establishes a mechanism by which those Member States that wish to participate in it, having met the criteria and made the necessary commitments (contained and specified in Protocol 10 of the Treaty), shall be able to cooperate more closely in CSDP matters within the EU framework. These willing and able Member States shall notify their intention to the Council and the High Representative, and the **Council shall act by a qualified majority** in the consultation with the High Representative and in the adoption of the decision confirming the use of this mechanism and the list of participating countries. However, unanimity shall be the rule for making decisions within the PESCO framework.

In relation to the requirements established by Protocol 10, three provisions are worth considering:

1. In Article 1, the Protocol states that any EU Member State that wishes to participate in permanent structured cooperation shall **'more intensively develop its defence capabilities'** (through, among other means, participation in European equipment programmes) and shall 'have the capacity to supply by 2010 [...] targeted combat units for the missions planned [...] for an initial period of 30 days and [...] up to at least 120 days'.
2. Along the same lines, Article 2 points out that the participating **Member States should cooperate with each other**; harmonise the identification of their military needs; take the necessary measures to make their forces more available, interoperable, flexible and deployable; and work together and participate in the programmes proposed by the European Defence Agency.
3. Finally, according to Article 3, **the assessment of the tasks assigned to the participating Member States will be carried out by the EDA**, especially in relation to the contributions set forth in Article 2.

As some studies have suggested, permanent structured cooperation is one of the most significant instruments provided by the Lisbon Treaty. However, it has not been used to date. Still, the potential use of this mechanism could allow those Member States willing and able to do so to strengthen the CSDP, giving more flexibility to EU action in relation to capability development and sharing.

Participation in this mechanism can never be compulsory and must remain open to all other able and willing Member States. However, it is up to the participating countries to decide the areas where integration shall be achieved: the concrete projects, the depth of military cooperation and the criteria for participation, among others<sup>70</sup>.

<sup>68</sup> T. Tardy, 'In groups we trust', p. 2.

<sup>69</sup> ---, 'From Mutual Assistance to Collective Security', p. 5.

<sup>70</sup> M. Barnier, 'In Defence of Europe', p. 7.

- **Solidarity clause** (Article 222 TFEU)

Under this provision, in the event of a terrorist attack or a natural or man-made disaster, the EU and its Member States shall act jointly 'in a spirit of solidarity'. The instruments at the EU's disposal are both civilian and military (provided by the EU Member States) and they will be used in two scenarios: to prevent a terrorist attack and to assist when a natural or man-made disaster occurs. The clause establishes that coordination among states will take place in the Council, which will be assisted by the Political and Security Committee and the Standing Committee on Internal Security. Finally, the European Council will be the body in charge of evaluating the threats that the European Union faces.

Unlike other provisions, and in compliance with the third paragraph of Article 222 TFEU, some progress has been made with the Council Decision of 24 June 2014, which defines the conditions and arrangements for its implementation. Accordingly, the Council is the institution that oversees the implementation of this clause, while the High Representative and the EEAS will coordinate capabilities and means of deployment. In this regard, and according to Article 5.3 of the Decision, the Commission and the High Representative will present proposals to the Council in relation to the exceptional measures and the military capabilities to adopt. In the event of the political authorities of the affected EU Member State invoking the clause, they 'shall address their invocation to the Presidency of the Council [...] and to the President of the European Commission through the ERCC (Emergency Response and Coordination Centre)'. The Presidency of the Council shall thereafter inform the President of the European Council and the President of the European Parliament.

Unlike the mutual assistance clause, which is purely inter-governmental in nature, this mechanism of solidarity requires political coordination at the EU level. Another difference with Article 42.7 TEU is that the invocation of the solidarity clause is restricted to the territory of the affected Member State (the mutual assistance clause 'does not have this territorial limitation when it comes to implementation'<sup>71</sup>). Moreover, and according to the above-mentioned Decision, the solidarity clause has no defence implications (Article 2 of the Decision), although it is true that military capabilities can be deployed, but for civilian purposes. In line with these factors, some reports suggest that the 'limited role for EU institutions'<sup>72</sup> and the location of 'the mutual assistance clause [...] in the Chapter on the security and defence (CSDP)<sup>73</sup> could explain the 'preference for the intergovernmental/bilateral framework'<sup>74</sup> of Article 42(7) by France.

Lastly, the solidarity clause shall fall under the jurisdiction of the Court of Justice of the European Union, although the Court 'shall not have jurisdiction with respect to the provisions relating to the common foreign and security policy' (Article 275 TFEU).

- **The financing of CFSP/CSDP** (Article 41 TEU)

The financing of EU civilian and military crisis management operations could be structured on the basis of the nature of the cost (see chart below for more clarification): civilian administrative and operational

<sup>71</sup> C.-C., Cîrlig, 'The EU's mutual assistance clause', p. 7.

<sup>72</sup> C.-C., Cîrlig, 'The EU's mutual assistance clause', p. 8.

<sup>73</sup> C. Moser, 'Awakening dormant law – or the invocation of the European mutual assistance clause after the Paris attacks', *Verfassungsblog on Constitutional Matters*, 18 November 2015, available at: <http://verfassungsblog.de/awakening-dormant-law-or-the-invocation-of-the-european-mutual-assistance-clause-after-the-paris-attacks/>, [Accessed on: 28.3.2016].

<sup>74</sup> C.-C., Cîrlig, 'The EU's mutual assistance clause', p. 8.



expenditures, operational expenditures with military/defence implications, urgent financing of initiatives for preparatory activities and urgent financing of initiatives for preparatory activities with military/defence implications.

First, civilian administrative and operational expenditures shall be charged to the European Union budget directly. The reference to the expenditure is often included in the decision — adopted by the Council — that establishes the mission. In the event of the mission being expanded, the funds are revised.

Second, when the expenditure comes from operations with military implications<sup>75</sup> (or when Council unanimously decides), the costs shall be charged to the Athena mechanism (made up of EU Member States contributions in proportion to their GDP)<sup>76</sup>. The list of common costs financed by this mechanism includes spending for medical services, infrastructure, travel, accommodation, fuel, and staff recruitment, among others. The costs related to 'personnel and other items' are financed on a 'costs lie where they fall' basis<sup>77</sup>. Regarding the Athena mechanism, its management is carried out by 'a trio composed of an administrator, an operation commander and an accounting officer'<sup>78</sup>. All their actions are controlled by the Special Committee, which is the decision-making body that administers the financing of the common costs.

Concerning the future EU-level White Book, it would be essential to rethink the functioning of this mechanism. Although Athena works in terms of burden-sharing and some arrangements have been adopted 'to cover the strategic transport costs'<sup>79</sup>, its impact has been quite limited. Because Member States still bear 'the largest share of the costs, CSDP military operations remain dependent on their willingness to engage and to provide the necessary capabilities'<sup>80</sup>.

Third, in relation to the preparatory activities concerning the tasks described in Article 42.1 TEU and Article 43 TEU (Petersberg tasks), the Council shall adopt a decision establishing the 'specific procedures for guaranteeing rapid access to appropriations in the Union budget', after consulting the European Parliament. Unfortunately, the Council has not yet adopted this Decision.

Fourth, a start-up fund will be created and will be made up of Member States' contributions for those preparatory activities (as set forth in Article 42.1 and 43 TEU) which have military or defence implications and are not charged to the Union budget (Article 41.3 TEU). In these cases, the Council shall authorise the High Representative to make use of this fund. However, it has not been established to date.

Regarding other areas than civilian and military missions, 'the current financial regulation is [...] quite inflexible regarding CFSP/CSDP expenditure'<sup>81</sup>. Currently, the funding is exclusively focused on civilian or dual-use R&D through the Horizon 2020 programme. However, there is a field where modest progress has been achieved: the funding of CSDP research from the EU budget via pilot projects or preparatory

<sup>75</sup> According to Council Decision 2011/871/CFSP of 19 December 2011, 'Denmark does not participate in the elaboration and implementation of decisions and actions of the Union which have defence implications. Denmark does not participate in this decision and therefore does not participate in the financing of the mechanism.'

<sup>76</sup> The list of the common costs can be found in Annexes I, II, III and IV of Council Decision 2011/871/CFSP.

<sup>77</sup> A. Missiroli, 'EUISS Yearbook of European Security Y•E•S 2013', EUISS, April 2013, p. 276.

<sup>78</sup> A. Missiroli, 'EUISS Yearbook of European Security Y•E•S 2013', p. 275.

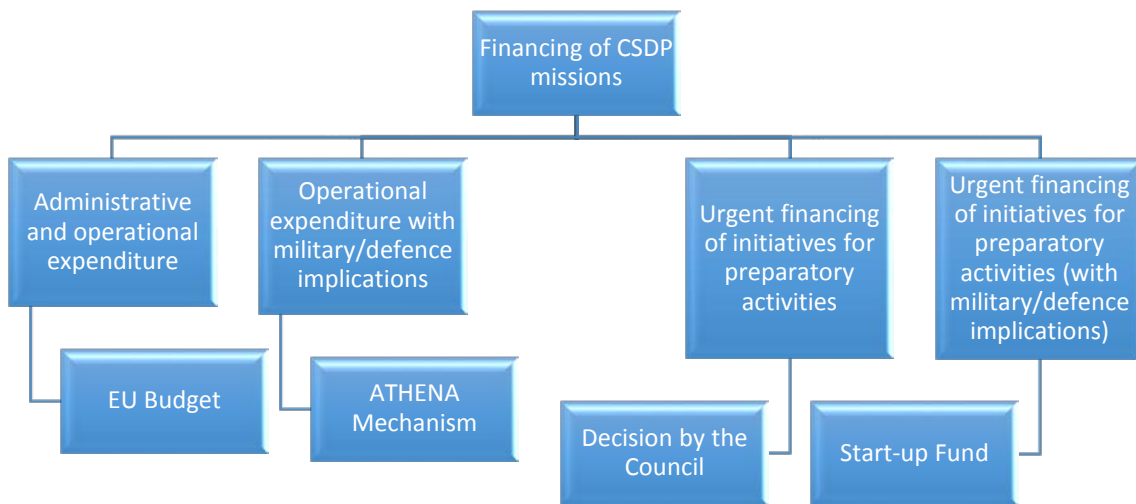
<sup>79</sup> C.-C. Cîrlig, 'Financing of CSDP missions and operations', *European Parliamentary Research Service*, February 2016, p. 2.

<sup>80</sup> C.-C. Cîrlig, 'Financing of CSDP missions and operations', p. 2.

<sup>81</sup> W. Troszczyńska-Van Genderen, 'The Lisbon Treaty's provisions', p. 14.

actions. Regarding the first, the European Parliament has included a CSDP pilot project in the EU budget for 2015. According to it, the EDA will conduct the research thanks to the funds received by the European Union. The aim is to develop concrete research activities that are likely to have significant impact on future operations. Concerning the second, the Commission will launch a Preparatory Action in 2017 in order to find out potential benefits of EU-funded research in CSDP matters. As stressed by Denis Roger, EDA European Synergies and Innovation Director, the Preparatory Action 'is the first step towards a much bigger challenge: the setting-up of a CSDP-related research programme at EU level'<sup>82</sup>.

**Figure 5 The financing of CSDP missions**

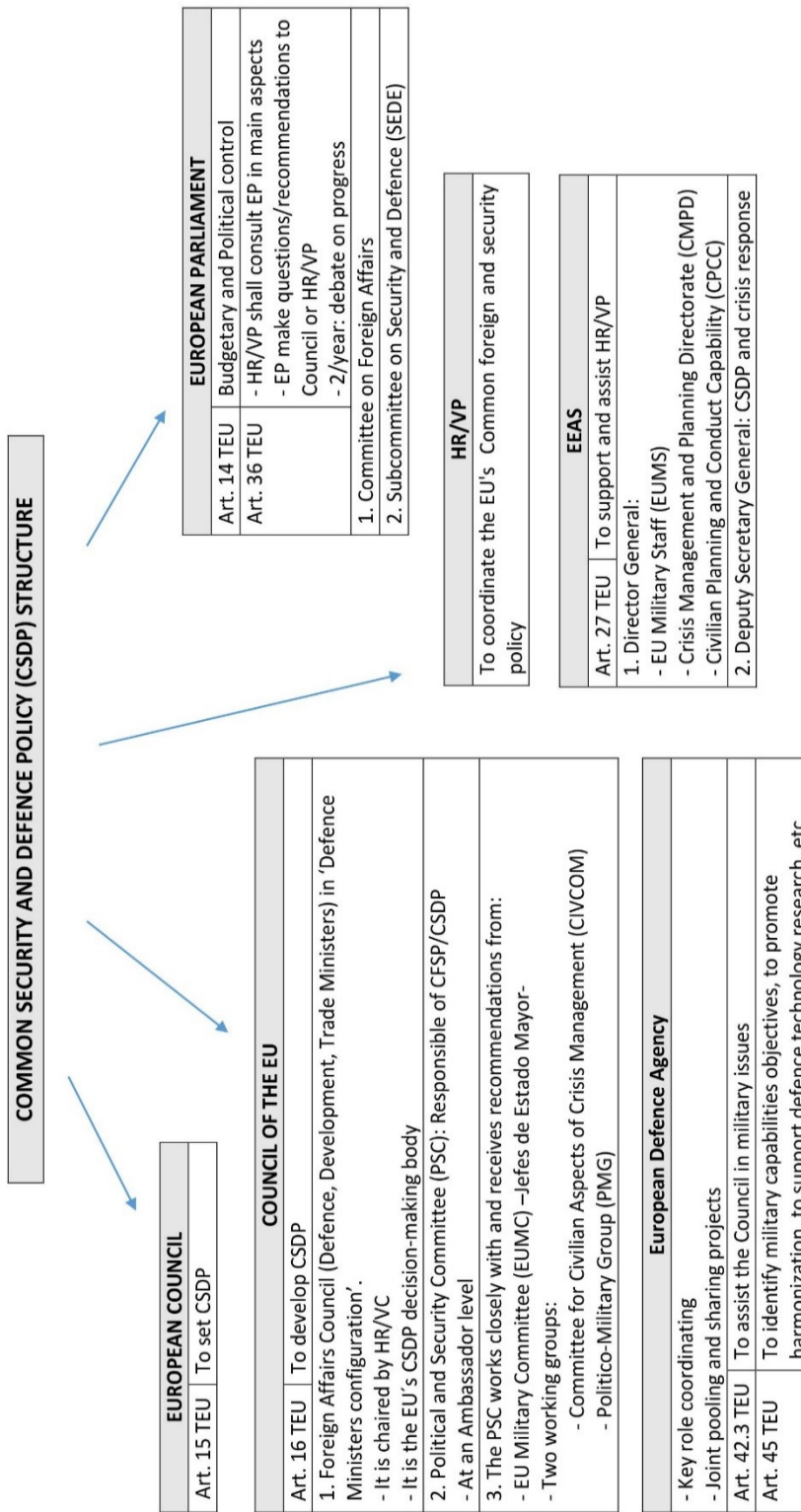


Source: own

<sup>82</sup> Information available at: <https://www.eda.europa.eu/info-hub/press-centre/latest-news/2014/11/25/first-eda-commission-workshop-on-the-preparatory-action-for-csdp-related-research>, [Accessed on 8.2.2016].

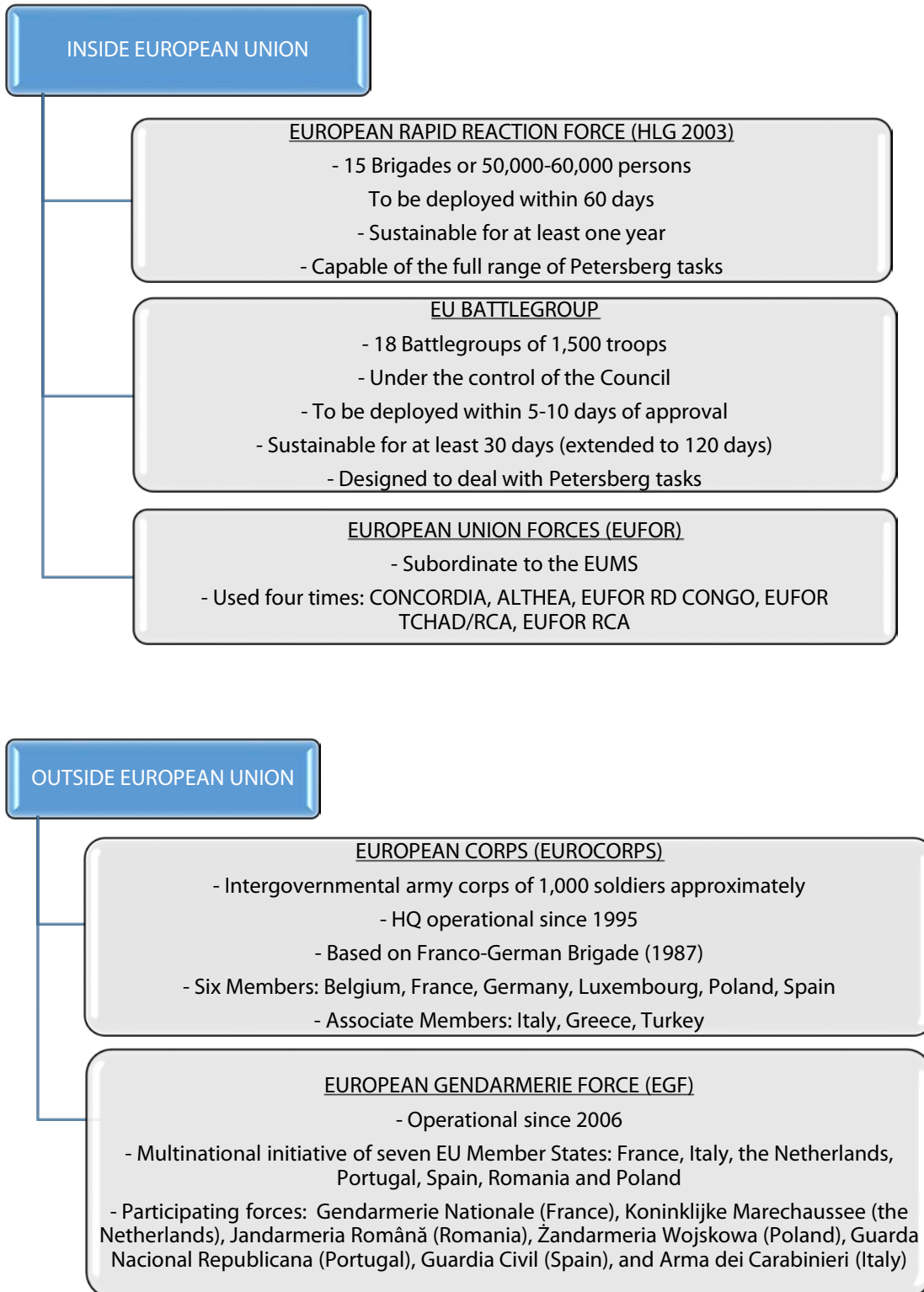


**Figure 6. Institutional framework of CSDP**



Source: own

**Figure 7. Military forces**



Source: own

## 4 Transatlantic and NATO dimensions and implications for a White Book

The elaboration of the future White Book must also take into account the possible impact and constraints on the EU's relationships with both the NATO and the United States. As previously stated, the main purpose of an EU-level White Book is to advance in the development of European security and defence, and this objective may have some consequences for relationships with these two strategic partners. With the aim of clarifying such consequences, we address the key aspects which will have to be considered during the drafting process.

### 4.1 EU–US relationship

The relationship with the United States is of utmost importance for the European Union. Historically, this relationship has been based on **shared values and principles**, as well as on defence cooperation through NATO. While it has not been the case in the past, today the United States is 'one of the strongest supporters to develop an effective and efficient CSDP'<sup>83</sup>. This vision—that the United States would favour the development of a stronger European Common Security and Defence Policy—has also been endorsed by renowned analysts like **Nick Witney**: 'in stark contrast to earlier periods, Washington has increasingly come to believe that ... [Europeans] will need to work together more effectively within the EU. The CSDP, therefore, no longer stands in contradistinction to the trans-Atlantic relationship but, rather, should be one of its primary building blocks'<sup>84</sup>. However, the elaboration process of an EU-level White Book should bear in mind its impact and implications for the EU–US relationship. These possible effects include, among others, the following.

#### 4.1.1 Military autonomy and a more balanced relationship with NATO

First, the future WB would try to achieve more EU military autonomy and a more balanced relationship with NATO on a major burden-sharing basis. These two objectives could have a positive effect on the relationship with the United States, since it has recently called for the EU to shoulder a larger share of defence efforts in NATO and is aligned with the explicit intention of the EU to achieve a higher degree of **autonomy of action**. In this sense, the future EU WB would presumably allow the US to reduce its current burden in the Atlantic alliance and be reinforced with a militarily stronger ally in the EU's contribution to international security.

#### 4.1.2 A unified EU voice in defence

Second, the United States seems to prefer a unified and active **European Union** in several security and military matters, rather than a fragmented or passive EU. An enhanced CSDP would provide a unified European approach to defence, as already happens 'in trade and economic matters'<sup>85</sup>. This task of unification and enhancement would be more easily achieved with an EU-level WB, since it would serve as a clear, direct and jointly agreed roadmap to help reduce the paralysis and bureaucracy sometimes

<sup>83</sup> J. Coelmont et M. de Langlois, 'Recalibrating CSDP-NATO Relations: The Real Pivot', *Security Policy Brief*, Egmont Royal Institute for International Relations, n° 47, June 2013, p. 2.

<sup>84</sup> A. Menon & N. Witney, 'After Paris: What Price European Defence?' ECFR Essay, November 2015, p. 4.

<sup>85</sup> B. Lasheras et al., 'European Union Security and Defence White Paper A Proposal', p. 30.

present in EU functioning. Consequently, the implications of the WB on this issue do not seem to present a risk for the EU–US relationship.

#### 4.1.3 EU's reinforcement as security provider

Third, the WB will probably ask for an increase of EU assets and capabilities, and this could have an impact on the EU–US relationship. In principle, this would not be a problem for the US, since in recent years the United States has publicly supported enhancing European defence capabilities. With more capabilities, the European Union will reinforce its position as security provider, and this is especially significant since the **US 'pivot' towards Asia**, which implies that Europe is no longer the basis of US security. The recent war in Libya, where the US chose to 'lead from behind'<sup>86</sup>, points to this new shift, since it implied that the EU should take primary responsibility for the management of an operation in the European theatre (in fact, France and the UK acted as driving forces in this intervention<sup>87</sup>). According to this new conception of shared US–European security, the US would welcome Europeans' taking the lead in certain regional conflicts.

#### 4.1.4 Effects on research and industrial matters

Fourth, another implication of a future EU-level WB would be the potential effects on defence research and industrial matters. Concerning the first, since the White Book would promote the enhancement of this sector, US armament corporations may fear losing power and influence with the appearance of more competitive actors in the area. However, this does not seem to be the case, since if Europe wants to be 'a committed ally and a true partner for the US, then it has to raise significantly its level of ambitions with regard to defence'<sup>88</sup>.

In relation to industrial matters, the WB will surely ask for a more competitive and stronger European Defence Technological and Industrial Base, and this may have a series of effects on the US defence market. One possible effect would be the fact that Americans would benefit from the standardisation and certification of the European defence market, thus avoiding 28 different regulations. Undoubtedly, this would have a benefit in terms of costs. However, although Americans have traditionally protected their interests with highly restrictive measures, a stronger EDTIB may also imply that EU defence industrial companies are more focused on the EU defence market, to the detriment of the US market. Consequently, since 'there is no longer any serious competition among U.S. companies [against EU companies], this tends to decrease quality and increase prices'<sup>89</sup>. For that reason, since the potential impact upon and implications for the EU–US relationship are not clear, these questions should be addressed during the drafting process of the WB.

On the basis of these arguments, it seems reasonable to think that the elaboration of an EU-level WB should not, in principle, be considered an obstacle in the EU-US relationship. However, the process

<sup>86</sup> J. Howorth, *Security and Defence Policy in the European Union*, Palgrave Macmillan, 2014, p. 139.

<sup>87</sup> B. Gomis, 'Franco-British Leadership in Libya: Prepared for the Long Run?', Chatham House, the Royal Institute of International Affairs, 23 March 2011, available at: <https://www.chathamhouse.org/media/comment/view/163893#sthash.pB0zBvDK.dpufhttps://www.chathamhouse.org/media/comment/view/163893>, [Accessed on: 3.4.2016].

<sup>88</sup> M. F. Mauro et K. Thoma, 'The future of EU defence research', Directorate-General for External Policies, Policy Department, European Parliament, March 2016, p. 69.

<sup>89</sup> C. Mölling, 'Europe, the Transatlantic Defense Industry, and How to Make the Right Choice?', *The German Marshall Fund of the United States*, Policy Brief, Transatlantic Security Task Force Series, November 2013, p. 3.

should take into consideration not only the presumable acceptance of the US regarding the higher degree of EU autonomy of action, the achievement of a unified European Union position in various security and military matters, and the increase of EU capabilities, but also the questions arising about defence research and industrial matters in the EU market.

## 4.2 EU–NATO relationship

As with the United States, it is essential to take into consideration the implications of an EU-level WB regarding the EU–NATO relationship, specifying the mechanisms of coordination and the desired level of cooperation. The fact that 22 European Member States belong to both the EU and NATO is significant. Without a doubt, NATO and the EU are two of the main global actors in the management of past and current international crises. The **basis of this collaboration** is the common and shared values, norms and principles of both institutions. This strategic partnership has been forged in the principles of coherence, transparency and equality, which are recognised through the respect for the interests of both EU Member States and NATO<sup>90</sup>.

In regard to the **current legal context**, the only arrangement so far concerning the NATO–EU relationship is the **Berlin Plus Agreement**. This has its roots in a previous arrangement between NATO and the Western European Union (WEU) concluded at the 1996 NATO ministerial meeting in Berlin, whose aim was twofold: to allow European countries to deploy military missions where there was no interest for NATO, and to reduce the financial burden of the United States in NATO. Later, in the **1999 Cologne European Council** conclusions—see Annex III—the European Union decided to include ‘the definition of the modalities for the inclusion of those functions of the WEU which will be necessary for the EU to fulfil its new responsibilities in the area of the Petersberg tasks’. In other words, the EU took over the WEU functions.

For that reason, and after the **December 2002 EU-NATO Declaration**, a new framework for cooperation in the relationship between the two organisations was created under the Berlin Plus Agreement. This was **concluded in March 2003** and included different aspects: for example, the exchange of classified information, the access to NATO planning capabilities for EU-led Crisis Management and the availability of NATO assets and capabilities for EU-led civil-military operations. Among other things, this package of arrangements was carefully engineered to avoid risks of duplication and overlapping between the two organisations.

During these years, mainly through meetings between the EU’s Political and Security Committee and NATO’s North Atlantic Council, there have been different areas where **cooperation** has been successful. Excellent examples are the improvements achieved in fields such as political consultation, capabilities, terrorism and cyber defence. Concerning the last of these, this EU–NATO cooperation started in 2010 with staff-to-staff consultations and informal meetings and it has become a priority for a more secure digital world. Currently, two of the most successful cooperation initiatives are the EU observance of the NATO annual cyber defence exercise, ‘Cyber Coalition’, and the Technical Arrangement between the NATO Computer Incident Response Capability (NCIRC) and the Computer Emergency Response Team–European Union (CERT–EU). In the first, NATO shares information with EU agencies; in the second, the EU

<sup>90</sup> See the common principles set out in the December 2002 EU-NATO Declaration.

fosters cooperation with NATO in accord with one of the five objectives of the EU Cyber Defence Policy Framework of November 2014<sup>91</sup> (see Chapter 2).

Additional fields where it seems logical to expect successful cooperation include 'intelligence sharing and assistance to military SSR'<sup>92/93</sup>. Moreover, NATO's Strategic Concept 2010 identified the need to address new security challenges such as energy security, and the Russian interference in Ukraine has questioned the value of traditional responses to hybrid threats. Concerning the latter, the upcoming July 2016 NATO Summit in Warsaw seems a good opportunity for the European Union and NATO to discuss future cooperation in depth. In this new scenario, the EU and NATO will 'have to cooperate closely, while in areas of sole competence of either of the two ... , both organisations should consult and coordinate to synchronise timing and impact'<sup>94</sup>. In this sense, the drafting of a WB should be accompanied by an intense debate process between EU and NATO members with the aim of studying how to better put into practice the advantages of each organisation to face these new challenges.

However, in spite of these steps, there is still more room for improvement in the current EU–NATO relationship. A key goal under any EU–NATO relationship is to guarantee complementarity, and the creation of an EU-level WB—which would help develop the CSDP—should reinforce this **complementary role** of the European Union in NATO framework. To do this, first, the European Union's security and defence policy should be viewed as a **contribution to NATO's mission of territorial defence** (NATO Article 5). In this sense, it appears necessary that the future WB outline the legal boundaries and contexts under which the invoking and compatibility of NATO's Article 5 could go together with other provisions foreseen in the Lisbon Treaty, such as Articles 42.2 and 42.7 TEU. As set forth in Article 42.2 TEU, the EU defence policy 'shall respect the obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organization'. Similarly, the mutual assistance clause set out in Article 42.7 TEU recognises that the commitments in this area 'shall be consistent with commitments under the North Atlantic Treaty Organisation'. With these two provisions in mind, both the scope and conditions of any future joint action should be clarified in order to determine how they could be complementary to each other.

Apart from these legal implications, there are other areas in which a future EU-level WB could have an impact, such as the higher level of military autonomy, the more balanced relationship with NATO, the potential implications in economic and industrial terms and the possible modifications of the current institutional channel of communications.

#### 4.2.1 Higher level of EU military autonomy

First, since the WB will probably ask for an increase of EU capabilities, this will lead to a higher level of military autonomy. This new scenario will surely affect two current political issues: the NATO right of first refusal and the Turkey–Cyprus conflict. Regarding the former, under Berlin Plus, NATO has **right of first refusal** under which the use of its assets by the European Union would be possible only in a situation where NATO has no interest in intervening. In this sense, the development of a WB could be a good

<sup>91</sup> Information available at: [http://eeas.europa.eu/top\\_stories/2016/100216\\_eu-nato-cyber-defence-cooperation\\_en.htm](http://eeas.europa.eu/top_stories/2016/100216_eu-nato-cyber-defence-cooperation_en.htm), [Accessed on: 3.4.2016]

<sup>92</sup> Initials for Security Sector Reform.

<sup>93</sup> S. Blockmans et G. Faleg, 'More Union in European Defence', p. 10.

<sup>94</sup> M. Drent et al., 'New Threats, New EU and NATO Responses', p. 52.



opportunity to have more autonomy of action in the relationship with NATO. In a scenario where both organisations have an interest in intervening, the EU would have the possibility to act with its own capabilities and resources, in full cooperation with NATO and without compromising the benefits of this strategic partnership. This should not be seen as a signal of distance, but as an ideal way to admit and acknowledge the different paths each organisation can follow.

Concerning the **Turkey–Cyprus conflict**, here the political complexity of the application and use of the Berlin Plus agreement is well known. This in turn makes the EU reluctant to further deepen the Berlin Plus Agreement. The result is that, in spite of the successful joint experience in the 90s between NATO and the EU, nowadays it seems impossible to implement a Berlin Plus mission. Regarding the possible impact of a future WB on the matter, and bearing in mind that the Turkey–Cyprus issue must be ‘dealt with at the highest political level and not be reduced to a secondary issue’<sup>95</sup>, the development of a CSDP could help overcome the current blockage thanks to the higher level of military autonomy gained by the European Union. Thus, the EU could carry out operations beyond its border in an autonomous way ‘serving their own interests’<sup>96</sup>, without depending on NATO.

#### 4.2.2 More balanced relationship

Second, another of the implications of a future WB could be a request on the part of NATO for a more balanced relationship. With the increase of EU assets and capabilities and the improvement in their use and management, NATO may desire a ‘fairer’ relationship with the EU. Thus, the EU should study the possibility of providing those means, expertise or value that NATO lacks; for example, non-military assets. This new type of collaboration would flow in both directions and would allow both organisations to do their best, giving NATO access to EU’s strengths and vice versa.

#### 4.2.3 Economic and industrial constraints

Third, an EU-level WB could also bring a series of effects and constraints to take into account in economic and industrial terms. One of the key objectives of this WB is to take the CSDP a step further, and this implies fostering the internal market in relation to the European defence industry. In this sense, the launch of the Defence Action Plan by the European Commission, along with an enhanced EDTIB and the possibility of mutualising capabilities, will probably make the European Union a more consolidated and competitive industrial actor. This new scenario could surely have economic consequences for both the US and NATO, because it will increase the added value of the European defence companies and probably alter the status quo regarding the acquisition of procurement contracts. In principle, these modifications do not seem to be problematic for NATO since it will benefit economically from having more competition in the sector. However, it is highly advisable to consider these potential constraints during the WB’s drafting process.

In addition, there is another indirect economic and industrial effect of the WB. The development of the European industrial market could be viewed as an advantage in the relationship with NATO. The strengthening of those European industrial sectors with a comparative advantage (aerospace missile, naval and protected-vehicle sectors)<sup>97</sup> could lead to the consolidation and enhancement of the European

<sup>95</sup> J. Coelmont et M. de Langlois, ‘Recalibrating CSDP-NATO Relations’, p. 2.

<sup>96</sup> B. Lasheras et al., ‘European Union Security and Defence White Paper A Proposal’, p. 31.

<sup>97</sup> V. Briani et al., ‘The development of a European Defence Technological and Industrial Base (EDTIB)’, Directorate-General for External Policies, Policy Department, European Parliament, June 2013, p. 77.



industrial base and this would result in a major specialisation. NATO would most likely welcome these changes because it would benefit from them in their missions and it would reduce the burden for other NATO contributors.

#### 4.2.4 Channels of communication

Fourth, an EU-level WB could also have an impact on the current institutional channels of communication between NATO and the EU. For example, the development of new capabilities or additional pooling and sharing programmes would make the EU better able to provide resources and assets of common requirement. In this sense, the frequency of current coordination meetings in the EU–NATO Capability Group, created in 2003 ‘to ensure the coherence and mutual reinforcement of NATO and EU capability development efforts’<sup>98</sup>, should probably be increased due to the higher degree of European involvement in the matter. At the same time, the drafting of the future WB could be viewed as an opportunity to include new, improved mechanisms of communication. Additionally, the future WB should study in depth the possibility of increasing the presence of NATO and EU representatives in the respective organisations, with the objective of making better political and military decisions with a wider consensus.

In conclusion, it seems probable that a future WB could help improve the relationship between the EU and NATO while maintaining the current ‘spirit of full mutual openness, transparency, complementarity and respect for the autonomy and institutional integrity of both organisations’<sup>99</sup>. As indicated in this chapter, some of the main implications would be the opportunity to extend new areas of cooperation, the attainment of a higher level of EU military autonomy, an increase in EU contributions to NATO operations, potential strengthening of the EU in economic and industrial terms, and additions and improvements to the current institutional channels of communication. All of these effects should be taken into consideration during the drafting process, bearing in mind, among other implications, the new ways of improving and broadening the current EU–NATO relationship. As stated by the NATO Wales Declaration on the Transatlantic Bond of September 2014, it is clear that ‘a stronger European Defence will contribute to a stronger NATO’<sup>100</sup>.

<sup>98</sup> Information available at: [http://www.nato.int/cps/en/natohq/topics\\_49217.htm](http://www.nato.int/cps/en/natohq/topics_49217.htm), [Accessed on: 3.4.2016].

<sup>99</sup> Information available at: [http://www.nato.int/cps/en/natohq/topics\\_49217.htm](http://www.nato.int/cps/en/natohq/topics_49217.htm), [Accessed on: 3.4.2016].

<sup>100</sup> Cited in M. Barnier, ‘In Defence of Europe’, p. 5. Reference from: NATO, Wales Declaration on the Transatlantic Bond, 5 September 2014.

## 5 National White Books

In this chapter we focus on the dimension of individual nations and a description of their White Books on defence. The chapter begins by detailing the strategic and operational dimensions covered by the EU Member States in their respective security and defence documents. Then it reviews and compares some notable features included in the defence White Books of MS; thereafter we look at the attitudes of MS towards an EU-level White Book, highlighting the concurrences and differences among them. Finally, this chapter aims to identify the main legal, institutional, financial and structural differences between the majority of EU Member States' defence documents and a future EU WB.

### 5.1 The strategic and operational dimensions of national security and defence documents

On the matter of a Common Security and Defence Policy, the European Union has never drawn up a White Book but has, as mentioned in Chapter 2, drawn up a security strategy. In contrast, most EU MS have published national reports that incorporate a strategic and operational dimension.<sup>101</sup> While the balance between the two dimensions may differ from one MS report to another, all of these reports cover both to some degree.

- The strategic dimension tends to include an analysis of the **geostrategic context** as well as a definition of the country's ambition at the international level. All national documents discuss the 'structural dynamics of the context [...] which arise in the immediate, regional and international sphere of the country concerned'<sup>102</sup>, and identify challenges, strategic opportunities, strengths and weaknesses of this context. However, some reports delve much more deeply into the context, providing 'an analysis of the transformations that are likely to affect the strategic context in the short, medium and long term'<sup>103</sup>. These documents clarify risks (conceived as challenges to the current international order, which can affect the strategic autonomy of the MS) and threats (conceived as breaks in the strategic environment that can threaten the sovereignty of the MS or the integrity of its citizens) of the international scene<sup>104</sup>.

Additionally, those reports with a strategic bias **define 'the role that the country wants to play and [...] more specifically their action'**<sup>105</sup>. To this aim, they previously define 'the principles of the policy on security and defence, the strategic objectives to deal with the risks and threats identified, the degree of autonomy and national ambition and ... develop in detail the strategic position'<sup>106</sup>. In particular, the strategic objectives tend to address 'both internal and external security of the country', and are a direct product of the strategic assessment<sup>107</sup>.

- Under the operational dimension, the reports analyse operations in general as well as the necessary detailed elements. In their operational part, the reports include **'the definition of the role and**

<sup>101</sup> O. de France et N. Witney, 'Etude comparative des livres blancs des 27 États membres de l'UE: pour la définition d'un cadre européen', Institut de Recherche Stratégique de l'École Militaire, n°18, 2012.

<sup>102</sup> O. de France et N. Witney, 'Etude comparative', p. 37.

<sup>103</sup> O. de France et N. Witney, 'Etude comparative', p. 37.

<sup>104</sup> O. de France et N. Witney, 'Etude comparative', p. 37.

<sup>105</sup> O. de France et N. Witney, 'Etude comparative', p. 38.

<sup>106</sup> O. de France et N. Witney, 'Etude comparative', p. 38.

<sup>107</sup> O. de France et N. Witney, 'Etude comparative', p. 38.

**missions of the armed forces, the doctrine of the use of force, the military strategy and ambition in terms of capabilities, planning and investment in defence and administrative matters**<sup>108</sup>. Some of these documents take into consideration ‘the economic and financial context and the reality of defence budgets’<sup>109</sup>.

At the European Union level, there would be ‘a relative consensus’<sup>110</sup> on the strategic dimension, since among MS reports similar analyses identifying ‘globalisation (openness, complexity, strategic uncertainty, unpredictability), current crises (economic, financial and debt crisis), the change in balance of powers (displacement of the strategic centre of gravity toward Asia, the strengthening of the influence of emerging countries), the change in American foreign policy toward the Asia-Pacific region, or the strategic rupture in North Africa and in the Middle East’<sup>111</sup>. As mentioned in Chapter 3, we may expect greater difficulties at the operational level, given that capabilities are solely in the hands of MS.

## 5.2 Remarkable features in EU Member States’ White Books

The diversity of security and defence documents at the EU Member States level is quite significant. However, this is not an obstacle to finding common ground. In some areas the divergences are considerable, while in others the commonalities are frequent. With the aim of helping to identify divergences and commonalities, we focus on the following aspects to be considered.

### 5.2.1 Terminology

There is a wide variety of names used for describing national security and defence documents, ranging from ‘Defence Strategy’ and ‘Security Strategy’ (in the case of Slovenia) to ‘Military Doctrine’ (Malta) or ‘State Defence Concept’ (Latvia). See Table 2 for the titles of such national documents.

**Table 2. Comparative table of White Books in the EU**

<b>EU Member State</b>	<b>Name of document</b>	<b>Year of publication</b>
<b>Austria</b>	Austrian Security Strategy. Security in a new decade—Shaping security	2013
<b>Belgium</b>	The Modernisation Plan of the Belgian Armed Forces	2000
<b>Bulgaria</b>	White Paper on Defence and the Armed Forces of the Republic of Bulgaria	2010
<b>Croatia</b>	Strategic Defence Review	2013
<b>Cyprus</b>	-	-
<b>Czech Republic</b>	The White Paper on Defence 2011	2011
<b>Denmark</b>	Danish Defence Agreement 2013-2017	2012
<b>Estonia</b>	National Defence Strategy	2011
<b>Finland</b>	Finnish Security and Defence Policy 2012	2013

<sup>108</sup> O. de France et N. Witney, ‘Etude comparative’, pp. 38-39.

<sup>109</sup> O. de France et N. Witney, ‘Etude comparative’, p. 39.

<sup>110</sup> O. de France et N. Witney, ‘Etude comparative’, p. 39.

<sup>111</sup> O. de France et N. Witney, ‘Etude comparative’, p. 39.

<b>France</b>	The 2013 White Paper on Defence and National Security	2013
<b>Germany</b>	Defence Policy Guidelines 2011	2011
<b>Greece</b>	White Paper on Defence	2014
<b>Hungary</b>	Hungary's National Security Strategy	2012
<b>Ireland</b>	Strategy Statement 2015-2017	2015
<b>Italy</b>	The Chief of the Italian Defence Staff Strategic Concept	2005
<b>Latvia</b>	The State Defence Concept 2012	2012
<b>Lithuania</b>	Lithuanian Defence Policy White Paper	2006
<b>Luxemburg</b>	La Loi du 21 décembre 2007 concernant l'organisation militaire.	2007
<b>Malta</b>	The Armed Forces of Malta and Military Doctrine	2010
<b>Poland</b>	Strategy of Development of the National Security System of the Republic of Poland 2022	2013
<b>Portugal</b>	Lei de Defesa Nacional	2009
<b>Romania</b>	The National Security Strategy of Romania	2007
<b>Slovakia</b>	The White Paper on Defence of the Slovak Republic	2013
<b>Slovenia</b>	Resolution on the National Security Strategy of the Republic of Slovenia	2010
<b>Spain</b>	The National Security Strategy. Sharing a Common Project	2013
<b>Sweden</b>	Sweden's Defence Policy 2016 to 2020	2015
<b>The Netherlands</b>	National Security: Strategy and Work Programme	2007
<b>United Kingdom</b>	National Security Strategy and Strategic Defence and Security Review in 2015	2015

*Source: Institut de Recherche Stratégique de l'École Militaire. Updated by ESADEgeo*

## 5.2.2 Institutional actors and legislative process

There is a wide variety of institutional actors involved in this process of elaborating a defence policy document: the President, the Prime Minister, the Government, the Ministry of Defence or even some Parliamentary Committees, among others. This diversity comes from the different legal contexts and

constitutional configurations of the EU Member States. In this sense, the importance of the role of each actor depends on the country and it differs from one country to another. According to the analysis carried out by the French *École Militaire*<sup>112</sup>, the President of the Republic in Romania is responsible for the development of the national security strategy, which is the basis for their national White Book elaborated by the Ministry of Defence. In contrast, the development of the defence strategy in Germany depends on the Ministry of Defence, while the elaboration of that country's White Book is the responsibility of the Federal Government—it is drafted by the Ministry of Defence together with the Ministry of Foreign Affairs, the Ministry of Finance, and the Ministry of Economic Affairs. Both of these configurations are completely different from the case of Denmark, where the Parliament is the institution in charge of planning defence policy.

The aforementioned study also highlights the diversity concerning the management of defence issues in the EU Member States<sup>113</sup>. In this sense, while in Luxembourg there is no Ministry of Defence—defence matters are covered by the Direction of Defence, which is under the supervision of the Ministry of Foreign Affairs—in Malta this field is the responsibility of the Prime Ministry.

### 5.2.3 Format

Another aspect where the differences among national White Book-type documents remain visible is the variety of the format. In this regard, there are documents of different lengths: for example, Malta and Germany describe their policy in less than twenty pages, while France, Finland and the Czech Republic do the same in more than one hundred pages<sup>114</sup>. In addition, some EU Member States have decided to translate their national security documents into English—although in certain cases they offer just a short version of the original—while other countries do not.

### 5.2.4 Evaluation of risks and threats

The majority of the documents provide an analysis of the international geostrategic context, and show how this context has evolved. However, there are some divergences in relation to the conclusions regarding the risks and threats that each country faces, implying a variety of strategic and operational positions. In general, most EU Member States recognise the importance of unconventional threats, coming from both state and non-state actors; however, the responses to such threats differ. For example, with regard to cyber threats, many countries are aware of these risks, but 'only the United Kingdom and France, and to a lesser extent Spain and Denmark, define the role and missions of their armed forces in the field of cybersecurity'<sup>115</sup>.

This divergence in the evaluation of risks and threats is also present when analysing the international, regional and national context. Within their borders, some Member States such as Spain or Ireland have analysed some risks concerning their national security and their stability. Nevertheless, it is at the regional level where the main differences are found, mainly in regard to the presence—or not—of a military and conventional threat<sup>116</sup>. For example, while some MS have developed their national defence policy considering that a potential attack is possible (for example, the three Baltic States and Greece), others

<sup>112</sup> O. de France et N. Witney, 'Etude comparative', p. 20.

<sup>113</sup> O. de France et N. Witney, 'Etude comparative', p. 20.

<sup>114</sup> O. de France et N. Witney, 'Etude comparative', p. 22.

<sup>115</sup> O. de France et N. Witney, 'Etude comparative', p. 26.

<sup>116</sup> O. de France et N. Witney, 'Etude comparative', p. 26.

(such as Bulgaria) have highlighted the improbability of a military threat to their nation's territorial integrity. Finally, in the international scene, perceptions of risks and threats differ depending on historical and cultural factors<sup>117</sup>. In this sense, France, for example, focuses on threats coming from the Sahel, the Middle East, and countries bordering the Mediterranean Sea, more so than those coming from other areas.

### 5.2.5 Role of Military

One of the main commonalities among these documents is the recognition that the 'distinction between internal and external security is increasingly blurred'<sup>118</sup>. It is uncommon to find a division of roles and tasks between the armed forces and other national authorities. In fact, the various national defence documents diverge on the role of the military when addressing the identified security tasks. For example, while France and Spain 'define a strong role for the military alongside other security forces in areas like cyber threats ...', others like Sweden limit the function of armed forces to classic military tasks'<sup>119</sup>. Finally, they also lack an analysis of the investments needed in defence (one that takes into consideration the changes in the international context) in order to fulfil their action programme.

## 5.3 Attitudes of EU Member States towards an EU-level White Book

The attitudes of the various EU Member States towards a White Book in security and defence can be quite diverse. **Twenty-eight different positions are possible** and, at first sight, it may seem that consistency in this area is far from being achieved. There are different understandings in relation to defence matters, and there are many national interests at stake when it comes to increasing the level of integration at the EU level. However, while acknowledging this apparent disparity regarding the development of CSDP, we propose to begin by clarifying the identified commonalities and differences among them in order to determine the possible ways forward.

### 5.3.1 Differences

- **Different conceptions of the use of force**<sup>120</sup> which are present in the European Union. France and Germany may be seen as the two MS which represent both sides of the issue. In this sense, while the first has been more prone to developing a robust European defence policy, the second has traditionally been reluctant to use force within the European Union and to deploy military troops abroad in high-risk situations.
- A variety of **attitudes towards an EU integration in defence matters**<sup>121</sup>, which reveals another disagreement. This potential integration may mean different things depending on the MS, since the CSDP may be seen, on the one hand, as a strategic goal in itself (e.g., in the case of Germany to

<sup>117</sup> O. de France et N. Witney, 'Etude comparative', p. 27.

<sup>118</sup> C. Major et C. Mölling, 'Common Ground for European Defense: National Defense and Security Strategies Offer Building Blocks for a European Defense Strategy', The German Marshall Fund of the United States, 26th January 2016, available at: <http://www.gmfus.org/publications/common-ground-european-defense>, [Accessed on 29.1.2016].

<sup>119</sup> C. Major et C. Mölling, 'Common Ground for European Defense'.

<sup>120</sup> M. Price et F. Santopinto (ed.), *National Visions of EU Defence Policy—Common Denominators and Misunderstandings*, CEPS Paperbacks, 2013, pp. 159-160.

<sup>121</sup> M. Price et F. Santopinto (ed.), *National Visions*, p. 161.

achieve more integration among EU Member States) or, on the other hand, as a tool to achieve specific national interests (e.g., in the case of France, the UK and Poland)<sup>122</sup>.

- A sense of **mistrust regarding the protection of national defence industries**<sup>123</sup>, which would prevent taking some steps forward in order to achieve a better integration in defence matters. The fragmentation of the European Union defence market hinders the creation of a competitive defence industry, and this is mainly due to the reluctance of Member States to look beyond their national industrial interests. Member States often associate a major defence integration with unemployment, a loss of national know-how and a decrease in the level of influence.
- The **lack of a common foreign policy**<sup>124</sup>, which could be, in principle, an obstacle for the development of a European common security and defence policy and for the elaboration of a WB. If the CSDP is conceived as a tool at the disposal of the Common Foreign and Security Policy, a common position in defence matters is difficult to find—especially taking into account the divergences that have previously arisen in several contexts such as the Iraq war in 2003 or even the intervention in Libya in 2011.

### 5.3.2 Commonalities

- The **identification of some risks and threats** in geographical terms. As previously pointed out in this report, the regions of North Africa and the Middle East, the Sahel and the Horn of Africa, and the Balkans and Eastern Europe are among the common areas of concern cited in some well-known studies<sup>125</sup>. Obviously, this apparent **consensus must be put into context** when referring to specific national concerns. For example, while France and Spain are more focused on the North African region, Poland and Sweden are more concerned with Eastern Europe and the Balkans. These divergences are easy to understand and they do not imply that a common agreement on a European Global Strategy cannot be reached.
- The **values to promote** (democracy, human rights and the rule of law). This will be another commonality to take into account for a future WP on defence. To this end, Article 2 of the Lisbon Treaty enumerates the values under which the EU was founded: ‘respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities ... pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men ...’. Moreover, all Member States agree on the need to fight against new threats and challenges such as jihadism, failed states and hybrid warfare.
- The need **to act in line with other organisations**. Unlike the previous decade, when the need for United Nations Security Council approval was questioned in the context of the Iraq war in 2003, it seems that nowadays there is a consensus among all EU Member States that any military mission undertaken would be best initiated under the authorisation of a UN mandate. At the same time, the

<sup>122</sup> M. Price et F. Santopinto (ed.), *National Visions*, p. 161.

<sup>123</sup> J.-P. Perruche et al., ‘For a European White Paper on Security and Defence’, p. 4.

<sup>124</sup> J.-P. Perruche et al., ‘For a European White Paper on Security and Defence’, p. 4.

<sup>125</sup> S. Blockmans et G. Faleg, ‘More Union in European Defence’, p. 157.



possibility of developing a more complementary role for the European Union within the NATO framework has been recognised by the majority of EU Member States<sup>126</sup>.

## 5.4 What would an EU-level WB look like?

As stated at the beginning of this chapter, the European Union has never drawn up a White Book in the field of CSDP. Here we point out the main differences in CSDP between the majority of EU Member States' national strategies on security and defence and a future EU-level White Book. Building upon some of the conclusions of the previous chapters, this analysis will help us to identify what an EU WB would look like, which in turn will be essential to propose the core elements of an EU White Book to be addressed in Chapter 6.

### 5.4.1 Legal and institutional constraints

Regarding their capacity to formulate a White Book, the main legal contrast between EU Member States and the EU is in relation to competence. As stated in Chapter 3, defence is an exclusive competence of each EU Member State. The legal basis is found in two provisions in the Treaty of the European Union: first, **Article 4.1 TEU**, which stipulates that 'competences not conferred upon the Union in the Treaties remain with the Member States'—neither within exclusive competences (Art. 3 TFEU) nor within the shared (Art. 4 TFEU) nor supporting competences (Art. 6 TFEU)—and second, **Article 4.2 TEU**, which clarifies that 'national security remains the sole responsibility of each Member State'. Thus, we can assert that the competence on defence matters remains under the control of the EU Member States (in line with the principle of conferral remarked in Article 5 TEU).

On the basis on this assumption, the European Union could never legislate on defence matters (in line with Article 24.1 TEU 'The adoption of legislative acts shall be excluded') and any step forward should be made under the auspices of the EU Member States (i.e., it remains an intergovernmental field to a large extent). However, the EU has some scope of action. As encountered in other areas such as budgetary discipline or better law-making, there is an instrument that improves EU interinstitutional cooperation and prevents conflicts among EU institutions: the interinstitutional agreements (IIAs). This could be one possible way for the EU to work on this matter, guaranteeing the commitments by EU institutions to those decisions adopted to implement the measures covered in the EU White Book. Moreover, according to Article 295 TFEU, this kind of agreement is binding in nature, which increases its degree of fulfilment.

### 5.4.2 Financial aspects

In relation to the financing of CSDP, the contrast in power between the EU and the EU Member States is also significant. While EU Member States have the capability to use their budget for defence matters, the EU budget 'does not support defence and military aspects of the EU's foreign and security policy'<sup>127</sup>. As stated in Chapter 3, any operations expenditure with defence or military implications<sup>128</sup> (or upon a unanimous decision of the Council) is charged to the Athena mechanism, which is made up of EU Member State contributions in proportion to their GDP (Article 41.2 TEU). The EU budget is only able to

<sup>126</sup> M. Price et F. Santopinto (eds.), *National Visions*, p. 159.

<sup>127</sup> G. Benedetto et S. Milio (eds.), *European Union Budget Reform: Institutions, Policy and Economic Crisis*, Springer, 2012, p. 163.

<sup>128</sup> According to the Council Decision 2011/871/CFSP of 19 December 2011, 'Denmark does not participate in the elaboration and implementation of decisions and actions of the Union which have defence implications. Denmark does not participate in this decision and therefore does not participate in the financing of the mechanism.'

cover civilian administrative and operational expenditures. As shown, this is an important element to take into consideration when drafting the future EU-level White Book, and other alternatives will be needed in order to overcome this limitation.

On the EU level, one possible solution would be to focus on CSDP-related research. The advances in this field are considerable in relation to funding. As stated in Chapter 3, the European Parliament Pilot Project on CSDP research and the Preparatory Action of the European Commission are two remarkable—but still small—signals. The future EU-level White Book could underline the added value of having a ‘decisive operational advantage’<sup>129</sup>, setting forth the areas where research would be necessary and proposing new incentives and mechanisms to make ‘a quantitative and qualitative difference to the current situation’<sup>130</sup>.

### 5.4.3 Possible structure

There are different examples of White Books that have been approved in sectors as diverse as insurance guarantees, safe and sustainable pensions or the single European transport area. In relation to their structure, these documents are composed of different sections which can be summarised in: an introduction, the objectives and scope of the White Book, the measures to adopt and their justifications, the future action and support of the EU in the field, and finally a conclusion. In the first section, it is common to see how the different White Books address the state of the issue, highlighting the current problems and subsequent challenges. Next, both the scope of action and the objectives to follow are discussed, attempting to justify at the same time the necessity and convenience of the proposed measures to be adopted. After this, most of these documents address the instruments under the EU’s competence which can help improve the current situation, underlining the content of potential EU action. Finally, they often provide a brief conclusion collecting the main ideas around the issue of concern and, in some cases, including an annex with a series of initiatives in detail.

At the national level, the structures used in their security and defence strategies may vary. As stated at the beginning of section 5.1, while these documents incorporate a strategic and operational dimension, the balance between the two dimensions differs. With the intention of clarifying how an EU-level White Book would look, we have carried out a comparison of two security and defence documents and one academic report on the issue: the French White Paper, the US National Military Strategy and the EUISS report ‘European defence: a proposal for a White Paper’.

According to this comparison, the three documents start by justifying **the need for a White Paper**. Both the French White Paper (2013) and the EUISS proposed White Paper (2004) do so in their Introduction, while the US Military Strategy (2015) does so in its Preface. All three documents go on to establish and describe the strategic environment. The French document specifies France’s strategic environment in Chapter 3. Both the US and the EUISS documents start off with an extensive overview of the strategic environment (Section I and Chapter 1 respectively). It is in these parts of all documents where the military environment (US) and the specific security risks and threats (FR and EUISS) are presented. Interestingly, the EUISS document not only focuses on the EU itself, but pays special attention to the USA, given its centrality to overall European security in particular through NATO. The other documents, which are national, take into account allies and third parties later when defining goals and aims. **The EUISS-**

<sup>129</sup> M. F. Mauro et K. Thoma, ‘The future of EU defence research’, p. 31.

<sup>130</sup> M. F. Mauro et K. Thoma, ‘The future of EU defence research’, p. 31.

**proposed White Paper stands out in that there is a chapter (2) dedicated to the track record of EU defence integration, given the multi-state and supranational nature of the EU.**

The three documents compared differ markedly in how they present and set the **strategic objectives**. The US document (Section III) is the most succinct and direct—at least in its public version. The French document, after establishing a vision in the initial chapters (1 & 2), later states its strategic priorities (Chapter 4). However, both the US and French documents explicitly set goals for their relations with other external actors (Section III and Chapter 5, respectively). The French document dedicates a full chapter (5) to its aims in relation to NATO and the EU. The EUISS document stands apart in describing its aims. It uses different scenarios to deduce its aims and indicate required capabilities (Chapter 3).

The three documents also differ in how they approach the implementation of strategic aims and priorities. The most succinct, again, is the US document, which specifies improvements aimed at its human capital, processes, and development programmes ranging from improved common standards across all units to new-generation weaponry and capabilities (Section IV). The French document starts off this part by determining functional needs (the US document covers this aspect in the previous section by formulating functional goals) and then covers required improvements in terms of its defence structure, crisis management, people management, and—interestingly—its defence industry (Chapters 6 & 7). The EUISS proposal's Chapter 4 starts off identifying deficiencies as compared to the required capabilities detected in the previous section. **And thereafter it specifies possible avenues for correcting the deficiencies. These avenues, however, are idiosyncratic to the European context since they are mostly directed at incentivising and promoting cooperation among EU Member States, as opposed to the straightforward improvements specified by the two national documents.**

**Table 3. Comparative table of the structure of three WB-type documents**

<b>Structure</b>	<b>French White Paper</b>	<b>USA Military Strategy<sup>131</sup></b>	<b>EUISS</b>
<b>Justification</b>	Introduction: The case for a White Paper	Preface	Introduction
<b>Strategic environment</b>	<p>Chapter 1 - France in the new strategic landscape</p> <ul style="list-style-type: none"> <li>• France: a European power with global reach</li> <li>• France is committed to institutional structures that enhance its security but also increase its responsibilities</li> </ul> <p>Chapter 2 - The foundations of the strategy for defence and national security</p> <ul style="list-style-type: none"> <li>• Preserving our independence and our sovereignty</li> <li>• Ensuring the legitimacy of our actions both nationally and internationally</li> </ul> <p>Chapter 3 - The State of the World</p> <ul style="list-style-type: none"> <li>• Strategic shifts and developments</li> <li>• Threats related to power</li> <li>• Risks of weakness</li> <li>• Threats and risks intensified by globalisation</li> </ul>	<p>I. The Strategic Environment</p> <p>II. The Military Environment</p>	<p>1. The international context</p> <ul style="list-style-type: none"> <li>• The new world</li> <li>• The new Europe</li> <li>• The new America</li> </ul> <p>2. ESDP so far</p> <ul style="list-style-type: none"> <li>• The antecedents of ESDP: the quest for responsibility, the failure in Bosnia</li> <li>• From St-Malo to Copenhagen: the build-up of a European defence</li> </ul>

<sup>131</sup> We have chosen this document as opposed to Defense Strategy because it is operational in nature, hence closer to a WB in concept. It is also the most recent available document (2015).

<p><b>Strategic objectives</b></p>	<p>Chapter 4 - The strategic priorities</p> <ul style="list-style-type: none"> <li>• Protect the national territory and French nationals abroad, and guarantee the continuity of the Nation's essential functions</li> <li>• Guarantee the security of Europe and the North Atlantic space, with our partners and allies</li> <li>• Stabilise Europe's near environment, with our partners and allies</li> <li>• Contribute to the stability of the Middle East and the Arabo-Persian Gulf</li> <li>• Contribute to peace in the world</li> </ul> <p>Chapter 5 - France's engagement in the Atlantic Alliance and in the European Union</p> <ul style="list-style-type: none"> <li>• France in NATO</li> <li>• France in the European Union</li> </ul>	<p>III. An Integrated Military Strategy</p> <ul style="list-style-type: none"> <li>• Deter, Deny and Defeat State Adversaries</li> <li>• Disrupt, Degrade, and Defeat VEOs</li> <li>• Strengthen Our Global Network of Allies and Partners</li> <li>• Advance Globally Integrated Operations</li> <li>• Resourcing the Strategy</li> </ul>	<p>3. Strategic scenarios</p> <ul style="list-style-type: none"> <li>• Scenario I: a large-scale peace support operation</li> <li>• Scenario II: high-intensity humanitarian intervention</li> <li>• Scenario III: regional warfare in the defence of strategic European interests</li> <li>• Scenario IV: prevention of an attack involving WMD</li> </ul> <p>Scenario V: homeland defence</p>
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<p><b>Implementation</b></p>	<p>Chapter 6 - Implementing the strategy</p> <ul style="list-style-type: none"> <li>• Knowledge and anticipation</li> <li>• Deterrence</li> <li>• Protection</li> <li>• Prevention</li> <li>• Intervention</li> </ul> <p>Chapter 7 - The resources required to implement the strategy</p> <ul style="list-style-type: none"> <li>• An operational contract and an armed forces model adapted to the new context</li> <li>• The global approach in managing external crises</li> <li>• Means for prevention and management of crises in the national territory                             <ul style="list-style-type: none"> <li>○ Risk, terrorism, vital function, cyber-threats, proliferation, capacity to respond,</li> </ul> </li> <li>• The women and men serving defence and national security</li> <li>• The defence and security industry</li> </ul>	<p>IV. Joint Force Initiatives</p> <ul style="list-style-type: none"> <li>• People and the Profession of Arms: Improving Upon Our Greatest Advantage</li> <li>• Processes: Capturing Innovation and Efficiencies</li> <li>• Programs: Sustaining Our Quality Edge</li> </ul>	<p>4. A capacity for autonomous action</p> <ul style="list-style-type: none"> <li>• EU deficiencies                             <ul style="list-style-type: none"> <li>• Deployability, Force packaging, Risk of casualties, Force Transformation, Operational headquarters, Interoperability, Strategic decision-making</li> </ul> </li> <li>• Ways of correcting deficiencies                             <ul style="list-style-type: none"> <li>• Bottom-up specialization</li> <li>• Niche capabilities</li> <li>• Co-financing of national capabilities</li> <li>• Collective capabilities</li> <li>• Top-down specialization</li> <li>• Standing nucleus force and permanent operation headquarters</li> <li>• Preparing the future</li> </ul> </li> </ul>
<p><b>Conclusion</b></p>	<p>Summary and conclusion</p>	<p>V. Conclusion</p>	<p>Conclusion and recommendations</p> <p>Annexes</p>

Source: own

## 6 Core elements to be addressed in the White Book

The main objective of this Chapter is to propose the core elements and drafting stages of an EU Defence White Book. The core elements are derived from the previous chapter, where we analyse diverse WBs (and equivalent documents) produced in different instances and countries. Furthermore, we consider the current political debate, the steps taken so far with respect to a European defence, and the available legal and institutional framework covered in Chapters 2 and 3. We also take into account the vital transatlantic relationship, in particular with NATO, as covered in Chapter 4 and underscored in the different WBs reviewed in Chapter 5. Moreover, in each core element and stage we propose different possible actions. In the concluding chapter we provide specific recommendations for each of the key EU institutions.

In accord with the previous chapter's analysis of WBs, we identify the following core elements:

- **Strategy.** All documents reviewed understandably start off with a synthesis of the key factors composing the strategic security and defence environment. All documents state their goals and missions independent of whether these are more or less fine-grained and structured into multiple levels.
- **Capabilities.** All documents cover the required capabilities necessary to achieve the strategic goals, missions, and objectives.
- **Programmes and measures.** Once the strategic objectives are stated and the capabilities needed identified, the documents propose means to achieve the goals. In this section we also cover relations and coordination with NATO.
- **The drafting team and process**—including underscoring its iterative nature. This element addresses who should be involved in the drafting of the WB and when the WB should be written.

Importantly, these core elements, which imply specific decision points a WB should deal with, are not independent of each other. In other words, a decision on how broad the strategic objectives are, the timeframe for the production of the WB, and what existing EU documents to draw on, all affect each other.

### 6.1 Strategy

The first element of a WB should provide the key strategic elements the WB aims at achieving. The strategy, as we show in this section, must cover strategic environment, delimit the strategic scope, specify the strategic time horizon, and synthesise the key strategic aims deduced from the strategies already produced by the EU.

#### 6.1.1 Strategic environment

As we have seen in Chapter 2, in 2015 the EU High Representative produced the document 'The EU in a Changing Global Environment: A more connected, contested and complex world'. This document identified global trends (i.e. globalisation, fragile states, climate change, and global power shifts) as well as fundamental geographic challenges and opportunities to be dealt with. This strategic assessment is then the basis of the forthcoming Global Strategy. As we mention further down, the latter document must be the foundation of a future WB.

Other resources may also feed into the WB, particularly if the WB covers security at large, in addition to defence in a narrower sense, as we mention hereafter. In the former case, other documents already mentioned, addressing such issues as internal security, maritime security and cyber security, may also provide the basis for a synthesis of the key environmental challenges the EU is facing.



## 6.1.2 Scope: Defence or Security

Should the WB relate only to defence or should it also include security? In essence, the key issue here is to determine how broad the WB's scope shall be. Security is, of course, a much broader concept than defence. In the general sense, 'security' includes defence (or military endeavors), homeland security and international security efforts—hence better covering the internal/external security continuum.

The decision to expand the scope from defence to security will affect what strategic documents should be used to develop the strategic goals. If the WB were to cover security at large, other EU strategies—such as the Energy Security Strategy or the Maritime Security Strategy—would probably need to be incorporated in its elaboration.

Although the goal of the EU must ultimately be to cover common security at large, we propose beginning, in this initial WB, by focusing on defence. This proposal is based on awareness of the enormous challenges still confronting European defence and the need to prioritise and simplify this first European WB. Given that the strategic and operational planning in security and defence must necessarily be continuous in time, the scope could be expanded to incorporate security dimensions beyond defence in future iterations. Having said this, we recognise that for the effort to succeed, the WB must be in accord—and in no way contrary—to the other security strategies drawn up by the EU.

## 6.1.3 What strategy?

A WB starts off by identifying, deriving, or deducing the key strategic goals it wants to help achieve. A key question, then, is which strategic insight the WB should draw on. The Global Strategy due to be published in June 2016 seems the appropriate central building block from which the WB will derive strategic objectives. Other strategies related to security have been put forward, as we have seen in Chapter 2. These may also be drawn on to develop the strategic goals.

Thus, the key resources the WB will have to build on are:

- Global Strategy (June 2016): It will 'describe the priorities and the principles of our external action, knowing that internal and external actions have many points in common'<sup>132</sup>. Obviously, the document's full content is still unknown, but the objective is to give direction to the Union's global action. In that sense, the importance of this strategy is crucial.
- Other potential sources are: the European Union Maritime Security Strategy, the European Agenda on Security and the EU Cyber Defence Policy Framework, among others.

## 6.1.4 Time horizon: 2020, 2025, or 2030

Another fundamental decision to be taken is to set the time horizon for the strategic ambition. Strategic goals can be deduced for different moments in the future. And strategic goals for a particular time horizon should be different from those for another time horizon.

<sup>132</sup> F. Mogherini, 'The EU Internal-External Security Nexus: Terrorism as an example of the necessary link between different dimensions of action', EU Global Strategy Conference organised by EUISS and Real Institute Elcano, Barcelona, p. 3, available at: <https://europa.eu/globalstrategy/en/speech-hrvp-mogherini-eu-internal-external-security-nexus-terrorism-example-necessary-link-between> [Accessed on 5.2.2016].

Despite the process of EU defence transformation being, of necessity, continuous and ongoing, the WB must identify a point in time that it wants to set as its strategic horizon for its first iteration. Realistic options probably span between 2020 and 2030, and this study suggests setting 2025 as the time horizon for the WB. This proposal is deemed reasonable because a 2020 horizon seems too short to achieve minimally ambitious milestones, while 2030 seems too far into the future to function as a strong motivating factor.

### 6.1.5 Developing ambition: specifying strategic goals

It is at this point where the WB will set the strategic ambition the EU wants to achieve. Once the scope, the strategic document(s), the time frame, and the time horizon are determined, the WB will have to set its strategic goals in detail. This shall articulate the vision of how the EU should look in the realm of defence and/or security in the time horizon selected.

In continuous communication and interaction with the European Union Military Committee and political leaders of the various MS, and with the support of the Deputy Secretary General for CSDP (DSG-CSDP) and the EUMS, the HR should be in charge of leading the strategic definition, based on the Lisbon Treaty, which confers on her the task of coordinating the Union's external action.

## 6.2 Capabilities

Only by availing itself of the necessary capabilities will the EU achieve its strategic goals. In operationalising the strategic objectives, the WB will, at a minimum, have to determine by whom and how the European capabilities will be assessed, capability shortfalls identified, and—later—corrective actions prioritised. This aspect of the WB, together with the corrective actions proposed under Programmes and Measures, is the principal contribution of a WB. It shall specify and further develop the strategy by grounding it in the specific capabilities shortfalls that must be overturned if the strategic goals are to be reached.

Through the work of the EEAS and the EDA, the EU is by now aware of its shortfalls in capabilities (as covered in Chapter 2). Such issues as force deployment, force packaging, necessary force transformation and interoperability across EU Member States have all been underscored as areas to improve. Overall, European capabilities suffer from redundancies in some areas and insufficiency in others. Additionally, MS need to make their existing capabilities and work in capabilities development more transparent to each other, allowing all of them to adequately plan and understand where synergies and shortfalls exist. Moreover, the WB should decide how to cover in its analysis the EU's existing civilian and dual-use capabilities.

Importantly, a WB with a longer drafting period—one that might take a full year to be written—will be able to go into more detail when specifying capability development actions. A WB produced in a shorter period would ride on the political momentum created by the Global Strategy, but may have to defer a deeper analysis until a later date and simply indicate who will identify capabilities development priorities, how, and when. In the latter part of this chapter we propose a shorter drafting period to capitalise on the Global Strategy's momentum.

The key resource here is:

- **Capability Development Plan:** Elaborated by the European Defence Agency since 2008, this document has the objective of taking stock of European military capabilities and identifying possible shortfalls, with the intention of reaching an agreement on some priority actions on defence investment and cooperation improvement.

Under the leadership of the HR—based on the treaties—the DSG-CSDP, EUMS and EDA, who have the strategic knowledge and competence and the operational experience, respectively, will be central in determining and prioritising capabilities development.

## 6.3 Programmes and measures

A WB is an operational document capable of being implemented. It shall conclude with a series of actions with time plans. At a minimum it should propose the priority actions regarding capability development and other necessary improvements.

As mentioned in Chapter 5, a key issue regarding EU capabilities is that these are in the hands of the Member States (Article 42 TEU). Thus, measures and programmes must be directed at enhancing cooperation and complementarity among MS and incentivising and nudging them towards the necessary steps to strengthen and improve European capabilities.

NATO decomposes capability into a series of dimensions—the DOTMLPF-I model (Doctrine, Organisation, Training, Materiel, Leadership and education, Personnel and facilities; and Interoperability)—which may be useful in identifying the different actions needed to develop European capabilities and thus reach the strategic objectives. In this section we put forward a non-exhaustive list of key aspects which could be considered in the White Book to address key weaknesses such as interoperability, collaboration and complementarity.

### 6.3.1 Training: shared operating handbooks

To enhance interoperability among personnel, methodology and syllabi for each critical capability should be shared among MS. A more ambitious future option could be to have shared but specialised training facilities. Different national training facilities could specialize in certain capabilities and become multinational in nature, as in a pooling and sharing of training.

### 6.3.2 Materiel: shared standards

To make sure interoperability is possible among different capabilities, the materiel dimension of these—essentially military hardware—would have to share basic and fundamental characteristics. Thus MS could start off agreeing on commonly shared standards. A more ambitious option would be to have a single standardisation agency, which could well be housed in the current EDA. Additionally, shared certification, testing and evaluation (either decentralised but shared among MS or centralised in an EU agency, such as EDA) would guarantee that the materiel is similar in its key characteristics.

### 6.3.3 Leadership and education: mandatory exchanges

MS could try to harmonise some tranches of education and leadership development, as already occurs in different technical disciplines. More ambitiously, some mandatory educative tranches could be presented and pursued in a different MS or in a multinational EU leadership defence academy.

### 6.3.4 Collaborative research: European cofunding for dual-use R&D

Collaborative research would improve interoperability and efficiency, and would contribute to creating a European Defence Industry. Dual-use technology seems reasonably relevant here. Flexibilisation of research funding (to overcome the rigidities outlined in Chapter 3), such as H2020, could be used to advance collective research projects.

### 6.3.5 Financial incentives

As shown in Chapter 3, there are certain limitations to EU funding of military spending. Nevertheless, within the boundaries of the treaties, there is room for improving existing mechanisms. Additional

incentives for MS cooperation in capability development and mutualisation could include VAT exemptions for collaborative procurement. European Investment Bank funds could be directed towards dual-use investments (i.e. transportation-related), and Commission funds could be used, under certain conditions, for cofunding collaborative development projects.

Similarly, the EU should consider formulae to help fund transnational training and education efforts, as suggested above.

Operationally, to enhance cooperation and sharing, financial mechanisms—ATHENA mechanism in particular—could be improved. This mechanism should be rethought to expand the type and amount of costs that implementing MS can recover. Other additional and complementary financing mechanisms seem necessary to move European defence forward. Inadequate burden-sharing is said to be behind the lack of utilisation of the EU Battlegroups, for example.<sup>133</sup>

### 6.3.6 Strengthening the European defence industry

The defence industry is a particularly important and sensitive issue. The European defence common market is necessary for several reasons: to overcome inefficiencies, generate scale to innovate and develop new technologies, and attain interoperability. However, any attempt to create a single defence market must necessarily have a gradual approach, avoid winner-take-all solutions, and make sure benefits and players are reasonably distributed. Otherwise, there will be forceful opposition to creating the European market.

An important resource for advancing towards a single defence market and proposing incentives for collaboration and cooperation will be:

- Defence Action Plan: Under preparation by the Commission, this plan is expected to be presented after the publication of the Global Strategy. The aim of this document is to provide a 'legal and policy framework to ensure that the European market and industrial and skills base will be able to deliver the military capability priorities that Member States may need to meet future security needs'<sup>134</sup>. An enhanced European Defence Technological and Industrial Base would help integrate the market.

Under the umbrella of the HR, as VP of the Commission and Chairperson of EDA, the Commission's DG Grow and EDA itself should together lead measures related to the European defence industry.

### 6.3.7 Measures regarding the governance of a European defence

Any further cooperation in defence will have to be preceded by the adequate institutional structure to govern this policy area at the EU level. Given the MS central role here, and the voluntary nature of this cooperation, the institutional setup will necessarily have to be unique. Several modifications and improvements seem necessary<sup>135</sup>. As Chapter 3 made clear, the EU has at its disposal several mechanisms included in the Lisbon Treaty, such as Permanent Structured Cooperation (Article 46 TEU), the enhanced cooperation (Article 20 TEU), solidarity clause (Article 222 TFEU), mutual assistance clause (Article 42.7 TEU) or the flexibility mechanism (Article 44 TEU).

<sup>133</sup> M. Barnier, 'In Defence of Europe', p. 9-10.

<sup>134</sup> ---, 'Commission Work Programme 2016. No time for business as usual', Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, October 2015, p. 4, available at: [http://ec.europa.eu/atwork/pdf/cwp\\_2016\\_en.pdf](http://ec.europa.eu/atwork/pdf/cwp_2016_en.pdf) [Accessed on 14.1.2016].

<sup>135</sup> S. Blockmans et G. Faleg, 'More Union in European Defence', p. 15.

- PESCO

PESCO might provide the most interesting mechanism to allow willing and able MS to—as its name suggests—set up a permanent structure for cooperation. Under such a scheme, participating countries would ‘decide on the pace and areas of progress, for example a list of concrete projects to mitigate European defence shortfalls, the depth of military cooperation, the level of solidarity, the interpretation of the Treaty’s criteria for participation, etc.’<sup>136</sup> What makes PESCO stand out above the other mechanisms is its multilateral and permanent nature. This PESCO group would not immediately end with ‘today’s fragmented military cooperation, but it will introduce a higher level of political ambition and a gradual process of intensifying cooperation that will create a virtuous circle in developing and operating Europe’s future defence capabilities’<sup>137</sup>.

- A recurring CSDP-focused European Council

While a future PESCO may only include the willing and able, defence and security will continue be a relevant and fundamental policy for the EU as a whole. To this purpose, it would be helpful to permanently introduce ‘a biennial thematic session on CSDP in the European Council’<sup>138</sup>, thus continually legitimising European defence and keeping the policy among the EU’s strategic priorities.

- Council of European Defence Ministers

In line with the reasoning above, and independent of the fact that a PESCO among the willing and able is created, the Council of the EU should have a permanent meeting of Defence Ministers. Thus we propose setting up a Council of European Defence Ministers to which all EU MS would belong.

- A European Semester on Defence

Given the central role of MS in adjusting their capabilities and hence in contributing to the overall capabilities of the EU, peer reviews and sharing of advancements of individual country commitments would help keep the momentum up and reduce the degree of slippage between the commitments of an MS and its actual efforts. The ‘European Semester on Defence’ would increase MS accountability vis-a-vis prior commitments. Similarly to how Member States coordinate their economic and fiscal policies within the EU, these biannual meetings would take stock of progress on national defence budget and spending plans. The EDA could be the focal point for collecting the information and the forum where MS and EU institutions meet.

- Strengthening the role of the European Parliament

If European defence cooperation is to be intensified, then parliamentary oversight must be proportionally increased. Given that this policy is an exclusive MS competence, we propose to further strengthen cooperation in defence and security between the European Parliament and national parliaments. This is particularly important as cofunding—between the EU and MS—of research and investments in dual use or other civil infrastructure necessary for military operations will increase. (Recall that the EP has a relevant budgetary oversight role of the EEAS actions—see Chapter 3). Additionally, the

<sup>136</sup> S. Blockmans et G. Faleg, ‘More Union in European Defence’, p. 7.

<sup>137</sup> S. Blockmans et G. Faleg, ‘More Union in European Defence’, p. 8.

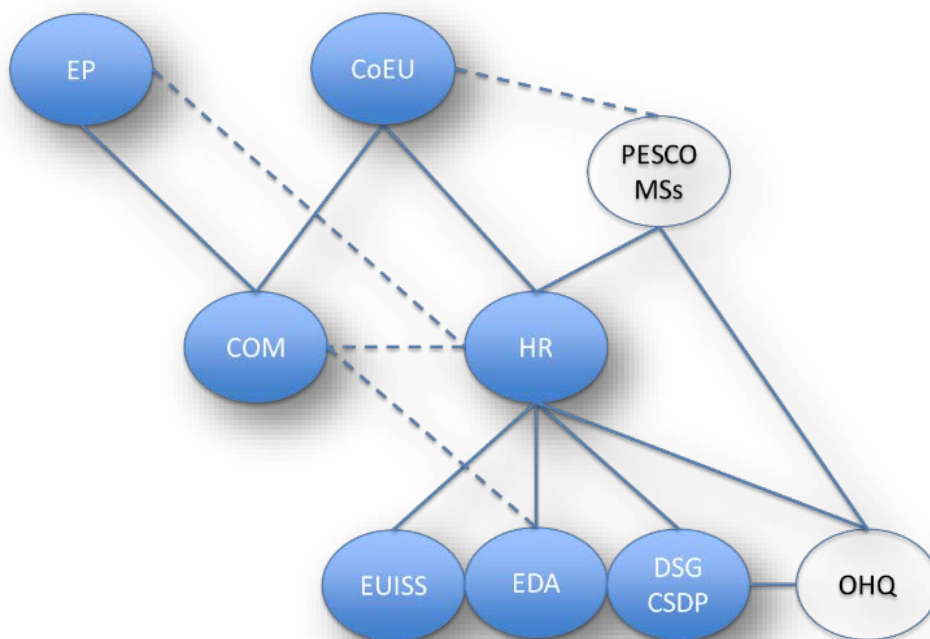
<sup>138</sup> S. Blockmans et G. Faleg, ‘More Union in European Defence’, p. 15.

Parliament, if it is to take a more proactive role, could upgrade the ‘Subcommittee for Security and Defence in the European Parliament to a fully-fledged Committee’<sup>139</sup>.

- An operational headquarters

Operationally, the most ambitious supporters of European defence have called for a Permanent Headquarters in Brussels: this headquarters would allow the European Union to reinforce the chain of command, relying on its own operational capacity, rather than on *ad hoc* or NATO structures, to run military missions. It would allow the European Union ‘to ensure effective planning, command and control, of operations, in particular when a joint civil/military response is required’<sup>140</sup>. Moreover, it could improve the coordination between EEAS, EUMC, EUMS and participating Member States during operations and missions.

**Figure 8. A New Structure in CSDP**



*Legend: solid lines represent strong hierarchical relationships; dashed lines represent horizontal and/or partial hierarchical relationships; white spheres represent the proposed new institutions*

*Source: own.*

- EU inter-institutional agreements

Inter-institutional agreements among EU institutions could also improve the degree to which these European actors bind themselves to specific spending and policy commitments, as well as forcing them to take into account defence and security-related needs when defining and executing policies in other

<sup>139</sup> S. Blockmans et G. Faleg, ‘More Union in European Defence’, p. 15.

<sup>140</sup> M. Barnier, ‘In Defence of Europe’, p. 10.



sectors. This would be extremely relevant for investment decisions and dual-use civil/military infrastructures, making sure relevant transversal policies give adequate consideration to defence implications.

Moreover, these agreements could incorporate the commitments each European institution should take on, derived from the above stated programmes and measures.

### 6.3.8 Coordination with NATO

As mentioned in Chapter 4, NATO and the US can be expected to support a collective strengthening of EU defence. And the EU, as is explicit in its treaties, must make sure to complement NATO and understand that NATO is ultimately its most powerful defence asset. Having said this, we note several important issues to be addressed in relation to NATO.

From a capability point of view, while NATO—due to its unanimity rule and the Cyprus issue—may have some formal limitations to explicit deep collaboration, nothing stops the EU (and EDA's CDP in particular) from taking into account and aligning with NATO's capability development work (NATO Defence Planning Process); this would not only avoid redundancies and contradictions, but also serve to reinforce NATO's objectives. Similarly, EDA's Pooling and Sharing efforts should take into account NATO's Smart Defense programme.

Importantly, NATO should be present in some form throughout the WB process to provide input and to ensure that no room for misunderstandings exists.

- Military operational cooperation with NATO

Missions increasingly combine civilian and military operations, and the EU has great knowledge regarding the civilian component. Beyond Berlin Plus, another mechanism whereby the EU could offer its expertise in civilian operations to NATO missions would enrich the relationship between both organisations. The EU could thus complement NATO's hard security approach. Moreover, the scope of cooperation could be widened, such as in the field of digital agenda.

Another option for improving coordination between NATO and EU would be to swap deputies among their respective military staffs (IMS and EUMS, respectively). This would create another communication channel among two units which play an important role in planning and operations on both sides.

- The US defence industry

Particularly related to the US, one issue that might be sensitive to the North American defence industry, and indirectly to its elected officials, are European collaborative R&D projects. In general terms, a more integrated market would reduce transaction costs for non-European defence suppliers, but R&D projects usually entail purchasing commitments by the involved parties, which would then block out equivalent American competing alternatives. This could be understood as protectionist and obviously could hurt market expectations for American defence industry corporations. This issue will have to be considered.

## 6.4 WB production time

As mentioned, the journey to improve the European defence system must be continuous. However, the first WB and the initial reforms will be a crucial test and an essential basis on which future work will continue.

Thus, a relevant question is how long the WB production should last. A WB produced more rapidly will be able to ride on the Global Strategy's momentum. However, it will be less detailed in its prescriptions, thus less able to define all necessary actions to reach the strategic goals. A more elaborate WB would, on the



contrary, perhaps lose the political support that may emerge from the expected Global Strategy's presentation in June 2016.

As mentioned in Chapter 2, political events may influence this decision. Upcoming national elections in 2017 or the celebration of national referenda related to the EU should be taken into account.

Despite political uncertainty, the WB should aim to be produced in the 6 months following the presentation of the Global Strategy to build on the latter's political momentum. This implies, as mentioned above in this chapter, that the WB would not produce an in-depth analysis of capabilities, detailed priorities, nor exhaustive measures but would rather call and request specific outputs for specified future dates. As an example, such a WB would call on the EDA to produce a capabilities analysis and priority list by, say, December 2017; or would ask the Council of the EU to set up a PESCO by June 2018.

## 6.5 The WB process: a synthesis

In this chapter's preceding sections, we have covered the core elements of a future WB. Not only have we identified them, but we have also proposed some of the possible contents each element could include. Moreover, we have indicated throughout who should be responsible for the different elements and measures. In this section we synthesise and delve deeper into the drafting process of the White Book.

When it comes to an EU-level WB, there is a key difference versus a MS WB (see Chapter 5): it is unclear who should be involved in drafting it, particularly regarding security and defence policy. In the case of a Member State, while the drafter may vary (e.g. the Ministry of Defence, the Presidency, the Ministry of Homeland, or the Parliament), the implementation is straightforward via a legislative order. At the UE level, in contrast, neither who should participate nor how to implement it is obvious.

Additionally, at the EU level, the Commission that has traditionally been the author of White Books does not have any direct responsibilities in defence matters. Despite the Commission necessarily being involved at given drafting stages—it has crucial responsibilities in funding research, in supervising the single market, and in industrial policy—it cannot be the leader in a Defence WB, because competence at the EU level resides with the Council.

We therefore propose the following process.

### 6.5.1 The European Council starts the process

As a first step, the European Council, as the EU's highest strategic leadership body, should ask the High Representative to develop an implementation plan for the security and defence component of the forthcoming Global Strategy.

### 6.5.2 The HR is focal point and leader

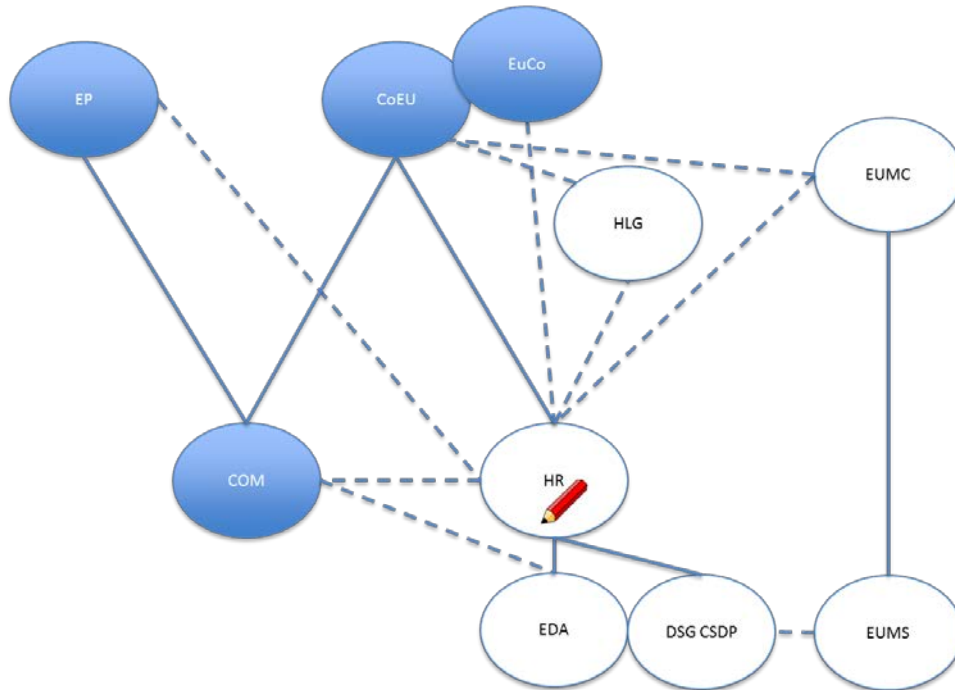
The High Representative is the most reasonable option to lead and draft the future White Book, as she has drafted the environment analysis and is currently elaborating the Global Strategy. The HR presides over the FAC and the EDA, has the DSG-CSDP under its authority, has a reporting commitment with the European Parliament, is the author of the Global Strategy and is VP of the Commission. It is undoubtedly the best placed institutional actor to lead this effort (see Chapter 3).

### 6.5.3 Anchoring MS in the process: a High Level Group & EUMC

The WB has to have absolute buy-in and support of MS. To this end, both the political and military leadership of MS must be involved in the drafting. We propose to involve the EUMC continuously and at each relevant decision point. This shall cover the military dimension.

The WB process must be able to count on the political backing and approval of MS. To this end, a High Level Group (HLG) composed of the Deputy Ministers of Defence from all EU Member States should be set up. The HR should thus set up a HLG of Deputy Defence Ministers to consult with and maintain a continuous communication stream.

**Figure 9. A schematic diagram of a possible design structure for drafting the WB**



*Legend: solid lines represent strong hierarchical relationships; dashed lines represent horizontal and/or partial hierarchical relationships; white spheres represent key participants in the WB drafting process.*

*Source: own.*

#### 6.5.4 Setting strategic goals: DSG-CSDP & EUMS

As mentioned earlier in this chapter, in deriving the strategic ambition and specifying the strategic aims the WB wants to contribute to achieving, the HR should rely on the Deputy Secretariat General for CSDP and Crisis Response and the related EU Military Staff.

#### 6.5.5 Defining capabilities development priorities: EDA with DSG-CSDP & EUMS

Building on the decade-long experience of the Capabilities Development Plans, the HR should entrust EDA to define priorities in capabilities development. EDA should work closely with DSG-CSDP and the EUMS.

#### 6.5.6 Designing programmes and measures

The HR will have to coordinate and interact with several different units depending on the measures and programmes being designed and proposed. Here we provide some non-exhaustive examples:

- EDA should provide the process through which the work for unifying training protocols will be continuously executed.

- Similarly, EDA should provide the process through which the unification of common standards for materiel can be achieved.
- The Commission, together with the EDA and the EIB, should provide the necessary input to design a set of financial and investment measures to improve dual-use R&D and investment, and incentivise cooperation among MS.
- The Commission should monitor the implementation of the two forthcoming Preparatory Action and the Defence Action Plan to strengthen the EU defence industry.
- The Commission should make sure Directive 2009/43/EC and Directive 2009/81/EC (regarding competitive functioning of the European defence market) are appropriately implemented.

Moreover, the HR should use the WB to ask the following institutions to take the needed action to move European defence forward. The WB should call upon:

- The Council of the EU to create a permanent Council of Defence Ministers.
- The Council of the EU to set up a PESCO on European defence.
- The European Council to set up a European Semester on defence cooperation to be housed in EDA.
- The European Council to meet biennial to discuss defence and security policy.
- The European Parliament to upgrade the SEDE subcommittee to a full committee.
- The European Parliament to improve the effectiveness of the inter-parliamentary meetings.
- All EU institutions to formalise their commitments related to European defence by entering into an Inter-Institutional Agreement.

### 6.5.7 Continuous consultation with the Parliament

The Parliament, with its new reporting arrangements with the HR and budgetary responsibilities, will also have to be consulted continuously—as mentioned in Chapter 3. Despite its having limited activity in the field of defence, it has budgetary and coordinative responsibilities vis-à-vis the HR. Its role in supporting and legitimising would undoubtedly be very relevant.

### 6.5.8 Continuous consultation with NATO

As mentioned in Chapter 4 and in the preceding sections of this chapter, it is important to keep NATO involved in the WB drafting process. Continuous consultation at the political level, with the NATO Secretary General or Deputy Secretary General, will be crucial to maintaining trust and keeping conversations fluid.

In relation to setting its strategic ambition and capabilities priorities, the key relationship would be between DSG-CSDP and EDA on one hand, and the Supreme Allied Command for Transformations and its representative in Europe on the other. An ongoing conversation between IMS (NATO's military staff) and EUMS may also be necessary.

## 7 Conclusion

As recent events show recurrently, and all national security strategies and WBs underscore, the strategic security environment the EU is confronting is particularly challenging and changing quickly. The EU requires better and more coherent defence structures and capabilities, not least because of the rebalancing of our main ally, the United States, towards the Pacific.

As we show in Chapter 2, the EU as a whole lacks the necessary capabilities to face the new challenges successfully. Yet, several obstacles block the rapid and effective transformations the EU needs. The fiscal crisis, the growing euroscepticism, and asymmetric security preferences, all hinder further defence cooperation in Europe.

Despite these factors, there exists an invaluable opportunity in front of the European Union, which it should make full use of. Following the 2013 Council 'Defence Matters' and once the Global Strategy is presented in summer 2016, the EU could have sufficient momentum to leap forward in terms of security and defence cooperation.

As a preparatory effort, this study wants to mobilise Member States and, importantly, provide a building block for such an effort. In this study, we review the debate to look at the obstacles present for such a move forward, do a brief historical summary of the different EU strategic documents produced and review the (insufficient) cooperation in defence projects in Europe.

The study also summarises the multiple possibilities that the Lisbon Treaty provides in this policy area. We also show that if adequately taken into consideration, NATO and the US would support and benefit from a stronger European defence. Prior to proposing the process the drafting of a WB on EU defence could follow, we look at Member States' WBs and identify the idiosyncrasies of a defence WB at the EU level, given its limited competences in this policy field.

In the last chapter, following this one, we provide specific recommendations to all key institutions necessary to make the WB happen. The EU requires a better and improved common defence and security, the time seems ripe and the next couple of years might prove to be highly significant. We hope Member States and the European institutions rise to the challenge.

## 8 Recommendations

Based on Chapter 6, covering the WB's core elements and some measures determined in the treaties but yet to be developed (see Chapter 3), here we synthesise some recommendations directed at the various EU institutions involved in the drafting process of the future EU-level WB. Some of the recommendations relate to immediately implementable actions, others are preparatory in nature, while others should only be realised once the WB process is initiated. The recommendations are the following:

### 8.1 EU Member States

- To individually and collectively explore areas for future enhanced cooperation and complementarity, given they will be central players in propelling European defence forward through their participation in the European Council, the Council of the EU (FAC and PSC), the EUMC and EUMS, and the EDA governance board.

### 8.2 The European Council

- To introduce 'a biennial regularity in the defence debate'<sup>141</sup>, in order 'to offer strategic guidance for further EU defence cooperation'<sup>142</sup>.
- Once the Global Strategy is presented, to entrust the HR with the drafting of a White Book on European defence in the following six months.

### 8.3 The High Representative

Once requested by the European Council to draft a White Book, we recommend the HR:

- To create a High-Level Working Group, made up of Ministry of Defence officials, preferably Deputy Ministers, of Member States, to support and guide the drafting of the WB. This group shall also act as a mobiliser and engager of Member States, thus guaranteeing their buy-in.
- To continually involve the EUMC in the guidance of the drafting of the WB.
- To request the DSG-CSDP and the EUMS to distil the strategic objectives the WB should aim at achieving.
- To request the EDA, with the support of the DSG-CSDP and the EUMS, to specify the capability weaknesses, prioritise the capabilities to be developed first, and identify the possible measures to redress the capability shortfalls.
- To request the Commission to implement the Preparatory Action on funding and the future Defence Action Plan regarding industry and to define a set of financial incentives and funding possibilities to energise MS collaboration.
- To suggest to the Council to provide input for a possible future PESCO mechanism, a European defence semester, and to improve existing and create new financial mechanisms.

<sup>141</sup> S. Blockmans et G. Faleg, 'More Union in European Defence', p. ii.

<sup>142</sup> S. Blockmans et G. Faleg, 'More Union in European Defence', p. 15.

- To maintain a continuous dialogue with NATO and the European Parliament, throughout the drafting period.

## 8.4 The Council of the EU

- To study and prepare for the possibility of creating a dedicated Council of European Defence Ministers, apart from the already existing Foreign Affairs Council. This would pave the way for a permanent forum for consultation and decision-making, thus keeping defence matters on the agenda and facilitating progress monitoring.
- To start exploring the possible design of a potential future PESCO mechanism, which would help oversee and guide European defence cooperation among willing and able states. The implementation of this mechanism would enable these countries to move forward and to cooperate and work together.
- To adopt a decision developing the two mechanisms set forth in Article 41 TEU: the procedure for rapid access to appropriations in the EU budget and the development of the start-up fund made up of Member States' contributions. These measures would make the financing of CSDP more flexible than it is at present.
- To explore the creation of a European defence semester to monitor developments — by Member States — towards collective R&D and procurement, and interoperability. The semester, hosted by the EDA, would allow better coordination among EU Member States, avoiding discrepancies and contributing to a higher level of convergence.
- To explore the possibility of improving the financial dimension of CSDP: first, to strengthen and increase contributions to the Athena mechanism, improving burden-sharing; and second, to set up other funding mechanisms, including 'Joint Financing', EU trust funds, project cells within military missions and operations, and reimbursable services<sup>143</sup>.

## 8.5 The European External Action Service

- Together with the EUMS, to derive the strategic goals for a future WB from the Global Strategy as soon as it is presented.

At the HR's request:

- Together with the EUMS, to support the EDA in prioritising capability development.

## 8.6 The European Commission

- To fully implement the Defence Action Plan, which will make it possible to enhance collaboration projects and to find out which defence technologies are necessary for a European action capacity.
- To fully implement the Preparatory Action in CSDP-related research, which will give a new impetus to the financing of the European defence project.

<sup>143</sup> S. Blockmans et G. Faleg, 'More Union in European Defence', p. 15.

- To supervise the full and legally binding application of Directive 2009/43/EC and Directive 2009/81/EC in order to achieve a better and more competitive functioning of the European defence market.

At the HR's request:

- To provide the necessary input to design a set of financial and investment measures to improve dual-use R&D and investment, and incentivise cooperation among MS.

## 8.7 The European Defence Agency

- To prepare for and explore how a European semester on defence cooperation could be hosted, coordinated and facilitated by the EDA.

At the HR's request:

- To define priorities in a capability development plan, with special attention to the European Commission's forthcoming Defence Action Plan.
- To provide the process through which cooperation on common standards, training, certification and leadership development will be achieved.

## 8.8 The European Parliament

- To upgrade 'the Subcommittee on Security and Defence to a fully-fledged Committee'<sup>144</sup>. This measure would allow this body to acquire the powers of an EP Committee, which would consist of 'instructing legislative proposals through the adoption of reports, proposing amendments and appointing a negotiation team to conduct negotiations with the Council on EU legislation. They also adopt own-initiative reports, organise hearings with experts and scrutinise the other EU bodies and institutions'<sup>145</sup>.
- To further strengthen cooperation in defence and security between the European Parliament and national parliaments, generating, for example, a better coordination of CSDP implications in the national decision-making process.

<sup>144</sup> S. Blockmans et G. Faleg, 'More Union in European Defence', p. 15.

<sup>145</sup> Information available at: <http://www.europarl.europa.eu/committees/en/about-committees.html>, [Accessed on: 3.4.2016].



## 9 List of acronyms

CCDP	Civilian Capability Development Plan
CDP	Capability Development Plan
CFSP	Common Foreign and Security Policy
CMPD	Crisis Management and Planning Directorate
CPCC	Civilian Planning and Conduct Capability
CSDP	Common Security and Defence Policy
C4ISTAR	Command, Control, Communications, Computers, Intelligence, Surveillance, Target Acquisition and Reconnaissance
EC	European Commission
EDA	European Defence Agency
EDTIB	European Defence Technological and Industrial Base
EEAS	European External Action Service
EP	European Parliament
EU	European Union
EUMC	European Union Military Committee
EUMS	European Union Military Staff
FAC	Foreign Affairs Council
GDP	Gross Domestic Product
GS	Global Strategy
HR/VP	High Representative of the Union for Foreign Affairs and Security Policy / Vice-President of the Commission
IPC	Inter-Parliamentary Conference
ISTAR	Intelligence, Surveillance, Target Acquisition and Reconnaissance
NATO	North Atlantic Treaty Organization
PESCO	Permanent Structured Cooperation
PSC	Political and Security Committee
R&D	Research and Development
R&T	Research and Technology
SMEs	Small and Medium-sized Enterprises
SSR	Security Sector Reform
TEU	Treaty of the European Union
TFEU	Treaty on Functioning of the European Union

WB                    White Book  
WEU                  Western European Union

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