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On my honour as a student of the Diplomatische Akademie Wien, I submit this work in good faith and pledge that I have neither given nor received unauthorized assistance on it.

Abstract (English)

Since 2014, the European Union (EU) was confronted with several threats in its geopolitical security environment as well as inside its borders, which highlighted the inadequacies of European defence capability. It became apparent that the EU Common Security and Defence Policy (CSDP) is severely constrained due to the unanimity requirement in the Council of the European Union (Council) to take decisions in the field as well as a lack of political will among the Member States to cede decisional power and to cooperate in the military domain to the extent necessary. In this context, Permanent Structured Cooperation (PESCO) on security and defence, provided for in Art. 42 (6) Treaty on European Union (TEU) since the Lisbon Treaty, was launched by a Council Decision on 11 December 2017. PESCO aims at enabling deepened military cooperation through joint training, development of military capabilities and in further consequence joint deployment of troops. 25 EU Member States participate in PESCO, with only Malta and Denmark abstaining from participation. To date, 47 projects have been launched within the legal framework of PESCO. They include cooperation projects for sea, land and air forces as well as in the field of cyber security. When compared to previous initiatives in the history of the CSDP, PESCO is deemed to be a novelty – *inter alia* due to its legally binding nature and the possibility to suspend membership if a participating Member State (pMS) does not comply with its commitments. An assessment of selected EU military operations – EUFOR Althea and EUFOR RCA – will shed light on the shortcomings of European defence cooperation. It thus serves to identify areas in which PESCO may have the potential to improve the military capability of the EU. The research question of this thesis is therefore: To which extent does PESCO constitute an appropriate tool to remedy the weaknesses in CSDP military operations?

Abstract (German)

Seit 2014 sah sich die Europäische Union (EU) mehreren Bedrohungen in ihrem geopolitischen Sicherheitsumfeld sowie innerhalb ihrer Grenzen gegenüber, die die Unzulänglichkeiten der europäischen Verteidigungsfähigkeit aufzeigten. Es wurde deutlich, dass die Gemeinsame Sicherheits- und Verteidigungspolitik der EU (GSVP) aufgrund des Einstimmigkeitserfordernisses im Rat der Europäischen Union, um Beschlüsse zu fassen, sowie aufgrund des fehlenden politischen Willens der Mitgliedstaaten, Entscheidungsbefugnisse abzugeben, stark geschwächt wird. Darüber hinaus wird die GSVP dadurch geschwächt, dass die Mitgliedstaaten im militärischen Bereich nicht im erforderlichen Maße kooperieren. In diesem Zusammenhang wurde am 11. Dezember 2017 durch Ratsbeschluss die Ständige Strukturierte Zusammenarbeit (PESCO) im Bereich Sicherheit und Verteidigung, die seit dem Vertrag von Lissabon in Art. 42 (6) des Vertrags über die Europäische Union (EUV) vorgesehen ist, ins Leben gerufen. Ziel von PESCO ist es, eine vertiefte militärische Zusammenarbeit durch gemeinsame Ausbildung, Entwicklung militärischer Fähigkeiten und in weiterer Folge gemeinsame Einsätze zu ermöglichen. Bis auf Dänemark und Malta nehmen alle EU-Mitgliedstaaten an PESCO teil. Bis heute wurden 47 Projekte innerhalb des rechtlichen Rahmens von PESCO lanciert. Diese Projekte umfassen Operationen zu Wasser, zu Land, in der Luft sowie im Bereich der Cybersicherheit. Im Vergleich zu früheren Initiativen in der Geschichte der GSVP gilt PESCO als Novum – unter anderem aufgrund seiner rechtsverbindlichen Natur sowie der Möglichkeit, die Mitgliedschaft eines teilnehmenden Staates auszusetzen, sollte dieser seinen eingegangenen Verpflichtungen nicht nachkommen. Eine Analyse ausgewählter EU-Militäroperationen – EUFOR Althea und EUFOR RCA – dient dazu, die Unzulänglichkeiten der europäischen Verteidigungszusammenarbeit sichtbar zu machen. Sie ermöglicht damit die Identifizierung derjenigen Bereiche, in welchen PESCO das Potenzial haben könnte, die militärischen Fähigkeiten der EU zu verbessern. Die Forschungsfrage dieser Arbeit lautet daher: Inwieweit stellt PESCO ein geeignetes Instrument dar, um die Schwächen der militärischen GSVP-Operationen zu beseitigen?

List of Abbreviations

AIES	Austrian Institute for European and Security Policy
C2	Strategic Command and Control
C4ISR	Command, Control, Communications, Computers, Intelligence, Surveillance and Reconnaissance
CAR	Central African Republic
CARD	Coordinated Annual Review on Defence
CDP	Capability Development Plan
CFSP	Common Foreign and Security Policy
CJEU	Court of Justice of the EU
Constitutional Treaty	Treaty establishing a Constitution for Europe
Council	Council of the European Union
CROC	Crisis Response Operations Core
CSDP	Common Security and Defence Policy
DRC	Democratic Republic of Congo
DSACEUR	Deputy Supreme Allied Forces Commander Europe
EDA	European Defence Agency
EDF	European Defence Fund
EEAS	European External Action Service
EI2	European Intervention Initiative
EMC	European Medical Command
EPC	European Political Cooperation
ESDP	European Security and Defence Policy
ESSOR	European Secure Software defined Radio
EU BLOS	EU Beyond Line of Sight Land Battlefield Missile System
EU TMCC	European Union Training Mission Competence Centre
EU	European Union
EUBG	EU battlegroups
EUFOR	European Union Force
EUGS	2016 EU Global Strategy
EUMAM	European Union Military Advisory Mission
EUMC	European Union Military Committee
EUMS	European Union Military Staff

EUNAVFOR	European Union Naval Force
EUTM	European Union Training Mission
FAC	Foreign Affairs Council
FNC	Framework Nations Concept
FOC	Full Operational Capability
FRG	Federal Republic of Germany
FSFP	Full spectrum force package
HGP	Headline Goal Process
HICG	High Impact Capability Goal
High Representative	High Representative of the Union for Foreign Affairs and Security Policy
IFOR	Implementation Force
IOC	Initial Operational Capability
JCPOA	Joint Comprehensive Plan of Action
LoA	EU level of ambition in the security domain
MALE RPAS	European Medium Altitude Long Endurance Remotely Piloted Aircraft Systems
MPCC	Military and Planning Conduct Capability
NAT	North Atlantic Treaty
NATO	North Atlantic Treaty Organization
NIP	National Implementation Plan
PESCO	Permanent Structured Cooperation
pMS	Participating Member States
PSC	Political and Security Committee
PSR	PESCO Strategic Review
RCA	Republic of Central Africa
SDIP	Security and Defence Implementation Plan
SEA	Single European Act
SFOR	Stabilisation Force
SHAPE	Supreme Headquarters Allied Powers Europe
SJO	Small Joint Operations
SOF	One Deployable Special Operations Forces
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union

UAV	Unmanned aerial vehicle
UGS	Integrated Unmanned Ground System
WEU	Western European Union

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I. Introduction

The European Union (EU) is undoubtedly one of the major political and economic players on the international stage. However, since 2014, the EU was confronted with several threats in its geopolitical security environment as well as inside its borders, which highlighted the inadequacies of European defence capability. It became apparent that the EU Common Security and Defence Policy (CSDP) is severely constrained due to the unanimity requirement in the Council of the European Union (Council) to take decisions in the field as well as a lack of political will among the Member States to cede decisional power and to cooperate in the military domain to the extent necessary. In this context, Permanent Structured Cooperation (PESCO) on security and defence, provided for in Art. 42 (6) Treaty on European Union (TEU) since the Lisbon Treaty, was launched by a Council Decision on 11 December 2017.¹ PESCO aims at enabling deepened military cooperation through joint training, development of military capabilities and in further consequence joint deployment of troops. 25 EU Member States participate in PESCO, with only Malta and Denmark abstaining from participation. To date, 47 projects have been launched within the legal framework of PESCO. The project European Union Training Mission Competence Centre (EU TMCC) has successfully been completed in February 2020, reducing the number of current PESCO projects to 46. These projects include measures for operations by sea, land and air forces as well as in the field of cyber security.² When compared to previous initiatives in the history of the CSDP, PESCO is deemed to be a novelty – *inter alia* due to its legally binding nature and the possibility to suspend membership if a participating Member State (pMS) does not comply with its commitments.³ PESCO is considered to be “the most important instrument to foster common security and defence in an area where more coherence, continuity, and coordination are needed.”⁴ An assessment of selected EU military operations – EUFOR Althea and EUFOR RCA – will shed light on the shortcomings of European defence cooperation. It thus serves to identify areas in which PESCO may have the potential to improve the military capability of the EU. The research question of

¹ Council of the European Union, “Council Decision (CFSP) 2017/2315 of 11 December 2017 establishing permanent structured cooperation (PESCO) and determining the list of participating Member States,” Doc. L 331/57, Brussels: 2017 (PESCO Decision).

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017D2315&from=DE>.

² European External Action Service, “Permanent Structured Cooperation – PESCO: Deepening Defence Cooperation Among EU Member States,” Factsheet, Brussels: November 2019, 1f, https://eeas.europa.eu/headquarters/headquarters-homepage/34226/permanent-structured-cooperation-pesco-factsheet_en.

³ Sven Biscop, “European Defence: Give PESCO a Chance,” *Survival* 60, no. 3 (April 2018), 163-166, <https://doi.org/10.1080/00396338.2018.1470771>.

⁴ PESCO Decision, 14.

this thesis is therefore: To which extent does PESCO constitute an appropriate tool to remedy the weaknesses in CSDP military operations?

II. Literature Review

Compared to previous European defence initiatives, PESCO is seen as an unprecedented manifestation of European defence integration by various scholars.⁵ Renowned CSDP experts like Fiott, Missiroli and Tardy⁶, Nováky⁷, Zandee⁸, Billon-Galland and Quencez⁹ as well as Biscop¹⁰ agree that PESCO could constitute a ‘game changer’ for EU defence cooperation. The argument goes that PESCO differs significantly from previous CSDP initiatives as it was launched by Council Decision and is therefore legally binding, as opposed to the 1999 ‘Helsinki Headline Goal’ or its 2004 update ‘Headline Goal 2010’. It is furthermore constituted as a permanent framework, meaning that PESCO “will not go away”¹¹. In addition, funding by the European Defence Fund (EDF) creates an incentive for the pMS to actually invest in PESCO projects.¹²

The research question at hand, if and to which extent PESCO constitutes an appropriate remedy to compensate for the weaknesses in CSDP military operations, has so far not received much attention in the literature. Fiott, Missiroli and Tardy raised the question of the general purpose of PESCO, whether it enables EU Member States to ultimately carry out military operations more effectively.¹³ The ultimate benefit of PESCO for EU military operations is surrounded by the question of defining the EU’s military level of ambition – which has not been agreed on so far – as well as the question of the type of military operations PESCO is preparing for. The term ‘most demanding missions’ remains to be defined.¹⁴ Fiott, Missiroli and Tardy identified several ways in which PESCO capabilities could be used for CSDP operations, namely: for traditional CSDP military operations (EUFOR or EUTM), carried out by PESCO pMS only or together with non-PESCO pMS, in a traditional way or under Art. 44 TEU (a group

⁵ Biscop, “European Defence: Give PESCO a Chance,”; Daniel Fiott, Antonio Missiroli, and Thierry Tardy, “Permanent Structured Cooperation: What’s in a name?” *Chaillot Paper*, no. 142 (November 2017), www.jstor.org/stable/resrep17440.

⁶ Fiott, Missiroli, and Tardy, “Permanent Structured Cooperation: What’s in a name?”, 5.

⁷ Niklas Nováky, “The EU’s Permanent Structured Cooperation in Defence: Keeping Sleeping Beauty from Snoozing,” *European View* 17, no. 1 (2018): 98.

⁸ Dick Zandee, “PESCO implementation: the next challenge,” Policy Report, *Clingendael - Netherlands Institute of International Relations*, September 2018, 1, https://www.clingendael.org/sites/default/files/2018-09/PB_Pesco_Sept2018.pdf.

⁹ Billon-Galland, Alice and Martin Quencez. “Can France and Germany Make PESCO Work as a Process toward EU Defense?” GMF Policy Brief no. 33 (October 2017), 3, <https://www.europeanleadershipnetwork.org/policy-brief/can-france-and-germany-make-pesco-work-as-a-process-toward-eu-defence/>.

¹⁰ Biscop, “European Defence: Give PESCO a Chance,” 178.

¹¹ *Ibid.*, 162.

¹² *Ibid.*, 163.

¹³ Fiott, Missiroli, and Tardy, “Permanent Structured Cooperation: What’s in a name?” 29.

¹⁴ *Ibid.*, 36f.

of Member States willing and capable of implementing a task entrusted to it by the Council); a coalition outside the EU framework; NATO-led operations or UN-led operations either carried out by PESCO members or together with other European states and, lastly, for internal security (home defence) operations. The more binding commitments Nr. 12-14 (commitment to availability, deployability and interoperability of forces as well as striving for a new common funding of military CSDP operations and missions) arguably have an operational character and refer to EUFOR-type operations and the EU battlegroups, therefore to CSDP operations.¹⁵ However, the concrete question of the benefits resulting from PESCO to compensate for the foibles of EU military operations has, to my knowledge, not yet been looked at in detail.

While Biscop argues that the 47 PESCO projects launched to date do not effectively address capability shortfalls,¹⁶ Billon-Galland and Efstathiou state that the 34 capability projects launched under PESCO in the first two rounds “broadly correspond to the CDP [Capability Development Plan; a comprehensive planning method for capability needs of EU Member States] priorities across all domains while also beginning to tackle some of the LoA [EU level of ambition in the security domain; set out in the 2016 EU Global Strategy] capability shortfalls, although to a very limited extent.”¹⁷ However, according to the authors, the contribution of PESCO projects to the needs of EU armed forces on the ground will be ‘very limited’.¹⁸

Another important point is that, besides the ‘nuclear option’¹⁹ of suspending the PESCO membership of a pMS in case of non-compliance, no enforcement mechanism exists for PESCO. Sovereign decision-making by individual Member States will therefore continue to be the norm²⁰ and the unanimity requirement for the launch of EU military operations will also endure.²¹ Martill and Sus conclude that, “while the projects are expected to contribute to greater interoperability between armed forces in the EU, they do not challenge the fundamental premise

¹⁵ Fiott, Missiroli, and Tardy, “Permanent Structured Cooperation: What’s in a name?” 33f.

¹⁶ Biscop, “European Defence and PESCO: Don’t Waste the Chance,” 3.

¹⁷ Alice Billon-Galland and Yvonne-Stefania Efstathiou, “Are PESCO projects fit for purpose?” *The International Institute for Strategic Studies, Briefing Paper* (February 2019), 1, <https://www.iiss.org/blogs/analysis/2019/02/pesco-projects-fit-for-purpose>.

¹⁸ *Ibid.*, 9.

¹⁹ Sven Biscop, “European Defence and PESCO: Don’t Waste the Chance,” *EU IDEA Policy Papers*, no. 1 (May 2020), 7, <https://euidea.eu/2020/05/05/european-defence-and-pesco-dont-waste-the-chance/>.

²⁰ Steven Blockmans, “The EU’s modular approach to defence integration: An inclusive, ambitious and legally binding PESCO?” *Common Market Law Review* 55(6) (January 2018), 1825, <https://www.ceps.eu/ceps-publications/eus-modular-approach-defence-integration-inclusive-ambitious-and-legally-binding-pesco/>.

²¹ Fiott, Missiroli, and Tardy, “Permanent Structured Cooperation: What’s in a name?” 37ff.

of national control over militaries, or the intergovernmental nature of CSDP decision-making.”²² As Fiott, Missiroli and Tardy argue:

“The extent to which all of these efforts will lead to a more operational role for the EU remains therefore to be demonstrated. In particular, issues of diverging strategic cultures and risk-averse national postures, different threat assessments, weak funding mechanisms for operations, or the uncertain link between CSDP and the broader foreign policy objectives are there to stay. Nonetheless, the hope lies in the merits of a structured and long-term rapprochement of defence policies that commit participating member states in an unprecedented way. Hopefully this will make cooperation and collective action part of an emerging European strategic culture which in turn may lead to more ambitious and effective military operations.”²³

This argument will be taken up in the course of this thesis and will be further nuanced in the analysis of PESCO’s progress to date regarding its suitability to overcome the weaknesses that surfaced in the course of EU military operations.

The thesis at hand is structured as follows: Chapter III provides an overview of the development of the CSDP. The legal bases for the CSDP, especially for PESCO, as well as the role of the EU institutions involved will also be looked at.

Chapter IV then elaborates on the reasons for PESCO’s launch in December 2017. The argument goes that changes on the systemic level, starting with the illegal annexation of Crimea, led to the publication of the 2016 EU Global Strategy. Brexit and the election of US President Donald Trump then made the need for a strong military component of the EU even more apparent and ultimately led to the launch of PESCO. Furthermore, these structural changes promoted convergence between Germany and France, enabling them to spearhead the process of enhancing European defence efforts. Additionally, a short overview of the new tools of the CSDP will be given.

Chapter V constitutes the main part of this thesis. It looks at the implementation of the relevant CSDP provisions to date by analysing selected EU military operations and PESCO. EUFOR Althea and EUFOR RCA were chosen to demonstrate the manifested weaknesses in the CSDP. This serves to locate areas where PESCO can make a difference. PESCO will then be looked at in detail, including its legal bases, configuration and projects. This is then followed

²² Benjamin Martill and Monika Sus, “Post-Brexit EU/UK security cooperation: NATO, CSDP+, or ‘French connection’?” *The British Journal of Politics and International Relations*, 20(4) (2018): 852, <https://doi.org/10.1177/1369148118796979>.

²³ Fiott, Missiroli, and Tardy, “Permanent Structured Cooperation: What’s in a name?” 39.

by an analysis of its implementation and progress to date as well as an assessment of the extent to which PESCO constitutes an appropriate tool to remedy the weaknesses in CSDP military operations. Chapter V concludes by giving an overview of the relationship between PESCO and the North Atlantic Treaty Organization (NATO) as well as the European Intervention Initiative (EI2) led by France.

III. Developments in the CSDP to date and legal bases

The first chapter of this thesis seeks to present the historical background of European defence policy. Beginning with the Davignon Report, which was presented at the Luxembourg Summit in 1970 and laid the foundation for the establishment of European Political Cooperation (EPC), the first chapter gives an outline of the developments in the field of European security and defence to date. Since this thesis encompasses the disciplines of law and political science, the current legal bases for the CSDP will also be explained. In this regard, the role of EU institutions and the European External Action Service (EEAS) as well as the principle of unanimity will be specifically looked at.

A. From the Davignon Report to the Maastricht Treaty

At their Hague Summit in 1969, the Heads of State or Government of the six Member States of the European Community (EC) instructed their foreign ministers to reflect upon foreign policy collaboration. The ministers passed on this task to their Political Directors who, under the chairmanship of their Belgian colleague Étienne Davignon, submitted their report a year later. The Davignon Report, which was approved by the Council of Ministers at their meeting in Luxembourg in 1970, contained a number of concrete proposals. The process of the EPC started. The Davignon Report provided for biannual meetings of the foreign ministers – outside the framework of the Rome Treaty – to collaborate in the area of foreign policy. Defence matters, however, were not covered by the report due to the reluctance of the Benelux countries to impair transatlantic security in any way.²⁴ Further measures were set forth in the 1973 Copenhagen Report, the 1981 London Report and the 1983 Solemn Declaration of Stuttgart.

EPC was placed on a treaty basis in the 1987 Single European Act (SEA) and provided for inter-Member State information, consultation, co-ordination, common positions, and joint action in foreign policy affairs (Art. 30 (2) (a) SEA). In addition, Member States agreed on closer coordination of their positions concerning the political and economic (but not the military – the author) aspects of security (Art. 30 (6) (a) SEA). Art. 30 (6) (c) states that “Nothing in this Title shall impede closer co-operation in the field of security between certain of the High Contracting Parties within the framework of the Western European Union or the Atlantic Alliance.”

²⁴ Simon Duke, *The Elusive Quest for European Security: From EDC to CFSP* (London: Palgrave Millan, 2000), 57.

The end of the Cold War, the violent dissolution of Yugoslavia, as well as the Iran-Iraq War gave further momentum to the idea of defence cooperation, leading to the Maastricht Treaty in 1992.²⁵ With the Maastricht Treaty, the Common Foreign and Security Policy (CFSP) was introduced as an intergovernmental pillar in the newly created three pillar structure of the EU and superseded EPC. According to Art. J.4 of Title V, the CFSP concerns “all questions related to the security of the Union, including the eventual framing of a common defence policy, which might in time lead to a common defence.” A new perspective was thereby added to European integration: a common defence policy, in which the Member States are engaged, and a common defence, to be established as a last stage.²⁶ According to Art. J.4 (2) the Union asks the Western European Union (WEU) to “elaborate and implement decisions and actions of the Union which have defence implications”.

Paragraph 4 of Art. J.4 states that the “policy of the Union in accordance with this Article shall not prejudice the specific character of the security and defence policy of certain Member States”. This is known as the ‘Irish clause’ as it was included in the Maastricht Treaty due to Ireland’s, amongst others, concerns about the compatibility of the provisions on security and defence with its neutrality.

B. Further milestones

1. The Western European Union (WEU) and the Petersberg Tasks

The WEU was established on 23 October 1954, following debates on how to integrate the former enemy States Federal Republic of Germany (FRG) and Italy into a common defence compact acceptable to the parties concerned (especially France, the UK and the FRG itself). The 1948 Brussels Treaty, concluded by France, Luxembourg, Belgium, the Netherlands and the UK, founded the Brussels Treaty Organisation (Western Union) – a regional defence organisation. It was then amended upon the signature of *The Protocol to the Brussels Treaty, Modifying and Completing the Brussels Treaty* (Modified Brussels Treaty), thereby transforming the Western Union into the WEU. The WEU was constructed as an intergovernmental organisation without a common defence budget or integrated military structures.²⁷ Art. V of the Modified Brussels Treaty is remarkable as it provides that “If any of the High Contracting Parties should be the object of an armed attack in Europe, the other High

²⁵ Duke, *The Elusive Quest for European Security: From EDC to CFSP*, 58ff.

²⁶ Jochen Rehr, Hans-Bernhard Weissert, Catherine Ashton, and Norbert Darabos, *Handbook On CSDP: The Common Security and Defence Policy of the European Union*, 2nd ed. S.l.: Federal Ministry of Defence and Sports of the Republic of Austria, 2012, 11.

²⁷ Duke, *The Elusive Quest for European Security: From EDC to CFSP*, 13ff.

Contracting Parties will, in accordance with the provisions of Art. 51 of the Charter of the United Nations, afford the Party so attacked all the military and other aid and assistance in their power.”

Although the intention of the original parties (Belgium, France, Luxembourg, the Netherlands and the UK; the FRG and Italy were then admitted into the organisation) was to establish a close connection of the WEU with the process of European integration, the WEU ended up having closer ties with NATO. After playing an important part in settling the Saar dispute between France and Germany, the WEU was rather inactive for almost 30 years due to the lack of a clear objective and NATO’s unwillingness to let it take on a more active role.²⁸

In light of the Iran-Iraq War, and following several Intergovernmental Conferences (IGCs; between the representatives of the governments of the EU Member States), the WEU was reactivated. Title V of the Maastricht Treaty on the CFSP characterised the WEU as “an integral part of the development of the Union” which is called upon to “elaborate and implement decisions and actions of the Union which have defence implications” (Art. J.4 (2)). The WEU members furthermore attached a *Declaration of the Member States of the Western European Union on the role of the WEU and its relations with the European Union and with the Atlantic Alliance*²⁹ to the Maastricht TEU. In this document it is stated that a common European defence policy is to be formulated. However, the WEU should be developed “as a means to strengthen the European pillar of the Atlantic Alliance”. This contradiction between the role of the WEU as the defence component of the EU as well as the European pillar of NATO was tried to be resolved by the Petersberg Declaration of 19 June 1992, adopted at Hotel Petersberg near Bonn, Germany.³⁰ The Petersberg Declaration was adopted at the Ministerial Council of the WEU and states the readiness of WEU Member States to make the military units of their conventional armed forces available to the WEU, the EU and NATO.³¹ According to Title II (4) of the Petersberg Declaration, the following tasks are covered under the agreement: humanitarian and rescue tasks, peace-keeping task and tasks of combat forces in crisis management, including peace-making. Taken together, these tasks are known as the ‘Petersberg Tasks’. Through the 1997 Amsterdam Treaty, the scope of the CFSP was determined by incorporating the Petersberg

²⁸ Simon Duke, “The Second Death (or the Second Coming?) of the WEU,” *JCMS: Journal of Common Market Studies* 34, no. 2 (1996): 168f, <https://doi.org/10.1111/j.1468-5965.1996.tb00568.x>.

²⁹ Treaty on European Union – Declaration on Western European Union, 11992M/AFI/DCL/30, Official Journal C 191, 29/07/1992 P. 0105.

³⁰ Duke, “The Second Death (or the Second Coming?) of the WEU,” 172ff.

³¹ *Ibid.*, 176.

Tasks, creating the position of the High Representative for CFSP as well as including “common strategies” as a new CFSP instrument.³²

2. The St-Malo Declaration

Another milestone in European defence integration occurred in the wake of the war in Kosovo. In the course of this war, the Europeans were painfully reminded of US military superiority and their own powerlessness.³³ This realisation created the momentum for the Franco-British summit in St-Malo in December 1998, which took place in the midst of the Kosovo War. At the St-Malo Summit, Tony Blair (UK) and Jacques Chirac (France) agreed that the EU ought to develop “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.”³⁴ Furthermore, the EU should be able to carry out military actions where ‘the Alliance as a whole’ was not engaged.³⁵ Subsequently, several European Council summit meetings specified the civilian and military capabilities required to fulfil the Petersberg Tasks. Among them, the Cologne European Council Meeting of June 1999, which provided the basis for the European Security and Defence Policy (ESDP) and the Helsinki European Council Meeting of December 1999.³⁶

3. The Helsinki Headline Goal – the birth of the ESDP

While the Cologne European Council provided for the institutional framework of the ESDP, the Helsinki European Council marked its ‘formal birth’ by focussing on military capabilities.³⁷ The Helsinki European Council Meeting called on the Member States to “deploy rapidly and then sustain forces capable of the full range of Petersberg tasks as set out in the Amsterdam Treaty, including the most demanding, in operations up to corps level (up to 15 brigades or 50,000-60,000 persons)”.³⁸ This is known as the Helsinki Headline Goal, to be

³² Ingo Peters, "ESDP as a Transatlantic Issue: Problems of Mutual Ambiguity," *International Studies Review* 6, no. 3 (2004): 391.

³³ Elizabeth Pond, “Kosovo: Catalyst for Europe,” *The Washington Quarterly* 22, no. 4 (1999): 80, <https://doi.org/10.1080/01636609909550425>.

³⁴ British -French summit, St-Malo, 3–4 Dec. 1998 in Maartje Rutten, ed. *From St-Malo to Nice: European defence: Core Documents*, *Chaillot Paper* 47, European Union Institute for Security Studies (EUISS), 2001, 8.

³⁵ *Ibid.*

³⁶ Rehrl et al., *Handbook on CSDP*, 11.

³⁷ Maxime H. A. Larivé, *Debating European Security and Defense Policy*, Global Interdisciplinary Studies Series. Farnham: Taylor and Francis, 2016, 144.

³⁸ European Council, “Presidency Conclusions” (Annex 1 to Annex IV, Presidency Progress Report to the Helsinki European Council on Strengthening the Common European Policy on Security and Defence), 10-11 December 1999, https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/ACFA4C.htm.

achieved by 2003.³⁹ In addition, the decision for the establishment of new ESDP institutions was taken: a Political and Security Committee (PSC), a Military Committee and a Military Staff. The violent dissolution of Yugoslavia, most notably the Kosovo War, therefore represented a structural change which created the momentum for the creation of the ESDP. At the Capabilities Commitment Conference in Brussels on 20-21 November 2000, concrete contributions were pledged by 14 of the 15 Member States to meet the Helsinki Headline Goal (around 100,000 troops, 400 combat aircraft and 100 naval vessels).⁴⁰

At the Santa Maria de Feira European Council in June 2000, four areas of priority were defined regarding the civilian aspects of crisis management.⁴¹ In 2003, the first ESDP mission was initiated. The first European Security Strategy ‘A secure Europe in a better world’ was adopted in the same year.

The European Defence Agency (EDA) was founded one year later, in 2004. Based in Brussels, with about 140 staff, the EDA is an intergovernmental agency seeking to assist the Member States as well as the Council in the development of European defence capabilities. According to Art. 42 (3) subparagraph 2 TEU, the EDA identifies operational requirements, promotes measures to satisfy to them, contributes to identifying and, where appropriate, implementing any measure needed to strengthen the industrial and technological base of the defence sector. It further participates in defining a European capabilities and armaments policy and assists the Council in evaluating the improvement of military capabilities. The EDA Steering Board is composed of the 27 defence ministers of the Member States and chaired by the High Representative of the Union for Foreign Affairs and Security Policy (High Representative). It offers guidance and endorses the Capability Development Plan (CDP) and is furthermore responsible for the information gathering pertaining to the Coordinated Annual Review on Defence (CARD), as the CARD secretariat (these tools will subsequently be discussed in more detail).⁴²

Rapid reaction battlegroups with about 1.500 personnel were also pledged in 2004, which can be deployed for a maximum of 4 months – the Headline Goal 2010.⁴³ Although the

³⁹ Thierry Tardy, “Does European Defence Really Matter? Fortunes and Misfortunes of the Common Security and Defence Policy,” *European Security* 27, no. 2 (March 2018), 121, <https://doi.org/10.1080/09662839.2018.1454434>.

⁴⁰ Hanspeter Neuhold, “The European Union as an International Actor: Responses to Post-Cold War Challenges,” Vienna, 2010, 33f.

⁴¹ Larivé, *Debating European Security and Defense Policy*, 145.

⁴² Gunther Hauser, *The European Security and Defence Architecture - Challenges and Austrian Security Policy Priorities*, Schriftenreihe Der Landesverteidigungsakademie 2019, Band 12, Vienna: Republic of Austria, Federal Ministry of Defence, 2019, 52.

⁴³ *Ibid.*, 47f.

EU battlegroups acquired full operational capability as of 1 January 2007, they have never been employed.⁴⁴

C. PESCO's legal history in brief

PESCO provisions were first included in the 2004 Treaty establishing a Constitution for Europe (Constitutional Treaty; Art. I-41 (6), III-312 and Protocol 23). The 2003 Iraq crisis provided a momentum for strengthening the ESDP. In March 2003, the US led an invasion of Iraq – without a clear UN Security Council mandate – to end Saddam Hussein's support for terrorism, eliminate Iraqi weapons of mass destruction and free the people of Iraq. The Member States had different opinions on whether or not to join the US-led "Operation Iraqi Freedom" – while the UK, Italy, Portugal and Spain were in favour of supporting Washington, France and Germany were not. Either way, they had to face the fact that the influence of the EU was almost non-existent.⁴⁵ As a result, the Iraq crisis led to more determination among the Europeans to develop their own defence capabilities and rapid deployment force. This drive was, however, lost when the Constitutional Treaty was rejected in referenda by France and the Netherlands.

However, under the Lisbon Treaty, the option of PESCO was provided for in Art. 42 (6), Art. 46 TEU and Protocol No. 10 – taken almost *verbatim* from the Constitutional Treaty.⁴⁶ The differences in the wording of Art. I-41 (6), III-312 and Protocol 23 of the Treaty establishing a constitution for Europe – in comparison with Art. 42 (6), Art. 46 TEU and Protocol No. 10 – only concerned terminology.

With the Lisbon Treaty coming into force in 2009, the ESDP was given a new name: the Common Security and Defence Policy (CSDP). Furthermore, the scope of tasks for CSDP military operations and civilian missions was extended. In addition, the post of the High Representative as well as that of the President of the European Council was created.⁴⁷

D. Legal bases of the CSDP

The main provisions on the CSDP are to be found in Section 2 of Title V of the TEU. According to Art. 42 (1) TEU, the CSDP forms an integral part of the CFSP and shall provide the EU with "an operational capacity drawing on civilian and military assets" for missions and

⁴⁴ Blockmans, "The EU's modular approach to defence integration: An inclusive, ambitious and legally binding PESCO?" 1807.

⁴⁵ Terry Young and Peggy Crawford, "Hands Across The Atlantic?" *The International Business & Economics Research Journal* 3, no. 1 (2011), 89ff.

⁴⁶ Sven Biscop and Jo Coelmont, "CSDP and the 'Ghent Framework': The Indirect Approach to Permanent Structured Cooperation?" *European Foreign Affairs Review* 16 (2011): 153ff, <https://biblio.ugent.be/publication/4229685>.

⁴⁷ Larivé, *Debating European Security and Defense Policy*, 145.

operations outside the Union, in fulfilment of the tasks enumerated in Art. 43 (1) TEU, which may contribute to the fight against terrorism. The tasks listed in Art. 43 (1) TEU include “joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation.” While civilian missions are funded from the EU budget, the costs for military operations have to be carried by the Member States according to the ‘costs lie where they fall’ principle (Art. 41 TEU), with the exception of common costs, which are financed by the Athena mechanism.⁴⁸ The Athena mechanism was established in 2004 by Council decision,⁴⁹ which comprises a list of common costs which are financed by all contributing states (e.g. costs for transport and accommodation necessary for exploratory missions and preparations by military and civilian personnel).⁵⁰

Art. 42 (2) TEU states that the CSDP shall entail the progressive framing of a common Union defence policy, which *will* (as opposed to the formulation *might in time* in Art. J. 4 of Title V of the Maastricht Treaty) lead to a common defence, upon the unanimous decision of the European Council. The ‘NATO clause’⁵¹ in subparagraph 2 of Art. 42 (2) TEU and Art. 42 (7) TEU declares that commitments and collaboration in the area of defence shall be in line with commitments under the NATO. The ‘Irish clause’ in Art. 42 (2) subparagraph 2 provides that the CSDP “shall not prejudice the specific character of the security and defence policy of certain Member States”.

According to Art. 42 (5) TEU, the Council may entrust a group of willing Member States with the execution of a task, within the Union framework, to protect the Union’s values and serve its interests (further specified in Art. 44 TEU).

Art. 42 (7) TEU equips the EU with a mutual assistance clause. In case of an armed aggression on the territory of a Member State, the other Member States have towards it an obligation of aid and assistance by all means in their power, in accordance with Art. 51 UN Charter. So far, the mutual defence clause has only been invoked once by the then French President Francois Hollande following the terrorist attacks in 2015.⁵²

⁴⁸ Niklas Nováky, *European Union Military Operations*. Routledge Studies in European Security and Strategy, Taylor and Francis, 2018, 8.

⁴⁹ Council of the European Union, “Council Decision (CFSP) 2015/528 of 27 March 2015 establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications (Athena) and repealing Decision 2011/871/CFSP,” OJ L 84, 28.3.2015, p. 39–63, <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:32015D0528>.

⁵⁰ Hauser, *The European Security and Defence Architecture*, 72ff.

⁵¹ Neuhold, “The EU as an International Actor,” 36.

⁵² Tardy, “Does European Defence Really Matter?” 125.

Through the Lisbon Treaty, the option of PESCO was provided for in Art. 42 (6), Art. 46 TEU and Protocol No. 10. PESCO is to be established by Council decision upon notification of those Member States “whose military capabilities fulfil higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions”.⁵³

E. The EU institutions involved in the CSDP and the principle of unanimity

The CSDP, as an integral part of the CFSP, is subject to specific rules and procedures as laid down in Art. 24 TEU. If not provided otherwise in the Treaties, the European Council and the Council, acting unanimously, define and implement the CFSP/CSDP. The adoption of legislative acts is excluded. The High Representative and the Member States put the CFSP/CSDP into effect. The European Commission and the European Parliament have a specific role in CSDP. While this role is rather limited, they can exercise control via the EU budget. The European Commission provides for the CFSP budget financing the common administrative costs of non-defence CSDP missions (Art. 317 Treaty on the Functioning of the European Union (TFEU) and Art. 41 (2) TEU). Furthermore, the Commission is in charge of the EDF, established in 2017. The European Parliament also exercises authority over the policy’s budget (Art. 314 TFEU and Art. 41 TEU). Furthermore, consultation and information rights apply.⁵⁴ The Court of Justice of the European Union (CJEU) does not have jurisdiction in the field of the CFSP/CSDP except for monitoring compliance with Art. 40 TEU (the implementation of the CFSP shall not affect the application of the procedures and the extent of the powers of the institutions laid down by the Treaties for the exercise of the Union competences and *vice versa*) and reviewing the legality of decisions as provided for in Art. 275 (2) TFEU.

1. The European Council

According to Art. 15 (1) TEU, the European Council “shall provide the Union with the necessary impetus for this development and shall define the general political directions and priorities thereof. It shall not exercise legislative functions.” The European Council is composed of the Heads of State or Government of the Member States, together with its President and the President of the European Commission (Art. 15 (2) TEU. As laid down in Art. 22 (1) and Art. 26 (1) TEU, the European Council identifies the Union’s strategic interests, determines the

⁵³ The legal framework and concrete configuration of PESCO will be looked at in more detail in Chapter V.

⁵⁴ Hauser, *The European Security and Defence Architecture*, 67ff.

objectives of and defines the general guidelines for the CFSP, including matters with defence implications. It adopts the necessary decisions in this regard unanimously (Art. 24 (2) TEU).

2. The High Representative and the European External Action Service (EEAS)

The High Representative is appointed for five years by the European Council, with the agreement of the President of the European Commission. The High Representative conducts the CFSP according to Art. 18 (2) TEU, presides over the Foreign Affairs Council (FAC; Art. 18 (3) TEU and Art. 21 (1) TEU) and is one of the Vice Presidents of the European Commission. According to Art. 27 TEU, the High Representative represents the EU in matters relating to the CFSP and exercises authority over the EEAS. The EEAS was established by Council Decision⁵⁵ in 2010 and constitutes a “functionally autonomous body of the EU, separate from the General Secretariat of the Council and from the Commission with the legal capacity necessary to perform its tasks and attain its objective” (Art. 1 (2) EEAS Decision).⁵⁶

As laid down in Art. 27 (3) TEU, the EEAS is composed of officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States.

According to Art. 2 EEAS Decision, the EEAS supports the High Representative in fulfilling his/her mandate to conduct the CFSP, including the CSDP. It shall contribute to his/her proposals to the development of these policies, which the High Representative carries out as mandated by the Council, as well as to ensure the consistency of the Union’s external action. The EEAS furthermore supports the High Representative in his/her capacity as President of the FAC and in his/her capacity as Vice-President of the European Commission. In addition, the EEAS shall assist the President of the European Council, the President of the Commission as well as the Commission itself in the exercise of their respective functions in the area of external relations.

3. The Council of the European Union (Council) and the principle of unanimity

The Council, which consists of a representative of each Member State at ministerial level, is the key player in the CSDP. It acts in the configuration of the FAC by taking the necessary decisions for defining and implementing it, based on the strategic guidelines provided for by the European Council (Art. 16 (6) subparagraph 3 TEU). In accordance with

⁵⁵ Council of the European Union, “Council Decision of 26 July 2010 establishing the organization and functioning of the European External Action Service,” 2010/427/EU, OJ L 201, 3.8.2010, p. 30–40.

⁵⁶ Hauser, *The European Security and Defence Architecture*, 59ff.

Art. 26 (2) TEU, the Council – together with the High Representative – ensures the unity, consistency and effectiveness of the CFSP. In CSDP military operations, the Council is assisted by the PSC, the European Union Military Committee (EUMC) and the European Union Military Staff (EUMS).⁵⁷ The PSC,⁵⁸ the EUMC⁵⁹ and the EUMS⁶⁰ were all launched by Council decision on 22 January 2001.

The PSC, provided for in Art. 38 TEU (formerly Art. 25 TEU), convenes at the ambassadorial level as a preparatory body for the Council. It is assisted by a politico-military group, a committee for civilian aspects of crisis management, as well as the EUMC and EUMS.⁶¹ According to Art. 38 TEU, the PSC monitors the international situation in the areas covered by the CFSP and contributes to the definition of policies by delivering opinions to the Council at its request or upon request of the High Representative or on its own initiative. It further monitors the implementation of agreed policies and exercises the political control and strategic direction of crisis management operations referred to in Art. 43 TEU.

The EUMC is composed of the Member States' Chiefs of Defence, represented by their military representatives (Art. 1 EUMC Decision). It provides the PSC with military advice and recommendations on all military matters within the EU. Furthermore, it exercises military command over all military activities within the EU framework (Annex to EUMC Decision).

The EUMS is the EU's military source of expertise within the EEAS. Its main functions are early warning, situation assessment and strategic planning, communications and information systems, concept development, training & education, and support of partnerships. The EUMS operates under the direct authority of the High Representative. It consists of over 200 military and civilian experts.⁶²

The Council may entrust a group of states with the execution of tasks pursuant to Art. 42 (5) and Art. 44 TEU. It further takes decisions regarding the launch of EU military operations and civilian missions according to Art. 43 (2) TEU.

⁵⁷ Hauser, *The European Security and Defence Architecture*, 64.

⁵⁸ Council of the European Union, "Council Decision (2001/78/CFSP) of 22 January 2001 setting up the Political and Security Committee (PSC)," OJ L 27, 30.1.2001, p. 1–3, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32001D0078>.

⁵⁹ Council of the European Union, "Council Decision (2001/79/CFSP) of 22 January 2001 setting up the Military Committee of the European Union," Official Journal L 027, 30/01/2001 P. 0004 – 0006, [https://eur-lex.europa.eu/eli/dec/2001/79\(1\)/eng](https://eur-lex.europa.eu/eli/dec/2001/79(1)/eng).

⁶⁰ Council of the European Union, "Council Decision (2001/80/CFSP) of 22 January 2001 on the establishment of the Military Staff of the European Union," OJ L 27 of 30.01.2001, amended by "Council Decision (2005/395/CFSP) of 10 May 2005 amending Decision 2001/80/CFSP on the establishment of the Military Staff of the European Union," OJ L 132 of 26.05.2005, p. 17–24, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32005D0395>.

⁶¹ Hauser, *The European Security and Defence Architecture*, 75.

⁶² Ibid., 75f.

Given that security and defence is the most sensitive policy area, the CSDP is characterised by its intergovernmental structure, in particular the principle of unanimity. According to Art. 42 (4) TEU and Art. 43 (2) TEU, decisions relating to the CSDP shall be adopted unanimously by the Council upon a proposal from the High Representative or upon the initiative of a Member State. As the CSDP forms part of the CFSP, Regulations and Directives cannot be adopted (Art. 31 (1) TEU). With regards to CSDP missions and operations, Member States are able to practice ‘constructive abstention’, as provided for in Art. 31 (1) TEU. In this case, the Member State concerned is not obligated to apply the decision but has to refrain from any possibly conflicting actions, in the spirit of mutual solidarity.⁶³

⁶³ Hauser, *The European Security and Defence Architecture*, 59ff.

IV. PESCO – why now?

After the Lisbon Treaty entered into force, PESCO was not of interest anymore until the Spanish and the Belgian Council Presidency hosted PESCO seminars in 2010.⁶⁴ France, which was one of the main proponents of the PESCO provisions in the Constitutional Treaty, seemed to have lost interest and rather focussed on bilateral security and defence cooperation with the UK.⁶⁵ Therefore, why did the Member States decide to launch PESCO eight years after the Lisbon Treaty enabled them to do so? This was due to changes on the systemic level which enabled the launch of the 2016 EU Global Strategy (EUGS) and ultimately promoted convergence between the now ‘Big Two’ – since the UK voted to leave the EU.⁶⁶

A. The way leading to PESCO

Since 2014, the EU was faced with several crises, not only inside its territory, but also externally and along its borders. This is accurately described by Blockmans:

“Tapping into the political momentum generated by Russia’s assault on Ukraine, the rise of hybrid warfare and cyber-attacks, a spate of terrorist attacks on European soil, citizens’ concerns over the refugee and migrant crisis, the prospect of Brexit, and the unpredictability injected into US foreign policy by Donald Trump, the EU has made greater strides in strengthening defence integration in the last five years than in the 50+ years before that.”⁶⁷

These changes on the systemic level reconfirmed the need for a strong, autonomous EU military component, ultimately enabling the launch of PESCO in December 2017. The response of Germany and France to the conflict in Ukraine was similar, and they were equally affected by the migration crisis as well as terrorist attacks, caused by the instability of the Southern neighbourhood.⁶⁸ When looking at the structural changes that occurred, the role of the US under President Trump as a (formerly) reliable partner in security matters as well as the impact of Brexit are of particular importance for the launch of PESCO.

⁶⁴ Sven Biscop and Jo Coelmont, “CSDP and the ‘Ghent Framework’: The Indirect Approach to Permanent Structured Cooperation?” 153f.

⁶⁵ Ibid., 157f.

⁶⁶ Nicole Koenig and Marie Walter-Franke, “France and Germany: Spearheading a European Security and Defence Union?” (July 2017), 5ff, <https://www.delorscentre.eu/de/publikationen/detail/publication/france-and-germany-spearheading-csdp/>.

Drawing on my previous research paper “Why did previous initiatives for European defence integration fail but PESCO was realised? A neorealist perspective” the argument is brought forward that France and Germany were the key drivers for the launch of PESCO.

⁶⁷ Blockmans, “The EU’s modular approach to defence integration: An inclusive, ambitious and legally binding PESCO?” 1786f.

⁶⁸ Koenig and Walter-Franke, “France and Germany: Spearheading a European Security and Defence Union?” 5.

1. The 2016 EU Global Strategy (EUGS)

In light of the rapidly evolving security environment, the June 2015 European Council mandated the High Representative with the preparation of an EU global strategy on foreign and security policy, to be submitted to the European Council by June 2016.⁶⁹ The 2016 EU Global Strategy for Foreign and Security Policy “Shared Vision, Common Action: A Stronger Europe, A Global Strategy for the European Union’s Foreign and Security Policy” (EUGS) was published right after UK citizens had voted to leave the EU⁷⁰ and sets out the LoA in the security domain. The EUGS calls for building a stronger Europe, grounded in the values laid down in the Treaties. The EU seeks to promote a rules-based global order, guided by multilateralism as well as ‘principled pragmatism’.⁷¹ The EUGS endorses the need for EU strategic autonomy whereupon the EU should be capable of providing for its own security and assuming responsibility for the protection of its citizens, principles, and values.⁷²

In a new global power structure, with a rising China, a revitalised Russia and a less reliable partner across the Atlantic, the EU has to find its own way against the backdrop of an ever-changing security environment. The EUGS seeks to position the EU as an international security actor within this new global order, finally recognising its biggest flaw: the military area. It is long overdue for the EU to increase its security and defence efforts to become a credible security actor on the international level.⁷³ A strong military component is therefore not just desirable, but necessary. The EUGS thus formed the base for the most ambitious developments in the CSDP to date, including PESCO.

2. The US under President Trump

As the global distribution of power changed after the end of the Cold War, so did the relationship between the EU and the US. With the emergence of new security threats, it soon became apparent that the US deals with security problems differently than the EU. While the US engaged in a ‘war on terror’ after 11 September 2001 (‘9/11’) and intervened militarily in Afghanistan and Iraq, the EU was still reluctant to launch its own military operations but was not united in supporting American interventions either, the prime example being Iraq. Whereas

⁶⁹ European Council, “European Council meeting (25 and 26 June 2015): Conclusions,” EUCO 22/15, Brussels: 2015, 5, <https://www.consilium.europa.eu/media/21717/euco-conclusions-25-26-june-2015.pdf>.

⁷⁰ Fiott, Missiroli and Tardy, “Permanent Structured Cooperation: What’s in a name?” 20.

⁷¹ High Representative for Foreign Affairs and Security Policy, “Shared Vision, Common Action: A Stronger Europe, A Global Strategy for the European Union’s Foreign and Security Policy,” Brussels: 2016, 8, http://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf. “EU Global Strategy”.

⁷² Ibid., 20f.

⁷³ Ibid.

Germany and France did not share the US perception of the threat posed by Saddam Hussein, the UK participated in the US-led “Operation Iraqi Freedom”, joined by Italy and the Netherlands. In Afghanistan the situation was different: Almost all EU Member States partook in the NATO-led, UN Security Council mandated, International Security Assistance Force (December 2001 – December 2014).⁷⁴

The 2003 European Security Strategy clearly stated the principle of ‘effective multilateralism’ as the foundation of EU foreign policy – as opposed to the US approach under President George W. Bush, which seemed to aim at preserving US hegemony.⁷⁵ Although President Barack Obama put more emphasis on multilateralism, he engaged in drone strikes and called for more burden-sharing among his NATO Allies.⁷⁶ While President Obama attempted to move away from US hegemony and pragmatically “lead from behind”, he failed to do so, ultimately conducting more counterterrorism operations in different places than ever before.⁷⁷

Even before President Trump, the US showed a tendency for (preventive) unilateral actions as well as a willingness to use force even without a UN Security Council mandate, when its interests were (supposedly) at stake – e.g. in Iraq, where there was no evident connection to the attacks of ‘9/11’. For the EU, on the other hand, military force is not the primary tool but rather a last resort, embedded in a multilateral approach, in accordance with the UN Charter and human rights. However, the intergovernmental structure of the CSDP often hinders the EU from acting fast and effectively. Due to the different preferences of its Member States, international security problems can often not be addressed in due time, by the necessary means, or just not at all.⁷⁸

The EU still struggles with acting independently from its main security partner – the US. Before Donald Trump was elected on 8 November 2016, NATO was undoubtedly seen as the main security provider in Europe. However, upon the election of President Trump, the transatlantic security relationship started to be questioned on both sides of the Atlantic.⁷⁹ Not

⁷⁴ Daniel Korski, “Afghanistan: Europe’s forgotten war,” *European Council on Foreign Relations*, January 2008, 15ff, https://www.files.ethz.ch/isn/91746/Afghanistan_0108.pdf.

⁷⁵ Young and Crawford, “Hands Across The Atlantic?” 90.

⁷⁶ Dominic Tierney, “Obama and Trump: Foreign Policy Opposites or Twins?” *Foreign Policy Research Institute*, National Security Program (December 2019), <https://www.fpri.org/article/2019/12/obama-and-trump-foreign-policy-opposites-or-twins/>.

⁷⁷ Stephen M. Walt, “Barack Obama Was a Foreign-Policy Failure,” *Foreign Policy* (January 2017), <https://foreignpolicy.com/2017/01/18/barack-obama-was-a-foreign-policy-failure/>.

⁷⁸ Michael E. Smith, “Transatlantic Security Relations since the European Security Strategy: What Role for the EU in Its Pursuit of Strategic Autonomy?” *Journal of European Integration: Transatlantic Relations in Times of Uncertainty: Crises and EU-US Relations* 40, no. 5 (2018): 605ff.

⁷⁹ Koenig and Walter-Franke, “France and Germany: Spearheading a European Security and Defence Union?” 3.

only did President Trump repeat the demand for more transatlantic burden-sharing in NATO, but he also called into question the heart of the North Atlantic Treaty (NAT) – the collective defence clause in Art. 5 NAT.⁸⁰ If the Europeans could not safely rely on the military assistance of the US in case of an armed attack on their territory anymore – who then would provide for European security? It became evident that it was about time for the Europeans to take care of their own security themselves.

The unilateral US withdrawal from multilateral treaties and agreements, like the Joint Comprehensive Plan of Action (JCPOA) on the Iranian nuclear programme, contributed to the European view that the US was not a reliable partner anymore. US unilateral action prompted Germany to shift the focus from its most important security partner the US, to its second most important security partner France, as is evident from Germany's 2016 Security White Paper^{81, 82}

3. Brexit

Before Brexit, 22 EU Member States were also NATO Allies (now: 21). Among the EU Member States there were different preferences for what the EU-NATO relationship should look like. The UK was without doubt the major Atlanticist among them. Except for the Franco-British St-Malo summit in 1998, the UK never showed a willingness to deepen European security and defence policy. On the contrary, throughout the evolution of the CSDP, the UK – one of the 'Big Three' – was keen on preserving intergovernmentalism and the principle of unanimity. Traditionally leaning towards its transatlantic partner, the UK has shown a clear preference to operate within the NATO framework, instead of the CSDP. When looking at the proportional share of troops and equipment, the UK's contribution to CSDP military operations has been low. The UK was more engaged in EU civilian missions.⁸³ For the UK, NATO was and is the main security provider in Europe. To keep it that way, and to avoid tensions with its partner on the other side of the Atlantic, the UK sought to foil efforts to deepen security and defence cooperation within the EU and to avoid duplication and decoupling from NATO. The UK has blocked proposals to enhance the role of the EDA as well as several initiatives for the creation of a permanent military EU operational headquarters.⁸⁴

⁸⁰ Koenig and Walter-Franke, "France and Germany: Spearheading a European Security and Defence Union?" 7.

⁸¹ German Federal Ministry of Defence of the Federal Republic of Germany, "White Paper 2016 on German Security Policy and the Future of the Bundeswehr," 13 July 2016, 73, <https://issat.dcaf.ch/download/111704/2027268/2016%20White%20Paper.pdf>.

⁸² Koenig and Walter-Franke, "France and Germany: Spearheading a European Security and Defence Union?" 7.

⁸³ Richard G. Whitman, "The UK and EU Foreign, Security and Defence Policy after Brexit: Integrated, Associated or Detached?" *National Institute Economic Review* 238 (2016), R45, <https://doi.org/10.1177/002795011623800114>.

⁸⁴ Ibid., R46.

Upon the referendum to exit the EU on 23 June 2016, the one Member State that continuously blocked major steps forward in the CSDP declared its withdrawal from the EU. The prospect of Brexit therefore paved the way for significant advances in the CSDP.⁸⁵

The UK and France have a long history of cooperating in the area of security and defence. While the Franco-British St-Malo summit in 1998 laid the foundation for the ESDP, the 2010 Lancaster House Treaties provided for the launch of a Combined Joint Expeditionary Force and enhancement of the interoperability of their militaries.⁸⁶ The former colonial powers are the leading European military and nuclear powers and they both hold permanent seats in the UN Security Council. In addition, they show a similar ‘interventionist’ tendency – meaning that they are ready and able to intervene militarily – as opposed to mostly civilian powers like Germany.⁸⁷ It therefore remains to be seen how the relationship of the two main European NATO Allies in the field of security and defence will develop in the future – especially now that France has seemingly found a new partner to set the tone in the EU with: Germany. Popular support further contributed to strategic convergence between France and Germany. As can be seen from the Eurobarometer 2017, the citizens of both countries expressed growing concerns over terrorism and immigration (“refugee crisis”).⁸⁸

4. France & Germany: Spearheading the CSDP

Upon the publication of the EUGS, France and Germany took the lead in the field of European security and defence. France and Germany put forward two papers in July and September 2016 in which they laid out their common vision and propositions for a ‘European Security and Defence Union’.⁸⁹ They persuaded the other EU Member States that a ‘comprehensive reform agenda’ was necessary for the CSDP, including more funding for the EU battlegroups. As of June 2017, there was agreement for the establishment of a Military Planning and Conduct Capability (MPCC) for strategic command of CSDP operations – however, only for non-executive EU operations (training and capacity building).⁹⁰

⁸⁵ Martill and Sus, “Post-Brexit EU/UK security cooperation: NATO, CSDP+, or ‘French connection’?” 851.

⁸⁶ Alice Pannier, “The Anglo-French defence partnership after the “Brexit” vote: new incentives and new dilemmas,” *Global Affairs*, 2:5, 483f, DOI: 10.1080/23340460.2017.1284566.

⁸⁷ Martill and Sus, “Post-Brexit EU/UK security cooperation: NATO, CSDP+, or ‘French connection’?” 857f.

⁸⁸ Koenig and Walter-Franke, “France and Germany: Spearheading a European Security and Defence Union?” 5f.

⁸⁹ *Ibid.*, 3.

⁹⁰ Ronja Kempin and Barbara Kunz, “France, Germany and the Quest for European Strategic Autonomy: Franco-German Era,” Notes de l’IFRI/Notes du Cerfa (December 2017), 8, <https://www.ifri.org/en/publications/notes-de-lifri/notes-cerfa/france-germany-and-quest-european-strategic-autonomy-franco>.

At their 19th Franco-German Council of Ministers⁹¹ in Paris on 13 July 2017, President Emmanuel Macron and Chancellor Angela Merkel announced “joint initiatives to develop major land-combat, artillery and maritime-patrol systems, as well as a combat aircraft (among other projects), while confirming their support for the Eurodrone programme with Italy and Spain.”⁹² This marked an important step towards joint military capability development, integration and procurement by the now ‘Big Four’.⁹³

The European Council of 22 June 2017 agreed on the “need to launch an inclusive and ambitious Permanent Structured Cooperation (PESCO)” and urged the Member States to come up with “a common list of criteria and binding commitments with a precise timetable and specific assessment mechanisms” within the following three months to enhance interoperability and strategic autonomy of the EU.⁹⁴ The ‘Big Two’ then were the key drivers for the launch of PESCO, which occurred less than six months after their 19th Defence and Security Council – consisting of the French and German foreign and defence ministers as well as the Heads of State⁹⁵ – in July 2017.⁹⁶ At this summit, France and Germany agreed on a detailed proposition for the configuration of PESCO, which was then notified to the High Representative on 21 July 2017 by the ‘Big Four’. Finland, the Czech Republic, the Netherlands and Belgium, a representative group of NATO and non-NATO EU Member States with different geographical profiles,⁹⁷ also officially supported the proposal and expressed their intention to engage in PESCO.⁹⁸

However, the ultimate form of PESCO was a bone of contention between France and Germany. France, on the one hand, was aiming for an ‘ambitious’ PESCO, composed of the

⁹¹ The Franco-German Ministerial Council replaced the regular summits of the Heads of State, as laid down in the Élysée Treaty of 1963, in 2003 and meets annually in the following formations: Cultural Council, Economic and Financial Council, Environmental Council, Defence and Security Council.

⁹² Biscop, “European Defence: Give PESCO a Chance,” 166.

⁹³ Ibid.

⁹⁴ European Council, “European Council meeting (22 and 23 June 2017): Conclusions,” EUCO 8/17, Brussels: 2017, 5, <https://www.consilium.europa.eu/media/23985/22-23-euco-final-conclusions.pdf>.

⁹⁵ Nicole Koenig, “France and Germany: Shifting gears on European defence?” *Jacques Delors Institut* (July 2017), 2, https://hertieschool-f4e6.kxcdn.com/fileadmin/user_upload/20170711_dt-frz-Sichterheitspolitik-Koenig.pdf.

⁹⁶ Elena Lazarou and Alexandra M. Friede, “Permanent structured cooperation (PESCO): Beyond establishment,” European Parliamentary Research Service, Brussels: March 2018, 7, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2018/614739/EPRS_BRI\(2018\)614739_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2018/614739/EPRS_BRI(2018)614739_EN.pdf).

⁹⁷ Billon-Galland and Quencez, “Can France and Germany Make PESCO Work as a Process toward EU Defense?” 3 (Footnote 7).

⁹⁸ Permanent Structured Cooperation Working Group, “The Permanent Structured Cooperation: an opportunity or a brake for a new start of a coherent and united European Defence?” Sciences Po Strasbourg – Master 2 Politiques européennes, Working group n°5 - Eurocorps, 12, <http://mastereurope.eu/wp-content/uploads/2018/04/G5-PESCO-Rapport-d%C3%A9tude.pdf>.

most military capable and willing EU Member States.⁹⁹ Germany, on the other hand, preferred an ‘inclusive’ PESCO, to enable the participation of as many Member States as possible.¹⁰⁰ The outcome of the Franco-German compromise was said to be both, an ambitious and inclusive PESCO, by applying a ‘modular approach’. The pMS undertake to fulfil 20 binding commitments which aim at increasing defence budgets, developing military capabilities and then also deploying them. One of these binding commitments requires the pMS to participate in at least one PESCO project.^{101 102}

Despite their recent rapprochement in the launch of PESCO, France and Germany have different views on the role of the CSDP. Germany, on the one hand, has become an almost pacifistic state which has not yet managed to assume a responsible role in the CSDP. For Germany it is more convenient to operate within the NATO framework, in reliance on and upon guidance of the US. France, on the other hand, does not follow a fully consistent line either: While it is interested in building a common European defence, French ambitions cannot be separated from its post-colonial power politics. For that reason, decisive questions like an EU operational command – a fundamental question of a military structure – are only being addressed hesitantly since France would like to provide the command itself in case of doubt.¹⁰³ France follows a pragmatic and flexible approach with a view to institutions, formats, partners and opportunities to influence. It does not show an automatic preference for the EU. Formats and partners are rather chosen according to the problem at hand. This could either be the EU, a coalition of the willing or NATO.¹⁰⁴ In the view of Germany, the flexible French approach entails the risk of weakening or fragmenting multilateral institutions. Germany regards the CSDP as a future project which is suitable to strengthen cohesion among the Member States. It should therefore be as inclusive as possible.^{105 106}

⁹⁹ At his Sorbonne speech of 26 September 2017, President Macron presented his own plan for a European Intervention Initiative (EI2), which will be looked at in more detail at the end of Chapter V. A full text English version of the speech under the subsequent link: <http://international.blogs.ouest-france.fr/archive/2017/09/29/macron-sorbonne-verbatim-europe-18583.html>.

¹⁰⁰ Biscop, “European Defence: Give PESCO a Chance,” 163f.

¹⁰¹ Fiott, Missiroli and Tardy, “Permanent Structured Cooperation: What’s in a name?” 20.

¹⁰² The concrete configuration of PESCO will subsequently be explained in further detail.

¹⁰³ Werner Fasslabend, Interview by author. Personal interview. Vienna, 31 May 2021.

¹⁰⁴ Ronja Kempin, “Frankreichs Außen- und Sicherheitspolitik unter Präsident Macron: Konsequenzen für die deutsch-französische Zusammenarbeit,” *SWP* 4 (March 2021), 13, <https://www.swp-berlin.org/publikation/frankreichs-aussen-und-sicherheitspolitik-unter-praesident-macron/>.

¹⁰⁵ *Ibid.*, 24.

¹⁰⁶ These divergent views and their impact on PESCO will be further addressed in Chapter V.

B. New tools

The EUGS resulted in the drafting of the Security and Defence Implementation Plan (SDIP) by the EEAS. It spelled out proposals for implementing the EUGS in the field of security and defence. The SDIP was the outcome of a consultative process with the Member States which were *inter alia* requested to define the EU's LoA in the area of security and defence. On the basis of the SDIP, the Member States defined three strategic priorities, previously emphasised in the EUGS: responding to external conflicts and crises; capacity-building of partners; protection of the Union and its citizens. Development of military capabilities and defence cooperation shall proceed in accordance with these strategic priorities. Most importantly, the SDIP provided the basis for CARD, the MPCC and PESCO.¹⁰⁷ Moreover, the CDP – a document which was first endorsed by the EDA in 2008 – has now become central for the implementation of the new tools CARD, PESCO and the EDF.¹⁰⁸ These new tools are closely interlinked with one another. The CDP identifies capability shortfalls and sets out the plan for the development of capabilities, CARD then provides an overview of the implementation progress made by the Member State pertaining to these capabilities and issues recommendations. The military capabilities can subsequently be built within the PESCO framework, with funding from the EDF.¹⁰⁹

1. The Capability Development Plan (CDP)

The CDP is a comprehensive planning method and provides a review of future capability needs.¹¹⁰ Since its first publication in 2008, the CDP is regularly updated by the EDA, in consultation with the Member States and the EUMC as well as the EUMS. By periodically revising the CDP, coherence between the Member States' defence planning is to be increased and European collaboration in the field of future operational needs is to be incentivised. Furthermore, common capability shortfalls (EU Capability Development Priorities) are defined. After a long period of non-revision, the EUGS constituted the most recent revision of the CDP. Furthermore, the need for enhanced cooperation among the Member States was stressed. On 28 June 2018, the 2018 CDP revision then took place and identified 11 EU Capability

¹⁰⁷ Tardy, "Does European Defence Really Matter?" 126.

¹⁰⁸ European Parliament, Directorate-General for External Policies, Policy Department, "CSDP defence capabilities development," In-depth Analysis requested by the Sub-Committee on Security and Defence, Brussels: January 2020, 9f,

[https://www.europarl.europa.eu/RegData/etudes/IDAN/2020/603482/EXPO_IDA\(2020\)603482_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/IDAN/2020/603482/EXPO_IDA(2020)603482_EN.pdf).

¹⁰⁹ Michael Stellwag and Saskia Stachowitsch, "PESCO als „Game Changer“: Zur sicherheitspolitischen Akteursfähigkeit der EU und Österreichs Beitrag," *Austrian Institute for International Affairs*, Arbeitspapier 108, Vienna: August 2020, 7, <https://www.oii.ac.at/cms/media/working-paper-108-pesco-2.pdf>.

¹¹⁰ Hauser, *The European Security and Defence Architecture*, 53.

Development Priorities. The CDP revision, including the EU Capability Development Priorities, was then endorsed by the EDA Steering Board in its Capability Directors formation. The CDP “serves as a key reference for the implementation of major European defence initiatives”.¹¹¹ Progress regarding the EU Capability Development Priorities, including collaboration among the Member States, is then assessed by CARD.

2. The Coordinated Annual Review on Defence (CARD)

On 19 November 2018, the FAC decided to launch CARD as a standing activity, after a Trial Run which started in autumn 2017. The first full CARD cycle took place in 2019-2020. In total, 55 collaborative opportunities throughout the whole capability spectrum were identified. In its role as CARD Secretariat, the EDA collects data on defence expenditure and capability development efforts of the Member States. The CDP serves as the basis for this review process. Hence, the EDA acting as CARD Secretariat examines the implementation progress made by the Member State pertaining to the 11 EU Capability Development Priorities of the CDP as well as inter-Member State collaboration. The gathered data is then used by the CARD Secretariat to provide an overview of the *status quo* of the EU capability ‘landscape’ and to make recommendations, which shall then be considered by the Member States in their own national planning. The CDP, especially the EU Capability Development Priorities, and the implementation review by CARD thus serve as a ‘pathfinder’ for collaborative capability development projects, *inter alia* for PESCO projects. Furthermore, CARD offers a framework for deepened bilateral exchange between the Member States, the EDA and the EUMS.¹¹²

3. The European Defence Fund (EDF)

The EDF was launched by the European Commission in 2017 with the goal of strengthening the European armaments industry. It is based on Art. 173, 182, 183 and 188 TFEU (Titles “Industry” and “Research and technological development and space”).¹¹³ The EDF “provides matched funding to member state expenditure on cooperative multistate initiatives”¹¹⁴. The idea is that if a number of Member States decide to jointly develop new

¹¹¹ European Defence Agency, “2018 CDP Revision: The EU Capability Development Priorities,” 2018, 3, <https://eda.europa.eu/docs/default-source/eda-publications/eda-brochure-cdp>.

¹¹² Roland Van Reybroeck, “What’s in the CARDS?” *Egmont Institute*, No. 103 (2019): 1ff, www.jstor.org/stable/resrep21384.

¹¹³ Blockmans, “The EU’s modular approach to defence integration: An inclusive, ambitious and legally binding PESCO?” 1803.

¹¹⁴ Simon Sweeney and Neil Winn, “EU Security and Defence Cooperation in times of Dissent: Analysing PESCO, the European Defence Fund and the European Intervention Initiative (EI2) in the Shadow of Brexit,” *Defence Studies* 20, no. 3 (2020): 234.

military capabilities, these projects can receive research & technology funding of up to 20% by the EDF. Funding by the EDF therefore provides further incentives for deepened cooperation in the area of defence. The ultimate goal is to make the European defence industry autonomous and more competitive vis-à-vis the US armaments industry. The multiannual financial framework for 2021-2027 allows € 8 billion for security and defence, including PESCO projects.¹¹⁵

4. The Permanent Structured Cooperation (PESCO)

PESCO was launched by Council Decision 2017/2315 on the 11th of December 2017.¹¹⁶ It enables deepened military cooperation between the 25 pMS, with only Malta and Denmark abstaining¹¹⁷ from participation. According to Blockmans, the '*raison d'être*' of PESCO is the following: "participating States commit to spend more, and more intelligently, on better defence equipment so as that they are better able to conduct operations at the higher end of the military spectrum."¹¹⁸ The participation in PESCO is voluntary and decisions regarding PESCO are taken unanimously by the Member State participating in it.¹¹⁹

To date, 47 projects have been launched within the legal framework of PESCO, including operations by sea, land and air as well as in the field of cyber security.¹²⁰ PESCO is deemed to be a take on military cooperation in the history of the CSDP *inter alia* due to its legally binding nature and the possibility to suspend membership if a pMS does not comply with its commitments.¹²¹ The pMS dispose of military capabilities which fulfil higher criteria (Art. 1 of Protocol No 10) and "have made commitments to one another in this area as referred to in Article 2 of that Protocol, with a view to the most demanding missions, and contributing to the fulfilment of the Union level of ambition."¹²² The initial 20 ambitious and more binding commitments undertaken by the pMS are set out in the annex of the PESCO Decision and reflect

¹¹⁵ Lucie Béraud-Sudreau, Yvonne-Stefania Efstathiou and Conor Hannigan, "Keeping the momentum in European defence collaboration: an early assessment of PESCO implementation," *International Institute for Strategic Studies*, 2019, 8f,

<https://www.iiss.org/-/media/images/comment/military-balance-blog/2019/may/keeping-the-momentum-in-european-defence-collaboration---iiss-research-paper.ashx>

¹¹⁶ PESCO Decision.

¹¹⁷ Malta reasoned its non-participation in PESCO with its national commitment to neutrality and non-alignment; Atlanticist Denmark has a standing opt-out from the CSDP.

¹¹⁸ Blockmans, "The EU's modular approach to defence integration: An inclusive, ambitious and legally binding PESCO?" 1807.

¹¹⁹ The concrete configuration of PESCO will be looked at in detail in Chapter V.

¹²⁰ European External Action Service, "Permanent Structured Cooperation – PESCO: Deepening Defence Cooperation Among EU Member States," Factsheet, Brussels: November 2019, 1f, https://eeas.europa.eu/headquarters/headquarters-homepage/34226/permanent-structured-cooperation-pesco-factsheet_en.

¹²¹ Biscop, "European Defence: Give PESCO a Chance," 163-166.

¹²² Art. 1 PESCO Decision.

the ambitious French approach. Through the increase of defence budgets and defence investment expenditure, pMS are expected to reach and maintain a financial basis for the development and deployment of robust capabilities. These newly built military capabilities shall then be deployed in the full military capability spectrum. Through regular assessment and reports, PESCO pushes the pMS to fulfil their commitments.¹²³

5. The Military Planning and Conduct Capability (MPCC)

The creation of an EU Headquarters was first brought up by France, Germany, Luxembourg and Belgium in April 2003 but persistently objected to by the UK, so as not to duplicate existing NATO command structures. After the UK exited the EU, it allowed the establishment of such a body, under the condition that its scope and size would be limited. Furthermore, the label ‘Headquarters’ had to be evaded. After lengthy discussions, the MPCC was finally created in June 2017. It is located within the EUMS and mirrors the Civilian Planning and Conduct Capability. The MPCC is a small body, with roughly 30 personnel, only mandated to deal with non-executive EU operations (training and capacity building).¹²⁴ Nevertheless, the creation of the MPCC is an accomplishment in itself and “fills a gap in the chain of command for non-executive missions”.¹²⁵

¹²³ Béraud-Sudreau et al., “Keeping the momentum in European defence collaboration,” 8f.

¹²⁴ Thierry Tardy, “MPCC: towards an EU military command?” *European Union Institute for Security Studies (EUISS)*, June 2017, <https://op.europa.eu/en/publication-detail/-/publication/f2f33e0a-4fe2-11e7-a5ca-01aa75ed71a1/language-en#>.

¹²⁵ Koenig and Walter-Franke, “France and Germany: Spearheading a European Security and Defence Union?” 10.

V. The implementation of CFSP/CSDP provisions in practice – EU military operations and PESCO

Scrutinising the implementation of the CFSP/CSDP provisions to date with a focus on EU military operations allows for an assessment of the weaknesses of European defence capability. It therefore serves to locate areas where PESCO can realistically make a positive contribution to the CSDP. The implementation of PESCO's legal bases to date, including its practical configuration, will then be analysed in detail.

A. EU military operations to date

Since its first operation in 2003, the EU launched 12 military operations,¹²⁶ since 2009 based on Art. 42 (1) TEU, in fulfilment of the tasks enumerated in Art. 43 (1) TEU. The EU indicates a preference for low-risk operations.¹²⁷ While the military operations of the EU were successful in accomplishing their mandates,¹²⁸ their impact was mostly negligible given that their mandates were not very ambitious, as well as because of their limited duration and personnel size. The still on-going operation EUNAVFOR Atalanta constitutes a notable exception in this regard. The first EU military maritime operation was deployed to deal with a high-risk security issue¹²⁹ and is widely regarded as a success. Since the deployment of EUNAVFOR Atalanta in 2008, with the aim of protecting vessels threatened by piracy off the coast of Somalia, the number of hostages and ships being held by pirates was steadily decreasing and even dropped to zero by October 2016.¹³⁰ While 358 incidents were reported in the period of 2010-2014, the number dropped to only 8 between 2015 and 2019.¹³¹ In 2020, no piracy incidents have been reported off Somalia.¹³² As of today, only one incident took place in 2021.¹³³ But these results were/are also due to similar naval operations by NATO, China, Russia, India, Japan and other States.

¹²⁶ European External Action Service, "EU Missions and Operations," 2020,

https://eeas.europa.eu/sites/eeas/files/eu_military_operations_and_civilian_missions_july_2020.pdf.

¹²⁷ Trineke Palm and Ben Crum, "Military Operations and the EU's Identity as an International Security Actor," *European Security* (London, England) 28, no. 4 (2019), 515.

¹²⁸ Annemarie Peen Rodt, *The European Union and Military Conflict Management*. Security and Governance, London: Routledge, 2014, 151.

¹²⁹ Nováky, *European Union Military Operations*, 21f.

¹³⁰ Hauser, *The European Security and Defence Architecture*, 241f.

¹³¹ See <https://www.statista.com/statistics/250867/number-of-actual-and-attempted-piracy-attacks-in-somalia/>.

¹³² See <https://www.hellenicshippingnews.com/maritime-piracy-hotspots-persist-during-2020/>.

¹³³ See <https://iccwbo.org/media-wall/news-speeches/gulf-of-guinea-remains-worlds-piracy-hotspot-in-2021-according-to-imbs-latest-figures/>.

Another factor that comes into play is the requirement of unanimity in the Council to launch CSDP missions and operations. In addition, staff and equipment have to be provided for by the Member States. As mentioned already, the costs for military operations have to be borne by the Member States, except for the common costs which are financed by the Athena mechanism. Given the different strategic cultures and interests of the Member States, reaching consensus on the launch and configuration of CSDP operations is a difficult and lengthy process.¹³⁴ To point out the weaknesses of EU military operations, EUFOR Althea and EUFOR RCA will be looked at in more detail. As will be seen, none of them dealt with high-profile international security issues: “When the world’s attention was focused on the Iraq War in 2003, the EU deployed operations to the Balkans and DRC. When the world was focused on the Syrian civil war and the Ukraine crisis, the EU deployed an operation to the CAR.”¹³⁵

1. EUFOR Althea

The still on-going EU military mission EUFOR Althea was launched in Bosnia and Herzegovina on 2 December 2004 to enforce the 1995 Dayton Peace Agreement and carried out under the Berlin Plus arrangements. The Berlin Plus arrangements of March 2003 enable the EU to carry out military operations with recourse to NATO assets when NATO as a whole is not engaged. According to the Berlin Plus arrangements, the operations commander of EUFOR Althea reports to the Deputy Supreme Allied Forces Commander Europe (DSACEUR; NATO), who then reports to the PSC. The DSACEUR always used to be British. However, after Brexit, this post had to be re-created and was taken over by a Frenchman. The superior of the EUFOR Althea operation commander is therefore a NATO officer, located in the Supreme Headquarters Allied Powers Europe (SHAPE), enabling NATO to retain control over EU operations carried out under the Berlin Plus arrangements to some extent. This constellation shows that for the majority of EU Member States, the CSDP is far from NATO’s priority in the security field.

EUFOR Althea replaced NATO’s Stabilisation Force (SFOR) that in 1996 had followed NATO’s Implementation Force (IFOR) launched in 1995. Its executive mandate was based on UN Security Council Resolution 1575 (2004).¹³⁶ EUFOR Althea should provide deterrence and ensure continued compliance with the military provisions of the Dayton Peace Agreement, including a ceasefire and force withdrawal. EUFOR Althea was not launched in a crisis situation but in a rather stable post-crisis security setting. France and the UK were strong

¹³⁴ Thierry Tardy, “CSDP in Action,” *Chaillot Papers*, Vol. 134, Paris (2015): 43ff.

¹³⁵ Nováky, *European Union Military Operations*, 21f.

¹³⁶ Hauser, *The European Security and Defence Architecture*, 251f.

proponents of an EU take-over, but the US objected to it because it doubted that the EU had the capacity to successfully take over the operation.¹³⁷ The formal decision to launch EUFOR Althea was then taken on 25 November 2004.¹³⁸

With about 7,000 personnel at the beginning – reduced to around 600 troops since 2012 – EUFOR Althea is the biggest EU military operation ever launched. Except for Malta, Cyprus and Denmark, every EU Member State contributed to EUFOR Althea.¹³⁹ Nevertheless, it “reflects the minimalist, lowest-common-denominator, issue-by-issue characteristics of the initiative”.¹⁴⁰ The military operation is heavily dependent on consensus between the Member States and suffers from bureaucratic processes as well as from a lack of sufficient resources.¹⁴¹

In addition, its deployment process was accompanied by dissent on the form of a more credible ESDP.¹⁴² While France and Germany wanted the EU to completely take over SFOR’s responsibility, the US and the UK sought to keep NATO in charge of arresting war criminals in Bosnia and Herzegovina. For the UK, the ESDP could only be credible if closely associated with NATO.¹⁴³ The launch of EUFOR Althea was therefore complicated by the different views on the relationship between EU military involvement and NATO as well as the extent of its military mandate. More specifically, there was disagreement on whether the fight against organised crime should be covered by EUFOR Althea’s mandate.¹⁴⁴ In the end, it was not covered by the mandate but turned out to be a ‘key supporting task in the concept of operations’.¹⁴⁵

The UK and the Netherlands are the main advocates to keep EUFOR Althea going but have already withdrawn their troops. Given that unanimity is also a prerequisite to end a military operation and these two States are not willing to terminate it, the operation still continues to date. However, a compromise was reached whereby the focus of the operation shifted to capacity-building and training, while keeping the military mandate. EUFOR Althea thereby serves to show another shortcoming of military operations: initial mandates have a strong

¹³⁷ IECEU. “Improving the Effectiveness of Capabilities (IEC) in EU Conflict Prevention: D2.2 Bosnia and Herzegovina Review.” (2017), 51ff, http://www.ieceu-project.com/wp-content/uploads/2017/05/IECEU_D2.2_Bosnia_and_Herzegovina_Review.pdf.

¹³⁸ Nováky, *European Union Military Operations*, 68.

¹³⁹ Trineke Palm, “The Changing Character of EUFOR Althea: Power Politics or Learning?” *Cambridge Review of International Affairs* 30, no. 1 (2017): 75.

¹⁴⁰ Simon Sweeney, “The European Union and EUFOR Althea’s Contribution to a Dysfunctional Peace in Bosnia and Herzegovina: Bureaucratic Politics, Emergent Strategy?” *Journal of Regional Security* 13, no. 1 (2018): 15.

¹⁴¹ *Ibid.*, 17f.

¹⁴² Nováky, *European Union Military Operations*, 19f.

¹⁴³ *Ibid.*, 64.

¹⁴⁴ Trineke Palm, “The Changing Character of EUFOR Althea: Power Politics or Learning?” 73.

¹⁴⁵ *Ibid.*, 76.

‘lock-in effect’, meaning that they are hard to change, or end, after the actual launch of an operation. Remarkably, all EU military operations that followed included an end date in their mandates.¹⁴⁶

2. EUFOR RCA

EUFOR RCA was deployed in April 2014 in the Central African Republic (CAR), a country torn by civil war, and replaced by the military advisory mission EUMAM RCA in March 2015.¹⁴⁷ In 2012, the situation in the CAR started to aggravate when fighting broke out between the government and the Séléka – a coalition of rebel armed groups. President Bozizé was then overthrown in March 2013, leading to the emergence of local militias (anti-Balaka) in opposition to the rebels.¹⁴⁸ The EU military operation was mandated by Resolution 2134 (2014) of the UN Security Council of 28 January 2014.¹⁴⁹ It was meant to be a short bridging operation, to be replaced by UN peacekeepers.¹⁵⁰ EUFOR RCA stationed 945 men, including 750 combat troops with the primary objective of protecting Bangui airport.¹⁵¹

The military operation – which was initiated by the former colonial power France, intended to relieve its national forces in the CAR¹⁵² – was clearly not seen as a priority by the Member States. A possible EU-led military operation was first discussed by the end of November 2013, when several international experts stressed the threat of a genocide in the CAR. France responded by deploying 1,500 French troops, launching “Operation Sangaris”. On the EU-level, however, it took six force generation conferences to reach the Full Operational Capability (FOC) for EUFOR RCA, thereby delaying its launch by six months. EUFOR RCA was approved by the FAC on 20 January and deployed on 1 April 2014.¹⁵³ Although France was ultimately the largest troop contributor and together with Georgia provided half of the troops, it took the other Member States no less than six conferences to supply around 500 men.¹⁵⁴ However, the operation did still not reach its planned strength and was short of various

¹⁴⁶ Trineke Palm, “The Changing Character of EUFOR Althea: Power Politics or Learning?” 80ff.

¹⁴⁷ Hauser, *The European Security and Defence Architecture*, 246f.

¹⁴⁸ Thierry Tardy, “EUFOR RCA: tough start, smooth end,” *European Union Institute for Security Studies* 17, (March 2015): 1.

¹⁴⁹ IECEU, “Improving the Effectiveness of Capabilities (IEC) in EU Conflict Prevention: D3.3 The Central African Republic (CAR) Review,” (2017), 2, http://www.ieceu-project.com/wp-content/uploads/2017/05/IECEU_D3.3_Central_African_Republic_Review.pdf.

¹⁵⁰ *Ibid.*, 68.

¹⁵¹ *Ibid.*, 67.

¹⁵² Nováky, *European Union Military Operations*, 11.

¹⁵³ Tim Haesebrouck and Melanie Van Meirvenne, “EUFOR RCA and CSDP Crisis Management Operations: Back on Track?” *European Foreign Affairs Review* 20, no. 2 (2015): 278.

¹⁵⁴ IECEU, “Improving the Effectiveness of Capabilities (IEC) in EU Conflict Prevention: D3.3 The Central African Republic (CAR) Review,” 79.

capabilities e.g. drivers, camp security and intelligence.¹⁵⁵ In addition, sufficient funding was an issue. As there is no real common funding mechanism for EU military operations, the troops have to rely on the support of their despatching Member States for critical capabilities. In case the Member States cannot provide adequate equipment for the execution of the operation's tasks, "a considerable security and efficiency problem results for the whole operation."¹⁵⁶

The mandate of EUFOR RCA was limited and therefore not corresponding to the needs of the CAR. In addition, the EU failed to deploy its battlegroups¹⁵⁷ which would have been apt for this purpose.¹⁵⁸ EUFOR RCA was nevertheless overall perceived as a successful operation, measured against its restrictive mandate. While EUFOR RCA was perceived as playing an important role in contributing to improved security in the area, it did not really help to enhance the long-term stability of the region.¹⁵⁹

3. Bottom line

"Lacking a long-term strategic vision and facing political constraints in combination with an insufficient funding mechanism, the CSDP operations are realised under challenging circumstances."¹⁶⁰ As can be seen, a review of these EU military operations allows for the classification of the EU as a mostly soft (military) security power and sheds light on its persistent difficulties: unambitious operations, deployed for a short time with limited personnel strength and often inadequate equipment. The impact of EU operations is therefore mostly negligible. Taking the decision to launch an operation is a tedious process due to the unanimity requirement in the Council and disagreement over burden-sharing. In addition, as described accurately by Billon-Galland and Williams, "Europeans as a whole are heavily dependent on the United States when it comes to critical military capabilities, with Washington still providing over 50% of NATO's assets for many mission-critical capabilities. This reality necessarily limits the extent to which Europeans can launch and sustain military operations, such as CSDP

¹⁵⁵ IECEU, "Improving the Effectiveness of Capabilities (IEC) in EU Conflict Prevention: D3.3 The Central African Republic (CAR) Review," 89f.

¹⁵⁶ Ibid., 90.

¹⁵⁷ "EU's Battlegroup concept was adapted in June 2004. A Battlegroup is the minimum militarily effective a credible and coherent, rapidly deployable force package capable of stand-alone operations or for the initial phase of larger operations. It is based on a combined-arms, battalion-sized force, reinforced with combat-support and combat service-support elements. In their generic composition, but depending on the mission, Battlegroups are about 1 500 personnel strong. Battlegroups are based on the principle of multinationality and could be formed by a framework nation or by a multinational coalition of Member States. So far, EU has never deployed the Battlegroup." IECEU, "Improving the Effectiveness of Capabilities (IEC) in EU Conflict Prevention: D3.3 The Central African Republic (CAR) Review," 4, footnote 7.

¹⁵⁸ Tardy, "EUFOR RCA: tough start, smooth end," 1f.

¹⁵⁹ IECEU, "Improving the Effectiveness of Capabilities (IEC) in EU Conflict Prevention: D3.3 The Central African Republic (CAR) Review," 3.

¹⁶⁰ Ibid., 95.

ones, on their own. As of today, EU strategic autonomy is limited to the low-end of the operational spectrum”¹⁶¹

These shortcomings undermine the defence capability of the EU. The subsequent chapter will therefore demonstrate if and how PESCO is capable of overcoming these adversities.

B. PESCO

1. Configuration

PESCO was launched by Council Decision (CFSP) 2017/2315 of 11 December 2017 (PESCO Decision) in accordance with Art. 42 (6), Art. 46 TEU and Protocol No 10. It seeks to close national strategic gaps and develop new EU capabilities to turn the EU into a more credible military actor.¹⁶² PMS dispose of military capabilities which fulfil higher criteria (Art. 1 of Protocol No 10) and “have made commitments to one another in this area as referred to in Article 2 of that Protocol, with a view to the most demanding missions, and contributing to the fulfilment of the Union level of ambition.”¹⁶³

a) Ambitious and more binding common commitments

The 20 ambitious and more binding common commitments undertaken by the pMS are set out in the annex of the PESCO Decision and encompass five areas: 1) cooperation to raise investment expenditure on defence equipment; 2) bringing the defence apparatus into line with each other; 3) increasing interoperability, readiness and deployability of their forces; 4) working together to address the shortfalls identified under the CDP and 5) taking part in the development of major equipment programmes through the EDA.

In fulfilment of the first area of commitments, pMS agree to regularly increase their defence budgets. Furthermore, defence investment expenditure shall be increased to account for 20% of total defence spending, thereby filling the strategic capability gaps by taking part in defence capability projects corresponding to the CDP and CARD (binding commitments Nr. 1 & 2). Joint and ‘collaborative’ strategic defence capabilities projects and the share of expenditure for defence research and technology (nearing 2% of total defence spending) shall be increased (Nr. 3 & 4).

¹⁶¹ Alice Billon-Galland and Nicholas Williams, “How military willing and able is the EU? Operation Althea struggles in Bosnia and Herzegovina,” *European Leadership Network*, July 2019, 5f, <https://www.europeanleadershipnetwork.org/policy-brief/how-militarily-willing-and-able-is-the-eu-operation-althea-struggles-in-bosnia-and-herzegovina/>.

¹⁶² Stellwag and Stachowitsch, “PESCO als Game Changer,” 10.

¹⁶³ Art. 1 PESCO Decision.

As for the second area of commitments, capability development shall be prioritised, CARD and the EDF shall be supported (Nr. 6-8). Harmonised requirements for capability development projects under PESCO shall be formulated (Nr. 9). In addition, using existing capabilities should be considered jointly and efforts in cyber defence collaboration shall be enhanced (Nr. 10 & 11).

In accordance with the third area of cooperation, pMS shall “make available formations, that are strategically deployable, for the realisation of the EU LoA, in addition to a potential deployment of an EUBG [EU battlegroup]. This commitment does neither cover a readiness force, a standing force, nor a stand-by force [= EU battlegroup].”¹⁶⁴ A readiness force is defined as an armed force irrespective of its size which can be deployed in a short time (less than 5 days or 2nd category: less than 20 days). A standing force is the troop contingent that a state has at its disposal in general. Commitment Nr. 12, first dash, therefore, foresees the setup of additional formations, independent of the EU battlegroups, which shall be strategically deployable.

Furthermore, substantial support within means and capabilities to CSDP operations and the EU battlegroups shall be provided. Military Mobility (Nr. 12) and the interoperability of forces (Nr. 13) shall be enabled. According to the binding commitment Nr. 14, pMS will seek an “ambitious approach to common funding of military CSDP operations and missions, beyond what will be defined as common cost according to the Athena council decision.”

Regarding the fourth category, pMS are committed to overcoming capability shortcomings as identified by the CDP and CARD and prioritising a European collaborative approach when addressing capability shortcomings at the national level (Nr. 15 & 16). The fifth area of binding commitments stresses the role of the EDA as the European forum for joint capability development and the competitiveness of the European defence industry as the main goal (Nr. 18 & 19).

In order to facilitate the fulfilment of the binding commitments, the Council adopted a Recommendation¹⁶⁵ concerning a roadmap for the implementation of PESCO as well as a Recommendation¹⁶⁶ concerning the sequencing of the fulfilment of the binding commitments.

The more binding commitments reflect the ambitious French approach. They aim at making the necessary funds available to develop capabilities which shall then be deployed. If

¹⁶⁴ Annex to PESCO Decision, binding commitment Nr. 12.

¹⁶⁵ Council of the European Union, “Council Recommendation concerning a roadmap for the implementation of PESCO,” Brussels: 6 March 2018, 6588/1/18, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2018.088.01.0001.01.ENG.

¹⁶⁶ Council of the European Union, “Council Recommendation concerning the sequencing of the fulfilment of the more binding commitments undertaken in the framework of permanent structured cooperation (PESCO) and specifying more precise objectives,” Brussels: 15 October 2018, 2018/C 374/01, [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018H1016\(01\)&rid=6](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018H1016(01)&rid=6).

these commitments were to be taken seriously, all pMS would have to increase their defence budgets to 2% of their GDP, independently from obligations under NATO. To date, however, pMS show a lack of commitment in this area. Especially the neutral pMS Austria and Ireland, which have the smallest defence budgets, do not show a willingness to actually fulfil the first area of commitments (budget).

b) PESCO governance

The pMS are at the centre of decision-making, while coordinating their activities with the High Representative.¹⁶⁷ According to Art. 4 of the PESCO Decision, the governance of PESCO is conducted by the Council and in the framework of projects implemented by the pMS of the project concerned. In accordance with Art. 46 (6) TEU, the Council adopts decisions and recommendations which provide strategic direction and guidance for PESCO, sequences the fulfilment of the more binding commitments and specifies the more precise objectives for fulfilling them at the start of each phase. Furthermore, the Council updates or enhances, if necessary, the more binding commitments based on a strategic review process. It also assesses the contributions of pMS in fulfilling the commitments undertaken and establishes the list of PESCO projects as well as a common set of governance rules for the projects. While the EDA is mainly involved in the capability dimension and projects of the binding commitments, the EEAS deals with the operational dimension and the related projects.¹⁶⁸

c) Monitoring

Through regular assessment and reports, PESCO pushes the pMS to fulfil their commitments. To this end, pMS shall review and record their progress annually through their National Implementation Plans (NIPs) according to Art. 3 (2) PESCO Decision. The NIPs form part of the annual report on PESCO to the Council by the High Representative (Art. 6 PESCO Decision). According to Art. 6 (1) PESCO Decision, the Council ensures the unity, consistency and effectiveness of PESCO, with contributions by the High Representative, who should be fully involved in the proceedings relating to PESCO (2). The PESCO Secretariat consisting of EEAS, EDA and EUMS, under the responsibility of the High Representative, supports the functioning of PESCO and the pMS in the fulfilment of their commitments (Art. 7 PESCO Decision). Based on contributions by the EDA and EEAS, the High Representative presents annual reports on PESCO to the Council in which he/she describes the implementation status of PESCO (3). On this basis, the Council reviews actual compliance with the more binding

¹⁶⁷ Annex III to PESCO Decision, paragraph 1.

¹⁶⁸ Fiott, Missiroli and Tardy, "Permanent Structured Cooperation: What's in a name?" 32.

commitments undertaken by the pMS. In case of non-compliance, a suspension of participation in PESCO is possible in accordance with Art. 46 (4) TEU (4). However, since the application of this ‘nuclear option’ does not seem very realistic, PESCO does *de facto* not foresee any sanctions when pMS do not comply with the commitments they undertook.

d) Funding

According to Art. 8 PESCO Decision, administrative expenditure of the Union institutions and EEAS arising from the implementation of the PESCO Decision is to be charged to the Union budget. Operating expenditure, on the other hand, is to be borne primarily by the pMS taking part in the project in which the costs occur. Funding by the EDF provides further incentives for deepened cooperation in the area of defence. The multiannual financial framework for 2021-2027 allows € 8 billion for security and defence, including PESCO projects.¹⁶⁹

2. PESCO Projects

a) Categories

According to the more binding commitment Nr. 17, pMS participate in at least one project under PESCO. These projects should support the fulfilment of the 20 more binding commitments. There are two different categories of PESCO projects: the first category encompasses the operational dimension with projects seeking to ameliorate participation in CSDP missions and operations, whereas the second category strengthens capability development.¹⁷⁰

Projects are proposed by the Member States and then unanimously decided upon at the Council level. Governance for these projects lies with the pMS, which agree among themselves on the modalities and scope of their cooperation. PESCO does therefore not affect national sovereignty.¹⁷¹ PESCO projects are coordinated by one or more pMS (project coordinators). To date, 47 such projects have been launched in 3 rounds.¹⁷² The projects take place in the following categories: training, facilities (e.g. European Training Certification Centre for European Armies); land, formations, systems (e.g. Deployable Military Disaster Relief

¹⁶⁹ Béraud-Sudreau et al., “Keeping the momentum in European defence collaboration,” 8f.

¹⁷⁰ Gotkowska, Justyna. “The trouble with PESCO: The mirages of European Defence.” *POINT OF VIEW* 69, February 2018, 6f, <https://www.osw.waw.pl/en/publikacje/point-view/2018-03-01/trouble-pesco-mirages-european-defence>.

¹⁷¹ Stellwag and Stachowitsch, “PESCO als Game Changer,” 12ff.

¹⁷² 17 projects in March 2018, 17 in November 2018 and 13 in November 2019; the project European Union Training Mission Competence Centre (EU TMCC) which was led by Germany has already been completed, reducing the number of current PESCO projects to 46.

Capability Package); maritime (e.g. European Patrol Corvette); air, systems (e.g. European Attack Helicopters Tiger Mark III); enabling, joint (e.g. European Medical Command); cyber; Command, Control, Communications, Computers, Intelligence, Surveillance and Reconnaissance (C4ISR; e.g. Cyber and Information Domain Coordination Center) and space (e.g. EU Radio Navigation Solution).

b) Participating Member States (pMS)

Except for Denmark and Malta, all EU Member States take part in PESCO. France acts as a project coordinator for 10 of the current (mostly preparatory) 46 PESCO projects, followed by Italy (9), Germany (6) and Greece (5).¹⁷³ As Spain (2), Italy (9), Greece (5) and Portugal (2) act as project coordinators for the largest number of PESCO projects – apart from Germany and France – it appears that the projects are concentrating on “crisis response in the southern neighbourhood of Europe”¹⁷⁴. Except for Romania (2), the other pMS in PESCO are only project coordinators for one PESCO project. While 24 out of the 25 pMS take part in the flagship project Military Mobility (Netherlands; Ireland has observer-status),¹⁷⁵ which seeks to provide for unhindered movement of military personnel and assets within the EU, most projects are undertaken by only a small group of pMS. According to an analysis of cooperative networks and capability developments carried out by Nádudvari, Etl and Bereczky, only 1/5 of the PESCO projects have more than 7 participants, whereas half of the projects count 3 participants or less. Unsurprisingly, the ‘Big Four’ are the most involved pMS: France takes part in 31 projects, followed by Italy (26), Spain (24) and Germany (16). The involvement of these four states is also characterised as the most diverse.¹⁷⁶ When reviewing the PESCO project participant configuration, it seems that the pMS are mostly aligning their capability developments with the ‘Big Four’, resulting in a rather centralized PESCO network. The ‘Big Four’ are therefore at the core of PESCO projects.¹⁷⁷

¹⁷³ The list of PESCO projects as of November 20, 2020 can be found on the PESCO Homepage under the following link: <https://www.consilium.europa.eu/media/46846/pesco-projects-20-nov-2020.pdf>.

¹⁷⁴ Gotkowska, “The trouble with PESCO: The mirages of European Defence.” 7.

¹⁷⁵ Zandee, “PESCO implementation: the next challenge,” 8.

¹⁷⁶ Anna Nádudvari, Alex Etl and Nikolett Bereczky, “Quo vadis, PESCO? An analysis of cooperative networks and capability development priorities,” *STRATÉGIÁI VÉDELMI KUTATÓ KÖZPONT (ELEMZÉSEK) / CENTER FOR STRATEGIC AND DEFENSE STUDIES ANALYSES* (15), ISSN 2063-4862, 1, http://real.mtak.hu/108298/1/ISDS_Analyses_2020_15_QuovadisPesco.pdf.

¹⁷⁷ *Ibid.*, 19.

c) Third-State participation

In November 2020, agreement was finally reached on the general conditions under which third States can participate in PESCO projects. According to Art. 2 of the Council Decision¹⁷⁸ laying down the criteria for third-State participation, an interested third State can submit a request for participation to the coordinator(s) of the PESCO project concerned, which will then be decided on unanimously by the project participants. In order to participate in a PESCO project, the third State has to comply with the general conditions as set out in Art. 3: the State has to share the values on which the EU is founded, add substantial value to the project and contribute to achieving its objectives and strengthening the CSDP. Furthermore, the participation of the State in question must not lead to dependencies on the said State or to restrictions imposed by it against any EU Member State. In addition, the participation of the requesting State must be consistent with the more binding PESCO commitments and a Security of Information Agreement with the EU has to be in force. If the Council decides unanimously that the third State fulfils the general conditions, the project coordinator(s) shall send an invitation to participate to the interested third state (Art. 2 (5)).

Upon acceptance of the invitation, an administrative arrangement shall be negotiated with the third State by the project members, or the coordinator(s) on their behalf, (6). The participating third State shall then have the rights and obligations determined in the administrative arrangement (Art. 4 (1)). The Council Decision also provides for a review mechanism and the modalities for the termination or suspension of the participation of a third State in a PESCO project.

C. Analysis

1. Implementation & progress to date

In its Recommendations of 15 June 2020¹⁷⁹, the Council assessed the progress made by the pMS regarding the fulfilment of the commitments undertaken in the PESCO framework. Pertaining to the commitments to increase defence budgets and investment expenditure, the “overall progress remains modest”¹⁸⁰. The Council encourages the pMS to make better use of

¹⁷⁸ Council of the European Union, “Council Decision (CFSP) 2929/1639 establishing the general conditions under which third States could exceptionally be invited to participate in individual PESCO projects,” Brussels: 6 November 2020, L 371/3, <https://eur-lex.europa.eu/eli/dec/2020/1639/oj>.

¹⁷⁹ Council of the European Union, “Council Recommendation of 15 June 2020 assessing the progress made by the participating Member States to fulfil commitments undertaken in the framework of permanent structured cooperation (PESCO),” Brussels: 15 June 2020, C 204/01, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32020H0618%2801%29>.

¹⁸⁰ *Ibid.*, 5.

the EU defence planning tools and encourages them to bring their defence apparatus in line with each other. Efforts pertaining to the interoperability, availability and deployability of forces shall be enhanced. Progress in addressing capability shortcomings has been limited.¹⁸¹ Regarding to PESCO projects, the Council notes that the “majority of the 47 projects being developed under PESCO are considered to contribute to the implementation of the EU Capability Development Priorities, with 24 of them directly addressing the HICGs¹⁸² and 12 indirectly. Three projects have already reached Initial Operational Capability (IOC) and 23 are planned to reach IOC in the timeframe 2020-2023. However, more than two-thirds (30) of the projects remain at their ideation phase, including some which were already established in March and November 2018.”¹⁸³ While the 20 more binding commitments proved to be fit for purpose to ensure the consistent implementation of PESCO, the Council urges the pMS to put more work into fulfilling them.¹⁸⁴

The PESCO Strategic Review (PSR) 2020 evaluated the progress of PESCO from 2018 to 2020 and offers guidance for the next PESCO phase (2021-2025). Among others, the PSR states that the progress made by the pMS regarding the fulfilment of the more binding commitments “namely on operational commitments and on those related to the European collaborative approach was not sufficient” and that “there is a need for pMS to step up the efforts to fulfil” them in their entirety “with a view to the most demanding missions and contributing to the fulfilment of the EU’s Level of Ambition.”¹⁸⁵ It furthermore stresses that the pMS should “address the recurrent gaps in the force generation of CSDP missions and operations, while systematically considering and making best use of EU tools in developing their capabilities”¹⁸⁶, working towards the full spectrum force package (FSFP). Transparency should be enhanced among the pMS, also through regular exchanges in PSC and/or COREPER.¹⁸⁷ A call for proposals regarding new PESCO projects will take place this year.¹⁸⁸

¹⁸¹ Council of the European Union, “Council Recommendation of 15 June 2020 assessing the progress made by the participating Member States to fulfil commitments undertaken in the framework of permanent structured cooperation (PESCO),” 5. (a).

¹⁸² The EU has a constantly recurring planning process: the EU Headline Goal Process (HGP). Every two years a progress report is drafted which lays out the gaps between the status quo and the EU military level of ambition (Headline Goal). The progress catalogue resulted in the definition of High Impact Capability Goals (HICGs) which define capability areas in key strategic areas. Some of the HICGs have been incorporated into the CDP.

¹⁸³ Council of the European Union, “Council Recommendation of 15 June 2020 assessing the progress made by the participating Member States to fulfil commitments undertaken in the framework of permanent structured cooperation (PESCO),” 11.

¹⁸⁴ *Ibid.*, 19.

¹⁸⁵ Council of the European Union, “Council Conclusions on the PESCO Strategic Review 2020,” Brussels: 20 November 2020, 13188/20, 12, <https://pesco.europa.eu/wp-content/uploads/2020/12/2020-11-20-Council-Conclusions-on-PESCO-Strategic-Review-2020.pdf> (PESCO Strategic Review).

¹⁸⁶ *Ibid.*, 5.

¹⁸⁷ PESCO Strategic Review 2020, 9.

¹⁸⁸ *Ibid.*, 15.

The more binding PESCO commitments are to be fulfilled by 2025. Given that the progress of PESCO remained modest so far, the PSR calls on the pMS to actually fulfil the commitments. Non-fulfilment severely impacts the ambitious part of PESCO (emphasised by France). While inclusiveness (stressed by Germany) has been reached through the participation of 25 Member States, the pMS do not show sufficient progress regarding the fulfilment of the 20 ambitious and more binding commitments.

Regarding the use in CSDP missions and operations, the PSR states that the issue of force generation will be brought up more systematically at the political level. The point of bringing the issue of force generation up more systematically is open to doubt: If the pMS do not show any willingness in the process of force sensing or then force generation to begin with, why should they change their mind if the issue is brought up more regularly? Politics is involved in the whole process anyway, given that military representatives represent their countries and therefore their governments. As it is very unlikely that a pMS would get suspended from PESCO since this option is very radical and in the absence of other options for sanctions, pMS will seemingly not face any restrictions in case of non-compliance. Therefore, monetary sanctions could be foreseen which would incentivise the pMS to comply with the PESCO commitments. However, the political will for such a sanctions system is lacking.

According to the former Austrian Minister of Defence and President of the Austrian Institute for European and Security Policy (AIES), Dr. Werner Fasslabend, the implementation of PESCO to date has been disappointing. PESCO was launched without a comprehensive plan, clear goals or priorities. Instead, it immediately transitioned into a bureaucratic phase, with a high number of PESCO projects and a lot of paperwork but little effective progress. The Franco-German compromise of an ambitious and inclusive PESCO is not based on a real, internal consensus. Instead, it has seen a watering down of the initial intention to form a group of militarily willing and capable Member States with a view to the most demanding missions (Art. 42 (6) TEU).¹⁸⁹

2. PESCO projects

Most PESCO projects are strongly marked by the individual strategic interests of its coordinating and participating Member States.¹⁹⁰ Among the most advanced projects are European Attack Helicopters TIGER Mark III (France), EU Beyond Line of Sight (BLOS) Land Battlefield Missile System (EU BLOS; France; development of an EU new generation

¹⁸⁹ Fasslabend, Interview.

¹⁹⁰ Stellwag and Stachowitsch, "PESCO als Game Changer," 10.

medium range BLOS Land Battlefield missile systems family), Network of Logistic Hubs in Europe and Support to Operations (Germany), EUFOR Crisis Response Operations Core (EUFOR CROC; Germany), European Medium Altitude Long Endurance Remotely Piloted Aircraft Systems – MALE RPAS (Eurodrone; Germany) and European Secure Software defined Radio (ESSOR; France). These projects have two things in common: they are led by one of the ‘Big Two’ and have already been underway before PESCO was initiated.¹⁹¹ It comes as no surprise that France and Germany are spearheading PESCO, given that they also were the driving forces behind its launch and behind CSDP initiatives in general. This should, however, be seen as an advantage. Since the UK left the EU, France and Germany are the most influential and military potent Member States in the EU. The major steps forward in the CSDP’s recent history would not have been possible without the ‘Big Two’. PESCO’s success will therefore largely depend on the engagement of France and Germany, *inter alia* together with Spain and Italy in the recent formation of the ‘Big Four’. It is noteworthy that the Eastern European countries are not represented in this format and are also only sparsely involved in the PESCO projects. Poland is an important player in NATO and Romania as well as the Czech Republic also have considerable military capabilities. This allows for the conclusion that Eastern Europe is not actively involved in the CSDP. This can be explained by the fact that the Eastern countries concentrate their efforts on NATO as their main security provider.

The fact that the most ambitious and advanced PESCO projects have already been underway before the launch of PESCO should not be seen as a weakness of PESCO. As PESCO aims at developing capabilities within the EU, it should not be of importance whether they have been in the works already or not. To the contrary, if the framework of PESCO as well as the funding by the EDF incentivised the pMS to invest (more) in the development of these capabilities, then this a strength of PESCO. In the end, what counts is *that* the military capabilities are being developed within/due to the PESCO framework – not how they started.

Béraud-Sudreau, Efstathiou and Hannigan found that as of 2019, pMS had in most cases not yet identified milestones for the PESCO projects they participate in. Furthermore, to what extent the projects are feasible was also unknown in several cases.¹⁹² In addition, for many projects financial data was missing. Supposedly this had to do with the outstanding confirmation of EDF funding.¹⁹³ It also seems to be unclear to most governments how exactly

¹⁹¹ Béraud-Sudreau et al., “Keeping the momentum in European defence collaboration,” 2.

¹⁹² Ibid., 4.

¹⁹³ Ibid., 9.

their PESCO project contributes to EU operational autonomy. This shows ambiguity about the term ‘strategic autonomy’ as well as obscurity about PESCO’s course.¹⁹⁴

3. Funding

While the financing of PESCO projects from the EDF on the one hand constitutes an incentive to take part in them, it may on the other hand harbour potential for conflict. Should priority be given to the flagship projects which elevate capacities, close strategic gaps and significantly add to the military capability of the EU or to the more numerous smaller projects which do not fulfil the priorities set out in the CDP but have more participants?¹⁹⁵ The multiannual financial framework for 2021-2027 initially foresaw € 13 billion for security and defence, including PESCO projects. Due to the Covid-19 pandemic, however, only € 8 billion were allocated to security and defence. In light of the number of PESCO projects, as well as the budget restraints against the backdrop of the Covid-19 pandemic, it will not be possible for the EDF to support all PESCO projects. The question that arises then is whether the pMS would still be willing to contribute significantly to the projects they signed up for. This remains to be seen.

Biscop’s allegation that pMS use PESCO to get funds from the EDF without the ambition of actually implementing the PESCO commitments¹⁹⁶ has to be rejected as the EDF only provides a portion of the sums required for the projects. Therefore, the pMS still have to bear the bulk of the costs. Nevertheless, coherence between PESCO, the EDF and CARD is key to avoiding the misuse of resources from the EDF. Furthermore, the use of funds has to be open to scrutiny, i.e. pMS are obliged to spell it out in their NIPs. In case of non-compliance, the PESCO Secretariat should take a tough stance and address the issue in front of the other pMS, thereby hopefully creating the necessary peer pressure for compliance.

4. Implications for EU military operations

a) For which operations?

As pointed out in the first part of this chapter, EU military operations to date have overall been unambitious, deployed for a short time and with a limited mandate. The third area of cooperation of the more binding commitments concerns the availability, deployability and readiness of forces for the realisation of the EU LoA, in addition to a potential deployment of

¹⁹⁴ Béraud-Sudreau et al., “Keeping the momentum in European defence collaboration,” 12.

¹⁹⁵ Ibid., 9f. *See also:* Stellwag and Stachowitsch, “PESCO als Game Changer,” 15.

¹⁹⁶ Biscop, “European Defence and PESCO: Don’t Waste the Chance,” 7f.

the EU battlegroups. Substantial support within means and capabilities to CSDP operations and the EU battlegroups shall be provided. These references to EUFOR-type operations and the EU battlegroups show the operational orientation of PESCO and clearly refer to CSDP operations.¹⁹⁷ Fiott, Missiroli and Tardy identified several ways in which PESCO capabilities could be used for CSDP operations, namely: for traditional CSDP military operations (EUFOR or EUTM), carried out by PESCO pMS only or together with non-PESCO pMS, in a traditional way or under Art. 44 TEU (a group of Member States willing and capable of implementing a task entrusted to it by the Council); a coalition outside the EU framework; NATO-led operations or UN-led operations either carried out by PESCO members or together with other European States and, lastly, for internal security (home defence) operations.¹⁹⁸

The question of the ultimate benefit of PESCO for EU military operations, however, is related to the definition of the EU's LoA – which has not been agreed on so far – as well as the question of the type of military operations PESCO is preparing for. As stated in Art. 42 (6) TEU, PESCO should enable the pMS to carry out the 'most demanding missions'. The term 'most demanding missions' remains to be defined. In order to make use of the full potential of PESCO, the pMS ought to have a serious debate about the intended military level of ambition as well as about the kind of military operations they are developing capabilities and forces for in the framework of PESCO. As of now, the PESCO projects and commitments suggest that the EU aims for robust peacekeeping¹⁹⁹ missions in the Balkans or in sub-Saharan Africa, thereby sticking to customary crisis management activities.²⁰⁰ While the EU military level of ambition has not been revised since the Helsinki Headline Goal in 1999,²⁰¹ it has to be stated that this is not PESCO's fault. To the contrary, PESCO could and should act as a forum to re-define the EU's military level of ambition. As Zandee points out: "As EU Member states disagree on the translation of the level of ambition into clearly defined military tasks, in particular at the high end of the spectrum, it might be better to conduct this work in the context of a PESCO project representing the willing and able member states", naming EUFOR CROC as a suitable candidate.²⁰² In addition, PESCO's operational dimension can also be seen as an incentive for

¹⁹⁷ Fiott, Missiroli, and Tardy, "Permanent Structured Cooperation: What's in a name?" 33.

¹⁹⁸ Ibid., 34.

¹⁹⁹ Robust peacekeeping aims at establishing a temporary security presence while tackling the root causes for conflict e. g. through support of the rule of law and elections. In addition, the use of force is permitted, when necessary, to defend the mandate.

²⁰⁰ Fiott, Missiroli, and Tardy, "Permanent Structured Cooperation: What's in a name?", 36f.

²⁰¹ Biscop, "European Defence: Give PESCO a Chance," 171.

²⁰² Zandee, "PESCO implementation: the next challenge," 4f.

the member States to take part in (complex) military operations, thereby possibly facilitating the deployment of such in the future.²⁰³

b) Burden-sharing

Disagreement over burden-sharing has been a major obstacle to the launch of EU military operations in the past. According to the binding commitment Nr. 14, pMS will seek an “ambitious approach to common funding of military CSDP operations and missions, beyond what will be defined as common cost according to the Athena Council decision.” However, to date, no such initiative has taken place. While the co-funding for PESCO projects by the EDF is an incentive to develop capabilities, it is not relevant for the question of burden-sharing for EU military operations.

c) Military capabilities

Most PESCO projects seek to foster interoperability of already existing military capabilities to make them available for EU missions and operations. The European Medium Altitude Long Endurance Remotely Piloted Aircraft Systems – MALE RPAS (Eurodrone) is seen as a PESCO flagship project in this regard.²⁰⁴ The Eurodrone is a medium-altitude long-endurance unmanned aerial vehicle (UAV), developed by Airbus, Dassault and Italy’s Leonardo to stop European reliance on UAVs from the US and Israel. It will use the newly introduced Galileo satellite system for navigation.²⁰⁵ The PESCO project European Medical Command (EMC), which seeks to provide deployable medical equipment, targets a real strategic deficit.²⁰⁶ The Estonian-run project Integrated Unmanned Ground System (UGS) applies drone technology to ground vehicles and can thus carry out transport through dangerous areas, which will be very useful for CSDP missions and operations.²⁰⁷ Unfortunately, it is very peculiar to the low level of ambition of PESCO that the military capabilities that would be most urgently needed in the EU (common folding aircrafts and common battle tanks) do not even appear in the PESCO projects, but have only been dealt with incidentally in this context and are pursued outside the PESCO projects.²⁰⁸

²⁰³ Fiott, Missiroli, and Tardy, “Permanent Structured Cooperation: What’s in a name?” 37f.

²⁰⁴ Stellwag and Stachowitsch, “PESCO als Game Changer,” 14.

²⁰⁵ Hauser, *The European Security and Defence Architecture*, 93.

²⁰⁶ Biscop, “European Defence: Give PESCO a Chance,” 164.

²⁰⁷ Stellwag and Stachowitsch, “PESCO als Game Changer,” 14.

²⁰⁸ Fasslabend, Interview.

The flagship project Military Mobility, which is also an area of cooperation between the EU and NATO, is also of significance for the movement of equipment for CSDP operations.²⁰⁹ Military Mobility aims to enable the free movement of military assets and personnel across the EU. It is at the moment impeded by insufficient infrastructure and complex customs procedures. The PESCO project Military Mobility therefore serves to diminish the legal, physical and bureaucratic obstacles, to facilitate unhindered military movement within the EU.

The Crisis Response Operation Core (CROC) was among the first PESCO projects launched and aims at facilitating force-generation for expeditionary operations. The idea for CROC was first put forward by a food-for-thought paper of France and Germany in September 2017. Back then, it targeted a force package of 1 division or 3 brigades including the necessary strategic enablers, as an initial step towards the EU Headline Goal. The PESCO project EUFOR CROC is carried out by Spain, France, Italy and Cyprus, with Germany as the project coordinator. EUFOR CROC is supposed to contribute significantly to the creation of a coherent full spectrum force package, which could advance the provision of forces. The CROC aims at improving the crisis management capabilities of the EU by enhancing the force generation preparedness, willingness and commitment of pMS to act and engage in missions and operations. The corresponding implementation study of January 2019 lists possible and probable crisis scenarios, which will each give rise to a Contingency Operation Plan, from which a Force Element List will then be derived. The pMS should then report the capabilities at their disposal to fulfil these requirements (pre-identification). This should not result in a stand-by force or the maintenance of a certain state of readiness but enable accelerated force generation when the decision is taken to launch an EU military operation.²¹⁰

The EUFOR CROC therefore seeks to eradicate the weaknesses of force sensing and force generation by bringing States together which discuss possible crises scenarios and already state which capacities they could provide in certain scenarios. While the statement of providable capabilities is not binding, it constitutes a sort of pre-commitment and shows which capabilities can be expected. However, the study advises to only focus on humanitarian assistance, non-combatant evacuation, the protection of lines of communication and critical resources, as well as conflict prevention. In addition, the study does not envisage more than a brigade-size force plus enablers²¹¹. According to Biscop, this “low level of ambition is symptomatic of the state

²⁰⁹ Zandee, “PESCO implementation: the next challenge,” 8.

²¹⁰ Biscop, Sven, “Putting the Core at the Centre: The Crisis Response Operation Core (CROC) and the Future of PESCO,” *SECURITY POLIC BRIEF*, vol. 2019, no. 119, 2, <https://www.egmontinstitute.be/content/uploads/2019/11/SPB119.pdf?type=pdf>.

²¹¹ Enablers are capabilities that enable the deployment of infantry, e. g. strategic transport, communication and information systems as well as medical support.

of Europe's armed forces and of the absence of strategic vision."²¹² In his view, it would be more reasonable to put the CROC in the centre of PESCO, as a 'guiding framework' for other PESCO projects.²¹³

The Strategic Command and Control (C2) System for CSDP Missions and Operations is led by Spain and supposed to create the first-ever command centre. This would perhaps contribute to carrying out missions and operations in the Mediterranean and in Africa more efficiently.²¹⁴ The One Deployable Special Operations Forces (SOF) Tactical Command and Control (C2) Command Post (CP) for Small Joint Operations (SJO) is supposed to be pertinent to missions involving combat forces in crisis management and peace operations, rapid deployment for rescue or evacuation operations as well as military support for humanitarian-assistance missions.²¹⁵

According to Nádudvari et al., PESCO projects contribute substantially to the identified EU Capability Development Priorities, mostly by complementing other activities and projects coordinated by the EDA. However, "the analysis also pointed out that most projects are focusing on creating *enabling capabilities to operate autonomously within EU's Level of Ambition (LoA)*, while high-end capability contributions are fewer."²¹⁶ Billon-Galland and Efstathiou conclude that, unfortunately, the capability of PESCO projects to contribute to the needs of European armed forces on the ground "will be very limited. Most PESCO projects deal with non-high-end capabilities and lack the potential to address the full range of scenarios the EU has set itself to deal with. Ultimately, although PESCO projects are useful, their impact will for now only be marginal in meeting the Union's requirements."²¹⁷

d) Emergence of a shared strategic culture

While PESCO will not abolish the unanimity requirement for the launch of CSDP operations, its framework will hopefully create convergence between the defence policies of the Member States in the long run.²¹⁸ The hope is that by cooperating in the framework of PESCO, pMS will get used to collaborating in the military field. They would furthermore get more detailed insight into the capabilities and expertise of their PESCO partners. By developing capabilities together and providing for joint training facilities, the question which arises in the

²¹² Biscop, "Putting the Core at the Centre: The Crisis Response Operation Core (CROC) and the Future of PESCO," 2.

²¹³ Ibid., 1ff.

²¹⁴ Stellwag and Stachowitsch, "PESCO als Game Changer," 14f.

²¹⁵ Béraud-Sudreau et al., "Keeping the momentum in European defence collaboration," 12.

²¹⁶ Nádudvari, Etl and Bereczky, "Quo vadis, PESCO?" 26.

²¹⁷ Alice Billon-Galland and Yvonne-Stefania Efstathiou, "Are PESCO projects fit for purpose?" 9.

²¹⁸ Fiott, Missiroli, and Tardy, "Permanent Structured Cooperation: What's in a name?" 39.

process of launching a mission could be answered more easily: which capabilities can be provided by whom? Member States might then also be more approachable to contributing troops to EU military operations, tackling another shortcoming of EU military operations so far.

PESCO projects are small contributions, but not the decisive ones. A big leap forward would be the establishment of a permanent operational command that systematically plans operations, handles them and then prepares the next one. Even EUFOR CROC is not sufficient in this regard. Although any joint training helps, it is still not a decisive step in the right direction.²¹⁹

The establishment of a shared strategic culture has so far not succeeded due to the different threat perceptions of the Member States and their different cultures. While the Eastern European countries regard Russia as their biggest threat and therefore lean more towards NATO, the Southern States look at the Southern neighbourhood and the neutral States emphasise their neutrality.

In addition, France dominates the Western countries, not always in accordance with Germany. In order to give the CSDP a coherent strategic direction, the process for a Strategic Compass was launched in June 2020 during the German Council presidency. The Strategic Compass is intended to express the political will for concrete cooperation and to summarise the interests and threat perceptions of the Member States. Such a strategy would have been derivable from the EUGS, but that was not the case. Instead, the EU has entered into the next form of routine treatment without clear goals/priorities and without a sound manner of coordination.²²⁰ The conclusion of the Strategic Compass is envisaged for March 2022 (French Council presidency) and will hopefully strengthen the CSDP, including the definition of the right objectives and concrete goals for EU policies.²²¹

D. PESCO and NATO

The recent developments in the CSDP since the publication of the 2016 EUGS have been met with scepticism by NATO, especially by the US. This is quite surprising given that the US has repeatedly called for more burden-sharing by the European Allies. 19 out of 25 PESCO members are NATO Allies. Concerns have been raised on the side of NATO regarding the EU's envisaged 'strategic autonomy' and its new military level of ambition. However, all relevant EU documents as well as the Treaties state without doubt that for EU-NATO Allies,

²¹⁹ Fasslabend, Interview.

²²⁰ Ibid.

²²¹ Kempin, "Frankreichs Außen- und Sicherheitspolitik unter Präsident Macron," 21ff.

NATO remains the primary framework for collective defence.²²² Furthermore, the ‘single set of forces’ principle prevails: EU Member States only have one set of forces which are available for EU missions and operations, as well as for the UN and especially NATO.²²³ As PESCO seeks to increase defence expenditure as well as to strengthen and develop military capabilities, this is only beneficial for NATO, as it strengthens the European pillar of NATO. Despite the fact that the fifth Joint Progress Report states that “38 out of the current 47 PESCO projects also broadly respond to NATO priorities”²²⁴, PESCO does not seek to support NATO *per se*. As 19 PESCO members are NATO Allies, the identified capability gaps are naturally relevant to NATO as well. Therefore, a stronger European defence also strengthens NATO.

Nevertheless, the allegedly restrictive criteria for third-State participation in PESCO projects as well as for projects funded by the EDF were not perceived well by NATO. Especially the US is resisting the idea of an increased European defence market autonomy.²²⁵ The PESCO objective here is to ‘buy European’, which does however not mean ‘buy only European’, particularly since the American and the European defence industries are closely connected.²²⁶ It should further be noted that, despite the overlap of 21 Members between the EU and NATO, their ‘shopping lists’ are not fully congruent. Coordination of their capability planning as well as interoperability should therefore be prioritised.²²⁷

Nonetheless, in light of the recent *rapprochement* between the EU and NATO since their first Joint Declaration in 2016, the dust seems to have settled. The second Joint Declaration of 2018 even stated that “EU efforts will strengthen NATO, and thus will improve our common security.”²²⁸ Furthermore, NATO Secretary General Jens Stoltenberg repeatedly expressed his support for the latest EU defence tools: “The European Defence Fund is good, the PESCO is

²²² Thierry Tardy, “European Defence: What Impact for NATO?” *NDC Policy Brief*, no. 5 (December 2018), 1f.

²²³ Blockmans, “The EU’s modular approach to defence integration: An inclusive, ambitious and legally binding PESCO?” 1823.

²²⁴ European Union and North Atlantic Treaty Alliance, “Fifth progress report on the implementation of the common set of proposals endorsed by NATO and EU Councils on 6 December 2016 and 5 December 2017,” 16 June 2020, 7, <https://www.consilium.europa.eu/media/44451/200616-progress-report-nr5-eu-nato-eng.pdf>.

²²⁵ Thierry Tardy and Gustav Lindstrom, “The scope of EU-NATO cooperation” in “*The EU and NATO: Essential Partners*,” Gustav Lindstrom and Thierry Tardy (ed.), European Union Institute for Security Studies (2019): 9f.

²²⁶ Biscop, “European Defence: Give PESCO a Chance,” 177.

²²⁷ Blockmans, “The EU’s modular approach to defence integration: An inclusive, ambitious and legally binding PESCO?” 1824.

²²⁸ Joint declaration on EU-NATO cooperation by President of the European Council Donald Tusk, President of the European Commission Jean-Claude Juncker, and Secretary General of NATO Jens Stoltenberg, Brussels, July 10, 2018, <https://www.consilium.europa.eu/de/press/press-releases/2018/07/10/eu-nato-joint-declaration/#>.

good.”²²⁹ Provided, however, that the EU and NATO operate in full complementarity.²³⁰ President Joseph ‘Joe’ Biden’s return to US multilateralism and traditional Allies is another positive development in this respect.

Another factor that comes into play when talking about PESCO and NATO is NATO’s Framework Nations Concept (FNC), primarily introduced by Germany, subsequently also used by Italy and the UK. The FNC aims at the establishment of forces which can then be used for operations. It started with 19 Allies, focussing on capability development, with smaller sub-groups that address specific capability domains. As of today, it also acts as a framework for generating deployments. The FNC enabled access of non-NATO members in 2016. The EDA has observer status.²³¹ Biscop is of the opinion that the FNC as well as of the European Intervention Initiative (EI2; explained below) prompt the conclusion that some European States want to do more in terms of building integrated force packages. However, too many initiatives parallel to PESCO bear the risk of impairing one another. Furthermore, given that Germany is leading the FNC and France is leading the EI2 – are they able to also lead PESCO in parallel?²³²

E. The European Intervention Initiative (EI2)

French President Macron’s announcement to launch a European Intervention Initiative (EI2) in his September 2017 Sorbonne speech was mostly seen as an expression of his discontent with the ultimate form of PESCO. France has always been in favour of an ambitious PESCO, uniting the most willing and most capable Member States. However, as the form of PESCO was ultimately more inclusive than ambitious, Macron is apparently looking for other ways to bring together a group of willing and militarily capable States for *ad hoc* French-led military interventions.²³³ Launched in 2018, the EI2 takes place outside the framework of the EU, NATO or the UN. It currently has 13 participants, among them Denmark and the UK. The basis of EI2 is “the creation of a joint military force, a common strategic culture & military doctrine, and joint budgetary instruments.”²³⁴ In terms of the possible field of application for

²²⁹ Tania Latici, “Understanding EU-NATO cooperation: Theory and practice,” European Parliamentary Research Service, Brussels: 2020, 9, [https://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI\(2020\)659269](https://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI(2020)659269).

²³⁰ NATO, “NATO Secretary General welcomes PESCO, stresses need for complementarity”, Press Release, 13 November 2017.

²³¹ Lazarou and Friede, “Permanent structured cooperation (PESCO): Beyond establishment,” 8.

²³² Biscop, “European Defence: Give PESCO a Chance,” 170f.

²³³ Biscop, “Putting the Core at the Centre: The Crisis Response Operation Core (CROC) and the Future of PESCO,” 3.

²³⁴ Gotkowska, “The trouble with PESCO: The mirages of European Defence.” 9f.

EI2 operations, France is presumably targeting the Southern neighbourhood, so mainly Africa.²³⁵

The nature of France's 'invitation only' initiative has raised criticism according to which France thereby risks undermining European solidarity. However, it should be noted that PESCO/CSDP, NATO and EI2 have the same goal: "enhancing European defence capability, armed forces and equipment interoperability, and effective European autonomous armed intervention in crisis management."²³⁶ According to Biscop, France could bring the EI2 "under the PESCO umbrella, merge it with the CROC project, and take the lead in building an integrated multinational force package geared towards expeditionary operations, from which forces could be generated quickly in times of crisis."²³⁷ However, given that not all of the EI2 participants are PESCO pMS, the rather strict criteria for third-State participation would apply in case the EI2 was to be embedded in PESCO. Most importantly, it appears that France launched the EI2 outside PESCO on purpose, since it was dissatisfied with PESCO's low level of ambition. It therefore seems rather unlikely that the EI2 can be brought 'under the PESCO umbrella' in the near future. In any case, close association should be sought to the extent possible, in order for these new initiatives not to risk undermining each other.

²³⁵ Wolfgang Rudischhauser and Helena Mayer, "Gemeinsame Europäische Sicherheits- und Verteidigungspolitik – Quo Vadis?" *SIRIUS* 2019, 3(2): 122, <https://doi.org/10.1515/sirius-2019-2002>.

²³⁶ Sweeney and Winn, "EU Security and Defence Cooperation in times of Dissent: Analysing PESCO, the European Defence Fund and the European Intervention Initiative (EI2) in the Shadow of Brexit," 235f.

²³⁷ Biscop, "European Defence: Give PESCO a Chance," 175.

VI. Conclusion

Since 2016, the EU has arguably taken an unprecedented step forward in terms of European defence cooperation. As has been shown, changes on the systemic level enabled the publication of the 2016 EUGS, which named the protection of Europe as the most important task. What followed was the launch of new tools like the EDF, CARD and, most importantly, PESCO. Formerly called ‘sleeping beauty’²³⁸ by the previous Commission President Jean-Claude Juncker, PESCO was launched by a Council Decision in December 2017. As a framework for deepened military cooperation and capacity building, PESCO is said to be inclusive as well as ambitious: pMS undertake to fulfil 20 more binding commitments – through the increase of defence budgets and defence investment expenditure, pMS are expected to reach and maintain a financial basis for the development and deployment of robust capabilities. Furthermore, they participate in at least one of the 47 PESCO projects. Progress is monitored regularly.

A review of the EU military operations EUFOR Althea and EUFOR RCA shed light on the persistent weaknesses of CSDP operations: unambitious tasks, deployment for a short time with little personnel and often inadequate equipment. The impact of EU operations is therefore mostly negligible. Taking the decision to launch an operation is a tedious process due to the unanimity requirement in the Council and disagreement over burden-sharing. These shortfalls undermine the defence capability of the EU.

In an analysis of the implementation and progress of PESCO to date, this thesis assessed the extent to which PESCO constitutes an appropriate tool to remedy the weaknesses in CSDP military operations. Overall progress of PESCO to date unfortunately remains modest. Although the EU’s military level of ambition as well as the type of military operations PESCO is preparing for are not clear, the framework of PESCO can and should be used as a forum for discussion to address these ambiguities. Furthermore, the operational dimension of PESCO might act as an incentive for Member States to undertake (complex) military operations. Concerning the debate on burden-sharing in EU military operations, no progress has been made so far. The development of military capabilities, such as the Eurodrone, the EMC and the UGS address shortfalls and could therefore be beneficial for EU military operations. A Strategic Command and Control (C2) System for CSDP Missions and Operations is another important

²³⁸ Speech by President Juncker at the Defence and Security Conference Prague, “In defence of Europe”, SPEECH/17/1581, 9 June 2017.

PESCO project. Military Mobility is the PESCO flagship project and also an area of cooperation between the EU and NATO. While the EUFOR CROC is supposed to contribute significantly to the creation of a coherent full spectrum force package, it is only a small step and does not replace the need for a permanent operational command. Although every joint training is beneficial, the decisive step for a strong European defence has not yet been made. As noted by Billon-Galland and Efstathiou, the current capability of PESCO projects to contribute to the needs of European armed forces on the ground will be very limited. A European army is still out of sight.

The EU is nowadays faced with a plethora of security challenges. In this regard, the CSDP is not the sole magic bullet. The EU will continue to be reliant upon the transatlantic partnership in the near future, especially when it comes to threats posed by Russia. There are, however, agendas which cannot be tackled by NATO but have to be dealt with by the EU. Firstly, the EU has to be capable of acting in South-East Europe (mainly the Balkans), including military action, since these are major EU interests, with the US shifting its priorities to other parts of the world, especially East Asia. Secondly, for the same reasons, the EU must be able to provide for security and stability in North Africa. Thirdly, it is painful to see that the EU has no say in the Middle East. The four regional powers (Iran, Turkey, Israel and Saudi-Arabia) and Russia dominate the region. The same is true of the Caucasus. Fourthly, more EU presence and influence would be desirable in Eastern Europe, although NATO is the main player in this part of the continent. Fifthly, the cooperation with NATO in the area of Military Mobility is welcome but more collaboration should be sought.

Sixthly, the technological autonomy of the EU is at stake in the near future. Europe is currently living on its high technological level, which, however, will not endure for much longer due to the high importance of the armaments industry for technological progress and Europe's fragmented armaments market. Although the EU is first and foremost an economic union, it has not yet succeeded in establishing a common arms market. This is not just an obstacle to defence: it leads to a waste of resources and is a key reason why there is little investment in the defence industry, as the market is simply too small.²³⁹ Therefore, more attention should be given to making the European armaments market more autonomous and competitive. This is an area where PESCO could make a difference.

²³⁹ Fasslabend, Interview.

What the EU is lacking for playing a role in world politics (called “Weltpolitikfähigkeit” by Jean-Claude Juncker) or a “geopolitical Commission” (Ursula von der Leyen) is first and foremost a real strategy and the political will to enforce European interests – be it by military or non-military means. In addition, a step has to be made from theoretical conception to practical implementation. Instead of having 47 PESCO working groups and thousands of pages, it would be more effective to focus on actual military missions. Common experiences enhance activity and trust in the military of the other Member States. This, however, does not happen on paper but in action.²⁴⁰

While PESCO will not abolish the unanimity requirement for the launch of CSDP operations, its framework will hopefully create convergence between the defence policies of the Member States in the long run. Ultimately, the success of PESCO will depend on continued willingness and dedication of its pMS, especially France and Germany. While the readiness to contribute the necessary funds and conduct effective operations is not apparent at the moment, a new impulse may be given by the creation of a Strategic Compass.

²⁴⁰ Fasslabend, Interview.

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