

## THE PERSPECTIVES OF THE COMMON SECURITY AND DEFENCE POLICY: FROM THE STRATEGIC COMPASS TO EDIS

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SUMMARY: 1.- Introduction; 2.- A Strategic Compass for Security and Defence; 3.- The two European Parliament's resolution; 4.- One year after the adoption of the Compass, which progress?; 5.- Further European Defence Strategy; 6.- Concluding considerations.

### 1.- Introduction.

As is well known, the Treaty of Maastricht signed on February 7<sup>th</sup> 1992 established the so-called “second pillar”, concerning the Common Foreign and Security Policy (CFSP)<sup>1</sup>. The creation of this section achieved an important turning point in the course of European integration by introducing a new area of common intervention between the member States and the Community in a sector that had always belonged to the exclusive competence of the States. Subsequently, the Treaty of Amsterdam, signed on October 2<sup>nd</sup> 1997, gave a more precise shape to the Common Foreign and Security Policy, firstly characterising it more clearly as a policy of the European Union; secondly, through the inclusion in the TEU of the “Petersberg tasks”<sup>2</sup>, which were elaborated within the Western European Union on June 19<sup>th</sup> 1992 in Bonn.

The contours of this policy were more precisely defined at the European Council: the European Security and Defence Policy (ESDP), in fact, was created at the European Council of Cologne in the June 1999; while at the European Council of Helsinki in December 1999, the member States established a “Headline goal”: they would be able to deploy military forces of up to 50,000-60,000 persons capable of the full range of “Petersberg tasks” within 60 days and sustain for at least 1 year.

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<sup>1</sup> A first formalised form of cooperation in this field was already provided for in the Single European Act signed on 17 February 1986. It was the European Political Co-operation (EPC), regulated by art. 30, but one that took place independently of EU cooperation, through bodies formally separated from the institutions.

<sup>2</sup> These tasks were set out in the “Petersberg Declaration” adopted by WEU Foreign and Defence Ministers in order to relaunch the Organization by conferring it new functions. Therefore, in part II par. 4 of the Declaration, these tasks were listed in detail: they consisted of humanitarian and rescue tasks, peace-keeping tasks and tasks of combat forces in crisis management, including peace-making.

The issue of “European defence”<sup>3</sup> gained priority again for the European Union following the war that broke out in Ukraine on February 24<sup>th</sup> 2022 as a consequence of the Russian invasion. Voices, including that of the High Representative of the Union for Foreign Affairs and Security Policy, Mr. Josep Borrell, convey a sense that we are facing some of Europe’s most challenging times since the Second World War. Beyond being a clear violation of international law, it also infringes upon the fundamental principles of human coexistence.

It is undoubtedly a situation that demands urgent and decisive action to address the unfolding challenges<sup>4</sup>.

## 2.- A Strategic Compass for Security and Defence.

In order to analyse recent developments in common security and defence policy, it seems necessary to consider the adoption, by the European Council, on March 25<sup>th</sup> 2022, of the “Strategic Compass for Security and Defence”<sup>5</sup> which the Council of the Union in a joint session of defence and foreign ministers had already approved four days earlier.

It represented an action plan that the European Union set itself, given the growing international tensions, to strengthen its security and defence policy by 2030 by implementing a series of reforms by 2025. Although the Compass was proposed by High Representative Borrell in November 2021 and its preparation dates back to 2020, long before the Russian aggression against Ukraine, there is no doubt that its drafting was nevertheless influenced by the ongoing war<sup>6</sup>.

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<sup>3</sup> The bibliography about the European defence is conspicuous, see M. Vellano, A. Miglio (a cura di): *Sicurezza e difesa comune dell’Unione Europea*, CEDAM, 2022; C. Eckes, *The CFSP and Other EU Policies: A Difference in Nature?*, in *European Foreign Affairs Review*, Vol. 20, Issue 4, 2015, 535 – 552; H. Neuhold, *European Common Foreign and Security Policy*, in *Max Planck Encyclopedia of Public International Law (MPEPIL)*, Oxford Public International Law, February 2011; F. Bindi, *The Foreign Policy of the European Union: Assessing Europe’s Role in the World*, Washington D.C., Brookings Institutions Press, 2010.

<sup>4</sup> European Commission (2022a). Press Statement by High Representative/Vice-President Josep Borrell on Russia’s aggression against Ukraine. Published on 24 February 2022, available at: [https://ec.europa.eu/commission/presscorner/detail/en/statement\\_22\\_1324](https://ec.europa.eu/commission/presscorner/detail/en/statement_22_1324) (accessed on 31.12.2023).

<sup>5</sup> The real name of the document is “A Strategic Compass for Security and Defence - For a European Union that protects its citizens, values and interests and contributes to international peace and security”.

<sup>6</sup> On the war in Ukraine and on the consequences of the conflict in EU policies the bibliography is already very rich, see *Special Focus on “The Russian War Against Ukraine and the Law of the European Union”* in *European Papers*, edited by C. Beaucillon, T. Cabrita, M. Fink, S. Montaldo, J. Odermatt; E. Cannizzaro, *La guerra ingiusta. Il conflitto in Ucraina fra diritto ed etica internazionale* in *Il Costituzionalismo democratico moderno può sopravvivere alla guerra?* Quaderno n. 4, pp. 15 ss; C. Hakansson, *The Ukraine war and the emergence of the European commission as a geopolitical actor*, in *Journal of European Integration*, 46:1, pp. 25 - 45, 2024.

The content of the Compass, in turn, took due account of the Versailles Declaration, the result of the informal meeting of the Heads of State and Government of the member States on 10-11 March 2022<sup>7</sup>.

The drafting of the Compass came from the European institution's awareness that they could no longer procrastinate on a process of truly strengthening European defence in order to make the Union a true regional and global security actor capable of defending its citizens, its borders and ensuring international stability. The current challenges for the European Union require a collective response that individual states alone cannot provide. In this regard, the Compass declares that European Union, nowadays, is more united than ever<sup>8</sup>.

The indissoluble link between the EU and NATO is reaffirmed in the Compass; indeed, one might say that the Strategic Compass faithfully reiterated what the member states have already declared at Versailles: only a stronger European Union can contribute "positively to global and transatlantic security" but, at the same time, that NATO remains "the foundation of collective defence for its members"<sup>9</sup>.

The four cardinal points around which the Strategic Compass was drawn up are: act, investment, secure and partner. They constitute the priorities for European security and defence policy<sup>10</sup>.

i) As for the first point of the Compass, it probably presents the most interesting points, among which is, first of all, the objective of strengthening civil missions introducing the possibility to deploy a mission with 200 civilian experts within 30 days and, above all, the possibility for the EU to carry out a rapid deployment of 5,000 troops to be deployed in hostile environments and for different types of crises by 2025<sup>11</sup>.

Such an important project must necessarily be matched by greater flexibility in decision-making as well as a strengthening of command and control structures. The concept of flexibility clearly constitutes a fundamental component given that the unanimity rule laid down for the matter by the Treaties is, as things stand, an important obstacle; therefore, without derogating from the Treaties and in order to ensure, as already mentioned, greater flexibility in the decision-making

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<sup>7</sup>This summit was convened by French President Emmanuel Macron in Versailles under the French presidency of the EU semester. The declaration is consultable on the website <https://www.consilium.europa.eu/media/54773/20220311-versailles-declaration-en.pdf>.

<sup>8</sup> "Russia's war of aggression constitutes a tectonic shift in European history. The EU is more united than ever in face of Russia's unprovoked and unjustified military aggression against Ukraine that grossly violates international law and the principles of the UN Charter and undermines European and global security and stability", Strategic Compass, 14.

<sup>9</sup> Ibidem, 14.

<sup>10</sup> In this regard, please refer to L. Buscema, *Difesa comune europea, "Strategic Compass" e valore (costituzionale) della pace*, in Freedom, Security & Justice: European Legal Studies, N.1, 2023, pp. 6 – 40.

<sup>11</sup> As is well known, art. 43 TEU establishes that Union "may use civilian and military means" for those missions provided for in art. 42 TEU which 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 stabilization".

process, the High Representative proposes the use of the constructive abstention mechanism provided for in art. 31 TEU and, at the same time, announces that practical arrangements will be made for the implementation of art. 44 TEU<sup>12</sup>.

The deployment of battlegroups is an issue that is inextricably linked to another sensitive issue: the strengthening of command and control structures. Also in this regard, the Compass mentions an instrument that the European Union already has at its disposal: the MPCC<sup>13</sup> (Military Planning and Conduct Capability), created to take command of military missions without executive tasks<sup>14</sup>.

The intention of the Compass is to transform it by 2025 into a true European headquarters to which all future EU missions will be entrusted, based on more flexible decision-making processes and the sharing of all exercise costs. In fact, the Compass announces another major novelty: the introduction of regular exercise sessions starting in 2023 to which all elements called upon in this unit will be subjected. All the aspects reported so far, such as the deployment of battle groups, the strengthening of control structures, exercise sessions, all based on the concept of financial solidarity, are elements that seem to lead in the direction of the emergence of a European army.

Greater use is also called for of the European Peace Facility<sup>15</sup>, a financing mechanism for operational actions under the Common Foreign and Security Policy aimed at preventing conflicts, preserving peace, and strengthening international security. In this regard, it is worth mentioning that since the beginning of Russian aggression against Ukraine, the European Peace Facility has been used extensively to ensure the financing of the 'assistance measure for Ukraine' consisting of the supply of armaments to the Ukrainian armed forces<sup>16</sup>. This

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<sup>12</sup> Art. 44 par.1 TEU declares: “Within the framework of the decisions adopted in accordance with Article 43, the Council may entrust the implementation of a task to a group of member States which are willing and have the necessary capability for such a task. Those member States, in association with the High Representative of the Union for Foreign Affairs and Security Policy, shall agree among themselves on the management of the task”.

<sup>13</sup> Military Planning and Conduct Capability was established on June 8<sup>th</sup> 2017 with the aim of enabling the EU to react in a faster, more efficient, and effective manner as a security provider outside its borders. The MPCC is responsible for the operational planning and conduct of the EU’s non-executive military missions. It now commands the EU Training Missions (EUTM) in Mali, Somalia, Central African Republic, Mozambique and the EU Military Assistance Mission (EUMAM) for Ukraine.

<sup>14</sup> “Non-executive” military missions are the ones for the training and support of foreign armed forces.

<sup>15</sup> The European Peace facility (EPF) has been established on March 21<sup>st</sup> 2021 with Council Decision (CFSP) 2021/509 which has repealed Decision (CFSP) 2015/528. It is an off-budget funding mechanism for EU actions with military and defence implications under the Common Foreign and Security Policy (CFSP); it consists of two pillars: one for military operations and one for assistance measures. On the sending of armaments by the EU to the Ukrainian armed forces, see M. Vellano, *La decisione dell’Unione europea di fornire alle forze armate ucraine armamenti concepiti per l’uso letale della forza e le relative implicazioni giuridiche*, in *www.aisdue.eu*, 7 marzo 2022; T. Hamilton, *Defending Ukraine with EU weapons: arms control law in times of crisis*, in *European Law Open* (2022), 1, pp. 635–659.

<sup>16</sup> From the start of the fighting in Ukraine (February 24<sup>th</sup>, 2022), EPF assistance measures for Ukraine were agreed on February 28<sup>th</sup>, March 23<sup>rd</sup>, April 13<sup>rd</sup>, May 23<sup>rd</sup>, July 21<sup>st</sup>, October 17<sup>th</sup> 2022, February 2<sup>nd</sup> 2023 for a total

mechanism, in these years, also enabled small-scale financial assistance in many countries around the world<sup>17</sup>.

ii) Under the security pillar, the Compass addressed the issue of securing the European Union and its citizens against the proliferation of threats resulting from technological development and the digitalisation of society, the so called “hybrid threats”<sup>18</sup> that European Union and member States are currently facing.

These threats, such as the spread of fake news, cyber attacks and interference by foreign actors, first attacked key sectors of the Union during the covid-19 pandemic, period in which they have grown dramatically and now, also in light of the Russian propaganda work that has been going on for months to justify the invasion of Ukraine, they are reaching even more alarming levels that make this conflict a true “hybrid war”<sup>19</sup>.

Therefore, in the Compass, it is stated that European Union intends to “bolster our resilience by better anticipating, detecting and responding to such threats”, without neglecting other constantly present danger factors such as international terrorism and arms trafficking<sup>20</sup>. The EU institutions themselves have recently been the target of attempted intrusions and attacks into their informatic systems<sup>21</sup> which has forced the EU to act quickly to strengthen the protection of its information and to implement adequate communication systems.

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contribution of 4,6 billion of Euro. In addition, European Union has set up a Military Assistance Mission in support of Ukraine - EUMAM Ukraine – in order to strengthen the capacity of the Ukrainian Armed Forces to defend Ukraine’s territorial integrity. The mission is funded by the European Peace Facility as well. On March 18<sup>th</sup> 2024, the Council decided to increase the financial ceiling of the European Peace Facility by €5 billion in current prices, and ringfence this top-up for Ukraine, by establishing a dedicated Ukraine Assistance Fund.

<sup>17</sup> In Mozambique, Georgia, Moldavia, Bosnia and Herzegovina, Federal Republic of Somalia, Niger, Mauritania, Lebanon and Jordan.

<sup>18</sup> Although definitions of “hybrid threats” vary, the concept aims to capture the mixture of coercive and subversive activity, conventional and unconventional methods (i.e., diplomatic, military, economic, technological), which can be used in a coordinated manner by state or non-state actors to achieve specific objectives. In this regard, see E. Bajarunas, V. Kersankas, *Hybrid threats: Analysis of their content, challenges posed and measures to overcome*, in *Lithuanian Annual Strategic Review*, 16(1), pp. 123 –170; L. Lonardo, *EU Law against Hybrid threats: a first assessment*, in *European Papers*, Vol. 6, 2021, pp. 1075 – 1096.

<sup>19</sup> The “hybrid warfare” entails an interplay or fusion of conventional as well as unconventional instruments of power and tools of subversion.

<sup>20</sup> Already before the 'security' pillar, on page 5, the Compass addresses the topic of threats to European security with a paragraph entitled 'A new world of threats', in which is reported: “Indeed, in Ukraine as elsewhere, the tools of power are not only soldiers, tanks and planes but also financial sanctions or import and export bans, as well as energy flows, and disinformation and foreign interference operations (...) the defence of Europe requires a comprehensive concept of security”.

<sup>21</sup> Firstly, in December 2020, the European Medicines Agency (EMA) have been targeted in a cyber-attack and documents relating to the Covid-19 vaccine developed with Pfizer were “unlawfully accessed”; later below, the European Commission was hit by a hacker attack in March 2021, and more recently on 23 November 2022, the European’s Parliament website was hit by 'high external network traffic' related to a Ddos attack.

In December 2020, the Commission and High Representative have published a “Joint Communication to the European Parliament and the Council” on “The EU's Cybersecurity Strategy for the Digital Decade” with the aim of strengthening Europe's resilience and protecting the rights of citizens by ensuring their safe use of innovation and connectivity noting that “*the EU lacks collective situational awareness of cyber threats*”<sup>22</sup>. This was followed by the adoption by the European Union of two new directives on the subject: directive NIS2<sup>23</sup> and directive CER<sup>24</sup>.

iii) The third pillar refers to the need to increase investment in the industry, already highlighted at Versailles summit. This first act was followed by the proposal for a regulation to establish an instrument to strengthen the European defence industry through joint procurement (EDIRPA) approved in September 2023. The aim is to introduce a short-term instrument aimed at strengthening European defence industrial capabilities through joint procurement with an injection of EUR 500 million from the EU budget from 2022 to 2024 with the effect of incentivising member States to make joint acquisitions.

In fact, EU member States spend around EUR 200 billion annually on defence, an amount that should make the European Union the second largest military force in the world, spending more than other countries such as Russia and China.

According to data from the European Defence Agency (EDA), published in the annual report “Defence data 2022”, in fact, European defence spending in 2022 increased by 6 per cent year-on-year to a record EUR 240 billion, marking the eighth consecutive year of growth. This amount should make the European Union the third largest military force in the world, spending more than other countries such as Russia.

Yet, this is not the case, because most military expenditure remains managed on a national basis and European industry is still captive to inefficiencies and duplication of projects and costs<sup>25</sup>. However, the road to more effective cooperation between European states is already mapped out: it is necessary to take advantage of PESCO, the Permanent Structured Cooperation between “member States that meet higher criteria in terms of military capabilities”, therefore referred to

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<sup>22</sup> The Commission states that “This is because national authorities do not systematically gather and share information”. In fact, “Only a fraction of incidents are reported by member States, and information sharing is neither systematic nor comprehensive”.

<sup>23</sup> Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022 on measures for a high common level of cybersecurity across the Union amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148.

<sup>24</sup> Directive (EU) 2022/2557 of the European Parliament and of the Council of 14 December 2022 on the resilience of critical entities and repealing Council Directive 2008/114/EC.

<sup>25</sup> As highlighted by the European Parliament in the resolution of 18 January 2023 on the implementation of the common security and defence policy in the recital M, industrial fragmentation along national lines of the development and procurement of European military capability costs between EUR 25 billion and EUR 100 billion each year and it has a considerable impact on the overall competitiveness of the defence sector.

as the 'Eurozone of Defence', established in 2017 on the basis of Article 42(6) TEU and to which all member States, except Malta and Denmark, have joined<sup>26</sup>.

Permanent structured cooperation is, therefore, of extraordinary importance and this imposes, in particular, on the states involved in this form of cooperation the commitment to comply with all the most binding commitments by 2025.

First of all, it's required a strengthening of the financial instruments the EU already has at its disposal, such as the European Defence Fund<sup>27</sup> and, furthermore, greater exploitation of the potential of other existing synergies between the European Union and member States, such as Horizon Europe, Digital Europe Programme, Connecting Europe Facility, EU Space Programme, European Innovation Council and InvestEU<sup>28</sup>.

As for the European Defence Fund, the EU's Multiannual Financial Framework 2021-2027 had already earmarked an investment of EUR 43 billion for security and defence in its favour, in fact sanctioning a 123% increase over the 2014-2020 financial framework<sup>29</sup>.

iv) The last pillar, dealing with partnership, lists a number of international partnerships that the EU intends to strengthen: firstly, that with NATO, with which there has been growing cooperation for some years now<sup>30</sup>. In this regard, the Joint Declarations signed at the end of the 2016<sup>31</sup> NATO-EU Summits in Warsaw and 2018 in Brussels are recalled as the 'pillars of this cooperation'.

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<sup>26</sup> In a referendum on June 1<sup>st</sup> 2022, Danish voters supported Denmark joining the EU's common security and defence policy ending the country's 30-year-long opt-out on EU's defence cooperation. Finally, in May 2023, Council Decision 2023/1015 was adopted confirming Denmark's participation in PESCO.

<sup>27</sup> Regulation (EU) 2021/697 of the European Parliament and of the Council of 29 April 2021 establishing the European Defence Fund and repealing Regulation (EU) 2018/1092. It was created with the aim of promoting collaboration between member States to overcome the fragmentation on a national basis of limited investments and strengthen the competitiveness and technological sovereignty of the European defence industry.

<sup>28</sup> These programmes represent some of the instruments that the European Union uses to financially support the development of projects that contribute to achieving the Commission's objectives for the 2021-2027 programming period.

<sup>29</sup> The data can be found in the Report "At what cost?" by the international research centre Transnational Institute and Statewatch, consultable on the website [At what cost? - At what cost? \(tni.org\)](https://www.tni.org/en/publications/at-what-cost-at-what-cost)

<sup>30</sup> The progress made on strengthening cooperation with NATO are said in the Compass as "unprecedented": "Building on the unprecedented progress made on strengthening cooperation with NATO since 2016, further ambitious and concrete steps need to be taken to develop shared answers to existing and new threats and common challenges", Strategic Compass, 53. On the bibliography concerning the relations between the European Union and NATO, see J. Howorth, *Strategic autonomy and EU-NATO cooperation: threat or opportunity for transatlantic defence relations?* in *Transatlantic Relations in Times of Uncertainty*, 2019; S. Sloan, *Defense of the West. NATO, the European Union and the transatlantic bargain*, Manchester: Manchester University Press, 2016.

<sup>31</sup> Also in this declaration NATO member States disapproved Russia's action "especially in Ukraine, that undermine the rules-based order in Europe" but, a few lines later, they declared to be "ready for a meaningful dialogue with Russia, to communicate clearly our positions and, as a first priority, to minimize risk from military incidents". The declaration is available on the website NATO.

It is also announced, in the Compass, an enhanced partnership with the United Nations Organization to ensure a more dynamic approach to early warning, conflict prevention and mediation; with OSCE<sup>32</sup> in the area of conflict prevention and crisis management and, ultimately, with AU<sup>33</sup> and with ASEAN<sup>34</sup>.

### 3.- The two European Parliament's resolution.

To follow our analysis, we can consider two resolutions that the European Parliament has adopted in recent months: a) European Parliament resolution of 18 January 2023 on the implementation of the common security and defence policy; b) European Parliament resolution of 19 April 2023 on the EU Rapid Deployment Capacity, EU Battlegroups and Article 44 TEU: the way forward.

These reports are faithfully in line with the Strategic Compass approved by the EU Council in March 2022 and considered, in fact, in the first mentioned resolution “*a major impetus that could generate the necessary momentum towards a genuine European Defence Union*”<sup>35</sup>.

A) In the first resolution, adopted in January 2023, the European Parliament took note that the EU has urgently “*to enhance the effectiveness of its foreign, security and defence policy*” in order to protect its interests, values, and citizens “*both within and outside its borders*”<sup>36</sup>.

Of particular importance, among other things, appears to be the reference to defense spending that is not adequately reflected in the facts<sup>37</sup>.

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<sup>32</sup>OSCE, acronym of Organization for Security and Co-operation in Europe, is a regional security-oriented intergovernmental organization comprising 57 participating States that span the globe, encompassing three continents - North America, Europe and Asia - and more than a billion people.

<sup>33</sup>AU, acronym of African Union, is a continental body consisting of the 55 member States that make up the countries of the African Continent. It was officially launched in 2002 as a successor to the Organisation of African Unity.

<sup>34</sup>ASEAN, acronym of Association of South East Asian Nations, is a political and economic union of 10 States in Southeast Asia. It was established on 8 August 1967 in Bangkok, Thailand, with the signing of the ASEAN Declaration (Bangkok Declaration) by Indonesia, Malaysia, Philippines, Singapore and Thailand. Later, Brunei joined ASEAN in 1984, followed by Viet Nam in 1995, Laos and Myanmar in 1997, and Cambodia in 1999.

<sup>35</sup> European Parliament resolution of 18 January 2023 on the implementation of the common security and defence policy, 10.

<sup>36</sup> Ibidem, recital C. The resolution is consultable on the European Parliament's website.

<sup>37</sup> “(...) whereas the EU's ambition to become a capable security actor dates back over 20 years, while results with regard to capabilities, interoperability and cost-effective cooperation remain somewhat limited despite the establishment of various structures and processes, such as the European Defence Agency, the Capability Development Plan, Permanent Structured Cooperation (PESCO), the Military Planning and Conduct Capability (MPCC) and the Coordinated Annual Review on Defence (CARD)(...)”. Ibidem, recital M.



First of all, the 61 projects put in place under PESCO<sup>38</sup> have so far not produced particularly good results.

Therefore, from this perspective, the European Parliament “*Urges the member States to commit to a significant increase in funding for the envisaged joint EU procurement mechanisms, such as the EDIRPA and the EDIP*”<sup>39</sup> highlighting, at the same time, the need to ensure interoperability with NATO.

In addition, the European Parliament called for greater involvement in the decision-making process of CSDP and defense industrial policy and instructed its subcommittee on Security and Defense to propose further actions in order to increase its impact on CSDP. These actions include, first, the creation of a fully-fledged Defence Council, the institution of a full Committee on Security and Defence and the strengthening of “*inter-parliamentary dialogue and cooperation with national parliaments on European security and defence, including through the Inter-Parliamentary Conference on CFSP/CSDP, with the aim of reinforcing accountability and scrutiny of security and defence policy*”<sup>40</sup>.

B) In the second resolution, dealing, as mentioned, “the EU Rapid Deployment Capacity”, the E.P. welcomed the proposal put forward by the High Representative and endorsed by the Council in the “Compass” to establish the EU's rapid deployment capability as it is considered “*to be crucial for closing the gap between the EU's level of ambition and its actual capabilities*”<sup>41</sup>.

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<sup>38</sup> PESCO, acronym of Permanent Structured Cooperation, has been introduced in Treaty of Lisbon at the art. 42 par. 6 TEU and, established on the initiative of 25 States with Council Decision (CFSP) 2017/2315 of 11 December 2017 to enable willing States to jointly develop defence capabilities, invest in common projects and increase the operational readiness and contribution of their armed forces.

<sup>39</sup> EDIRPA, acronym of European Defence Industry Reinforcement through common Procurement Act, is the name of the regulation that establishes a short-term instrument for the reinforcement of the European defence industry through common procurement until 31 December 2025. The legislation was adopted by the European Parliament with 530 votes to 66, with 32 abstentions. It now requires the Council's formal approval in order to become law. EDIP, acronym of European Defence Improvement Programm, is a proposal of regulation which will serve as a basis for future joint development and acquisition projects of high common interest for the security of the member States and the Union.

<sup>40</sup> European Parliament resolution of 18 January 2023, 81.

<sup>41</sup> “[European Parliament] Welcomes the VP/HR’s proposal, enshrined in the Strategic Compass approved by the EU Foreign Affairs and Defence Ministers and endorsed by the European Council, to establish the EU RDC; stresses the importance of the EU having the necessary flexible, robust and credible instruments, capabilities, and command and control structure to act effectively and respond rapidly and decisively to prevent and manage crises in order to assert itself as a more credible security and defence actor and serve and protect the Union’s citizens, interests, principles and the values enshrined in Article 21 TEU across the world”, European Parliament resolution of 19 April 2023 on the EU Rapid Deployment Capacity, EU Battlegroups and Article 44 TEU: the way forward, 1. The text is available on the European Parliament’s website on the link [Texts adopted - EU Rapid Deployment Capacity, EU Battlegroups and Article 44 TEU: the way forward - Wednesday, 19 April 2023 \(europa.eu\)](https://www.europarl.europa.eu/press-room/en/infobox-item-attachment-item/infobox-item-attachment-item/Texts-adopted-EU-Rapid-Deployment-Capacity-EU-Battlegroups-and-Article-44-TEU-the-way-forward-Wednesday-19-April-2023)

The idea of its introduction dates back - as mentioned - to the Helsinki European Council in 1999. Assuming that, therefore, the “Compass” had the merit of giving momentum to a project that had been unfinished for years to finally be completed by 2025, the E.P. “*strongly encourages the VP/HR to propose a Council decision for an EU RDC*”<sup>42</sup> in order to protect the Union’s values, to respond to imminent threats or to react rapidly to a crisis situation outside the Union.

Two further aspects addressed by the E.P. in this resolution deserve to be considered. The first concerns the economic sphere: given that, as stipulated in Article 41 TEU, the administrative costs of the deployment capability are borne by the Union budget and that this funding covers the preparation, reserve, and withdrawal phases, the E.P. urges the member States “*to provide the adequate amount of funds and personnel*”. This exhortation is evidence of political will to transform the EU battlegroup system “*into a more robust and flexible instrument to match the needs of the EU RDC*”<sup>43</sup>.

The second aspect concerns the flexibility needed in the decision-making process regarding rapid deployment.

Central to this is the collaboration to which the member States are expressly urged. Indeed, only if they will be able to coordinate their respective defence procurement programmes, the aspirations contained in the “Compass” will be realised<sup>44</sup>.

#### **4.- One year after the adoption of the Compass, which progress?**

In accordance with the Conclusions of the “Compass”, the High Representative of the Union for Foreign Affairs and Security Policy, Mr. Josep Borrell presented in March 2023 the first “Annual progress report on the Implementation of the Strategic Compass for Security and Defence” which was discussed by the Foreign Affairs Council the following March 20<sup>th</sup><sup>45</sup>. The report, divided into the same four pillars that characterised the Compass, relates on the activities that have been conducted over the past year to implement it.

In the pillar concerning act, the High Representative highlighted the progress made over the past year in the area of CSDP: the launch, “in record time”, of the Military Assistance Mission EUMAM which is providing training for 30000 Ukrainian soldiers but also an adaptation of the

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<sup>42</sup> Ibidem, 2.

<sup>43</sup> Ibidem, 3.

<sup>44</sup> “ (...) recalls, in this respect, that sustained investment in addressing Europe’s military shortfalls should be sought by European collaboration as it is a basic requirement for effectively rolling out the EU RDC and successfully contributing to developing the EU as a serious and credible geopolitical actor; welcomes, furthermore, the Commission’s initiatives to facilitate joint procurement as a complementary instrument for improving EU’s capabilities and interoperability (...)”. Ibidem, 12.

<sup>45</sup> In that session, firstly, EU foreign affairs and defence ministers took stock of the progress made in the implementation of the EU Strategic Compass; then, they agreed on the three-track proposal put forward by the High Representative and Commissioner Breton to urgently provide Ukraine with artillery ammunition.

EUAM mission, established in 2014, to support the management of the cross-border flow of refugees and goods in addition to the prosecution of international crimes<sup>46</sup>.

Moreover, demonstrating how European Union “is determined to contribute to peace and stability wherever needed”<sup>47</sup>, the report mentions two other missions that the Union has activated over the past year: the Armenia-Azerbaijan border monitoring mission (EUMA)<sup>48</sup> and the military partnership mission in Niger (EUMPN)<sup>49</sup>.

Then, great emphasis is placed on the European Peace Facility, which was activated not only in favour of Ukraine but also in favour of other regions of the world<sup>50</sup>. It’s called “game changer” for the contribution to European and international security as demonstrated through the financing of non-lethal and, for the first time ever, lethal equipment in support of Ukraine and seven support packages of military assistance to date – March 2023 - amounting to EUR 3.6 billion.

It is important to mention that in December 2022, in the Council, the Member States reached a political agreement to increase the financial ceiling of this instrument by EUR 2 billion in 2023, also agreeing on the possibility of a further increase at a later stage<sup>51</sup>.

Somewhat significant developments are also occurring in relation to the EU's rapid deployment capability: the report sets 2025 as the deadline by which this capability must achieve full operational capability; by the same deadline, the goal of ensuring that the Military Planning and Conduct Capability (MPCC) is fully capable of planning and conducting all nonexecutive military missions and two small-scale or one medium-scale executive operations as well as live exercises is reiterated.

In accordance with these ambitious goals, the first live military exercise was conducted in October 2023 at the Rota naval base in Cadiz, Spain, called MILEX 23, which was structured in two different phases: in the first, the military planning process at the strategic and operational

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<sup>46</sup> Annual progress report on the Implementation of the Strategic Compass for Security and Defence, p.7.

<sup>47</sup> Ibidem, p.7.

<sup>48</sup> Council Decision (CFSP) 2023/162 of 23 January 2023 on a European Union mission in Armenia (EUMA). This is a neutral, non-executive mission with a two-year mandate; it was preceded by an EU monitoring capability in Armenia (EUMCAP).

<sup>49</sup> Council Decision (CFSP) 2022/2444 of 12 December 2022 on a European Union military partnership mission in Niger (EUMPM Niger). Following a coup d'état occurred in Niger in July 2023, the ruling military junta announced that it had withdrawn its consent for the deployment of the European military partnership mission.

<sup>50</sup> (...) we are also stepping up our support to other regions of the globe ranging from African-led Peace Support Operations and individual African countries to the Middle East, the Western Balkans and our Eastern neighbourhood”, Annual progress report, p.8.

<sup>51</sup> By virtue of these repeated increases, the overall financial ceiling of the European Peace Facility would be raised to EUR 5.5 billion until 2027. In the Report, on p. 8, it is stated: “We will, over the next months, ensure the EPF continues to support our crisis management efforts and commitments”.

levels was tested; in the second, a crisis was simulated, involving the deployment in the theater of operations of 2,800 troops from nine member states, as well as air and naval assets<sup>52</sup>.

The operation, the funding of which amounted to EUR 5 million, was guaranteed by the European Peace Facility<sup>53</sup>, bringing to completion a fourteen-month planning effort, represented a test run of great importance in order to test the future rapid deployment capability of 5,000 units. It is necessary to report, in this regard, how a second exercise has already been scheduled for the second half of 2024 under the auspices of Germany.

This exercise marks an extraordinary turning point in the history of European defence policy: a first step is taken towards the establishment of the Battlegroups, the embryo of an integrated European army<sup>54</sup>. If this capability were actually developed and the deadline (2025) will be really respected as the year of its entry into force, its deployment in the Gaza Strip could not be ruled out<sup>55</sup>. Such an eventuality would provide an unprecedented opportunity for the European Union to assert its role as a balancer of international tensions and establish itself as a true global geopolitical actor.

Regarding security, the report proceeds, as in Compass, to a general assessment of the threat picture, which attacks Europe's security: the growth of hybrid attacks by state and non-state actors against the European Union and its states has been "exacerbated" by the Russian invasion of Ukraine<sup>56</sup>.

The Nord Stream sabotage resulted in a coordinated European approach to strengthen the resilience of critical infrastructure, part of this strategy was the adoption of the two directives: the first on the resilience of critical entities ("CER" directive) and the second for a high common level of cybersecurity across the Union ("NIS 2" directive).

In addition to this, the High Representative recalls the proposal of regulation named *Cyber Resilience Act*<sup>57</sup>, who aims to safeguard consumers and businesses buying or using products or software with a digital component.

Concerning the investment pillar, despite a 6% growth in defence spending in 2021 compared to 2020, a very low proportion of joint acquisitions still persists at 18 % of total spending. Although the latter also represents a growing figure (in 2020, it was 11%), states are still far from the expected threshold of 35%.

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<sup>52</sup> They are Austria, Spain, France, Hungary, Ireland, Italy, Malta, Portugal and Romania. In the exercise, which took place from Oct. 16 to 23, 2023, the initial phase of a stabilization operation was simulated, involving the Spanish amphibious assault ship "Juan Carlos I," leading an amphibious group consisting of 31 units, including maritime, air, land, space and cyber assets. Operations included simulating a landing attack, securing and controlling the seaport, and deploying ground forces.

<sup>53</sup> So stated in recital 3 by Council Decision 2023/577 of March 13, 2023.

<sup>54</sup> One more live military exercise is planned for the 2024 in Germany.

<sup>55</sup> This possibility was raised by [High Representative of the Union for Foreign Affairs and Security Policy](#) Mr. Josep Borrell to journalists, on the sidelines of the MILEX 23 exercise.

<sup>56</sup> Annual Report, p. 11.

<sup>57</sup> Proposal for a Regulation of the European Parliament and of the Council on horizontal cybersecurity requirements for products with digital elements and amending Regulation (EU) 2019/1020.

The report recalls the successful adoption of the EDIRPA directive to strengthen European industry through joint procurement, that “will help the European defence industry to speed up structural changes, including the ramp-up of its manufacturing capacities”<sup>58</sup> and highlights the progress that has been made in PESCO, once again reiterating the problem of the lack of cooperation between Member States, because “PESCO is not used to its full potential”<sup>59</sup>.

Furthermore, as announced in the Compass, an EU Defence Innovation Hub was established in May 2022 within the European Defence Agency: HEDI, acronym of Hub for the European Defence Innovation. HEDI provides a platform for stimulating and facilitating cooperation on defence innovation among member states while ensuring synergies with the activities of the European Commission, in particular the EUDIS programme (acronym of EU Defence Innovation Scheme) and consistency of results with NATO innovation initiatives. The EUDIS<sup>60</sup> programme was launched by the European Commission under the auspices of the European Defence Fund, and is worth EUR 2 billion with the aim of reducing barriers to entry into the defence sector for small players and innovators, focusing on technological readiness and market maturity.

On the last pillar, the report highlights how the partnership with NATO has been strengthened, as demonstrated by the cooperation in support of Ukraine in its fight against Russian aggression. Therefore, reference is made to the third joint declaration on EU-NATO cooperation that not only “sends a strong message of transatlantic unity” but paves the way to take this strategic partnership to the next level by extending cooperation to other areas such as resilience, emerging and disruptive technologies, outer space, the security implications of climate change and countering foreign manipulation and information interference.

### **5.- Further European Defence Strategy.**

With the primary aim of strengthening European defense by implementing what was outlined in the Strategic Compass, the Commission presented in March 2024 a package of measures consisting of a communication containing the first European Defense Industrial Strategy (EDIS) and a proposal for a regulation for a European Defense Industrial Program (EDIP).

The EDIS was presented by the Commission and the High Representative in coordination with the European Defense Agency implementing what Commission President Von der Leyen announced during her 2023 State of the Union address.

It is a communication dictating a vision for European defense industrial policy until 2035 made necessary after Russia's aggression of Ukraine marked the return of a high-intensity conflict on the European continent.

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<sup>58</sup> Annual progress report, p.15.

<sup>59</sup> Ibidem, p.16.

<sup>60</sup> EUDIS offers a range of tools for small and medium-sized enterprises, including start-ups, and other non-traditional players in the defence industrial ecosystem to ensure greater opportunities for access to the European Defence Fund.

Its adoption required an extensive consultation process involving various stakeholders including member states, the defense industry, the financial sector and academia. The work was conducted by the Commission services together with the European External Action Service in coordination with the European Defense Agency.

Through this instrument, it is intended to give further impetus to the defense capabilities of member states, backed by a modern and resilient European defense industrial and technological base within a strategic framework designed to last over the years. This will enable member states to equip themselves with new defense tools while strengthening EU security in line with the ambitious goals set out in the Strategic Compass.

Strengthening the EU's defense will have to come through investments, both public and private, which, especially in this historical period, are necessary to ensure a more responsive defense industry. The goal is to increase European industrial defense readiness through investments that member states will have to do better, together and in Europe.

It is critical, moreover, that these investments result in greater cooperation at the EU level, both in procurement by member states and at the industrial level, so that the European Defense Industrial and Technological Base (EDTIB) is fully capable of meeting EU needs.

#### **6.- Concluding considerations.**

All these initiatives taken at the European level reveal the unity and compactness of the European institutions in the face of the danger of an escalation of the Russian-Ukrainian conflict capable of undermining Europe's security in a way that has not happened since the Second World War.

It would seem that the Strategic Compass – along with above mentioned derived acts - has all the makings to finally represent that turning point capable of giving the European Union's defence policy the propulsive thrust needed for its development, which has been awaited for years. Consider, primarily, the ambitious goal expressed in the Compass to have a Rapid Deployment Capacity operational by 2025.

One more aspect that could be enhanced in the light of the Compass and that the European Parliament, in fact, in its “Resolution on the implementation of the Common Security and Defence Policy” called for, is the creation of a fully-fledged Defence Council. Institutionalising a Defence Council could be, as things stand, an important response of the Union to the return of war in Europe. Today, in fact, it is the Foreign Affairs Council that can bring together, according to the agenda, the defence ministers of the member States.

That there has been an unequivocal response from the institutions in the face of such dramatic events with uncertain outcomes is to be welcomed; but what is most needed now is a strong stance from the member States, in an equally united manner. The development of European

defence policy depends first and foremost on them who, as is well known, jealous of their own prerogatives, have not allowed any real development for the CSDP over these decades<sup>61</sup>.

Any more, there are two options still open: using the momentum of the Compass, the Member States show political will to create an European army, in which case the exercise in Spain will have marked a real turning point for this policy and, at least, a course will be set for autonomy from NATO *assets* or, alternatively, the cooperation EU – NATO need to be reinforced in existing areas and deepened “to address in particular the growing geostrategic competition, resilience issues, protection of critical infrastructures (...)” as stated in the third Joint Declaration on EU-NATO Cooperation of January 10<sup>th</sup>, 2023<sup>62</sup>. In the writer’s opinion, NATO, to date, is the only instrument considered, rightly or wrongly, to support European defence. *Tertium non datur*.

With reference to the latter eventuality, the Compass specified the instruments to achieve this goal: implementing “joint and inclusive exercises”, considered “a real driver for enhanced EU - NATO cooperation and a way of building confidence, improving interoperability and deepening our partnership”<sup>63</sup>.

But this ambiguity can be solved only at highest political level.

In this regard, it is necessary to mention the decision of Sweden and Finland, expressed a few weeks after the return of the war in Europe, to abandon their traditional policy of neutrality and join the Atlantic Alliance<sup>64</sup>.

While Finland's NATO membership was completed in April 2023, Sweden's ratification process has been completed only on March 8<sup>th</sup> 2024 at the end of a 20-month-long negotiations<sup>65</sup>. Ratification cements NATO’s control of the Nordic region, with all countries now members: in this way Europe thus becomes almost entirely tied to the United States through NATO<sup>66</sup>.

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<sup>61</sup> In this regard, see D. Thym, *The intergovernmental Constitution of the EU’s Foreign, Security & Defence Executive*, in *Europ. Const. Law Rev.*, 2011, 453 ss.

<sup>62</sup> P. 12 of the Declaration.

<sup>63</sup> Strategic Compass, 40.

<sup>64</sup> On May 18<sup>th</sup> 2022, following Russia’s full-scale invasion of Ukraine, the Ambassadors of the two Scandinavian countries to NATO, Finland's Klaus Korhonen and Sweden's Axel Wernhoff jointly delivered the letter of official request to join the Atlantic Alliance in the hands of NATO Secretary General Jens Stoltenberg at the headquarters in Brussels.

<sup>65</sup> Sweden's request for accession was blocked by two members. Turkey initially withheld approval in a row over what it called Sweden's support to Kurdish separatists. It eventually lifted its veto in January of this year. Additionally, Hungary also opposed, citing Stockholm’s criticisms over the state of Hungarian democracy but, in February 2023, the Hungarian parliament eventually voted to ratify the bid.

<sup>66</sup> In this state of affairs, only four member States of the European Union are not NATO members: Austria, Malta, Cyprus and Ireland. Although they are military neutral, all four have links with NATO: Austria, Ireland and Malta participate in the Alliance's Partnership for Peace Programme, while Cyprus has two British military bases on its territory (and the UK is a member of NATO).

One doubt remains, worthy of further reflection: a further enlargement of NATO in Europe could, in a way, weaken the Union's ambitions in the areas of security and defence.

Another question that needs to be asked is how these initiatives can concretely help Ukraine in the face of Russian invasion, bearing in mind that this was the trigger which started the above-mentioned institutional change.

Since February 2022, the EU massively expanded massive measures against Russia through adopting thirteen separate packages of restrictive measures<sup>67</sup>. The sanctions list was extended by a significant number of person and entities and adopted unprecedented measures with the aim of significantly weakening Russia's economy base, depriving it of critical technologies and markets, and significantly curtailing its ability to wage war<sup>68</sup>. In the wake of Russia's invasion of Ukraine, the global community has responded with widespread sanctions, aiming not only to curtail Russia's economic activities but also to diminish its influence across various domains. These measures serve as a nonmilitary strategy to enforce specific policy objectives and avoid escalating the conflict into a full-scale war.

These initiatives have not proved to be a game changer; it seems that to get this goal what is really needed is a common and sensible European defense policy.

**Abstract.-** Il presente lavoro si propone di analizzare come l'Unione Europea e le sue Istituzioni abbiano reagito all'invasione della Federazione Russa ai danni dell'Ucraina, un evento che ha "riportato la guerra in Europa" e che ha inevitabilmente conferito massima priorità alla questione della difesa europea. Partendo da una breve ricostruzione storica sulla nascita e lo sviluppo della politica di difesa europea, si ipotizzano infine possibili prospettive sul futuro di questa politica.

This paper aims to analyse how the European Union and its institutions reacted to the Russian invasion of Ukraine, an event that 'brought war back to Europe' and inevitably gave top priority to the question of European Defence. Beginning with a brief historical reconstruction concerning the birth and development of European defence policy, possible perspectives on the future of this policy will finally be hypothesised.

**Keywords:** Treaty of Maastricht; Strategic Compass; Battlegroups; EDIS; NATO.

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<sup>67</sup> In view of the second year mark of the beginning of Russia's full-scale invasion of Ukraine, on February 24<sup>th</sup> 2024 the Council adopted 13th package of individual and economic sanctions.

<sup>68</sup> European Commission (2023). Sanctions adopted following Russia's military aggression against Ukraine. Published on 26 March 2023, available at: [https://finance.ec.europa.eu/eu-and-world/sanctions-estrictivemeasures/sanctions-adopted-following-russias-military-aggression-against-ukraine\\_en](https://finance.ec.europa.eu/eu-and-world/sanctions-estrictivemeasures/sanctions-adopted-following-russias-military-aggression-against-ukraine_en) (accessed on 31.12.2023).