The EU's Strategic Compass – Anything new for the EU's CSDP?

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Abstract

Facing increasing internal and external threats, the Member States of the European Union are moving closer together in ensuring the Union's security. The European Council endorsed the Strategic Compass, developed over 18 months, on 24 March 2022. The document, divided into four priorities: 'Act', 'Secure', 'Invest', and 'Partner', should represent the common strategic vision for the EU's role in security and defence in an increasingly complicated environment of international relations marked predominantly by Russia's invasion of Ukraine. Within the four main priorities there is the first-ever agreed EU threat assessment and a long list of security and defence deliverables, which implies that that there are many issues that still require clarification. This article will take a closer look at potentials and limits of the Strategic Compass in order to show throughout the glace of the document more precisely where the limits of the European Union's and Member States' action are within the European security and defence realm, both legally and politically. Finally, this article will try to detect if the Strategic Compass is an appropriate answer for

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transformation of European security after Russia's military escalation at the EU's eastern flank.

Keywords: European Union, Security, Defence, Strategic Compass, International Affairs.

A. Introduction

The complexity of the EU's strategic environment is being steadily multiplied over the course of the last few years. The honeymoon of growing relevance of its soft power and enthusiasm for its most successful policy – the enlargement – is long gone and the existential threats to its fundamental values and functionality are looming in an increasingly turbulent international arena. Unstable transatlantic co-operation during the previous US administration that raised many questions about reliability and sustainability of the US decades-long support to the European security, creeping deregulation of international affairs and raising assertiveness of other international actors like Russia and China, as well as numerous unconventional threats to European security have pushed the EU to contemplate European security in a more structured and synergic manner. The aforementioned developments have called for more unity and solidarity among Member States, as well as the capacity to operate jointly in strategic terms. With rapid geopolitical changes in the wider European strategic environment, the urge grows for the EU to increase its capacities, together with the evident decline of Member States' ability to react individually. In other words, situations in which the EU was "a principled bystander" in the international arena cannot be afforded anymore if the Union is to display its relevance and protect its values and interests, as well as acquire legitimacy at the global level. For that reason, over the course of the last few years, different debates about its appropriate security profile have developed. They reflect and advocate a wide range of attitudes about the topic, ranging from sovereigntist preferences of exclusive authority of Member States in that domain to those opting for speeded development of the EU's defence policy, as well as its strategic autonomy and full operational capacity.

The latest tectonic change in the European security landscape – the Russian military invasion in Ukraine – represented an eye-opening development that additionally stimulated the decision makers of the EU and its Member States to invest more efforts into consolidation of the Common Security and Defence Policy (CSDP).

The most recent "written exemplar of the EU's determination" to solidify its policy in the field of security and defence, as well as to display capacity to respond to growing threats and challenges, is the EU's Strategic Compass for Security and Defence that was adopted and published in March 2022.[1] The adoption of the document is the result of a two years' long process that started in June 2020, when EU

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1 The full text of the document is accessible at the official web-page of the Council of the EU: https://data.consilium.europa.eu/doc/document/ST-7371-2022-INIT/en/pdf (16/3/2023).

defence ministers tasked the Vice-President of the European Commission and the EU's High Representative for Foreign Affairs and Security Policy to set up a strategic and operational orientation of the CSDP in the form of a military doctrine. There were three consecutive phases of the drafting process. The first, representing a pioneer undertaking in the history of the EU, was focusing on the preparation of a joint threat analysis as a precondition for the second one that started in early 2021 and gave an opportunity to the Member States to discuss four areas in focus of this document – crisis management, resilience, capability development and partnerships. The third phase that was finished in March 2022 allowed for incorporation of corrections and final structuring.

The *sui generis* character of the EU and the sensitivity of a policy field like security and defence have also defined the character of the document itself as an endeavour to combine a top-down approach in an attempt to draft a strategy and a bottom-up consensus-building undertaking of the Member States that should yield an instrument of co-ordination of their foreign and security policies. On the other hand, recent dramatic changes in the European security environment are also shaping the way in which current debates about the appropriate security profile of the EU are being developed. While being *stimulative* for the development of synergy in a common approach to contemporary challenges, they also imply an *ad hoc* approach to burning issues and reduce the capacity for a broader scope of different elements that are relevant for European security. On the other hand, the vocabulary of this document characterised with numerous hard security terms and concepts is unprecedented in the EU's policy history and could potentially represent a strategic shift in the Union's security thinking and an indicator for the beginning of a long process of development of its strategic culture and doctrine.

This is the reason why the authors of this article embarked on a thorough strategic and legal analysis of the EU Strategic Compass, as a novelty in the EU's policy realm. Taking note of rapid developments in the contemporary European strategic landscape, they aim at unpacking ambitions and capacities that the EU displays in this document and offering a realistic and forward-looking analysis of the way the Union could portray its strategic profile in the period to come. A sound methodological framework, as a basic precondition for an appropriate academic research of a complex and increasingly important topic in the focus of this article, will be presented in a separate chapter that will follow the introduction. The second chapter offers a context analysis of development of the CSDP, taking into account both the strategic environment in which it happened and the gradual evolution of its legal framework and institutional set-up. The third chapter digs into the document, analysing its capacity to represent a stepping stone to the development of an European strategic culture and a functional defence system with the reflection on the implementing solutions so far.

Due to a rapidly changing and threatening EU security environment, the Union's policy consolidation in this field is of utmost importance, not only for its international leverage but also for its overall functionality in many other policy fields. Therefore, this research represents an important contribution not only to academic

and professional discourse about European security and defence, but also to a general conceptual understanding of a developing policy framework that would have a substantial impact on the future life of the EU and its citizens.

B. CSDP context analysis – present – political/legal

I. Context of CSDP policy framework

It is no novelty that the attempts to design a common approach to security in Europe are as grey as the idea of European integration itself. The first institutional mechanisms, while having an economic prefix (European Coal and Steel Community – ECSC), were designed primarily to prevent any future conflicts among its Member States.[2] More than seventy years of EU institutional development that followed saw a gradual evolution of a policy framework for such a sensitive field, directly related to the very concept of national sovereignty. While space limits of this research prevent the authors from going into details about all instances of that process, it is important to recognise that the formulation of a joint policy (EU's Common Foreign and Security Policy – CFSP) happened in 1993 when the Maastricht Treaty came into force, while implementation capacities of the policy were laid down in 1999 with the enactment of the European Security and Defence Policy (ESDP), that was renamed with the 2009 Lisbon Treaty into Common Security and Defence Policy (CSDP).

"Due to the character of the policy itself, which is directly related to the essence of sovereignty at the national level, the entire CFSP concept was built on a complicated bottom-up decision-making procedure and the principle of unanimity. Based on a liberal-democratic interpretation of a good power in a postmodern European security discourse, the CFSP directed its efforts towards developing capacities in the field of humanitarian and rescue tasks, peace-keeping, peace-making and crisis management. The concept of soft power, which gained ground in post-Cold War Europe, was based on the EU's attractiveness and persuasion within the wider Europeanisation process that dominated EU enlargement to post-socialist states of the former Eastern bloc. The fundamental liberal-democratic values that represented the backbone of the European project allowed for the concept of security community to be determinant of the security landscape in the wider transatlantic community. Because the EU was developed as a *sui generis* concept of peaceful coexistence, based on the abovementioned liberal-democratic values, in the period when European security was almost entirely managed by the North Atlantic Treaty Organisation (NATO) and the US in particular, the entire discourse was cleansed of strategic vocabulary and accordingly of an opportunity to develop a common strategic con-

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2 At that period of time, there was a firm belief that the institutionalisation of economic cooperation, as well as the creation of transnational institutional control over strategic branches of the economy (coal and steel production), would significantly reduce any possibility for a military conflict on the European territory, in particular among the two leading states and former adversaries (France and Germany).

cept, not to speak about a joint strategic culture. It was therefore obvious that terms like deterrence, coercion, containment, confrontation and power balance were simply not contemplated in the EU policy making at all. Even the Lisbon Treaty, which significantly upgraded the functionality of the entire CFSP policy framework, has not set the stage for more concrete developments in that direction."[3]

However, rapid changes in the European security landscape, in particular the consequences of Russia's violent annexation of Crimea and the installation of proxy regimes in the Lugansk and Donetsk regions, have urged the EU leaders to start contemplating European security in a more coherent manner. On a wider international scale, a general trend of deregulation of international affairs, delegitimation of fundamental institutions of multilateral governance and assertive policies of the strongest global players only added to complexity of the new EU's strategic environment. In other words, hard security constructs that were usually attributed only to the Cold War period, like geopolitics, exclusive zones of interest, deterrence and military power, returned to the fore.

Mirroring these changes, the EU started shifting its vocabulary and changing the optics. The European Council, in its Strategic Agenda 2019–2024, stated the following: "In a world of increasing uncertainty, complexity and change, the EU needs to pursue a strategic course of action and increase its capacity to act autonomously to safeguard its interests, uphold its values and way of life, and help shape the global future."[4] In the presentation of her program before the European Parliament, the then President-elect of the European Commission, Ursula von der Leyen, announced that her Commission will be a geopolitical one,[5] while the High Representative of the EU for Foreign Affairs and Security Policy and Vice-President of the European Commission, Josep Borell, claimed that the EU has "to learn the language of power".[6]

However, while EU Member States share fundamental liberal democratic principles, they still differ much when it comes to national strategic cultures and consequently different strategic histories, military doctrines and geopolitical interests. Despite gradual Europeanisation of Member States' national security and defence policies, there was no common threat-perception approach among them, which directly affected the capacity to yield joint responses to contemporary challenges.

Like nothing before, Russia's invasion of Ukraine in 2022 has pushed the EU and its Member States together in contemplating European security, hence additionally intensifying the process that has gained its momentum with the adoption of EUGS in 2016 and the initiation of a process of creation of a wider capability development

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3 *Knezović/Esteves Lopes*, EJES 2020/2, p. 340.
4 https://www.consilium.europa.eu/en/press/press-releases/2019/06/20/a-new-strategic-agenda-2019-2024-pdf (16/3/2023).
5 Speech by President-elect von der Leyen in the European Parliament Plenary on the occasion of the presentation of her College of Commissioners and their programme, available at: https://ec.europa.eu/commission/presscorner/detail/es/speech_19_6408 (16/3/2023).
6 Hearing with High Representative/Vice President-designate Josep Borrell, EU Debates, News and Opinions, available at: https://www.pubaffairsbruxelles.eu/eu-institution-news/hearing-with-high-representative-vice-president-designate-josep-borrell/ (16/3/2023).

and defence-industrial policy toolkit. Hence, for the first time in history, the EU started developing security and defence policy capabilities beyond crisis management and peace-keeping tasks.

Obviously, dramatic geopolitical developments have produced an intensive pressure on the EU to create sustainable capacities for a collective action in the specific field of security and defence, where even the strongest Member States clearly fall short of capability to respond individually to contemporary challenges. Alternatively, it became clear that the EU will be facing a very serious problem of "strategic shrinkage".

The entire process should generate the evolution of a common European security and defence culture, being a fundamental precondition for a functional Common Security and Defence Policy (CSDP) of the EU in an increasingly volatile international environment.

As Blockmans, Macchiarini Crosson and Paikin clearly conclude: "Indeed, the EU cannot afford to be a bystander in an increasingly competitive strategic environment, always being principled but seldom relevant. The EU needs to defend its own interests, project its presence in the world, and promote security in its neighbourhood and with its partners. The Strategic Compass, which was formally approved by the Foreign Affairs Council on 21 March and subsequently endorsed by the European Council, is the EU's attempt at setting objectives and a new level of ambition for itself as a security and defence actor."[7] The document itself represents a pioneer endeavour at the EU level based on a common threat perception.

II. The legal framework

The current legal framework of the EU's Common Security and Defence Policy (CSDP) is regulated by Articles 42 to 46, Protocols 1, 10, and 11, and Declarations 13 and 14 to the Treaty on the European Union (TEU). The Common Security and Defence Policy (CSDP) is an integral part of the Common Foreign and Security Policy (CFSP). The CFSP is one of the EU policies that falls under the area of the External Actions of the Union which is regulated by the TEU and the TFEU.[8] Articles 21 and 22 TEU set out the principles and objectives of the Union's external action (including action on the international stage), which comprise to a certain degree the "moral dimension" of EU external policy.[9] Specifically, in the Lisbon Treaty, the formerly CFSP-related objectives were extended to the entirety of the international relations area. Nonetheless, CFSP is the only EU policy that remains regulated only by the TEU, *de facto* the CFSP remains the second pillar of the Union with a separate decision making process, separate instruments and separate role of the institutions.[10]

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7 *Blockmans/Macchiarini Crosson/Paikin*, The EU's Strategic Compass: A guide to reverse strategic shrinkage?, p. 1.
8 *Cremona*, in: Blockmans/Koutrakos (eds.), p. 6.
9 *Thym*, in: Bogdandy/Bast (eds.), pp. 309–343.
10 *Duić*, in: Miranda (ed.), pp. 155–171.

The CSDP, named at the time the European Security and Defence Policy (ESDP), came to life as a part of the Maastricht Treaty's second pillar.[11] We can find the beginnings of the CSDP in the Petersberg Tasks, that included three principal components: humanitarian and rescue tasks, peacekeeping tasks, tasks of combat forces in crisis management, including peace-making.[12] These tasks were incorporated in the TEU in Article 17 of the Treaty of Amsterdam.[13] The inclusion of Petersberg Tasks into the TEU created a legal basis for operational activities within the framework of the CSDP.[14] In the Nice Treaty, the European Council adopted significant amendments concerning the CSDP: permanent structures for CSDP were created, and the relations between the EU and third countries as well as NATO were defined in terms of defence.[15] The specific nature of the CSDP was additionally endorsed with the creation of the Political and Security Committee (PSC), the EU Military Committee (EUMC), and the EU Military Staff (EUMS). This was later broadened to the civil dimension through the establishing of the Committee on the Civilian Crisis Management (CivCom).[16]

Upon the entry into force of the Treaty of Lisbon in 2009, the European Security and Defence Policy (ESDP) was renamed the Common Security and Defence Policy (CSDP). In the Treaty of Lisbon, the key change is in Article 42(2) TEU. While the Treaty of Nice provided that a common defence policy can possible lead to a common defence, the Treaty of Lisbon prescribes that common defence policies will lead to a common defence when the European Council decides so. This amendment significantly modifies the provision,[17] making a long-waited transformation in the constitutional architecture of the CFSP.

In accordance with Article 42(4) TEU, all decisions within the CSDP are to be taken unanimously by the Council following a proposal of the High Representative of the Union for Foreign Affairs and Security Policy or at the initiative of a Member State. This regulation presents an important procedural difference between the CSDP and all Union policies (even in other areas of the CFSP some decisions are made by qualified majority voting, but never a decision of political importance).[18] In Article 43 TEU, the Petersberg Tasks were expanded and they include now: joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, and tasks of combat forces in crisis management, including peace-making and post-conflict stabilization. In the

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11 See Art. J 4 TEU (Maastricht): "The common foreign and security policy shall include 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 [...]"; *Smith*, Europe's Common Security and Defence Policy, p. 23.
12 *Pagani*, EJIL 1998/4, pp. 737–749.
13 *Monar*, European Foreign Affairs Review 1997/4, pp. 413–436.
14 *Smith*, Europe's Common Security and Defence Policy, p. 27.
15 *Wessel*, JCSL 2003/2, pp. 265–288.
16 *Chappell/Mawdsley/Petrov*, p. 94.
17 *Blanke/Mangiameli* (eds.), pp. 1201–1236.
18 *Moser*, p. 49.

course of this task, the Union may use civilian and military means.[19] In terms of the operability, the Lisbon Treaty introduced the Permanent Structured Cooperation (PESCO) within which 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, establish a permanent structured cooperation within the EU framework.[20]

What must be noted is that the CFSP was created following the failure of the European Union to respond to the Yugoslavia crisis. Today, 30 years later we are facing a new war in Europe and are questioning the EU's ability to act. For years now, the operability of the CSDP is the focus of wide scientific discussions in which the views of this evolution differ substantially. To some, the development of the CFSP and CSDP represents chaos and inefficiency of the EU foreign policy,[21] whereas for others the development of the CSDP represents the last and essential step in the European integration process.[22] Looking at the overall constitutional architecture of the CSDP we have to make the following arguments. The current legal regulation which orders all Union external actions under Articles 21 and 21 TEU leads to confusion and incoherence of the full scope of the external actions since specific rules still apply to the CFSP. Moreover, rules governing the CSDP are even more exceptional – somehow the CSDP can be considered as a policy within the policy. Insofar, it seems that the EU has failed to find a consensus on where and how the CSDP should be active.[23] We will take a closer look at potentials and limits of the Strategic Compass in order to show, throughout the glace of this document, where the limits of European Union's and Member States' action are within the field of European security and defence.

C. EU's Strategic Compass and its implications

I. Strategic potentials and limits of a new document

The newly adopted Strategic Compass represents a step ahead in a lengthy and cumbersome process of development of the European Security and Defence Policy in the EU's attempt to institutionalise its capacity to respond to contemporary security challenges. It represents both a continuation of the process that gained momentum with the adoption of the EU Global Strategy and a reflection of a geostrategic reality amid the Russian aggression in Ukraine.

The aim of the document is to contextualise the EU's strategic position in the contemporary international arena and to enhance synergy in the field of EU's security and defence by offering action guidelines for the forthcoming period. As a fundamental precondition for that, the document aims at fostering the process of the

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19 *Canamares,* in: Blockmans/Koutrakos (eds.), p. 277.
20 *Marquardt*, in: Blockman/Koutrakos (eds.), p. 34; Art. 42(6) TEU.
21 *Duić,* in: Brill/Misheva/Hadji-Janev (eds.). p. 34; *Mérand*.
22 *Smith,* Europe's Foreign and Security Policy: 2004.
23 *Chappell/Mawdsley/Petrov*, p. 1.

EU's capacity development in the field of joint threat perception and strategic thinking that should consequentially lead to the gradual creation of a joint strategic culture.

In a more practical sense, it attempts to create a framework in which the EU can make full use of existing civilian and military capacities to act effectively in an increasingly complex strategic environment, enhancing flexibility of the decision-making process and improving solidarity among Member States.

The introduction of the document already makes rather clear statements about an increasingly cumbersome strategic environment of the EU and its necessity to act decisively and in an organised manner. It recognises the return of war in Europe in the current era of growing strategic competition, complex, diverse and unpredictable threats to the European security order and the EU itself, as well as growing competition of governance systems accompanied by a real battle of narratives. In this highly confrontational system, it calls for increased investments in the EU's security and defence and a quantum leap forward in development of the EU's capacities in this specific field. The document identifies itself as a framework of a common EU strategic vision in the field of security and defence that defines clear goals, the means to achieve them and specific timelines for measurable progress of the process that starts immediately with its implementation.[24]

One of the most important novelties of the document is the fact that it is based on a first ever joint EU Threat Analysis, whose findings were presented in a separate chapter that follows the introduction. It clearly identifies the return of power politics and a crisis of effective multilateralism as an overarching problem that represent a challenge to European security. For the first time, the EU's strategic document highlights the Russian Federation as an actor that breaches fundamental principles of international law and whose actions represent an immediate threat to the stability of the EU and the security of its citizens.[25] It views China as a partner and a systemic rival, warning about its assertive policies, military build-up and role in different regional tensions.[26] The document, however, falls short on paying adequate attention in this section to the EU's main partners (the US and the NATO in particular), or even mentioning important players like the United Kingdom, Iran and Turkey. This is reflective of the *ad-hoc* character of the Strategic Compass, defined predominantly by a geopolitical momentum, which deprives it of necessary strategic depth. A very bureaucratic way of listing different pockets of the globe relevant to the EU's security and transnational challenges and threats that should be taken into consideration[27] does not change the impression that this document, while being a solid step ahead in the long process of development of the CSDP, is more reflective of an immature stage of that process than comparable to similar documents of other relevant international players.

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24 https://data.consilium.europa.eu/doc/document/ST-7371-2022-INIT/en/pdf (16/3/2023), pp. 14–15.
25 Ibid., p. 17.
26 Ibid., p. 18.
27 *Sweeney/Winn,* Defence Studies 2022/2, pp. 192–210.

The EU's Strategic Compass focuses on four main areas, which is reflected in the structure of the document: act, prepare, invest, partner. For reasons of analytical clarity and consistency, this analysis will follow the same pattern.

1. Act

In the context of an increasingly volatile security environment, the document recognises the necessity for the EU to develop capacities to act timely and adequately with more rapidity, robustness and flexibility. The EU's ability to act, specifically the Petersberg tasks that represent the scope of CSDP action in crisis situations, is regulated by Article 43 TEU.[28] The Lisbon Treaty amendments created a distinction between the different crisis management stages with adding "conflict prevention" and "post-conflict stabilization" in Article 43 TEU. It should be added that even though a CSDP operation cannot be initiated outside a domain encompassed by the Petersberg tasks, Member States and the EU are allowed certain latitude and subsequently certain margin of discretion in interpreting the missions when launching civil and military missions.[29]

One of the flagship initiatives of this document, in an attempt to ensure timely response to emerging crisis, is the new EU Rapid Deployment Capacity (EU RDC), a modular force of up to 5000 troops, including land, air and maritime components, equipped with the required strategic enablers.[30] From a legal perspective, the EU RDC is based on Article 42(3) TEU, which provides the legal basis for the EU's military and civilian missions. Although its legal basis is provided by the TEU it is subject to the provisions of the TEU and TFEU regarding external actions, as well as EU rules and regulations regarding procurement and financing. While the concept could potentially empower the EU's capacities to act, those who are dealing with the development of the CFSP remember well the idea of EU Battlegroups that gradually developed in the 2000s, as well as the fact that it never came into practice, due to the lack of political will. Nonetheless, there is a clear distinction between the EU RDC and EU Battlegroups: size, composition and the fact that EU Battlegroups were designed without incorporating the strategic enablers, while the EU RDC is supposed to deploy those alongside.[31] Although it was planned that a decision on further steps and the modality of the EU RDC will be adopted in November 2022, in order to make the EU RDC fully operational by 2025, at the November Council of Defence Ministers the High Representative only informed the Council about ongoing work on the EU Rapid Deployment Capacity.[32]

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28 Art. 43 TEU.
29 *Duić,* in: Brill/Misheva/Hadji-Janev (eds.), pp. 32–42.
30 https://data.consilium.europa.eu/doc/document/ST-7371-2022-INIT/en/pdf (16/3/2023), p. 25.
31 *Zandee/Stoetman,* p. 4.
32 *Council Of The EU,* Foreign Affairs Council (Defence), 15 November 2022, available at: https://www.consilium.europa.eu/en/meetings/fac/2022/11/15/ (16/3/2022).

The issue of swift and adequate decision-making procedures, burden-sharing models, command and control is not tackled appropriately, which provokes reasonable doubts about the implementability of this particular concept. Article 44 TEU, designed to enable "the coalition of the wiling" to undertake military mission in situations where there is no overarching compromise among Member States (constructive abstention) represents a reference point to an issue of increased deployability. However, a very vague definition – decided on practical modalities for implementing Article 44 – reflects a lack of idea and/or compromise on ways of using it.

The European Peace Facility (EPF) was established on 22 March 2021 by a Council decision. This decision is based on Articles 28(1) TEU, 41(2) TEU, 42(4) TEU and 30(1) TEU. The EPF is established for the Member States' financing of the Union's actions under the CFSP aimed to preserve peace, prevent conflicts and strengthen international security in accordance with Article 21(2) (c) TEU, in cases where, pursuant to Article 41(2) TEU, the operating expenditure arising from those actions is not charged to the Union budget.[33] In November 2022, the Council launched the European Union Military Assistance Mission in support of Ukraine (EUMAM Ukraine),[34] and adopted an assistance measure under the European Peace Facility (EPF). The Mission is part of the EU Integrated Approach in providing support to Ukraine, which includes assistance measures supporting the Ukrainian Armed Forces and is to be financed under the European Peace Facility (EPF).[35]

The European Peace Facility proved to be very useful in providing military hardware supply to a partner (such as Ukraine), that was rightfully highlighted as a mechanism that could "make a difference" in the future development of the EU's capacity to act. The importance of the CSDP's flagship project – civilian and military missions – was endorsed and backed by a few concrete mechanisms that should increase its functionality and visibility.[36] Unlike in the case of the EU RDC, at the broader level, the document recognises the importance of preparedness and advanced planning, and in that sense it provides concrete steps ahead in the field of fostering a joint command and resources, interoperability, as well as burden-sharing, human resource management and decision-making.[37]

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33 Council Decision (CFSP) 2021/509 of 22 March 2021 establishing a European Peace Facility, and repealing Decision (CFSP) 2015/528, OJ L 102 of 24/3/2021, p. 14, Art. 1.
34 Council Decision (CFSP) 2022/2243 of 14 November 2022 launching the European Union Military Assistance Mission in support of Ukraine (EUMAM Ukraine), OJ L 294 of 15/11/2022, p. 21.
35 Council Decision (CFSP) 2022/2245 of 14 November 2022 on an assistance measure under the European Peace Facility to support the Ukrainian Armed Forces trained by the European Union Military Assistance Mission in support of Ukraine with military equipment, and platforms, designed to deliver lethal force, OJ L 294 of 15/11/2022, p. 25.
36 https://data.consilium.europa.eu/doc/document/ST-7371-2022-INIT/en/pdf (16/3/2023), p. 27.
37 Ibid., pp. 28–29.

2. Secure

This section pinpoints general resilience as fundamental in the environment of increasing geopolitical and geoeconomic tensions, where opponents and adversaries use a wide set of conventional and unconventional tools to destabilise the EU in maritime, air, cyber and space domains.[38] With the aim to underline the importance of situational awareness and strategic foresight, the document announces the further strengthening of the EU's Single Intelligence Agency Capacity and enhancing the security of existing European communication systems.

The EU started developing its first cybersecurity strategy titled "Cybersecurity Strategy of the European Union: An Open, Safe and Secure Cyberspace" in 2013.[39] Even before a complete implementation of this strategy a number of cybersecurity (hybrid) threats pushed the adoption of the new 2017 Cybersecurity Strategy titled "Building strong cybersecurity for the EU". Given the fine line between cyber defence and cybersecurity, and the divergence of Member States' approaches in this area, the EU's aim is to foster a synergy between military and civilian efforts in the field of cybersecurity.[40] In the same year, the EU Cyber Diplomacy Toolbox was adopted.[41] The EU Cyber Diplomacy Toolbox holds a legal basis in the framework for cybersecurity, which includes the EU Cybersecurity Act, the Network and Information Systems Directive and the General Data Protection Regulation. The EU Cyber Diplomacy Toolbox is the first document where CFSP measures were used in cybersecurity documents. Particularly, the EU Cyber Diplomacy Toolbox provides that restrictive measures for preventing and responding to malicious cyber activities will be used.[42] EU countries that are victims of malicious cyber activity may invoke either their right of individual or collective self-defence as recognized under Article 51 to the Charter of the United Nations or Article 42(7) TEU to entreat other Member States to provide assistance.[43] Moreover, in 2016, the Hybrid Fusion Cell was created by the Joint Framework on countering hybrid threats. The Hybrid Fusion Cell functions within the EU Intelligence and Situation Centre (EU INTCEN) of the EEAS. The purpose of the Hybrid Fusion Cell is to receive, analyse

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38 Ibid., p. 33.
39 Joint communication to the European parliament, the Council, the European economic and social committee and the committee of the regionS Cybersecurity Strategy of the European Union: An Open, Safe and Secure Cyberspace, JOIN/2013/01 final.
40 Joint Communication to the European Parliament and the Council on 'Resilience, Deterrence and Defense: Building strong cybersecurity for the EU', JOIN/2017/0450 final.
41 Framework on a Joint EU Diplomatic Response to Malicious Cyber Activities, CYBER 142CFSP/PESC 855COPS 302RELEX 836, available at: https://data.consilium.europa.eu /doc/document/ST-13007-2017-INIT/en/pdf (16/3/2023).
42 Council Decision adopted under Article 29 TEU and Council regulation setting out the necessary measures for its operation, (Article 215 TFEU).
43 Framework on a Joint EU Diplomatic Response to Malicious Cyber Activities, CYBER 142CFSP/PESC 855COPS 302RELEX 836, available at: https://data.consilium.europa.eu /doc/document/ST-13007-2017-INIT/en/pdf (23/3/2023), p. 9.

and share classified and open source information specifically relating to indicators and warnings.[44]

Within the existing framework (Cyber Defence Policy Framework, Hybrid Fusion Cell and EU Cyber Diplomacy Toolbox), the Strategic Compass calls for the creation of an EU Hybrid Toolbox and an EU Hybrid Response Team. Hybrid threats will be confronted with an EU Hybrid Toolbox that should yield a more co-ordinated response. The existing Hybrid Fusion Cell will provide situational awareness in this specific field, while the newly created EU Hybrid Response Teams should support Member States, as well as CSDP missions and partner countries in their combat against hybrid attacks. The EU Hybrid Toolbox is to address and counter foreign information manipulation and interference. It will defend the EU's informational security, while the existing EU Cyber Diplomacy Toolbox will be at the helm of the EU's combat against malicious cyber activities in accordance with the existing 2017 EU Cyber Defence Policy Framework and the new EU Cyber Resilience Act. This cross-sectoral approach to building resilience, in an attempt to show increasing awareness with regard to the multipolarity of contemporary threats and different ways to tackle them appropriately, led to proliferation of different toolboxes and frameworks[45] that could have been better elaborated in the body of the text. We can detect two basic problems within the sector of cybersecurity. Initially, there is an extended number of different toolboxes and frameworks, which creates too much confusion. Most operational tools so far are restrictive measures that are based on Article 215 TFEU that enables the EU to impose sanctions for cyberattacks. Although this possibility has existed since 2017, the EU imposed its first-ever cyber sanctions only in July 2020 against six individuals and three entities involved in significant cyberattacks or attempted cyberattacks against EU institutions or Member States.[46] The second problem is that despite the fact that each of the mentioned documents have the cross-sectoral approach and call for the cooperation of civil and military aspects of defence, Member States consider cyber-attack as the fifth dimension of warfare and political control over the CFSP is in the hands of national governments where Member States strictly impose national interests in the matters of security and defence.[47]

A novelty here is distinctive in the space domain, where the existing EU civilian space programme will be enhanced with a defence dimension, while a common understanding of space-related risks and threats will be ensured through a new EU Space Strategy for Security and Defence, contributing to better overall space situational awareness. The document also recognises the importance of air and maritime

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44 *Hoorickx,* Countering "Hybrid Threats": Belgium and the Euro-Atlantic Strategy, p. 30.
45 *Blockmans/Macchiarini Crosson/Paikin*, The EU's Strategic Compass: A guide to reverse strategic shrinkage?.
46 *European Union External Action Service*, EU Imposes First Ever Cyber Sanctions to Protect Itself from Cyber-Attacks, 30/7/2020, available at: https://eeas.europa.eu/headquarters/headquarters-homepage/83572/eu-imposes-first-ever-cyber-sanctions-protect-itself-cyber-attacks_en (16/3/2023); *Lonardo*, pp. 61–79.
47 *Moskalenko/Streltsov*, European Foreign Affairs Review 2017/4, pp. 513–532.

security, as well as of countering terrorism and promoting disarmament, non-proliferation and arms control. The overall impression is that numerous elements mentioned here might be important for the period to come, while there is an overarching feeling that the glue that should keep them functional and operable (political will and functional compromise-building measures among Member States) is still missing.

3. Invest

Recognising a big capability-expectations gap in the specific field of security and defence, in both the civilian and military domain, the document announces substantial improvements in the field of expenditure at both EU and Member States' level. The idea to invest more and better aims at filling critical capability gaps and achieving full interoperability of forces, resilience and competitiveness of the European Defence Technological Industrial Base, as well as mitigating strategic dependencies and reducing the vulnerability of European value chains.[48] The document, in an attempt to ensure coherence and sustainability, announces the changes at the strategic level where the EU shall adapt its defence capability planning and development by revising the Headline Goals in order to better meet current needs. The importance of the aforementioned principles is visible from the way capability development is foreseen, where improvements in different domains (land, maritime, air, space and cyber) shall be developed in an interlinked and cooperative way in order to maximise the cumulative impact of investment, with extensive use of existing joint mechanisms (PESCO, EDF, etc.). Even more importantly, there are concrete deadlines highlighted here for the fostering of joint projects and procurements in the field of security and defence (VAT waiver, EDF bonus system, etc.) and fulfilling the commitments under PESCO (primarily related to defence spending), which makes progress in this field easier to measure.

Particular attention in the document was paid to innovative technologies, reflective of fast technology-driven changes in the field of security and defence, in areas like artificial intelligence, quantum computing, bio- and nano-technology, etc. In an attempt to foster defence innovations, a Defence Innovation Hub will be formed within the European Defence Agency (EDA) and actions taken to enhance the EU's technological sovereignty, supply chains of critical infrastructure and ensure a functional and transparent access to private and public funding, as well as a foreign direct investment framework. Only two months after the Strategic Compass was adopted, in May 2022 on the meeting at the European Defence Agency, the ministerial Steering Board approved the establishment of a Hub for EU Defence Innovation (HEDI) within EDA. HEDI will be embedded within the existing EDA framework and staffed by EDA personnel and provide yearly reporting and evaluation in

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48 Ibid., p. 43.

the starting phase.[49] The establishment of HEDI raises several legal issues related to intellectual property, procurement, liability, and data protection. It will be important to establish clear guidelines and procedures to address these issues and ensure that the development and acquisition of new technology through HEDI is conducted in a transparent, fair, and legally compliant manner. A legal framework should be established to protect intellectual property, ensure fair procurement processes, address liability issues, and comply with data protection laws and regulations.

The tasks and in particular deadlines defined to acquire them in this field display a relatively satisfactory level of awareness that investing in security and defence is of fundamental importance for the EU and the entire continent in an increasingly complicated strategic environment. This has always been a difficult issue in Europe and one of the most frequent reasons for dissonant tones among the transatlantic partners, and therefore these steps ahead are undoubtedly noteworthy.

However, while the development of collaborative procurement procedures and capacities was rightfully highlighted as important, the document fails to elaborate on mechanisms that should keep these procedures transparent and auditable (i.e. parliament oversight), especially when it comes to PESCO and EDF funds, which leaves a window open for different concerns about wider legitimacy of procedures yet to be made.

4. Partner

The EU views partnerships as essential instruments in maintaining rule-based order, functional multilateralism and supporting its ambition to become a global strategic player and this is clearly displayed in this section.[50] One fundamental reason for that is the clear awareness that the EU is under-capacitated to tackle contemporary challenges alone and to carry the material and financial burden of such an endeavour. It will therefore promote various types of partnerships that are divided in two major groups in this document: multilateral and regional partners; as well as tailored bilateral partnerships.

Logically, the most important multilateral partner that was mentioned first in this section is NATO with whom the EU shares fundamental values and interests, as well as a long and successful co-operation. Based on Joint Declarations from 2016 and 2018, as key pillars of this co-operation, the document opts for the deepening of political dialogue among the two at different levels, increased exchange on strategical awareness and foresight exercises, information exchange and military mobility. In May 2022, the seventh progress report on the implementation of the common set of proposals endorsed by EU and NATO Councils on 6 December 2016 and 5 December 2017 was adopted. This report emphasises all key pillars of the cooperation

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49 https://eda.europa.eu/news-and-events/news/2022/05/17/hub-for-eu-defence-innovation -established-within-eda (16/3/2023).
50 https://data.consilium.europa.eu/doc/document/ST-7371-2022-INIT/en/pdf (16/3/2023), p. 53.

that are highlighted in the Strategic Compass. Specifically, the report underlines the importance of political dialogue between the EU and NATO at different levels: regular meetings between the EU's Political and Security Committee (PSC) and the North Atlantic Council (NAC) and frequent cross-briefings in respective committees and working groups. In accordance with the report, military mobility remains a "flagship" of NATO-EU cooperation and a high priority for both organisations, as also underlined in the EU Strategic Compass on Security and Defence.[51] From May 2022 three non-EU NATO Allies, the United States, Norway and Canada, have joined the EU's PESCO project Military Mobility.[52] Nonetheless, it is interesting that the document omits noticing the fact that implementation of CSDP missions, being a flagship EU project in the field of security and defence, rests on use of NATO strategic infrastructure in accordance with the Berlin Plus Agreement, which reveals the EU's strategic dependence on NATO.

When it comes to the UN, as "the institutional remnant of functional multilateralism", the document opts for deepened co-operation in different areas, especially when it comes to early warning, conflict prevention and mediation. Interestingly, there is nothing in this section on the crisis of the UN's legitimacy in the context of the wider trend of deregulation of international affairs and accordingly also nothing on the potential EU position *vis-à-vis* that subject, not to speak about a necessity to reform it and ensure better representation of different stakeholders in its decision-making, including potentially also the EU itself. The document also mentions a necessity to co-operate better with the OSCE, which is rather unclear given the current relations with the Russian Federation, being one of its full-fledged members. This section also foresees the strengthening of co-operation with the African Union and Association of Southeast Asian Nations (ASEAN) and provides explanation on details about the desired co-operation in the period to come. Interestingly, co-operation with regional initiatives in the MENA region is only mentioned, without any concrete details, while none of South American regional organisations were even mentioned. It remains to be seen to which extent this fact reveals the strategic shrinkage of the EU, which limits itself to a role of regional rather than global power even in the process of drafting strategic documents.

In the section on tailored bilateral partnerships, for obvious reasons, the US was mentioned first as the most important strategic ally with a long track-record of successful co-operation that should be deepened and enriched. Since much of it was already listed in the paragraph on co-operation with NATO, not much more is provided here. Out of the countries with shared values and basic interests in the

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51 Seventh progress report on the implementation of the common set of proposals endorsed by EU and NATO Councils on 6 December 2016 and 5 December 2017 20 June 2022.
52 Council Decision (CFSP) 2021/750 of 6 May 2021 on the participation of the United States of America in the PESCO project Military Mobility, OJ L 160 of 7/5/2021, p. 112; Council Decision (CFSP) 2021/748 of 6 May 2021 on the participation of Canada in the PESCO project Military Mobility, OJ L 160 of 7.5.2021, p. 106 and Council Decision (CFSP) 2021/749 of 6 May 2021 on the participation of the Kingdom of Norway in the PESCO project Military Mobility, OJ L 160 of 7/5/2021, p. 109.

international arena, the Strategic Compass mentions Norway, Canada and the United Kingdom, in a rather tailored fashion, while further co-operation with Turkey is welcomed, but conditioned by certain commitments on the Turkish side. Beyond that, interestingly, the document takes a regional approach in the section on bilateral co-operation and briefly elaborates on potential future avenues of co-operation with countries on the EU's eastern and southern flanks, as well as in regions like Western Balkans, the Indo-Pacific, Africa and Latin America. At the end, what is really important implementation-wise is the fact that the document makes a clear reference to a tailored and integrated approach to capacity building of its partners in different pockets of the globe and pinpoints the European Peace Facility as a major tool that should capacitate the EU to make a change in that regard.

D. Conclusion

The EU is facing an unprecedented set of both internal and external challenges in an increasingly complicated international environment. The dramatic deterioration of security in Europe that is threatening not only EU's political but also economic, energy and societal stability, demands swift decision-making, complex trans-national compromises and a consolidated common approach to burning issues in a changing geostrategic reality. While its *sui generis* construct represents an enriching factor in the area of contemporary multilateralism, that is showing a growing inclination towards sharing sovereignty and supra-national governance, the complexity of its decision-making procedures and the absence of a common strategic culture create serious obstacles to its functionality and legitimacy in the international arena.

Overall, the EU Strategic Compass has the potential to significantly improve the EU's coordinated action with regard to crisis management since the document can help to ensure that the EU's crisis management efforts are well-coordinated, effective, and aligned with the EU's overall strategic priorities. Clearly, there are two fundamental preconditions for an actor to acquire strategic capacity in the field of international affairs. First, there should be a clear joint understanding of the strategic environment, as well as challenges, threats, capacities and opportunities it carries along, consolidated in a common strategic document that defines main strategic priorities and most appropriate ways to achieve them. Second, it is necessary to have a clear political will of all stakeholders in that process to dedicate their efforts to achieving the aforementioned strategic priorities.

Obviously, the EU's Strategic Compass represents an important step ahead in the process of consolidation of the EU's Common Security and Defence Policy. The fact that this document rests on a joint threat-perception conducted for the first time in the EU's history and aims at greater coherence in a very sensitive field of security and defence is noteworthy. If we add to this the fact that it attempts to define clear actions, targets and milestones in that regard, together with rather specific means to achieve them and deadlines for their implementation, it could potentially represent a game-changer for the EU. Additional reasons for optimism about its implementability may be found in its conclusion where annual reports on the progress

to the European Council,[53] as well as a possible revision of the document in 2025, were foreseen in an attempt to create a framework for a viable monitoring mechanism.

Nonetheless, we can detect two basic problems with the legal implementation of the Strategic Compass. Firstly, in the whole document there is an extended number of different toolboxes and frameworks which will create confusion for the EU as legislator and can create problems for the Member States in the implementation. The second problem is that, despite the fact that most of the documents expected to come as a result of the implantation of the Strategic Compass follow the cross-sectoral approach and call for the cooperation of civil and military aspects of defence, Member States hold the political control over the CFSP where national governments still firstly impose national interests. Aligning national and European interests regarding the EU Strategic Compass is important for the successful implementation of the document. In order to achieve this it is necessary for Member States to have open communication channels, find a common ground and ensure transparency in their national security strategies and implementation of legal acts regarding the CFSP.

However, let us not forget that this is not the first document of this kind in the EU and that, as always, it takes strong commitment and political will of all stakeholders to think beyond exclusive national interests and create synergy in a very sensitive field like security and defence. In such a hardened international environment, where the Russian aggression in Ukraine and its various consequences create severe pressures on the EU's Member States, the synergy is needed more than ever, but it is also easier said than done. However, it is clear that this is a fundamental precondition for the EU to become a recognisable security and defence actor and its Strategic Compass, despite all its inconsistencies, obviously represents a solid conceptual framework for that.

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53 Please see the first Annual Progress Report on the Implementation of the Strategic Compass for Security and Defence at the following link - https://www.eeas.europa.eu/sites/default/files/documents/2023/StrategicCompass_1stYear_Report.pdf (26/4/2023).

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