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## MOVING THROUGH A EUROPEAN DEFENCE LANDSCAPE OF BLURRED OUTLINES: SPANISH DEFENCE AND THE DEVELOPMENT OF A COMMON SECURITY AND DEFENCE POLICY

### Abstract

*In this article we define European Defence (where defence is taken to mean the defence policy of the European Union) using the metaphor of a landscape of changing horizons. Despite the fact that the European defence policy is somewhat unclear and ill-defined, a country like Spain must follow its evolution closely, given that an important part of the country's future strategic options will be determined by the transformation of either the Common Security and Defence Policy (CSDP) or NATO. If we accept this proposition, we should assess the implications of recent developments in European defence policy for Spanish defence, primarily those stemming from the European Council of December 2013. In this article is offer an answer to this question through an analysis of the nature of European defence policy, recent progress in the area and the opportunities open to Spain.*

### KeyWords

*European defence, NATO, Spanish defence, European Union.*

## MOVING THROUGH A EUROPEAN DEFENCE LANDSCAPE OF BLURRED OUTLINES: SPANISH DEFENCE AND THE DEVELOPMENT OF A COMMON SECURITY AND DEFENCE POLICY

### INTRODUCTION: NATURE AND HISTORY OF THE COMMON SECURITY AND DEFENCE POLICY

Following the European Council devoted to defence (December 2013), we should ask ourselves about the resulting level of integration in relation to European defence. To answer this question, we can ask ourselves a second question in connection with the optimisation of the opportunities offered by the Common Security and Defence Policy from the perspective of Spanish interests. We will answer the first question through an interpretation of the history of European defence using the metaphor of a landscape of blurred outlines. We will then put forward a number of recommendations which we believe are useful for Spanish defence.

We find that there is confusion over the meanings. The idea of a “European defence”, as such, does not exist. In theoretical terms, we could say that it is the sum of States’ defence, the North Atlantic Treaty Organization (NATO) and the Common Security and Defence Policy. It is the latter, and its “blurred outlines”, that we will be focusing on in this article. Meanwhile, the second confusion concerns the interaction with respect to security policy, and the boundaries between these two areas are somewhat blurred.

Different Community institutions and initiatives have helped the EU Member States to build common defence capabilities in order to be able to fulfil some of their responsibilities in the international arena. However, we should point out that there is no master plan for the development of a European defence policy; the closest things we can find are a number of guidelines for cooperation between States issued by the bodies and structures that were set up in this area from 1999 onwards.

This was the year that the Cologne European Council approved the first structures for a European security and defence policy. Their evolution has been shaped by the logic that the Member States will always maintain their autonomy in defence and that their sovereignty in this area is crucial for protecting their interests and their competences. Therefore, the Member States’ level of commitment and participation in Community initiatives has largely been on a voluntary basis. As a result, cooperation between Member States in the area of defence has not evolved in a linear or progressive manner; indeed this circumstance has made it impossible. It has been very sensitive

to contexts and conjunctures, and it has perhaps become the one European project where the difference between rhetoric and reality has been most evident.

European defence policy<sup>1</sup> does not cover all aspects of traditional defence, and it cannot therefore be considered a “European defence”. Indeed, we could go so far as to say that, after 15 years, common defence capabilities fall far short of fulfilling the purposes for which they were created: the Petersberg tasks (Petersberg Plus tasks from the Treaty of Lisbon).<sup>2</sup> Furthermore, we must remember that collective defence is the domain of NATO, as enshrined in the Treaty of Lisbon, and it does not encompass every opportunity for intra-European cooperation available to Member States for the performance of their defence competences.

In short, we define “European defence” as a space with blurred outlines because it is the sum and concoction of different strategic interests, diverse strategic cultures, disparate geostrategic needs and structures from different periods.

This article aims to provide a better understanding of these ill-defined outlines so that we can identify a road map that a nation like Spain can follow; one which takes into account the country’s specific needs so that it can move through these complex and ambiguous territories; taking into account, in particular, the developments stemming from the Council of Europe of December 2013 and the opportunities this offers in practical terms.

## HISTORICAL INTERPRETATION OF THE ORIGINS OF THE EUROPEAN SECURITY AND DEFENCE POLICY

We agree with the interpretation – primarily held by the UK - that the underlying motivation for the creation of defence capabilities in the European Union was to save NATO following the Kosovo War.<sup>3</sup> The scope of this common effort had a clear goal: the performance of the Petersberg tasks. And two initiatives were undertaken in this respect: the creation of institutions attached to the Council for the purpose of advising on and drafting concepts and plans to manage crises within the framework of the

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1 To facilitate the composition and to aid understanding of this article, we will use this term, which encompasses the names (ESDP, CSDP) that have been used from the outset.

2 That is to say: Disarmament operations; Humanitarian and rescue tasks; Military advice and assistance tasks; Crisis management tasks; Conflict prevention and peacekeeping tasks; Post-conflict stabilisation tasks.

3 HAINE, Jean-Yves, *ESDP: an overview*, Paris, European Institute for Security Studies, 2005. This interpretation is still held by writers such as Jolyon Howorth in *Security and Defence Policy in the European Union*, Basingstoke, 2007. (2nd ed. from 2014, the version we consulted).

Petersberg tasks, and the development of common capabilities from a quantitative perspective. In December 1999, this gave rise to what has become known as the “Helsinki Headline Goal” (HHG); in theory, this meant the establishment of EU forces for the performance of missions, and these forces were to be made available by the Member States. To support the process, in 2001 a Capability Plan, known as the “European Capability Action Plan” (ECAP),<sup>4</sup> was developed to help achieve the HHG goals. It is important to mention this initiative here because the Headline Goal (HG) is still in operation, although it has been completely transformed.<sup>5</sup>

During the first four years of European defence, we should highlight the creation of dedicated institutions and the HG. However, a number of trends emerged which, to an extent; explain the conduct of Member States and governments in the area of European defence cooperation today: we are referring to this ambivalent attitude, in which participation is combined with mistrust. Furthermore, when it became apparent that all cooperation needs were not being met at the European level, partial cooperation initiatives began to be undertaken alongside the EU defence capability-building process between groups of Member States or between Member States and non-EU countries. For example, while it was always clear that European defence policy was contingent upon forging a solid industrial and technological base, the first major cooperation initiative came from outside the Community, in 1998, when the “Letter of Intent Framework Agreement Treaty” was signed by France, Germany, Italy, Spain and Sweden.

The group’s functions, among others, were to “monitor and influence the European Commission in the development and drafting of new European market regulations...”<sup>6</sup> In short, European defence policy has always been monitored, which has given it an ambiguous nature; it has been used to create institutions that have no autonomy or real political decision-making capabilities. Common actions have been undertaken alongside other cooperation projects, and conceptual frameworks have been discarded; while some elements of these frameworks have survived and extended the map and the territory, they have also helped to further blur their outlines.

The year 2003 was an important one for the development of European defence policy. It was the year in which the European Security Strategy was approved; this was a high-level political act, primarily championed by Javier Solana to address the division caused by the Iraq War. European Defence Policy, which follows its own

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4 LINDSTROM, Gustav, *The Headline Goal*, Paris, European Institute for Security Studies, 2007. This publication provides a good overview of the process.

5 The Council continues to publish an annual report on the progress of European military capability within the framework of the Headline Goal.

6 The version we consulted is the one provided by the British government: <https://www.gov.uk/letter-of-intent-restructuring-the-european-defence-industry>.

logic, was influenced by the political and institutional context, although the political situation and internal development led to a new conceptual framework.

At the “Capacity Conference”, it was concluded that the HHG was not the right approach because the European countries continue to reduce military spending, the voluntary nature of contributions make it impossible to secure the required capability and the HHG is therefore proving ineffective in this context. It was then that a new conceptual framework was approved - the “Headline Goal 2010” (HG 2010) – in which qualitative aspects were given priority over quantitative ones. While it may appear that the EU was becoming more ambitious, considering that the European Security Strategy and the HG 2010 were approved at the same time, in reality, the willingness to link capability development with the desire to make the European Union a global player was not evident. To the contrary, it would be more accurate to say that the realisation that the approach of the HHG was wrong forced the stakeholders to take a new route that led to the same destination, that is, the performance of the Petersberg tasks.

The conceptual change process proved enriching for European defence policy because it led to the creation of new institutions, such as the European Defence Agency (EDA). It also led to an agreement with NATO whereby some of its assets would be used in EU missions; it prompted a process of reflection on the long-term development of common capabilities that culminated in a “light”<sup>7</sup> planning process, and gave rise to the launch of the EU’s first civilian and military missions.

The latter aspect is important because the performance of missions of its own created a new dynamic in European defence. It became necessary to equip itself with concepts for crisis management (in 2003 the - since amended – crisis management procedure was established), new structures (the Crisis Management Planning Directorate and certain intelligence capabilities, etc.) and rapid response concepts (Air and Maritime components in 2007 and Land in 2009). The missions afforded the opportunity to gain experience and learn lessons which were in turn incorporated into the development of common capacities.

The HG2010 was rolled out in stages: in 2005, the Requirements Catalogue was compiled, followed by the Force Catalogue in 2006 and, in 2007, the Progress Catalogue (PC), which identified the critical capability shortfalls of the EU in the performance of missions and operations.<sup>8</sup> The rapid reaction concept was incorporated into the HG2010 from the outset, giving rise to the creation of Battlegroups (BGs), which were declared operational on 1 January 2007. The idea was that the EU would be able to carry out two simultaneous rapid deployment operations for a set period

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<sup>7</sup> Development obtained in VV.AA, *Military Capability Development in the Framework of the Common Security and Defence Policy*, Cyprus, Ed. CY2012EU, 2012.

<sup>8</sup> VV. AA, *op. cit.*

of time as part of a larger-scale operation. Since then, a conference is held every six months, at which each Member State presents a proposal for participation in a six-month standby period. There must be at least two BGs ready for deployment at any given time. The availability of BGs depends on the willingness of the States, and the European Union Military Committee must certify these, with the assistance of the European Union Military Staff.

Since the establishment of the HG2010, the European Defence Agency (EDA) has been aware that capability planning must go beyond the year 2010, and that it can benefit from the contributions received through state planning and the lessons learned during the performance of European missions. On the subject of capability-development, a much more serious debate on the technological and industrial base of European defence has emerged.

Accordingly, alongside the HG2010, a longer term capability planning process was undertaken. This process gave rise to the Long Term Vision<sup>9</sup>, which shows a Europe that is more concerned about its security, particularly on the fringes of its territory; describes the main challenges it faces in the long term (until 2025), the implications for European Security and Defence operations when developing their capabilities and the key to planning these. This document serves as a basis for State planning in the area of defence, as do the lessons learned during missions and the HG (for short—term planning). In 2008 the Capability Development Plan<sup>10</sup> (CDP) was approved as a guide to planning military capabilities. As the document<sup>11</sup> states, it is not a supranational plan, and while it is therefore not binding, it does provide useful guidelines for the planning of state capabilities and aims to equip the EU with the capabilities needed to carry out its missions. It does not lay down common limits and it is subject to ongoing review. The first version of the Plan was approved in 2011 and the second in late 2014.

Therefore, on the eve of the entry into force of the Treaty of Lisbon, there were already a number of important initiatives in place, creating a complex European defence environment. Also in 2008, the “Statement of Capabilities”<sup>12</sup> was approved, which was an ambitious move that linked European defence to the development of a European Security Strategy. However, the fact that it urged Member States to fulfil

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9 European Defence Agency, *An Initial Long-Term Vision for European Defence Capability and Capacity Needs*, Brussels, 2006.

10 The public document of the European Defence Agency entitled *Future Trends from the Capability Development Plan*, Brussels, 2008.

11 Specifically, it states that the Plan is created “by and for the Member States”, European Union External Action, *Common Security and Defence Policy. Development of European military capabilities*, Brussels, Updated: January 2011, Military Capabilities/8, 2011. Pag. 4.

12 Approved at the General Affairs and External Relations Council, December 2008, *Council of the European Union, Brussels, 8 and 9 December 2008*, 16863/08 (Presse 360).

their commitments demonstrates that these commitments had not been met up to that point. In the field of foreign intervention, the period from 2003 to 2008 was a fruitful one. Among other achievements, two-thirds of EU missions and operations were implemented. Nevertheless, this was not enough to overhaul the essence of a defence policy which many hoped would result in a logical development, that is, the creation of Community defence structures (such as a Military Headquarters for the EU) that would transcend the institutional level. Also during this period, the Member States tended more and more towards the development of partial cooperation agreements (primarily in the aerospace industry), thus complicating the outlook for cooperation initiatives. There were projects between EU Member States; projects coordinated by the EDA; projects with non-EU countries and cooperation projects with NATO.<sup>13</sup> The practical development of a European security and defence policy also highlighted the strategic differences between States, who began to publicly express their distrust. For instance, when the Chad mission was approved, Germany expressed its fear that the deployment was to satisfy France's own geostrategic interests.

By 2009, despite the progress that many see in the Treaty of Lisbon, the outlines of a European defence policy were already somewhat blurred. We find ourselves with a long-term capability development process that merely serves as a guide for state planning, and coexists alongside a short term plan. In practice, however, intergovernmental decision-making continued to carry more weight<sup>14</sup> than community initiatives, which were largely confined to the provision of guidelines in this area, a trend that continued in subsequent years.

## THE PARADOXES OF THE TREATY OF LISBON AND THE CSDP: AT A CROSSROADS

The Treaty of Lisbon provides many opportunities for moving towards the integration of European defence: it makes reference to the framing of a common defence policy,<sup>15</sup> gives us a glimpse of a common defence for the EU and enhanced partial cooperation

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<sup>13</sup> The status and management of these projects also changed, for example, the Franco-German joint effort for a common project on a Future Transport Helicopter capability was transferred to the European Defence Agency in 2008. This resolution was approved at the General Affairs and External Relations Council of 10 and 11 November 2008. Version consulted: *Conseil de L'Union Européenne, FR, 15396/08 (Presse 319)*.

<sup>14</sup> Although some authors (such as Jolyon Howorth) praise the subnational decision-making processes of some institutions (Political and Security Committee), important political decisions remained in the hands of intergovernmental institutions.

<sup>15</sup> It talks of the gradual framing of a common defence policy which might in time lead to a common defence.

agreements, etc. On the other hand, the principle of intergovernmentality<sup>16</sup> remains in force, and, in practice, the European defence institutions (if we may describe them as such) maintain their consultative role: they merely play a potential leadership role; NATO prevails in collective defence; more importantly, no new commitments are proposed, and the principle of “voluntariness”<sup>17</sup> and the primacy of national defence policy are underscored. This second view, which places limitations on the Treaty, but not on expectations, was the one that prevailed in the ensuing years. Since the Treaty came into force in late 2009, its implementation has been characterised by a double paradox: what was devised to help create a common defence is never developed. The double paradox we are referring to is that the Member States, while reluctant to take the path of community cooperation, nevertheless recognised that on their own they did not have significant defence capability. Interestingly, an essence that it was now legally possible to transform on account of the Treaty of Lisbon was strengthened. We have moved from harbouring hopes of a common defence to seeing a proliferation of multiple cooperation platforms (or “sub-alliances”) under the European banner which, when added to the initiatives of the previous decade, further complicate the European defence map. The most important point is that any reference to a common ambition or horizons is diminished and, with it, the possibility of building a European defence.

The latter aspect, and the impact of the economic crisis on EU financial policy, marked a turning point in the evolution of European defence, giving rise to an even more complex environment. Because there are so many players involved, the quest to find new methods of cooperation will never cease.

In the area of military capability, we see the coexistence of different lines of action. We see the urgent realisation that the resources required to carry out European missions and operations are not being met, as evidenced by the Statement of Capabilities of 2008. The letter of the Weimar Triangle to the High Representative of the Union for Foreign Affairs & Security Policy in late 2010 (with every conceivable hypocrisy) is another call for attention, as is the Council Declaration of April 2010. Although the Capability Development Plan (CDP) had been approved in 2008, let us not forget that it merely served as a guideline for national defence planning. In early 2010, the British government embarked on a wave of significant cuts in defence spending and Europe’s main nations followed suit, thus demonstrating the limited influence that the aforementioned guideline had had. Offers to cover the Battlegroup rosters decreased. During the first half of 2012 only one such unit was available, despite the fact that the first declaration on operational capability (2007) stated that there should be at

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16 The definition and implementation of a Common European Security and Defence Policy becomes the responsibility of the European Council, and the possibility to resort of the Court of Justice in Luxembourg is not permitted.

17 The Member States undertake to progressively improve their military capabilities, which is nothing new, as they continue to maintain their competence in defence matters.

least two BGs on duty at any given time. The accession of the new Member States prompted a review of the Force Catalogue (FG) in 2009, just one year after the CDP had been approved, as well as a review (approved in 2011) of the overall plan. Member States sought to cooperate with players who had similar strategic interests to their own: this is a symptom of the direction taken by European defence and an inevitable response because of the nature and characteristics of a European defence integration that never had a common approach.

At the time (2010-2012), we must consider the geostrategic retreat of the United States and the challenge this posed for Europe. Perhaps we should ask ourselves whether Europe's "disengagement" from its common defence project is not even most significant.<sup>18</sup>

The preceding paragraphs help us to understand the factors that have shaped developments in EU security and defence policy. While there is more and more talk of the EU having more competencies in the area of security, the possibility of creating a defence policy for the twenty-eight Member States is diminishing. Building on the mechanisms at its disposal, the Commission has progressively taken the lead in designing programmes and reforms that impact European defence. Given its competencies, aspects concerning security and the defence industry<sup>19</sup> are the only fields where we can expect to see real progress being made. At the same time, the European Defence Agency – the main common institution pursuant to the Treaty of Lisbon (albeit of an intergovernmental nature) - merely identifies opportunities and coordinates projects between groups of countries, given that its budget has been limited to around 30 million euros since 2008.<sup>20</sup>

Other changes have affected community structures since 2010. In European security and defence policy, the institutions that oversee the CSDP became part of the European External Action Service (EEAS), although not without difficulty,<sup>21</sup> and this prompted the need to modify the organisational structures on numerous occasions.

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18 In 2001, European defence spending represented 37% of the NATO total, in 2012 the figure dropped to 28%. Data obtained from JANSEN, Christian, WITTEK, Kai, et al, "The Future of European Defence: Tackling the Productivity Challenge", online edition by Mckensy & Company 2013, available at [www.cfr.org/europe/mckingsy-future-european-defence-tackling-productivity-challenge/p31216](http://www.cfr.org/europe/mckingsy-future-european-defence-tackling-productivity-challenge/p31216). Pág. 10.

19 As noted in the decisions taken at the Council of the European Union of April 2010 (with the participation of defence ministers), on the Defence Industrial Base, Improved Context for Defence Research, preparation of a civil-military synergies plan, maritime security, etc. In *Council of the European Union*, EN 8979/10 (Presse 90).

20 The budget for 2015 remains frozen at 30.5 million euros.

21 The main difficulties stem from relations with the staff of other European institutions, the duplication of functions with the diplomatic services of Member States and a lack of leadership for the performance of its functions. This is analysed in-depth by Howorth, Jolyon, op cit. (2014).

Furthermore, the performance of missions led to new capabilities being declared operational, such as the EU operations centre for the Horn of Africa, to streamline the aforementioned actions.<sup>22</sup>

However, as the difficulty to generate resources for common actions became more acute, the differences between the strategic cultures of major European countries became more apparent; their tendency towards partial cooperation (which in some cases proved more successful than community initiatives), the promotion of intergovernmental processes and the effects of defence spending cuts (apparent since 2008), led to the adoption of a new conceptual framework in 2010: the “Pooling and Sharing” concept, an example of how a concept from the past, one which had even been referred to in official documents,<sup>23</sup> is recovered to become the driving force behind European defence capability development. “Pooling” means the provision, by several countries, of military goods and services. “Sharing” means the joint use of a collectively administered capability.

This is the definition; in practice, however, it entails overcoming the absence of cooperation between twenty-eight Member States and the European Union’s need to turn a necessity into a virtue: reduced military spending, the Franco-British cooperation model<sup>24</sup> and the evidence that results can be achieved through agreements between countries (such as the European Air Transport Command, EATC), prompted the “reinvention” of European defence. Thus a new cooperation framework emerged, which, combined with the existing ones, further blurred the outlines we have been speaking about. Three main arguments can be cited in favour of this new cooperation axis:<sup>25</sup> it is easier to promote cooperation between states with a similar strategic culture; small-scale cooperation initiatives give States more freedom to develop individually (EATC); it overcomes the drawbacks of engaging in a large-scale cooperation that has not been possible in practice.

In any event, at the Defence Council meeting of December 2010, it was claimed that “Pooling and Sharing” would form the backbone of European defence in the future.

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22 The EU Operations Centre was declared operational in 2007; however it was not activated until 2012 to coordinate the three missions in the Horn of Africa: ATLANTA, EUTM SOMALIA and EUCAP NESTOR.

23 For example, the Council of the European Union in December 2008 highlighted the potential of the European Defence Agency to “pool efforts” and “share costs” in order to help create a European defence industrial base. *Council of the European Union*. EN 16863/08 (Presse 360).

24 It can even be seen that, after the Franco-British Agreement, the “Pooling and Sharing” concept enabled cooperation in defence to continue in connection with the European project.

25 MARINA, Claudia: *The trials and tribulations of European Defence Co-operation*. Centre for European Reform, July 2013. Available at [www.cer.org.uk/sites/default/files/publications/attachments/pdf/2013/pbrilf\\_trialstrib\\_24july2013-7692pdf](http://www.cer.org.uk/sites/default/files/publications/attachments/pdf/2013/pbrilf_trialstrib_24july2013-7692pdf).

This also means that, while the full potential of the Treaty of Lisbon<sup>26</sup> is constantly being stressed, the only way forward in the long term is Permanent Structured Cooperation, and how the “Pooling and Sharing”<sup>27</sup> concept will evolve cannot be foreseen.

At the Council meeting of January 2011,<sup>28</sup> we see many issues that went on to become the centre of discussions at the European Council of December 2013, and which describe the situation of European defence at the time: lessons learned (approval of the EU Military Lesson Learned Concept in 2012); civilian-military synergies; flexible use of the Battlegroups; strengthening of the European Defence Technological and Industrial Base (EDTIB); harnessing of partial cooperation projects; promotion of the leadership of the European Defence Agency. By the Council meeting of May of that same year, a new conceptual<sup>29</sup> framework for European defence policy was already in place: the key lies in “P & S”. The European Union thus became an “added-value” body, while the Member States were given a “driving role”. At the Council of July 2011,<sup>30</sup> it was explicitly recognised that cooperation between the twenty-eight Member States had failed and it was argued that “Pooling and Sharing” was likely to be a more flexible system. The European Union justified this new approach on the basis that it was difficult to secure the resources needed for the missions and operations<sup>31</sup> in place. Since then, efforts were made to position the “Pooling and Sharing” concept as a long-term process led by the Community institutions.<sup>32</sup> There was still hope that it would lay the foundation for Permanent Structured Cooperation, even though this statement was made in the same breath as it was acknowledged that securing resources for CSDP<sup>33</sup> missions remained a challenge.

The philosophy underlying the new conceptual approach guiding the EU and complementing the “Pooling and Sharing” concept, had ambitious goals: it entailed steering community action (i.e., CSDP) more in the direction of security than defence; acceptance that the Commission would be more involved in defence matters (by placing more emphasis on security and the reform of the European defence market);

26 *Council of the European Union* (Defence session, 9 December 2010), EN 17745/10 (Presse 342).

27 “Pooling and Sharing” encounters the same stumbling block as previous Community initiatives, i.e., the Member States’ fear of losing their autonomy and the desire to maintain control over the development of the capabilities needed for their defence.

28 Council of the European Union, 5888/1/11 REV. 1 (en).

29 *Council of the European Union*, EN 10440/11 (Presse 143).

30 This was the conclusion of the “*Comprehensive civilian military report on CSDP*” which the High Representative presented to the Council of the European Union on 18 July 2011.

31 *Council of the European Union* (defence session 30 Nov-1 Dec, 2011), EN 17720/11 (Presse 458).

32 Approval of the “Code of Conduct on Pooling & Sharing”, Council of November 2012.

33 *Council of the European Union* (defence session 22-23 March 2012) EN 7849/12 (Presse 117).

highlighting the importance of consistency with similar initiatives by NATO (“Smart Defence”); tying it in with what had been done in the past through a review of the CDP and “absorbing” cooperation alliances between Member States and non-EU countries.

If the “Pooling and Sharing” approach became the conceptual framework for the development of EU defence capabilities from late 2010 onwards, the other major discourse explaining the parallel evolution of this facet of European policy is the progress made in economic principles. The Commission made a more decisive foray into European defence through the problem of competitiveness, a front it has been more actively developing since 2012.

All of the aforementioned formed the backdrop against which the European Council of December 2013 took place. None of the opportunities afforded by the Treaty of Lisbon had been harnessed to “communitise” defence; and, more importantly, the backbone of European defence rested on a conceptual framework in which one aspect was blatantly apparent: the primacy of State sovereignty. We call this situation a “Lisbon paradox” because the Treaty was intended to promote activities that would lay the foundation for a future European defence. The outcome is a double paradox because state sovereignty became, moreover, an illusion that the States themselves recognised; they realised that they were incapable of developing the defence capabilities needed to tackle major global challenges on their own, or even as part of more modest cooperation initiatives. Indeed, the reduction of military spending resulted in some countries losing all of their defence capabilities. One such example was Holland, which approved the gradual phasing out of its only motorised brigade, while other countries, which reduced their overall defence budget more slowly, discovered that a slight reduction in spending had an exponential effect on their capabilities.

On the eve of the December 2013 meeting, we can take stock of what had occurred over the previous five years: the Treaty of Lisbon had not produced the desired outcome and the cooperation framework proposed was not consistent with the rhetoric used. What we described earlier had the following consequences: the cooperation projects that were implemented could not make up for the cuts in defence budgets;<sup>34</sup> the common mobilisation of resources became even more difficult; current cooperation initiatives did not offset the effect of the US’s geo-strategic rebalancing; and capabilities were not being generated to tackle long-term strategic challenges at the European level. European defence structures and concepts had become even more complex. Their outlines had become more blurred, which is not in itself a negative thing. However, they were not helping to resolve problems, as we shall see in the conclusions section, thus forcing Member States to take a different approach to cooperation.

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34 The savings provided by cooperation projects and initiatives launched since the start of the economic crisis do not account for 1% of the total amount of the budget cuts, according to data provided by MARINA, CLAUDIA, *op cit*, 2013. Page 1.

## THE EUROPEAN COUNCIL OF DECEMBER 2013: THE NEED TO READ THE SIGNALS CORRECTLY

The preceding paragraphs provide an overview of the current situation of European defence policy; however, we should bear in mind that the historical interpretation we carried out merely serves as an aid to understanding what has happened in recent times and, more specifically, at the European Council of December 2013. We use the latter stage to decode the signals transmitted on the future of European defence policy, as well as the opportunities this represents for Spanish defence.

For the past few years, economic issues have dominated EU activity. Between 2009 and 2014, the European Councils have addressed such important issues for Community integration as the Euro Plus Pact, the Europe 2020 Strategy, the “MEC Treaty” of 2012, “Single Market Acts”, the “Single European Digital Market”, the “European Semesters” and the “Treaty on Stability, Coordination and Governance”, etc. We could say that the European Council of December 2013, devoted to defence, actually stemmed from the economy. A large part of European defence policy has been marked in recent years by the emphasis placed on the defence industry, the call for better utilisation of EU resources and greater involvement by all its institutions. To an extent, as evidenced by some of the statements made, efforts are being made to exploit the economic crisis to make progress in the European Union.

This means that certain facets of Community economic policy impact defence, particularly because the latter is gradually being integrated into the security policy. On this point, the development of regional strategies, the priority given to the signing of bilateral trade agreements that include dual-use defence industry technology; budgetary consolidation measures and reforms in European Semesters, the inclusion of defence on the payroll of sectoral Councils as part of the reform policy and even some of the decisions adopted, such as that of energy in 2011,<sup>35</sup> lead us to conclude that EU economic decisions are likely to have an increasing impact on Community security policy, and will also impact defence. We can summarise this claim using the idea that economic integration - which advances in accordance with the principle introduced in 2011 that recovery in continental Europe will be brought about by adding fiscal consolidation, reforms, growth and employment - can also impact CSDP.

When the agenda for the European Council of the following year was being drawn up in December 2012, the conclusions of the Council meeting of 2008 were revisited (the last of which focused on European defence). The contributions of the recent

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35 Another example of a decision adopted in sectoral councils that links economic and security measures (and, to an extent, defence measures) is the “Cyber-Security Directive” adopted at the European Council of September 2013, devoted to Innovation and Services.

“Pooling and Sharing” conceptual framework were taken into account, as was the effect of Community economic policy and developments in the geostrategic context; cuts in States’ defence budgets were accepted and, aware of the obstacles to advancing in something that was binding for all Member States, emphasis was placed on issues that had more of a bearing on security than defence, the latter obviously being much more difficult to address directly. Thus, the two key issues from our strategic context that were mentioned in Catherine Ashton’s<sup>36</sup> preparatory report were the US rebalancing towards the Asia-Pacific and the fragmented European defence market. It can be deduced from the report that the Commission always has some type of competence, thereby linking security issues more so than defence.

However, the Commission recognises the limited scope of its approach, given the resources at the disposal of Member States to formulate their own directives (Directives 2009/43/EC and 2009/81/EC) using instruments such as Article 346 of the Treaty on European Union, the passing of national legislation on strategic activities and the signing of offset agreements, etc. It nevertheless advocates an economic and business model for the European defence market which, if followed, could have far-reaching implications. The proposals put forward by the Task Force<sup>37</sup> go beyond Pooling and Sharing, and we may in fact be looking at a new conceptual framework.<sup>38</sup> They all embody what we call a “pragmatic approach”, which advocates a European defence market structured around a number of companies of a European dimension, as contractors; a solid base comprised of efficient, medium-sized companies as subcontractors, and a third – highly competitive - sector comprised of service companies. Such a structure would enable a business model that is more consistent with the current situation. Targeted at third markets, primarily Asia, the aim would be the diversification of products (mainly dual-use technology). The goal therefore would be to create a competitive European defence industry, an idea that is widely understood in the United Kingdom, despite its misgivings in this regard.

A number of trends were confirmed at the Council of November 2013,<sup>39</sup> which we would like to mention here. When highlighting the variety of functions of the High Representative, it was implicitly stated that there was a greater willingness to address

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36 ASHTON, Catherine, Preparing the December 2013 European Council on Security and Defence Interim Report by the High Representative, Brussels, the Council’s Press Office, 24 July 2013.

37 European Commission, Commission Staff Working Document on Defence, *Communication Towards a more competitive and efficient defence and security sector* (COM (2013) 542 final).

38 PINTADO RODRÍGUEZ, César, Pooling & Sharing y la industria europea de defensa. Viejas ideas para nuevas soluciones, Madrid, Instituto Español de Estudios Estratégicos, Documento de Opinión 104/2013. This publication offers a theoretical link between Pooling and Sharing and the reform of the European defence market.

39 Council of the European Union, *Council conclusions on Common Security and Defence Policy*, Brussels, 25-26 November 2013, Press office Consilium Europa.

security issues, which is evidenced by the statement that there was a closer relationship between European defence and the area of “Justice, Security and Freedom”. The measures being worked on: Cyber-defence, energy efficiency and maritime security, are no longer the priority interests of the EU, but they are fields in which some degree of progress can be expected. They cannot genuinely be considered to be at the heart of a future common defence. From a political standpoint, it is perhaps essential to encourage the promotion of new mechanisms for the implementation of the Solidarity Clause.

Where capabilities are concerned, we should emphasise the guiding *role* of the European Union, while reaffirming the warning regarding the recruitment of civilian capabilities.

On this point, special mention must be given to the projects aimed at securing the involvement of industry and the Commission in developing capabilities. And on the last point, we have yet another argument for future debate. Some Member States (spearheaded by the United Kingdom) do not want to see the Commission lead certain projects.<sup>40</sup>

In industry, among other aspects mentioned previously, we can point to the proposal for harmonisation and accreditation, areas in which there is still a lot of ground to cover. The “pragmatic approach” of the Commission is recognised, but no mention is made of specific measures for the imminent consolidation of the European defence industry.

Although important political statements on European defence were made at the European Council<sup>41</sup> of 20 December 2013, these were already present in the Treaty of Lisbon. And once again, we see the outcome as a paradox that can be summed up with the expression: “Defence matters”, which demonstrates how defence has been incorporated into the highest political spheres of the EU. Furthermore, EU defence policy strives to become associated with a “European defence”. If we compare this expression with the evolution of the policy in recent years, we can conclude that the EU will stealthily strive to set up a defence policy, either through industry or the economy.<sup>42</sup> At the same time, the Member States will continue to monitor its progress, and who leads the initiative. The political content of the meeting was reinforced with

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40 The one that attracts the most controversy is the Commission’s desire to lead “Remotely Piloted Aircraft Systems (RPAS)”. British position in the House of Commons, *Documents considered by the Committee on December 2014 – European Scrutiny Committee*. Available at <http://www.publications.parliament.uk/pa/cm201415/cmselect/cmeuleg/219-xxiv/21923.htm>.

41 European Council 19 and 20 December 2013, *Conclusions*, EUCO 217/13.

42 This is also the impression given in British press articles such as *The EU is taking over defence policy by stealth* by Bernard Jenkin, which appeared in *The Telegraph* on 7 December 2013.

constant references to the role of NATO<sup>43</sup> and a concept that caught our attention: “make use of the Treaty of Lisbon”, which was used in relation to the intention to step up joint activity in the area of defence of the European Defence Agency, the Council and the Commission, and which was another reason to put some Member States on the alert, not just the United Kingdom.

Despite the initial statement, which may suggest a political will to advance towards a CEP, when speaking of the development of capabilities, the language used is that of cooperation between Member States. By its “meddling” with capabilities, we see an attempt by the Commission to address the intergovernmentality issue through cooperation projects for the development of certain capabilities, undertaken by some Member States on a voluntary basis. The key issue here is to certify an “a la carte” cooperation model, although point Twelve may give the impression of a more ambitious European plan.<sup>44</sup>

Ultimately, the European Council did not certify the establishment of a monitoring system, which was what the High Representative had proposed, because, among other reasons, there were no agreements that gave rise to binding commitments. We can roughly say that few major commitments were undertaken: a cooperation system that was in reality comprised of different cooperation schemes was approved; the political declaration made at the start did not result in the provision of any clear political guidance for the twenty-eight Member States; the need to cooperate with the other pillars of the European Union was stressed; and the only way to overcome intergovernmentality appears to be the European defence industry. Hopes of setting up a less fragmented and more competitive European defence industry inevitably led to a political agreement that enabled the resources generated to be used for joint European defence. To summarise, the European Council of December 2013 should not be considered a definitive event for the creation of a European defence that continues to have blurred outlines.

The reality, reflected in the results obtained, contrasts with expectations. Authors<sup>45</sup> who had hitherto been extremely demanding of the outcome assessed the need to establish a more ambitious planning timeline for European defence. In line with

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43 Following in the footsteps of the “Declaration of Saint-Malo” and all other important political declarations, including the Treaty of Lisbon.

44 Point 12 of the “Conclusions” literally states that: “Cooperation should be facilitated by increased transparency and information sharing in defence planning, allowing national planners and decision-makers to consider greater convergence of capability needs and timelines. To foster more systematic and long-term cooperation the European Council invites the High Representative and the European Defence Agency to put forward an appropriate policy framework by the end of 2014, in full coherence with existing NATO planning processes”.

45 BISCOP, Sven & FIOTT, Daniel (eds), *The state of defence in Europe: state of emergency?* Brussels, Egmont Royal Institute for International Relations, Egmont Paper, 62, 2013.

the developments of recent years, small steps continue to be taken. The predictions of those who call themselves “realists”,<sup>46</sup> and point to an absence of far-reaching political declarations, were closer to the final conclusions. In short, efforts focused on implementing partial cooperation projects and the deployment of civilian missions and small-scale military operations. In the same vein, the more avid pro-European authors saw the event as a turning point that calls for us to be especially attentive to any opportunities for advancement that may present themselves over the coming years<sup>47</sup>.

The European Council of December is a clear example of the very essence of European defence policy, not just that derived from the Treaty of Lisbon:<sup>48</sup> voluntariness, intergovernmentality, difficult complementarity with NATO; adherence to the strategic approach of the three European superpowers; an absence of a common binding plan, etc. Over the past fifteen years, different, ill-defined approaches have been sought. The trail that the European Council has tried to blaze (mainly through industry and security) will add to the complexity of the issue, but will not change the core essence at all, which is why only peripheral issues were addressed.

The year 2014 saw the ushering in of a new cycle that will force us to remain attentive to how the decisions taken in December 2013 will develop. Perhaps the Pooling and Sharing concept will work in the long term, as its advocates claim, and perhaps we will see the - at least partial - consolidation of the industry, thus prompting the definition of Strategic European activities.<sup>49</sup> The best that has come out of that European Council is the news that the door to wider community cooperation has not been closed. In any event, the fact is that it is never too late to exploit the opportunities offered by the Treaty of Lisbon, such as Permanent Structured Cooperation, particularly in these times of uncertainty and austerity.

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46 GOMIS, Benoit, *EU Defence: Time for small steps, not grands projects*, London, Chatham House, Comment, 912.2013.

47 BOYER, Yves, *French Defence Policy in a time of uncertainties*, Paris, Fondation pour la Recherche Stratégique, Note 04/13, 2013.

48 ARTEAGA, Félix, *El Consejo Europeo de diciembre de 2013: repercusiones para la industria y la defensa de España*, Madrid, Real Instituto Elcano, ARI 46/2013. We recommend reading this publication in its entirety because it addresses many of the ideas we are trying to convey in this section.

49 Alessandro Marrone's proposal in “EDTIB challenges and options: security of supply and strategic activities”, part of the work MASSON, Hélène (coord), *Security of Supply Challenges and European Defence Technological and Industrial Base: Debates & Dilemmas*, Paris, Fondation pour la Recherche Stratégique, Note 26/13, 2013.

## OPPORTUNITIES FOR SPAIN IN THE CURRENT EUROPEAN DEFENCE POLICY

The main political declaration made on European defence following the European Council of December 2013 was succinctly expressed by the Council at its meeting in June 2014.<sup>50</sup> We once again see a vague desire to strengthen European defence. Throughout 2014 the Commission continued its efforts to address capability issues, and showed a willingness to explore in-depth cooperation and the advancement of industry. The Pooling and Sharing approach continued to receive political support, although, as has been the case with the initiatives of the Commission, the framework in which it is developed is full of nuances, areas that have to be explored if we are to identify the opportunities offered to Spanish defence.

Almost fifteen years since the inception of the idea of a European defence, and after trying a succession of different approaches and management principles, Member States can now count on the support of the EU for improving certain capabilities and promoting a more efficient defence industry.

Based on our analysis of European defence (and its influence on the Atlantic), we can conclude that Spanish defence cannot be defined solely by the (European and Atlantic) integration processes in which it participates. No process is capable of catering to all the security and defence factors that are central to our needs.

Therefore, given the political uncertainty characterising cooperation agencies, it is crucial, as some authors have pointed out,<sup>51</sup> that we clearly define our strategic priorities before determining our capability requirements.

The EU environment is particularly conducive to cooperation initiatives in the area of capabilities (including research and technology). And Member States who take the lead in seeking out cooperation will particularly benefit from this. We are not even remotely close to a European defence plan that we can implement, to the extent that is expected of us, but there is a framework to facilitate projects that are in the interest of State defence and, in this sense, there are opportunities there for those willing to seize them.

For a country like Spain, a proactive approach should be combined with careful monitoring of offers from other States and indeed the Community institutions. Cooperation within the EU could be channelled in numerous directions. After this, clear principles will be the key to exploiting current opportunities. In our case, it

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<sup>50</sup> CONSEJO EUROPEO, Consejo Europeo del 27 de junio de 2014. Conclusiones. CO EUR 4. Page 20.

<sup>51</sup> ARTEAGA, Félix, *op cit*, Madrid, 2013.

is imperative that an analysis be carried out to assess its complementarity with the NATO projects we are participating in; calculations be made with a view to reducing acquisition, maintenance, supply and technology costs; and there must be a desire to access critical capabilities to improve our defence. It is essential that we choose cooperation initiatives and projects that allow us to cooperatively address the risks and threats that most concern us. The new national security system that has been developed in Spain over the past five years, which culminated with the approval of the “National Security Strategy” in 2013, will allow Spain to prioritise its strategic interests and responsibilities for the first time.

As some authors have pointed out, the new approach is also ideal for those States that are capable of agreeing on and consolidating a long-term defence policy.<sup>52</sup>

While EU directives should be taken into account when planning our defence,<sup>53</sup> it is also in Spain’s interest to study carefully the planning processes of neighbouring countries, as well as those of countries that have a similar strategic culture, given that these may lead to opportunities for cooperation that are likely to receive the guidance and funding of the EU. In general, it is also in Spain’s interest to exploit any opportunities that the Commission creates in the area of capabilities.

Based on what we have said in this article in relation to the nature and evolution of European defence, we can conclude that over the coming years, it will be vital to carefully monitor the following processes if our defence is to develop within the Community framework:

1. The intellectual evolution of the very idea of Europe (social, political, protest and intellectual movements) that are reflected in the continent’s main political forums and bodies and, above all, the impact these will have on Community concepts and policy, particularly in the area of European defence.
2. Because of spending cuts, the evolution of European defence will depend more than ever on the policy of “the big three”. We should remain especially attentive to the changes likely to be triggered by their security and alliance policies, relations, etc. Some of the strategic options of the major European states will not be defined until at least 2017: 2016 is the final year of implementation of Franco-British cooperation; 2017 may be the year of the British referendum; as of 2015 there will be no more major military operations such as Afghanistan; around 2015-2016 the large-scale European weapons programmes will come to an end.

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52 Drent, Margriet et al, *Defence Cooperation in Clusters. Identifying the next steps*, The Hague, 2014. Clingendael Report. Netherlands Institute of International Relations. Page 7-12.

53 The *Capability Development Plan* was eventually reviewed in 2014 and sixteen priority actions set.

3. At the Community level, we should embrace the initiatives that the Commission has launched to create a more efficient European defence industry (not the creation of a common market) wherever a policy has been devised for the defence industry<sup>54</sup> (“internal market”, “security of supply”, “promotion of a more competitive defence industry” and “development of capabilities”). The latter two are more relevant to the case of Spain.
  - 3.1. In the development of capabilities area, the country should be involved in initiatives such as the “joint assessment of dual-use capability needs”, “civil and military” cooperation projects and anything that entails “space and defence”. In the area of research, to promote capabilities, the Commission will place hitherto unavailable programmes and funding at the disposal of Member States for defence purposes.
  - 3.2. It is important to monitor the evolution of the funding programmes that the Commission has proposed for SMEs engaged in the defence industry: we will have to assess how Spain could offer an incentive for “industrial restructuring” to medium-sized companies that could provide defence products and services and thus improve their productivity and diversify their product portfolio. All of the aforementioned should be carried out with the capability needs of our defence sector in mind.
  - 3.3. We must look for business opportunities for our industry in the trade agreements that the Commission has signed with third countries. Furthermore, we should also be attentive to the impact of European economic reforms on the defence industry: economic governance, sectoral incentives and above all transatlantic negotiations.
4. We should pay attention both to the development and evolution of European projects as well as the European Defence Agency’s ability to identify projects that can be shared. Within the Pooling and Sharing system (or culture), Spain should exploit to the full any offers to take part in projects within the EDA framework; look for synergies with Member States with similar geostrategic needs and continue with the projects it is already participating in. On this point, since the European Council of December 2013, more initiatives have been launched. Spain is currently taking part in seventeen of these, some of which have significant strategic reach (air-to-air refuelling), others of a technological nature, others to improve training opportunities, most of which are useful

54 EUROPEAN COMMISSION, Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. A New Deal for European Defence. Implementation Roadmap for Communication COM (2013) 542. Towards a more competitive and efficient defence and security sector. Brussels, 24.6.2014. COM (2014), 542.

for the assessment of capabilities and the management and rationalisation of resources.

5. We should also monitor the progress of the proposals made by the Commission in relation to the following areas:
  - 5.1. Certification and standardisation (what will be the implications for Spanish industry; what type of activities does it affect; what opportunities does it offer for cooperation with third countries and the establishment of new trade associations; how can these processes be combined with participation in other non-European projects and acquisitions of interest to Spain).
  - 5.2. In relation to the development of the business model that the Commission is giving shape to (according to its desires or possibilities): assess what Spain's options are in relation to its competitors and clients.
  - 5.3. Assess what compensation systems can be requested of the EU in the event that the aforementioned processes harm some of our fundamental interests.

However, the opportunities that the European defence policy has to offer Spain should also be assessed in light of their limitations (what it cannot offer us) and their ambiguities (which prevent the resolution of certain issues that would allow the development of the mechanisms provided for in the Treaty of Lisbon and therefore blur its outlines). At both ends the scale, the historical description we presented at the start of this article will help us to understand its shortfalls.

We have seen how after the European Council of December 2013, the EU (which at the strategic level has come to a standpoint)<sup>55</sup> offers us a framework for the development of capabilities in a cooperative manner and afforded us the opportunity to - at least partly - enhance the efficiency of our defence industry. However, some needs have not been met:

- Key issues, such as the development of capabilities (missile defence and others). Spain is more interested in being involved in NATO projects, which cannot be linked to the CSDP. We can also cite projects in the transatlantic framework that are essential for interoperability.
- In terms of procurement policy, P & S projects are as yet unable to meet all our supply needs.

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<sup>55</sup> Despite the request of some countries, the European security strategy was not amended; the “Maritime Security Strategy”, which was eventually approved in 2014, is the outcome of four years’ work, while the “framework” for addressing cyberthreats, also approved in 2014, primarily aims to protect European systems and guide Member States.

- In the defence industry, coordination with the other five major manufacturing countries (to which we can add Poland) could pave the way for a less fragmented European defence market. We should bear in mind that there have been no large-scale joint operations in this area since 1999.<sup>56</sup>
- If we speak of capability-sharing, the road ahead is even longer, and the opportunities on offer are numerous: “Smart Defence” projects and “Pooling and Sharing” projects, among others.

In short, from a defence perspective, Europe is presently an invitation to take part in cooperation initiatives that are unfolding in a fuzzy environment. The recently approved cooperation framework (Policy Framework for Systematic and Long-Term Defence Cooperation)<sup>57</sup> would have to coexist with the framework approved by NATO at the Wales Summit (“Framework Nations Concept”). If it is to be linked with the Capability Development plan, it will only be intended as a guide and dependent on national planning; moreover, it is not harmonised with the “NATO Defence Planning Process”.

In addition, we should point out that cooperation with States outside NATO and the CSDP<sup>58</sup> is an option that should be exploited. In any event, the European projects and initiatives open to us would enable us to develop the capabilities we need, secure better funding, provide access to cutting-edge research, help us to reduce costs and achieve a more effective defence industry.

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<sup>56</sup> Védrine, Hubert, Report for the President of the French Republic on the consequences of France’s return to NATO’s Integrated Military Command, on the future of Transatlantic Relations, and the outlook for the Europe of Defence, Paris, 2012, which outlines some of the issues preventing a more consolidated market at the European level: Large-scale projects between European countries and the USA, including France (THALES); the lack of consensus on the BAE SYSTEMS-EADS merger, etc.

<sup>57</sup> Council of the European Union, Press Release 3346th Council Meeting. Foreign Affairs. Brussels, 17 and 18 November 2014. PR CO 58. Pag. 23.

<sup>58</sup> France, for example, is involved in several cooperation platforms with the United States in the area of defence, such as “*The Trilateral Strategic Initiative*” and the “Multinational Interoperability Council”.

## CONCLUSIONS

The armed forces of European countries are expected to fulfil more commitments than twenty years ago with fewer resources. Furthermore, they must reconcile themselves to the diffuse relationship that exists between the two large institutions they belong to: NATO and the European Union. We should add that the cooperation between States that are culturally and strategically similar (what is known as “Clusters”) is not enough to overcome the problems stemming from mistrust and a lack of joint planning.

The Common Security and Defence Policy will not solve our problems, but the Community institutions can be resorted to to strengthen the capabilities we need to improve. Contrary to appearances, this statement should not be interpreted as pro-European pessimism because it may, over time, be the setting we need to turn cooperation habits into a genuinely European planning process and because Pooling and Sharing is much more effective than former conceptual frameworks at engaging those who decide to participate in common cooperation projects.

The other idea we would like to highlight is that the clearer a country is on its ideas and priorities, and the more political will it has to implement them, the more it will benefit from the opportunities for cooperation and the greater its contribution will be to achieving a more cohesive European defence. In the case of Spain, a European defence policy would enable us to put forward proposals that implicitly allow us to address certain threats.

The idea we have tried to convey here is that if a European defence is to prosper, it is essential that Member States - making use of the autonomy granted to them in this vital area of their sovereignty - prepare a list of the capabilities they need. This should prompt them to make better use of the opportunities afforded them by the European Union which, in the form of various cooperation initiatives, could supply the raw material needed to build a common defence.

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