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Jean-Jacques Menuret, Mare et Martin, 2023); *Sécurité et environnement* (co-edited with Christel Cournil, Catherine Fabregoule and Geetha Ganapathy-Doré, Bruylant, 2016); *L'autonomie stratégique de l'Union européenne, Perspectives, responsabilité, ambitions et limites de la défense européenne* (co-edited with Pierre-Yves Monjal, Larcier, 2015); and *Parlement européen et droit parlementaire. Essai sur la naissance du droit parlementaire de l'Union européenne* (LGDJ, Bibliothèque constitutionnelle et de science politique, volume 124, 2006).

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FOREWORD: TOWARDS A EUROPEAN DEFENCE UNION

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On 4 March 2025, Ursula von der Leyen, the President of the European Commission presented an unprecedented initiative – the ReArm Europe plan[2] – having noted that:

> We are living in the most momentous and dangerous of times. I do not need to describe the grave nature of the threats that we face. Or the devastating consequences that we will have to endure if those threats would come to pass. Because the question is no longer whether Europe's security is threatened in a very real way. Or whether

[1] This analysis, which is provided in a personal capacity, reflects the views only of the author, and can in no way be regarded as the official position of the European Commission.

[2] See E. Bernard's commentary on the Preamble in this publication.

> Europe should shoulder more of the responsibility for its own security. In truth, we have long known the answers to those questions. The real question in front of us is whether Europe is prepared to act as decisively as the situation dictates. And whether Europe is ready and able to act with the speed and the ambition that is needed.[3]

This announcement was made more than three years after the beginning of Russia's war of aggression against Ukraine, and a few days after US Vice President J.D. Vance announced in Munich that the threat he worries the most about for Europe 'is not Russia, it's not China, it's not any other external actor', but it is 'the retreat of Europe from some of its most fundamental values, values shared with the United States of America'.[4]

Indeed, the security context of the European Union (EU) deteriorated between the publication of the French version of this book in 2024 and this English version drafted in 2025, not just because of Russia's ongoing threat and rapid move toward a wartime economy, or because the new US administration has 'directly and unambiguously express[ed] that stark strategic realities prevent the United States of America from being primarily focused on the security of Europe'.[5] But the deterioration also follows 'uncertainties stemming from the advent of a geopolitical situation in which the Union has to markedly step up its efforts to ensure its defence autonomously'.[6]

As Andrius Kubilius, the Commissioner for Defence and Space, noted in June 2025, '[w]hile Americans are preparing to move out from Europe, and Russians are growing stronger, we need to start to discuss […] how the true European Defence Union with the responsibility to defend Europe independently, will be created'.[7]

This emerging European Defence Union is examined here in an Article-by-Article Commentary.

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3 Press statement by President von der Leyen on the defence package, 4 March 2025, https://ec.europa.eu/commission/presscorner/detail/et/statement_25_673.

4 https://securityconference.org/assets/02_Dokumente/01_Publikationen/2025/Selected_Key_Speeches_Vol._II/MSC_Speeches_2025_Vol2_Ansicht_gekürzt.pdf.

5 Opening Remarks by Secretary of Defense Pete Hegseth at Ukraine Defense Contact Group (As Delivered), U.S. Department of Defense > Speech, available at: https://www.defense.gov/News/Speeches/Speech/article/4064113/opening-remarks-by-secretary-of-defense-pete-hegseth-at-ukraine-defense-contact/.

6 Council Regulation (EU) 2025/1106 of 27 May 2025 establishing the Security Action for Europe (SAFE) through the Reinforcement of the European Defence Industry Instrument, [2025] *OJ* L2025/1106, Recital 8.

7 A. Kubilius, Keynote Speech, European Defence and Security Summit, Brussels, 10 June 2025.

The notion of a 'European Defence Union', which neither the European Commission[8] nor the European Parliament[9] hesitate to use, has never been used by the European Council. This is hardly surprising given that the term, as we understand it and as the Commission and Parliament understand it, covers both the traditional defence pillar of the European Union (i.e. the Common Foreign and Security Policy (CFSP) branch, as well as the Common Security and Defence Policy (CSDP)), and, for some years now, its former 'Community' pillar, from which defence originally seemed to be excluded. While the CSDP is the prerogative of the European Council, which, according to the Treaties, is responsible for deciding on the transition from 'the progressive framing of a common defence policy for the Union' to a 'common defence policy',[10] the Member States do not have the same pre-eminence in supranational areas covered by the Treaty on the Functioning of the European Union (TFEU). Here, the Commission, the European Parliament and the Court of Justice, in particular, exercise their prerogatives. It is therefore understandable that Member States are cautious about the idea of a European Defence Union, implying a degree of integration in an area of sovereignty embodied, within the EU, by the highly intergovernmental CSDP.

Thus, the European Defence Union transcends the distinction between the supranational and intergovernmental spheres, and so should be viewed not only from the angle of the Treaty on European Union (TEU), which governs CSDP, but also from the angle of the TFEU as well as the Treaty establishing the European Atomic Energy Community (TEAEC, also known as the Euratom Treaty). Each of these is covered in the three parts of this publication.

Defence 'has as its object to ensure at all times and in all circumstances and against all forms of aggression, the security and integrity of the territory and the life of the population'.[11] A glance at the table of contents here shows that, in a profoundly deteriorating security environment, defence is now being incorporated into ever more numerous and varied areas of European Union law. As reiterated by the European Council in its conclusions of 26 June 2025, the European Union 'must become more sovereign, more responsible for its own defence and better equipped to act and deal autonomously and in a

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8 See President Jean-Claude Juncker's State of the Union address on 13 September 2017 and President Ursula Von der Leyen's State of the Union address in September 2021.

9 European Parliament resolution of 17 February 2022 on the implementation of the common security and defence policy – annual report 2021 (2021/2183(INI)). More recently, Mrs von der Leyen stated that 'it is time to build a genuine European Defence Union', in the context of the political guidelines for her new term of office (2024-2029): see speech of 18 July 2024 to the European Parliament in Strasbourg, Statement No. 24/3871).

10 See the preamble to the Treaty on European Union (TEU) and Article 42(2) thereof.

11 In the absence of a definition of this concept in the European treaties, we refer to French Ordinance No. 59-147 of 7 January 1959 on the general organisation of defence, as amended by Ordinance No. 2004-1374 of 20 December 2004 in the legislative part of France's Defence Code (authors' translation).

coordinated way with immediate and future challenges and threats, with a 360° approach' (see also conclusions of the European Council of 18 December 2025). Against this background, and although it was not designed for this purpose, the legal framework of the TFEU is therefore conducive to the development of the European Defence Union, and many of its articles now serve as the legal bases for secondary legislation that characterises a form of European integration in this area.

Yet this phenomenon is the source of two methodological difficulties encountered in the design of this article-by-article commentary.

The first of these difficulties consists in the delicate demarcation of the provisions to be commented on, due to the evolving and sometimes vague nature of the contours of the European Defence Union.

For example, when the structure of the book was first discussed, there was no intention of commenting on Article 212 TFEU, which had never been used for European defence. However, that provision was taken as one of the legal bases for the proposal for a European Defence Industry Programme (EDIP), presented by the European Commission in March 2024,[12] and it therefore seemed necessary to reserve a place for it here. The same goes for Article 122 TFEU, which is not commented on in the French version of this publication, but which had to be commented on in the English version, since it serves as the legal basis of the SAFE Regulation, adopted on 27 May 2025.[13]

Other provisions of the Treaties may well prove conducive to consolidating the European Defence Union in the future.

In preparing this publication, various editorial choices had to be made. One was to comment only on binding legal acts, despite the importance of the various 'Strategies' and 'European Action Plans' or other 'roadmaps' in this area, some of which have been adopted in the form of joint communications from the Commission and the High Representative.[14] These are nevertheless often analysed in the context of commentaries on articles of the Treaties or secondary legislation. Another choice has been to focus on acts in which

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12 Proposal for a Regulation of the European Parliament and of the Council concerning the establishment of the European Defence Industrial Programme and of a framework of measures to ensure the availability and timely supply of defence products, COM/2024/150 final. On 29 December 2025, the Regulation (EU) 2025/2643 of 16 December 2025 establishing the European Defence Industry Programme and a framework of measures to ensure the timely availability and supply of defence products ('EDIP Regulation') has been published (OJ L/2025/2643).

13 Council Regulation (EU) 2025/1106 of 27 May 2025 establishing the Security Action for Europe (SAFE) through the Reinforcement of the European Defence Industry Instrument, [2025] *OJ* L2025/1106.

14 Such as the *Global Strategy* for the CFSP of 2016, the *Strategic Compass* of 2022, the *Space Strategy* of 2023, the *EU Maritime Security Strategy* revised in 2023 and its *Action Plan*, the new *European Defence Industrial Strategy* (EDIS) of 2024 or the most recent *Defence Readiness Roadmap 2030* of October 2025.

defence issues are central rather than marginal, even if it is not always easy to establish limits between the two.[15]

This publication cannot therefore claim to be exhaustive.

The second methodological difficulty concerns the structure of the publication, since, on the one hand, an article of primary law (serving as the basis for a main entry) may serve as the legal basis for several acts of secondary law (this is the case, for example, of Article 173 TFEU). On the other hand, an act of secondary law may have several legal bases (this is the case, for example, of the Regulation establishing the European Defence Fund,[16] the legal bases of which are Articles 173 and 182 TFEU). Here again, choices had to be made for organisational reasons. In principle, when an act of secondary legislation has several legal bases, it is commented on under the article of the Treaty cited first in the citations of this act, which indicate its legal bases (for example, for the European Defence Fund, this is Article 173 TFEU). However, where the first legal basis cited is not substantially the main one, the secondary act is commented on under the entry for another article that also serves as its main legal basis: as, for example, with the ASAP Regulation,[17] which is based on Articles 114 TFEU and 173 TFEU but which falls mainly within the scope of Article 173 TFEU and is therefore commented on under this entry.

This article-by-article approach, including both primary and secondary legislation, is not without its flaws. However, it does have the merit of presenting the European Defence Union through the legal rules that make up the EU legal order. To do this, we have called on academics as well as practitioners specialising in the defence sector, some of whom were directly involved in drafting the acts analysed. Where appropriate, their analyses are

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15 Examples of secondary legislation contributing to the EU's cyber-defence policy include Regulation (EU) 2019/881 on the European Union Agency for Cybersecurity (ENISA) and on cybersecurity certification of information and communication technologies, known as the 'Cybersecurity Regulation', [2019] *OJ* L151/15, and the Joint Communication from the Commission and the High Representative of 10 November 2022 on the EU's cyber-defence policy (document JOIN (2022) 49 final). Similarly, defence issues are interfering in the policy to combat climate change: see the Joint Communication from the Commission and the High Representative of 28 June 2023 entitled 'A new outlook to the climate and security nexus: addressing the impact of climate change and environmental degradation on peace, security and defence' (document JOIN (2023) 19 final), which follows on from the European External Action Service (EEAS) Climate Change and Defence Roadmap of 6 November 2020 (document EEAS(2020)1251).

16 Regulation (EU) 2021/697 of the European Parliament and of the Council of 29 April 2021 establishing the European Defence Fund and repealing Regulation (EU) 2018/1092, [2021] *OJ* L170/149.

17 Regulation (EU) 2023/1525 of the European Parliament and of the Council of 20 July 2023 on supporting ammunition production ASAP), [2023] *OJ* L185/7.

accompanied by an academic commentary to combine undeniable technical expertise with the hindsight required for a critical study.[18]

Putting the European Defence Union into perspective in this way invites us to question the scope and limits of European integration in defence matters. How can we reconcile the Union's respect for 'essential State functions, including ensuring the territorial integrity of the State, maintaining law and order and safeguarding national security'[19] with the desire regularly expressed by the European Council[20] and the Council to see the Union 'further increase its defence readiness and enhance its sovereignty through additional efforts […] in accordance with Member States' competences'?[21]

Through their analyses of EU law, the authors who contributed to this publication have highlighted the obstacles on the road to a European Defence Union, but also the progress made, in a worrying geopolitical context requiring the Member States to do 'more, better, together and European', to quote a well-known leitmotif in European defence. Our sincere thanks go to them.

[18] This is the case, for example, with Article 173 TFEU, discussed by Daniel Fiott and, from the perspective of the new European Defence Industrial Strategy (EDIS), by Fabio Liberti, who worked on the drafting of this text within the European Commission's DEFIS Directorate-General.

[19] Art. 4(2) TEU.

[20] See Chapter III of the recent European Council conclusions of 23 October 2025.

[21] Council conclusions on EU security and defence, 27 May 2024.

PREFACE

The history of the European Union (EU) is unfolding in an unpredictable international environment that is becoming increasingly dangerous by the day. The future had already been darkened by threats from clearly identified adversaries. Now, a new shadow has been cast over the EU's outlook: the sudden and brutal confirmation – long anticipated and feared – that the Atlantic Alliance no longer truly binds anyone, apart from those who still claim its protection.

Within a year of taking office in January 2025, the Trump II administration has tilted the axes of global geopolitics and left Europe alone to face its destiny. Confronted with a Russian military threat and the risk of economic subordination driven by the power politics now openly embraced by both China and the United States, the European Union is not yet on the brink of the abyss. It does, however, have its back against the wall.

In this context, the notion of a 'European Defence Union' takes on its full meaning. The European Union faces a historic choice. It can raise itself to the status of an autonomous power, capable of existing and asserting itself within the balance of power, in the name of values that are now distinctly its own. Or it can resign itself to losing control of its future, as the 'real' sovereignty of the nation-states that compose it dissolves into the de facto submission to external empires.

This is no longer merely a perception confined to the socio-economic sphere or even to the realm of hybrid confrontation: from Greenland and Denmark to the Baltic States and Poland, fears of direct or indirect infringements on European territorial sovereignty are now well founded.

A European Defence Union is a project that would offer Member States the opportunity to move forward together. It would allow them to assert collective military power, potentially emancipating them from the Atlantic Alliance, by creating a form of collective – but also national – sovereignty, which is currently slipping away. By further integrating their 'national defence' policies, the Union could draw on a considerable market, enabling the necessary shift in scale to establish a more competitive defence industry that is economically more efficient and capable of reclaiming markets that have largely been lost to third-country industries. This transformation is nevertheless still hindered by a dual fragmentation of supply and demand, the legacies of industrial strategies that were historically centred on nation-states.

Yet creating a European Defence Union presupposes a clear understanding of what the idea actually encompasses, the dynamics that drive it, the obstacles it faces, and above all, the means of overcoming them.

While the political nature of these obstacles has already been widely analysed, particularly since the outbreak of the war in Ukraine, the same cannot be said of the legal obstacles. Yet the European Union is a legal order founded upon treaties, of which the Member States are the authors and the 'masters', to use the established expression.[1] These treaties confer competences on European institutions, which are entrusted with adopting secondary legislation. Both the treaties and these acts of secondary law warrant close attention. The former determine the scope of the Union's powers to act in the field of defence, and therefore also define their limits. The latter are increasingly extending into the domain of defence through policies and instruments that were not originally designed for that purpose: industrial policy, certainly, but also research, transport, competition and, more broadly, the internal market. No examination of a European Defence Union can therefore do without a thorough legal analysis. This is indispensable, though admittedly complex, owing to its technical nature and novelty.

The interest and merit of this innovative publication lie precisely here: to engage directly with such a legal approach. It enables the reader to assess the steps already taken by the EU, to understand the acts adopted and the instruments developed which, in practice, are bringing us closer to a European Defence Union.

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One of the great paradoxes of the European Union is that its most operational concepts and mechanisms are often also the least precisely defined, particularly with regard to their ultimate purpose or final form. Thus, Article 1 of the Treaty on European Union (TEU) describes the Union as 'the process of creating an ever-closer union among the peoples of Europe', while carefully refraining from specifying any definitive point of culmination. The same holds true for the many processes of 'integration', which were meant to contribute to the realisation of this Union. Today, it would be difficult indeed to define the ultimate endpoint of the 'internal market', as the question of whether it does – or does not – tend toward a 'single market' remains the subject of intense debate.

Defence is no exception, as Article 42(2) of the TEU provides that the Common Security and Defence Policy (CSDP) encompasses the 'gradual development' of a common defence policy for the Union. Yet the authors of the Treaty appear to have succumbed to the temptation of envisaging a

[1] According to the expression used by the German Federal Constitutional Court in its so-called Maastricht judgment (BVerfG, decision of 12 October 1993, 2 BvR 2134/92 and 2 BvR 2159/92).

'fully realised' form of a European Defence Union, stating that this gradual evolution 'will lead to a common defence, when the European Council, acting unanimously, so decides'.

Despite the Treaty's determination to bring it to fruition, the ultimate form of a European Defence Union remains open. Paradoxically, this is also its strength. It remains a horizon that recedes as one approaches it, while simultaneously generating a powerful and irreversible dynamic. Although the distance to be covered may still seem great, the progress already made is considerable. In today's geopolitical turbulence, this horizon offers a reference point for the peoples of Europe in their pursuit of security, even if the relevance of a European Defence Union is as intuitive as its realisation remains hypothetical.

It is hardly surprising that this concept is the cause of tension and apparent contradictions. For it is, in effect, a kind of oxymoron – a union of opposites. How, indeed, can one conceive of 'defence readiness' as a genuinely European objective when defence has always embodied the 'ultimate' form of sovereign power? Since the drafters of the Treaties could not envision the Union's purpose as a dead end, they have effectively invited us to transcend this contradiction by adopting a new paradigm. But how?

First, it should be noted that at no point did the drafters of the Treaties contemplate what might, in theory, seem self-evident: that the European Union should also function as a military alliance. European integration took place in the shadow of NATO and under an American umbrella, for a variety of reasons. Yet the self-evidence of the past seventy years now poses two problems.

First, *the Russian aggression in Ukraine has reminded us that a high intensity 'conventional' conflict is, above all, a war of attrition, whose outcome is determined on industrial and economic grounds*. While NATO, as a military alliance, is poorly equipped to organise an economy sufficiently prepared for war to serve as a credible deterrent, the European Union, by contrast, is relatively well positioned, thanks to its economic, regulatory and financial capacity. Pooling resources and optimising them at the Union level could enable each Member State to defend itself more effectively, and to defend the EU as a geographical and political bloc that is now indivisible. This is a shared asset that has become vital.

Secondly, *the credibility of NATO's European security guarantee is now seriously eroded*, as the alliance's military power rests overwhelmingly on the United States. Europe must therefore urgently rethink the governance of its defence to ensure its effectiveness in the event of American disengagement. It must devise or reinforce mechanisms of solidarity and mutual assistance among Member States, both within NATO's European pillar and beyond the alliance. At the same time, the Union must substantially strengthen its defence industrial base to be commensurate with its security requirements.

After a long period of modest progress – particularly in diplomacy and the CSDP – driven primarily by a concern for external projection in an expeditionary mode, a sharp acceleration occurred on the industrial front from 2015 onwards, prompted by the invasion of Crimea, Brexit and Donald Trump's first election. In early 2022, the Strategic Compass confirmed a shift in the CSDP, placing greater emphasis on investment in defensive capabilities to deter aggression. The European Defence Fund (EDF), adopted in 2021, marked a major turning point by mobilising the European budget for the first time to support a transnational, cooperative defence R&D effort of €7 billion.

Another pivotal moment was, of course, Russia's brutal invasion of Ukraine in February 2022. Within days, the European Peace Facility (EPF) had been transformed into a major instrument of military support for Ukraine.[2] The reaction was equally quick in the industrial sphere. Within a few months, the Commission proposed emergency programmes to establish new frameworks for intervention, building on the stark assessment set out in its Joint Communication on the Defence Investment Gaps Analysis and Way Forward, published just weeks after the attack.

The European Defence Industry Reinforcement through Common Procurement Act (EDIRPA) has provided Member States with financial incentives for joint acquisitions, transforming €310 million of European investment into over €11 billion for urgently needed equipment, ranging from 155 mm shells to armoured vehicles and missiles. Meanwhile, the Act in Support of Ammunition Production (ASAP), proposed and adopted with unprecedented speed, mobilised €500 million from the EU budget to generate €1.35 billion in investment in production facilities, quadrupling ammunition output within the Union in just 18 months.

This surge marked the beginning of a paradigm shift. In 2025, it was reflected first in the adoption of the Security Action for Europe (SAFE) instrument, which provided €150 billion in loans to Member States (guaranteed by the EU budget) to support the joint acquisition of capabilities required by the 'Defence Readiness 2030' objective. In the same year, the European Defence Industry Programme (EDIP) expanded the range of incentives available for European defence industrial cooperation, including with Ukraine. Finally, in early 2026, the European Commission proposed a new instrument for substantial support to Ukraine, including in terms of capabilities, through the Ukraine Support Loan.

The European Defence Union is therefore underway in practical terms, if not by design, then at least by necessity. Yet it still faces three major obstacles, spanning both the political and economic spheres.

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[2] At the end of 2025, the EU had provided approximately €170 billion of support to Ukraine, including more than €60 billion in specific support for its war effort.

First, *on the political front, decision-making mechanisms and the principles that guide them remain essentially national*. The absence of a common vision and centralised decision-making capacity confines European countries to the role of spectators in international affairs, as decisions are fundamentally national and anchored in the sacrosanct principle of unanimity that governs the intergovernmental framework. While the Union's adversaries aim at its disintegration, Europeans have yet to fully acknowledge the reality of their interdependence. Even the most Eurosceptic should concede that the military aggression of a single Member State would have devastating consequences for all 26 others, and that a weak response would undermine the Union's ability to shape its own destiny. This deficiency prevents the EU from equipping itself with the resolve, tools and procedures necessary to act decisively and swiftly in defence of its interests, thereby ensuring both its credibility and resilience.

Secondly, *the decision-making and industrial fragmentation of the 27-member bloc limits its effectiveness in addressing Europe's capability gaps*. The Union remains economically inefficient, being too often a patchwork of narrowly national markets, whose interdependence is frequently overlooked as value chains extend beyond borders without sufficient attention to their overall resilience. Lacking visibility on limited national orders that often disregard interoperability, Europe's current defence industries prioritise large export orders at the expense of Europe's defence, in order to recoup investments. Moreover, these interdependencies render the industrial base vulnerable to any significant shock within the internal market. It was only in 2025, and with some reluctance, that the EU finally established, through EDIP, a system for monitoring value chains and supporting the security of supply.

By failing to effectively integrate their defence markets, Member States have denied their industries the efficiency gains that could reinforce the EU's geopolitical weight. Intra-EU trade in defence products remains constrained and is growing more slowly than defence trade with third countries, perpetuating worrying capability dependencies.

Finally, a third obstacle combines the first two: *the inability of the EU's intergovernmental and Community pillars to communicate effectively and thereby give real shape to a European Defence Union*. It is as if these two components were irreconcilable, undermining any effort to align European power postures with the reality of industrial capacity. To date, it remains impossible to convene the High Representative, the EEAS, the Member States, the EDA, and the Commission to identify the 'super-priorities' on which the EU budget should be decisively focused, from among the Member States' common capabilities. The persistence of national visions – each shielding its own priorities from marginalisation, even if secondary – continues to place narrow national interests above the common good, effectively guaranteeing inaction.

* * *

However, the pressure of events and the rapid, massive deterioration of the security environment are opening pathways that must be seized to overcome these obstacles.

First, it is urgent *to make transnational cooperation the norm in defence, both among Member States and among industry actors*. This cooperation must be conceived not only at the European level but also in diplomatic and operational terms. Only an effective industrial organisation at Union level, combined with the sustained pooling of substantial investments, can bridge the remaining capability gaps.

The already tangible results of the European Defence Fund (EDF) illustrate this dynamic: by the end of 2027, the development of around forty prototypes should have been initiated or completed – in a remarkable continuity of effort – with a view to their acquisition by the armed forces of the Member States. Even more decisive, however, are the secondary effects generated by this process.

On the one hand, by working with the Commission on the Fund's programming, Member States commit to agreeing on collective priorities beyond the unanimity requirement. On the other hand, the industry receives subsidies only through transnational partnerships, opening opportunities across borders. Finally, the short, non-negotiable deadlines create a binding requirement to deliver results. This is the major innovation and a true turning point.

Consequently, the EDF not only promotes the maturation of new technologies and the development of new products or systems, free from ITAR-type restrictions and intended for joint acquisition but also fosters the emergence of a shared culture of European cooperation that, gradually, is driving a paradigm shift.

Secondly, it is necessary *to devise more effective collective decision-making mechanisms, grounded in the security interdependence of Member States, and to enshrine European solidarity as a cardinal principle of the Union*. When asserted, this constitutes the most effective deterrent. European solidarity with Ukraine has, to date, been remarkable, with few exceptions. These exceptions have compelled the EU to work around the principle of unanimity, in a sometimes-creative process. Indeed, the principle of unanimity is now geopolitically untenable, promoting a shift toward qualified majority voting that still needs to be embedded in new decision-making mechanisms.

Finally, the adoption of a security-of-supply regime under EDIP opens the way to *true collective economic governance of defence preparedness*. European monitoring of value chains, combined with, where necessary, the use of priority-rated orders, embodies the emergence of industrial European solidarity for defence purposes. The same applies to the recent major initiative in *military mobility*, an essential condition for European operational credibility. A package of measures is expected to be adopted by the co-legislators by the end of 2026.

The Union's ability to mobilise forces and equipment rapidly will provide a concrete test of Europeans' capacity to translate political commitments into effective capabilities.

* * *

Ultimately, the realisation of the European Defence Union could demonstrate that the apparent weaknesses of geopolitical and economic interdependence can be transformed into strengths, provided that a process of hybridisation between the two ecosystems – the CSDP and the policies conducted under the TFEU – is undertaken without hesitation. Even under the current Treaties, it is urgently necessary to establish, first, a clear link between the defence of the Union as a bloc and that of its 27 Member States. Second, the demands of European security must be immediately translated into the economic and industrial decisions they require, with the support of the European budget.

The concept of a European Defence Union, although somewhat precarious, straddling two treaties and two modes of governance, is therefore fully operational, insofar as the industrial and economic dimensions of the new challenges are drawn into the defence domain within the material scope of the TFEU. The concept can generate a powerful leverage effect. Resolving the tension between these two poles requires a twofold transcendence: a 'Union', certainly, but *sui generis*, one that cannot be reduced to being a mere legal-economic union governed by technical rules; and a 'defence' European Union that dispels the illusion of being confined to the political-military sphere, now encompassing the full spectrum of activities covered by the TFEU, in the industrial, economic, and societal fields.

It is precisely this 'intersectionality' of the concept that gives it full relevance today, while simultaneously revealing its incompleteness. It focuses attention on the need to invent new governance, that spans political decision-making and industrial and economic action. The aim is indeed to build a solid bridge between the two treaties. By consulting this publication, readers will find not only the keys to understanding what is currently at stake, but also the conceptual and legal tools to think independently about what the future of European defence could and should be.

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[3] This analysis, which is provided in a personal capacity, reflects the views only of the author, and can in no way be regarded as the official position of the European Commission.

LIST OF ABBREVIATIONS

AFET	Committee on Foreign Affairs of the European Parliament
AG	Advocate General
ASAP	Act in Support of Ammunition Production
BEPGs	Broad economic policy guidelines
CapTechs	Capability and Technology Groups
CARD	Coordinated Annual Review of Defen*ce*
CCP	Common Commercial Policy
CDP	Capability Development Plan
CE	Common Era (in place of AD, Anno Domini)
CEF	Connecting Europe Facility
CETA	Comprehensive Economic and Trade Agreement
CFIUS	Committee on Foreign Investment in the US
CFREU	Charter of Fundamental Rights of the European Union
CivOpsHQ	Civilian Operations Headquarters
CFSP	Common Foreign and Security Policy
CJEU	Court of Justice of the European Union
CJTF	Combined Joint Task Force
CMC	Crisis Management Concept
CMO	Crisis Management Operation
CMP	Coordinated Maritime Presences
COARM	Conventional Arms Export Subgroup of the EU Working Party on Non-Proliferation and Arms Exports
CONOPS	Concept of Operations
COREPER	Committee of Permanent Representatives
COREU	*CORespondance EUropéenne*
CPCC	Civilian Planning and Conduct Capability
CPPNM	Convention on the Physical Protection of Nuclear Material
CRT	Civilian Response Teams

CPME	Union Civil Protection Mechanism
CSDP	Common Security and Defence Policy
DEF	Defence Equity Facility
DG DEFIS	Directorate-General for Defence Industry and Space (European Commission)
DGA	Directorate-General for Armaments
DIANA	Defence Innovation Accelerator for the North Atlantic
DPO	Department of Peacekeeping Operations
DSACEUR	Deputy Supreme Allied Commander Europe
DTD or (Defence) Transfer Directive	Directive 2009/43/EC simplifying terms and conditions of transfers of defence-related products within the Community
DUI	Dual-Use Item
EAA	Export Administration Act
EAEC	European Atomic Energy Community or Euratom Community
EAGGF	European Agricultural Guidance and Guarantee Fund
EAR	Export Administration Regulations
EASA	European Aviation Safety Agency
ECN	European Competition Network
ECRA	Export Control Reform Act
ECSC	European Coal and Steel Community
ECtHR	European Court of Human Rights
EDA	European Defence Agency
EDC	European Defence Community
EDF	European Defence Fund
EDIDP	European Defence Industrial Development Programme
EDIP	European Defence Industry Programme
EDIRPA	European Defence Industry Reinforcement Through Common Procurement Act
EDIS	European Defence Industrial Strategy
EDTIB	European Defence Technological and Industrial Base
EEA	European Economic Area
EEAS	European External Action Service
EEC	European Economic Community

EEC Treaty	Treaty establishing the European Economic Community
ERA	European Research Area
EFSI	European Fund for Strategic Investments
EFTA	European Free Trade Association
EGF	European Globalisation Adjustment Fund for Displaced Workers
EIB	European Investment Bank
EICACS	European Initiative for Collaborative Air Combat Standardisation
EIF	European Investment Fund
ELDO	European Launcher Development Organisation
EMU	Economic and Monetary Union
EPC	European political cooperation
EPF	European Peace Facility
ERCC	Emergency Response Coordination Centre
ERDF	European Regional Development Fund
ERIC	European Research Infrastructure Consortium
ESA	European Space Agency
ESDC	European Security and Defence College
ESDI	European Security and Defence Identity
ESDP	European Security and Defence Policy
ESF	European Social Fund
ESRO	European Space Research Organisation
ESS	European Security Strategy
EU	European Union
EU INTCEN	EU Intelligence and Situation Centre
Eu-LISA	European Agency for the Operational Management of Large-scale IT Systems
EU SOFA	EU Status of Forces Agreement
EUAM	EU Assistance Mission or EU Advisory Mission
EUAVSEC	European Union Aviation Security Mission
EUBAM	EU Border Assistance Mission
EUBG	European Battlegroup
EUCAP	European Capacity Building Mission
EUCST	European Union Civil Service Tribunal

EUDIS	EU Defence Innovation Scheme
EUFOR	EU Forces
EUGS	EU Global Strategy
EUISS	European Union Institute for Security Studies
EUJUST LEX	European Union Integrated Rule of Law Mission
EULEX	EU Rule of Law Mission
EUMAM	EU Military Assistance Mission OR EU Military Advisory Mission
EUMC	European Union Military Committee
EUMM	EU Monitoring Mission
EUMPM	EU Military Partnership Mission
EUMS	European Union Military Staff
EUNAVFOR	EU Naval Force
EUPAT	EU Police Advisory Team Mission
EUPM	EU Partnership Mission
EUPM	European Union Police Mission
EUPOL	EU Police Mission
Eurocorps	European Rapid Reaction Corps
Eurogendfor	European Gendarmerie Force
EUSDI	EU Security and Defence Initiative in support of West African countries in the Gulf of Guinea
EUSEC	EU Security Sector Reform Mission
EUSPA	European Union Agency for the Space Programme
EUSR	EU Special Representative
EUSTAMS	EU Stabilisation Action in Mopti and Ségou
EUTM	EU Training Mission
FAST	Fund to Accelerate Defence Supply Chains Transformation
FMS	Foreign Military Sales
FDI	Foreign Direct Investment
FPRD	Framework Programme for Research and Development
FPRTD	Framework Programmes for Research and Technological Development
FRS	Foundation for Strategic Research
FTC	Fixed-term Contract
GBER	General Block Exemption Regulation

GDPR	General Data Protection Regulation
GOVSATCOM	Governmental Satellite Communications
GPA	Agreement on Government Procurement
HCOC	Hague Code of Conduct against Ballistic Missile Proliferation
HEDI	Hub for EU Defence Innovation
HR/VP	EU High Representative of the Union for Foreign Affairs and Security Policy/Vice- President for the European Commission
Hybrid CoE	European Centre of Excellence for Countering Hybrid Threats
IAEA	International Atomic Energy Agency
IHL	International Humanitarian Law
IPCR	Integrated Political Crisis Response
ISTAR	Intelligence, Surveillance, Target Acquisition And Recognition
ITRE	Committee on Industry, Research and Energy (European Parliament)
JSCC	Joint Support Coordination Cell
JSSAG	Joint Space Strategy Advisory Group
KEDO	Korean Peninsula Energy Development Organisation
KSA	Key Strategic Activities
LOI	Letter of Intent
MFF	Multiannual Financial Framework
MIPS	Maintenance of International Peace and Security
MPCC	Military Planning and Conduct Capability
MPSO	Military Peace Support Operation
MTCR	Missile Technology Control Regime
NATO	North Atlantic Treaty Organisation
NCI Agency	NATO Communications and Information Agency
NEA	Nuclear Energy Agency
NIF	NATO Innovation Fund
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NRF	NATO Response Force
NSG	Nuclear Suppliers Group
NSO	NATO Standardisation Office

NSPA	NATO Support and Procurement Agency
NTM-A	NATO Training Mission-Afghanistan
OCCAR	Organisation for Joint Armament Cooperation
OECD	Organisation for Economic Co-operation and Development
OHQ	Operational Headquarters
OMC	Open Method of Coordination
OPLAN	Operation Plan
PADR	Preparatory Action for Defence Research
PESCO	Permanent Structured Cooperation
POCO	Political Committee
PPP	Public-Private Partnership
PSC	Political and Security Committee
R&D	Research and Development
RDC	Rapid Deployment Capacity
RoE	Rules of Engagement
RTC	Research Tax Credit
SAFE	Security Action for Europe
SatCen	European Union Satellite Centre
SBA	Single Basic Act
SEAP	Structure for European Armaments Programmes
SEDE	Subcommittee on Security and Defence of the European Parliament
SESI	Strategic European Security Initiative
SGEI	Services of General Economic Interest
SHAPE	Supreme Headquarters Allied Powers Europe
SIAé	*Service industriel de l'aéronautique*/Aeronautic industrial service
SMA	*Service militaire adapté*/Adapted military service
SMEs	Small and Medium-Sized Enterprises
SNA	*Service de navigation aérienne*/Air Navigation Service
SOFA	Status of Force Agreement
SOMA	Status of Mission Agreement
SSA	Space Situational Awareness
STEP	Strategic Technologies for Europe Platform

STM	Space Traffic Management
SURE	Support to mitigate Unemployment Risks in an Emergency
TEAEC/Euratom Treaty	Treaty on the European Atomic Energy Community
TEC	Treaty Establishing the European Community
TECE	Treaty Establishing a Constitution for Europe
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
UN	United Nations
WEU	Western European Union
WMD	Weapons of Mass Destruction
WTO	World Trade Organization
WU	Western Union

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