ΕΛΛΗΝΙΚΟ ΙΔΡΥΜΑ ΕΥΡΩΠΑΪΚΗΣ & ΕΞΩΤΕΡΙΚΗΣ ΠΟΛΙΤΙΚΗΣ
HELLENIC FOUNDATION FOR EUROPEAN & FOREIGN POLICY

ΕΛΙΑΜΕΠ
ELIAMEP

European defence: genuine emancipation for the European Union or a reconfiguration of its legal and geopolitical dependencies?

Agathe Delorme

December 2025,
Athens, Greece

This paper aims to examine the European Union's quest for strategic autonomy from both a legal and geopolitical perspective.
Launched in 2017, the Permanent Structured Cooperation (PESCO) illustrates Europe's desire to act independently and strengthen security and defence on the continent. This ambition is taking place in a context of international recomposition, marked by the reconsideration of multilateral bodies, rising rivalries between powers, and persistent dependence on NATO. However, since then, European strategic autonomy has remained relative. Legally first of all, defence remains a sovereign competence of the Member States. Secondly, in their relations, Member States are divided between an Atlantic approach in favor of NATO and a continental approach, especially promoted by France, in favor of greater independence.

In recent years, two words have been in every debate: European defence. Although its importance re-emerged after Russia's invasion of Ukraine on February 24, 2022, the concept has in fact been shaped by numerous initiatives over the decades. The Maastricht Treaty (1992), followed by the Lisbon Treaty (2007), introduced and consolidated the Union's Common Security and Defence Policy (CSDP), which was initially conceived under the name of European Security and Defense Policy (ESDP) in 1999, following the Franco-British summit in Saint-Malo.

European defence and strategic autonomy are two closely linked concepts. While European defence refers to all initiatives aimed at developing a collective military capability within the European Union, European strategic autonomy refers to the EU's ability to defend its interests and to act militarily without relying on external powers. In this article, I analyse the Union's pursuit of genuine strategic autonomy, although both terms will be used.

In accordance with Article 42 of the Treaty on European Union (TEU), the Common Security and Defence Policy 'provides the Union with an operational capacity drawing on civilian and military assets. The Union may use them on missions outside the Union for peacekeeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter'.

The invasion of Ukraine abruptly reminded Europeans of their dependence on the United States for the security and defence of their territory. Donald Trump's re-election and the numerous warnings issued by the American administration definitively ended Europeans' expectations of peace dividends. In recent weeks, drone incursions have become increasingly recurring in Poland, Denmark, Germany and even Belgium. Although Russia has denied the accusations, European officials see these events as provocations from Moscow and as a test of Europe's response capacity and cohesion to face external threats.

Amid these threats, shifting geopolitical dynamics, territorial claims, and intensifying great-power competition, the EU has sought to redefine its role. The adoption of the Strategic Compass on March 24, 2022, one month after Russia's invasion, marked an important step forward, setting out a clear agenda for the decade ahead and forging a shared strategic vision among EU members. Since then, new initiatives have proliferated: the European Defence Fund (2021)[1], the European Defence Industrial Strategy (EDIS, 2024) and the Readiness

[1] EDF, a fund that finances research and the development of trans-European industrial programmes.

2030 (2025)[2]. Yet, despite these advances, the EU continues to struggle to build a truly operational common defence. Its security still relies to a large extent on the United States, a dependence rendered even more precarious by Trump's second term, characterised by a transactional view of alliances and ambiguous signals regarding Washington's commitment to Europe in the case of external aggression.

The EU now finds itself at one of the most strategic turning points in its history: can it truly emancipate itself and become an autonomous defence actor, or is it merely reconfiguring its legal and geopolitical dependencies? This article, which does not claim to be exhaustive, aims to analyse strategic ambitions in light of European texts. Despite institutional progress, the EU continues to face deep-rooted obstacles: submission to Member State sovereignty, a heavy decision-making process, and coexistence with other defence frameworks. In this context, European defence oscillates between ambition and constraint, raising the question of its capability to articulate its internal structures with existing geopolitical realities.

1. An European legal architecture in search of coherence

An analysis of the European treaties is necessary in order to understand how European defence has been developed throughout the different periods that have shaped the European Union. Initially constructed as an economic and commercial integration project, the European Union (then the European Coal and Steel Community, ECSC), gradually expanded its competences to technological fields, research, the environment, and social policy. It was truly the Maastricht Treaty that marked a new step, with the official creation of the 'European Union' in 1992. The treaty also established a Common Foreign and Security Policy (CFSP), in a context marked by the collapse of the Soviet bloc and the wars in Yugoslavia. However, it was not until 2001 and the Treaty of Nice that the European Union acquired an autonomous capacity on the international stage in matters of defence and security, with the establishment of a European Security and Defence Policy (ESDP) and the creation of permanent political and military structures, such as the Political and Security Committee (PSC) and the EU Military Staff. Finally, it was the Lisbon Treaty, which entered into force in 2009, that clarified the provisions relating to the Common Security and Defence Policy (CSDP, the current term replacing the ESDP) by defining the principles of this policy and the role of the various EU institutions.

The outlines of the Common Security and Defence Policy are found today in the Treaty on European Union (TEU)[3]. The CSDP is thus an integral part of the Common Foreign and Security Policy (CFSP) and 'provided the Union with an operational capacity drawing on civilian and military means. The Union may use them on missions outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter. The execution of these tasks

[2] European Union strategic defence initiative aimed at strengthening the EU's military capabilities by investing €800 billion in defence.

[3] In Title V, the first chapter is devoted to general provisions on the Union's external action, while Chapter 2 is dedicated to specific provisions for the Common Foreign and Security Policy.

shall be based on the capabilities provided by the Member States' (Art 42 TEU). This article, which lays the foundations of the CSDP, therefore raises several questions.

The first concerns the territory on which this defence policy may be exercised, since it applies to missions outside the Union. This specification implies that the protection of the Union's territory does not fall within the remit of the CSDP and remains a competence of the Member States. The distribution of competences between the European Union and the Member States is addressed in the Treaty on the Functioning of the European Union (TFEU). However, the relevant provisions[4] do not mention the CSDP and must be read in parallel with a clause of the Treaty on European Union stating that 'national security remains the sole responsibility of each Member State' (art 4(2) TEU). Defence and security policy thus differs significantly from other areas of EU action, precisely because it concerns the national security of the Member States, which remains their own responsibility under the principle of conferral (see 2. Systemic constraints: why Europe's defence project stumbles over its own rules). The definition of the Common Security and Defence Policy also raises the question of how it relates to other international organisations, including the United Nations. The article therefore specifies that in implementing its CSDP, the European Union remains bound by the principles of the UN Charter. Lastly, the article also highlights the operational dimensions of the security and defence policy by stating that the execution of these missions relies on the capabilities provided by the Member States.

The role of the European Union in the field of defence therefore appears to concern primarily missions conducted outside EU territory. Nevertheless, the treaties also specify that 'the common security and defence policy shall include the progressive framing of a common Union defence policy. This will lead to a common defence, when the European Council, acting unanimously, so decides'[5]. An important distinction is thus drawn between the Common Security and Defence Policy (CSDP), already established by the treaty, and a common defence, which would be introduced only following a decision of the European Council. This structure reflects the Member States' intention to limit military integration while still leaving open the possibility of a more ambitious European defence. In practice, this duality creates an ambiguity: the treaty sets out a general framework for the CSDP, but it does not define the precise outlines of a common defence, nor its modalities of implementation, nor the exact role of the EU to face external threats.

Among these provisions, Article 42(7) of the Treaty on European Union[6] is often presented as a mutual defence clause, frequently compared to Article 5 of the North Atlantic

[4] Articles 3 to 6 of the TFEU.
[5] Article 42(2) TEU.
[6] 'If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter. This shall not prejudice the specific character of the security and defence policy of certain Member States'. Al 2 'Commitments and cooperation in this area shall be consistent with commitments under the North Atlantic Treaty Organisation, which, for those States which are members of it, remains the foundation of their collective defence and the forum for its implementation'.

Treaty[7]. The TEU article requires Member States, in the event of an armed aggression on the territory of another Member State, to provide aid and assistance to that State by all th means in their power. Although it is often described as a mutual defence clause that would militarily bind Member States in the event of an attack on one of them, this provision in fact makes no direct reference to military assistance. This was most likely intended to facilitate a compromise among States during the negotiations of the Treaty on European Union. Nevertheless, the clause carries a military connotation due to its placement in the chapter devoted to the Common Security and Defence Policy, its reference to NATO, and the principle of self-defence contained in the United Nations Charter. Moreover, the reference to an 'armed aggression' as the trigger for such aid and assistance may limit the scope of this clause, particularly when it comes to providing support in situations of hybrid warfare.

European defence therefore appears as an area that is only weakly defined in the European treaties. Is this an intentional choice, allowing for significant flexibility, or rather a sign of the treaties' inadequacy in addressing contemporary geopolitical concerns?

2. Systemic constraints: why Europe's defense project stumbles over its own rules

These unclear fields of application are compounded by a very particular decision-making process. Indeed, the European Union was founded on the principle of conferral, which authorises the Union to act only within the limits of the competences granted to it by the Member States[8]. In the field of security and defence, the treaties do confer a competence on the European Union to progressively define a defence policy[9], but they do not specify whether this competence is exclusive, shared or complementary, nor do they outline its exact scope. To determine who is competent, between the European Union and the Member States, it is therefore necessary to rely on the provisions devoted to this common security and defence policy. In this area, every decision is adopted by the Council acting unanimously[10], on a proposal from the High Representative of the Union for Foreign affairs and Security Policy, or on the initiative of a Member State. Three parameters are thus crucial to take into account:

A. Facing the limits of its current constitutional framework and national sovereignties

[7] 'The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area'.

[8] 'Under the principle of conferral, the Union shall act only within the limits of the competences conferred upon it by the Member States in the Treaties to attain the objectives set out therein. Competences not conferred upon the Union in the Treaties remain with the Member States', article 5(2) TEU.

[9] 'The Union shall have competence, in accordance with the provisions of the Treaty on European Union, to define and implement a common foreign and security policy, including the progressive framing of a common defence policy', art 2(4) TFEU.

[10] Article 42(4) TEU.

The first parameter concerns the need to reach unanimity in order to adopt a decision. This voting method, which is relatively uncommon in the EU's decision-making system, is explained by the need to respect the national sovereignty of the Member States in a field which, it must be recalled, falls within their competence when it comes to the security and defence of their own territories. And this is precisely where the difficulties of building an European defence policy among 27 States crystallise: the sovereignty of Member States. Every decision in the field of security and defence policy must receive the agreement of all Member States, thereby granting each of them a veto.

This voting system makes it possible to ensure that decisions respect State sovereignty in a sovereign domain. However, progressing and building an European defence at 27 then becomes difficult, insofar as the Union brings together Member States with divergent strategic cultures.

B. When national strategic cultures block European defence

It is therefore important to note that Denmark was not included in the voting on decisions relating to the Common Security and Defence Policy until July 1, 2022, the date on which Denmark voted to withdraw the opt-out introduced in 1992 that had excluded the country from the CSDP. Following the war in Ukraine, Denmark organised a referendum on the removal of this opt-out, and after a favourable result (with 66.9% voting in favour), the country joined the Common Security and Defence Policy.

This change of position within the CSDP highlights a broader issue: the divergences in strategic cultures among the Member States. Drawing on Christoph Meyer's definition of strategic culture as 'the norms, ideas and patterns of behaviour, socially transmitted and linked to identity, that are shared by a large majority of actors and social groups within a given security community, and that help to outline a ranked set of options for pursuing that community's security and defence objectives'[11], it becomes easy to observe deep differences between the strategic cultures of the Member States, whether regarding the use of force, their relationship to supranational organisations or even their perception of threats. Unlike NATO, the EU is not a defence and security organisation; it was therefore not designed to foster convergence in the strategic cultures and interests of Member States. Some favour a stronger European strategic autonomy, while others are more focused on internal security, others are characterised by military restraint, and some show greater acceptance of the use of force. Additional divergences can be observed in threat perception: some States prioritise concerns about the Russian threat, others focus on regional instability and threats in the Mediterranean and Africa, while others focus more on hybrid, economic and cyber threats. These differences can naturally be explained by national histories, the strategic interests of certain countries outside the Union, their positions within international organisations and alliances, as well as economic and industrial interests, notably for States that must support their defence industrial and technological base (DITB).

[11] Christoph O. Meyer, « Convergence Towards a European Strategic Culture ? A Constructivist Framework for Explaining Changing Norms », *European Journal of International Relations*, 11/4, 2005, p. 526-527.

These divergences are also reflected in disparities in military budgets. Although NATO Member States committed at the latest 2025 NATO Summit to increase their defence spending and to allocate 3.5% of GDP to military expenditure as well as 1.5% to security in a broader sense, only ten NATO Member States met the previous commitment of spending 2% of GDP in 2023[12]. Moreover, some EU Member States are not concerned by these commitments because they are not NATO members: this is the case for Ireland, Austria, Malta and Cyprus.

This raises the question of the Member States' ability to develop a genuinely common and shared strategic culture. Some argue that the multiplication of industrial cooperation projects and joint operational exercises will gradually reduce the deep divergences between States and eventually lead to a shared strategic culture. While this belief allows room for hope in the future, the question of European defence was already pressing yesterday, and is even more so today.

Yet without an adequate legal basis and without a shared strategic culture, can the European Union, a normative power that aspires to become a military and geopolitical one, truly have the capacity to do so?

C. Mobilizing adjacent legal bases to break deadlocks

The third parameter concerns the distribution of powers, which excludes both the Parliament and the European Commission from the decision-making process. Indeed, any decision adopted within this policy framework must be proposed either by a Member State or by the High Representative of the Union for Foreign Affairs and Security Policy, and is decided by the Council. Only political decisions are adopted in this area[13]: the Common Foreign and Security Policy (within which the CSDP is embedded) includes only non-legislative instruments such as general recommendations and positions, which clearly limits the scope of measures authorized under this policy.

Nevertheless, this raises questions when we consider the European Commission's growing role in defence affairs in recent years. At the beginning of her second term, Ursula von der Leyen appointed the first Commissioner for Defence and Space, Andrius Kubilius. Since Russia's invasion of Ukraine, the Commission President has multiplied plans and initiatives aimed at strengthening the EU's defence capabilities and reinforcing the industry, sometimes stretching the boundaries of what traditionally falls under security and defence policy. This expanding role has overshadowed the EU's long-standing diplomatic body, the European External Action Service (EEAS), and the High Representative, while also generating constitutional tensions around the adoption of initiatives touching on the most sovereign of all domains: defence and security.

---

[12] Defence Expenditure of NATO Countries (2014,2025), NATO, August 28, 2025. Available here : https://www.nato.int/en/news-and-events/articles/news/2025/08/28/defence-expenditure-of-nato-countries-2014-2025

[13] The European institutions can adopt various legislative acts: regulations, directives, decisions, recommendations, and opinions, with binding force ranging from strongest to weakest. They can also adopt non-legislative acts, notably political decisions.

Why, and above all how, is the European Commission taking on such an important role when it is not one of the EU institutions formally involved in the Common Security and Defence Policy (CDSP)? This raises the question of whether these initiatives presented fall more within the scope of the CSDP or within other policy areas, such as industrial policy or the internal market? Indeed, other domains may intersect with issues relating to common security and defence. Take, for example, industrial policy, for which the European Union has competence (under Article 6(b) TFEU) to 'carry out actions to support, coordinate or supplement the actions of the Member States', or the economic and budgetary policy. The ReArm/Readiness 2030 plan, presented in March 2025 by the European Commission which aims to support the European defence industry and illustrates the interconnection between the CSDP and the EU's industrial policy. Typically, these new initiatives are put forward by the Commission and sometimes involve legislative proposals, something that, as we have seen, is not possible within the framework of security and defence policy. However, the European Commission is using other legal bases (art 122 TFEU in that case[14]) to circumvent obstacles inherent to the CSDP and to claim a major role in shaping European defence.

Using industrial policy to launch defence-related initiatives raises questions of legitimacy and sustainability. Indeed, the European Commission is overstepping its traditional competences here, calling into question the respect of Member States' sovereignty. This approach will not lead to a genuine European defence, as it neither fosters the definition of shared strategic priorities nor supports the development of European strategic autonomy. Faced with these obstacles, it becomes necessary to rethink Europe's place within existing defence frameworks, and in particular on its role and relationship with NATO, which remains the central pillar of its collective security.

3. Rethinking Europe's place among a wider defence framework

As we have seen, beyond its declared ambitions, the European Union remains structurally incapable of becoming an autonomous military and strategic power. The obstacles are not only industrial, operational, or budgetary, they are also political, legal and institutional. The European Union cannot replace NATO as the primary framework for collective defence. In light of this reality, a more realistic model emerges: the development of a strengthened European pillar within NATO, which would enable the Union to contribute to the protection of European territory and to rebalance its transatlantic relationship, without requiring a revision of the EU treaties.

This pragmatic approach is grounded in a clear-eyed recognition of the European Union's limitations in the field of defence, particularly its legal and institutional constraints. Rather than seeking to overcome these limitations, it is therefore necessary to capitalise on the Union's existing strengths and to articulate them in an optimal manner. In this context, the European Union could leverage its industrial, economic and civil assets to enhance the

[14] It should be noted in this regard that Readiness 2030 was presented by the European Commission, whereas Article 122 TFUE, on the basis of which it is based, states that these measures are decided by the Council, on a proposal from the Commission.

security of the continent, while leaving strategic planning and operational command to NATO structures.

A. Building on EU's strengths to reinforce NATO's European pillar

The European Union cannot substitute itself for the Atlantic framework, and it would be illusory to imagine that it could act fully autonomously from NATO. However, the geopolitical upheavals of recent years have created a new dynamic among European states, one that must be seized as an opportunity to build a genuine European pillar within the Alliance. To this end, the European Union must build upon its strengths, while simultaneously enhancing its resilience and reducing its strategic dependencies. As a genuine economic and industrial power, the Union benefits from a robust internal market, an advanced defence industrial base, and a strong capacity to finance research and development.

Redefining Europe's role within the Alliance will necessarily require a significant strengthening of the European defence industry and greater interoperability of the equipment it produces. The reshoring of critical supply chains to Europe and the ability to master strategic technologies are also essential conditions. 64% of conventional arms imports by European NATO members came from the United States between 2020 and 2024[15]. Europeans must break free from this dependency, which affects key sectors such as fighter aviation, drones, missiles, advanced technologies and intelligence, surveillance and reconnaissance (ISR), and invest massively in these strategic areas, as well as in transport capabilities, drones and research and development. Such a revitalisation of the European defence industrial base would enable Europeans to emerge as a strong pillar within NATO while significantly reducing Europe's dependence on foreign equipment in critical strategic sectors.

This coordinated and sustained industrial build-up would enable the European Union to become a robust second pillar within NATO, capable of equipping itself and taking on a far greater share of the 'burden sharing'. By combining industrial autonomy with integration within NATO, Europe can pursue a pragmatic model that is legally feasible and politically acceptable.

The European Union must also rely on its capabilities in the field of civil and hybrid defence in order to act in complementarity with NATO, particularly with regard to the protection of critical infrastructure (energy, communications, transport, etc), cybersecurity and counter-disinformation efforts, thereby strengthening European resilience.

B. Rebalancing the transatlantic relationship between the EU and the United States

Strengthening the European pillar within the Alliance is not only an advantage for the EU Member States, it significantly reinforces NATO and helps to stabilise the transatlantic relationship. By increasing their industrial, financial and civil capacities, Europe positions

[15] 'Are the European NATO states moving towards self-reliancce in arms procurement? A Q&A with Katarina Djokic', *SIPRI*, March 19, 2025. Available here: https://www.sipri.org/commentary/topical-backgrounder/2025/are-european-nato-states-moving-towards-self-reliance-arms-procurement-qa-katarina-djokic

itself once again at the core of the continent's security within NATO, thus responding to a pressing demand from the Trump administration. This strengthening of Europe's role responds to a long-standing necessity: rebalancing the burden sharing within the Alliance, where the United States has so far remained the principal contributor, whether in military and technological capabilities, financial resources, or strategic leadership. A more robust Europe, capable of assuming a greater share of its own security, consequently improves Washington's perception. Europeans cease to be viewed as dependent clients and instead emerge as genuine strategic partners. This shift is essential to establishing a more balanced and sustainable transatlantic relationship.

This rebalancing also aligns with American interests, as the United States seeks to reduce its position as Europe's primary security provider, in order to reallocate resources towards other theaters. A stronger Europe within NATO therefore offers a dual benefit: it consolidates the continent's security while providing the United States with reassurance regarding its own level of commitment.

However, the consolidation of the European pillar may also provoke certain American reservations. It therefore requires continuous and firm dialogue, as well as a pragmatic approach to integration within NATO that enables Europe to strengthen its role without undermining transatlantic cohesion.

C. Institutional clarity for strengthening Europe's strategic role

For this strengthening of the European pillar within NATO to be credible, it must be based on a more coherent decision-making architecture within the European Union. This requires a clarification of institutional roles between the Commission, the European Council, the EU High Representative for Foreign Affairs and Security Policy and the Parliament. A clear delineation of responsibilities is therefore required in order to avoid institutional overlap and internal tensions, and to enable a rapid response to crises.

Such clarification would allow the European Union to speak with an unified voice, something currently undermined by the dispersion of competences and the proliferation of interlocutors. This would undoubtedly require a significant coordination effort, however, the clear identification of European interlocutors would strengthen the Union's credibility and enhance its capacity for negotiation and coordination. In parallel, Member States will need to acknowledge the necessity of limiting strictly bilateral initiatives with the United States on security and defence matters, as these today fragment EU's action and weaken its cohesion.

Finally, enhanced NATO-EU coordination is essential, through permanent liaison channels, for the exchange of strategic information and to ensure the effective integration of European capabilities within NATO, including the coordination of European defence industrial programmes, as well as European civilian capacities.

This consolidation of a reinforced European pillar within NATO, capable of taking on greater responsibilities, can be undertaken without requiring a revision of the treaties. The

European Union can rely on existing mechanisms, notably by strengthening PESCO[16] to steer projects toward needs identified within the Alliance and reduce Europe's dependencies on the United States. This should also involve the effective use of the European Defence Fund and the SAFE mechanism[17] to support strategic industrial programmes, as well as tight coordination of national capability plans through the CARD[18]. Added to this is the development of a more competitive European defence industrial base and the reinforcement of related domains in which the EU already has competences, such as cybersecurity and the fight against disinformation.

With the current legal framework, these instruments will enable the European Union, without acquiring sovereignty in defence matters, to become indispensable.

Agathe Delorme

[16] Provision of the treaties that allows a group of EU Member States to jointly plan, develop, and invest in collaborative capability development and to enhance the operational readiness and contribution of armed forces.
[17] Security for action for Europe (SAFE), a €150 billion loan mechanism designed to finance joint purchases of military equipment. SAFE is part of the Readiness 2030 initiative.
[18] Coordinated Annual Review on Defence, process for reviewing the defence plans of EU Member States.