

In search for a more effective EU foreign and security policy: Can Central Europe seize its momentum?

*Lucia Rybníková**

*The author is working at GLOBSEC as the Project Manager for Strategic Projects and Events. She assists with the organization and implementation of the projects in the GLOBSEC Policy Institute. Her areas of interest include European affairs, European foreign policy and defence.

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The EU finds itself facing serious security threats in an increasingly polarised global environment. Russia's ongoing deplorable act of military incursion into the sovereign territory of Ukraine is a frontal assault on the basic principles of the European security order and on Europe itself. In the opening statement to the European Parliament, the President of the "geopolitical" European Commission Ursula von der Leyen stressed that Europe should have a stronger and more united voice in the world – and it needs to act fast¹. To achieve that, there needs to be a strategic vision of the EU to the world and, not the least, the political will and commitment of the member-states. One of the main obstacles to a more coherent EU foreign and security policy is the existing divisions within Europe, which are being driven, among others, by political ideologies, national agendas, regional peculiarities, and differences of threat perception. If the EU aspires to play an active role in world affairs, member states should be more prone to compromise to better harmonize their voices and actions.

At the same time, the war has recalibrated the current political balance of power in the EU. Given the events in Ukraine, considerable attention has been shifting to the CEE region. This event has the potential to bring about the end of the perceived status quo in which countries of so-called "old Europe", like France or Germany, play an oversized, dominant role in the process of continental policymaking versus "new Europe". However, if the CEE region aspires to be in the driving seat when it comes to the current foreign and security developments in Europe, it must manifest unity and coherence. Against this backdrop, it is necessary to explore the perceptions and preferences of the countries in the region toward EU foreign and security policy. This paper attempts to shed light on where Czechia, Poland, and Slovakia stand regarding the usage suitability of a range of EU foreign and security policy options. For this paper, Hungary, although being part of the CEE region, is not considered due to its diverging foreign and security policy priorities principally since the outbreak of the war (persistent ties to Russia, blocking of several EU aid packages to Ukraine as well as sanctions).

¹ https://ec.europa.eu/commission/presscorner/detail/es/speech_19_6408

Unlocking the existing potential of the EU Treaties

One of the points of convergence among policymaking elites in the EU concerns the perception that CFSP and CSDP operate at a low level of effectiveness. These shortcomings primarily stem from an ongoing lack of unity and consistency between the national foreign policies, a reluctance to delegate further powers to Brussels, and institutional obstacles present in the EU's legal framework. Given that the ordinary procedure for the revision of the Treaties is cumbersome and lengthy, some studies² show there is a need, for the time being at least, to focus on unlocking the existing potential of the Treaties as they stand now. Instead of reaching a consensus on the revisions of the Treaties, there is an existing legal basis that remains underused or completely unused, however, have the potential to enhance the executive capacity of the EU. Now that the EU is facing grave external threats and the transformation of the global order, member states, EU leadership, and European citizens all want to see more effective processes take shape. It is appropriate, therefore, to examine existing reform proposals and underused mechanisms.

The unanimity rule in the Council is one of the main obstacles to a more effective decision-making process in CFSP, an opinion shared by the European Parliament and European citizens. The proposal to drop the unanimity rule and shift to qualified majority voting (QMV) has been on the table for years. Apart from speeding up the decisions on foreign and security policy decisions, QMV could contribute towards fostering a consensus culture among MS that would protect the interests of smaller Member States³. Although the EU demonstrated to be efficient and quick when adopting unprecedented sanctions packages against Russia, the sixth sanctions package was more difficult to adopt and was preceded by hard and lengthy negotiations followed by several opt-outs of Hungary.

² [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/651934/EPRS_STU\(2020\)651934_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/651934/EPRS_STU(2020)651934_EN.pdf) or <https://www.engage-eu.eu/publications/the-current-legal-basis-and-governance-structures-of-the-eus-external-action>

³ <https://journals.sagepub.com/doi/10.1177/17816858211061837>

Constructive abstention (Article 31(1) TEU) allows for MS to abstain from taking part in decisions through a formal declaration. This process ensures that certain decisions can be taken even when one or more countries disagree. When employed, the respective Member State need not apply the pertinent decisions even as the EU adopts them. It allows MS to communicate their reservations towards a decision without necessarily resorting to vetoing it⁴. Nevertheless, there is a persistent reluctance among MS to use constructive abstention in practice and its employability has been very limited. Nonetheless, making use of constructive abstention could be beneficial. For instance, the application of this clause in relation to Ukraine enabled the decision to set up a Military Assistance Mission to train Ukrainian soldiers to be adopted quickly and effectively (Hungary did not vote in support and exercised constructive abstention⁵).

Coalitions of the willing (Article 44 TEU), allows for the Council to assign the implementation of a certain task to a group of member states, which are willing and have the necessary capability to execute such task. In practice, this clause allows for greater flexibility and speeds up reaction time on behalf of the EU. It provides a framework for the willing member states to deploy CSDP operations efficiently and effectively⁶. However, this Article has never been used. There is a great potential of this clause for rapid reaction purposes, which was also highlighted by the European Parliament, the High Representative, and the Council, which called for exploring the potential use of the article. More recently, the EU's Strategic Compass adopted in March 2022, also directly refers to exploring modalities for implementing Article 44 TEU⁷. Although the clause has never been used in practice, the most recent Ukraine tank standoff prompted Poland to call for building a smaller coalition of countries and to find allies willing to send the tanks to Ukraine⁸.

⁴ <https://www.weforum.org/agenda/2015/03/whats-the-optimal-voting-rule-in-systems-with-a-veto-power/>

⁵ <https://bbj.hu/politics/foreign-affairs/eu/hungary-backs-eur-500-mln-eu-aid-to-ukrainian-military>

⁶ https://www.clingendael.org/sites/default/files/pdfs/Report_Spearheading_European_Defence.pdf

⁷ https://www.eeas.europa.eu/sites/default/files/documents/strategic_compass_en3_web.pdf

⁸ <https://www.politico.eu/article/poland-ready-to-build-smaller-coalition-to-send-tanks-to-ukraine-without-germany-war-russia/>

What kind of approach towards enhanced CFSP and CSDP? The case of Czechia, Poland, and Slovakia⁹

Czechia

Czechia is rather against moving towards QMV in foreign and security policy. There are three key underlining reasons: 1. QMV could possibly weaken the unity of the EU; 2. QMV could possibly lead to a democratic deficit and weaken the legitimacy of the EU as it would raise questions about state sovereignty, confidentiality, and dominance of larger member states; 3. It could reduce the ability of smaller member states to significantly shape EU foreign and security policy. Concerning the constructive abstention, Czechia favours the use of constructive abstention as a pragmatic tool that can enhance the flexibility of decision-making without resorting to QMV. Broadly speaking, policymakers support leaving a certain level of flexibility to member states, so as not to obstruct consensus. When it comes to the coalitions of the willing, Czechia would in principle be favourably predisposed towards groups of willing and capable member states carrying out certain tasks in CSDP. Policymakers have rather a pragmatic approach to coalitions of the willing, seeing them as a necessary and useful tool that can enable a smaller group of member states and third countries to achieve foreign policy and defence objectives.

Poland

Poland is in strong opposition towards moving to QMV. The primary reason is that Poland wants its key security and national interests to be taken into account in foreign and security policy of the EU. Policymakers expressed that switching to QMV could strengthen the dominance of some member states (e.g. Germany or France), which would undermine

⁹ This section reflects GLOBSEC's fieldwork conducted between March-September 2022 and fellowship meetings in November 2022. In Poland and Slovakia semi-structured interviews with policy makers took place while in Czechia surveys among policy makers were collected.

Poland's standing in the overall say in foreign and policy security of the EU. Additionally, there is a strong opinion that QMV might negatively affect European unity. When it came to the constructive abstention, policymakers believe that it might negatively affect the political unity of the EU as decisions taken on the account of the Union would not be supported by all member states. Furthermore, it has been mentioned that constructive abstention contradicts the logic of Article 44 according to which actions that are not agreed upon by all member states, are supposed to be carried out outside of the framework of the EU. In practice, policymakers in Poland have positive attitudes towards the collations of the willing. However, it has been highlighted that such formats should include partners that are important to Poland in terms of foreign and security policy such as the UK or the US.

Slovakia

Slovakia does not have a straightforward position on QMV in CFSP. The country strongly supports the unity and solidarity of the EU. It perceives that abolishing unanimity could disturb it. However, it is open to further exploring the options – one important element would be measuring how much faster the decisions could be adopted and financed when moving towards qualified majority voting and secondly exploring the public opinion. The country would support the move towards qualified majority voting if it was also accompanied by a set of rules. These rules should be set up and clearly define what level of action and commitment is eligible for a majority vote. There must be certain areas that should be left for consensual decision-making. When it comes to constructive abstention, the policymakers are inclined that the revival of the clause would enable more flexibility between the member states in decision-making. Constructive abstention would provide an exact understanding of the issue that is beyond one's capability. This might be a good opportunity for member states to take action when wanted and for other member states not to block it. However, one issue that arises is that member states cannot be the black passenger in the back seat without paying for a ticket. The coalition of the willing raises a concern in Slovakia when it comes to the political responsibility of certain actions. Consequently, Slovakia would rather be inclined to QMV in certain operations. This way,

the effectiveness of operations and missions could be enhanced. With the coalitions of the willing, there is a certain risk of losing the strategic interest of some member states. Hence, QMV in concrete areas would be preferable as, for instance, in civilian missions.

Can the region seize its momentum?

The past few years have seen renewed proposals for changes and enhanced use of available mechanisms aimed at fostering a more effective and coherent EU foreign policy. This has also proved to be, in some instances, the case when dealing with several CFSP and CSDP decisions concerning Ukraine. As the war also recalibrated the current political balance of power in the EU, the centre of gravity has been shifting to the CEE region. Czechia, Poland, and Slovakia have been standing on the frontline of continental turbulence. They have not only played a strategic role as logistical hubs, but they also provided exceptional support to Ukraine at every level, from political to military and humanitarian assistance. Sustaining the necessary assistance also requires unity, coherence, and effective decisions. Table 1 summarizes the stance of each country toward unlocking the existing potential of the Treaties, which could help fostering a more effective EU foreign policy.

Table 1: Overview of the data collected in Czechia, Poland and Slovakia

	<i>QMV in CFSP</i>	<i>Constructive abstention</i>	<i>Coalitions of the willing</i>
<i>Czechia</i>	No	Yes	Yes
<i>Poland</i>	No	No	Yes
<i>Slovakia</i>	Maybe yes if rules established	Yes	No

Some principled and, at times, proactive support for more rapid and flexible decision-making exists though these countries are not currently in full agreement on immediate changes/ making use of the clauses. Czechia, Poland, and Slovakia lack a uniform or firm

stance on proposals related to decision-making through QMV, the use of constructive abstention or activation of the coalitions of the willing. All three countries are, however, in agreement when it comes to sustaining their national interest as well as being cautious of not losing their ability as smaller states to shape the EU foreign and security policy. While Czechia and Poland are opposed to moving to QMV in CFSP, Slovakia does not have a straightforward stance and is open to discussions. Czechia and Slovakia are in favour of making use of constructive abstention, which also proved to be effective and allowed for a rapid decision to set up a Military Assistance Mission to train Ukrainian soldiers. On the contrary, Poland perceives the use of this clause as potentially disrupting EU unity. With regards to the coalitions of the willing, both Czechia and Poland consider the activation of this clause as a necessary and useful tool, however, with the involvement of strategic non-EU partners. Here, Slovakia is more cautious pointing out to the risk of losing strategic interest of some member states.

The region will be unable to advance towards coherent and effective foreign policy until common ground is found between national policy makers. For the region to be able to seize its momentum and lead the EU foreign and security policy for the time being, these countries should not only focus on finding a united voice but also on emphasizing the discussions on how to make use of the existing potential of the EU Treaties for more rapid and flexible decision making. With the ongoing Russian war in Ukraine, making use of these clauses could prove to be essential and should seemingly prompt member states to disregard their differences and divergent perceptions regarding foreign policy priorities and instead emphasise speed and effectiveness with respect to future action.

About EUROPEUM

EUROPEUM Institute for European Policy is a non-profit, non-partisan, and independent think-tank focusing on European integration and cohesion. EUROPEUM contributes to democracy, security, stability, freedom, and solidarity across Europe as well as to active engagement of the Czech Republic in the European Union. EUROPEUM undertakes original research, organizes public events and educational activities, and formulates new ideas and recommendations to improve European and Czech policy making. We are the recipient of institutional funding from the European Commission under the Citizens, Equality, Rights and Values (CERV) programme.



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