

EU MONITOR

Securing Europe in Insecure Times: How Military Mobility and Deepened European Integration are Vital to Europe's Security

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- In 2017, Ben Hodges, back then the U.S. general in charge of the U.S. military in Europe, related to the press the problems he had to deal with to tackle the Russian threats in the Old Continent. He outlined that NATO military movements were continuously hampered by red tape. The reason being was that NATO allies did not enjoy freedom of movement through their borders¹. Every time a military force needed to cross a border, it had to deal with the bureaucracy and laws of each country, which may be the responsibility of different ministries (not necessarily the Ministry of Defence).



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To address this issue, which ultimately leads to deployment delays and undermine deterrence capabilities, Hodges called for a “military Schengen zone”. However, that fact is that this is not an exclusively concern of non-EU NATO allies. Likewise, the Dutch Defence Minister, Jeanine Hennis-Plasschaert, backed that idea at a NATO’s defence ministers meeting in June 2017². Hennis-Plasschaert pointed out that military transport across European countries usually takes up a long time, instead “we must be able to move quickly to any place where there is a threat”. To sort this out, she called on all NATO allies and EU countries to be part of this so-called “military Schengen”. One year earlier, Paolo Gentiloni, then-Italian Foreign Minister, mentioned a “Schengen for Defence” as part of a broader approach to a common European defence strategy³.

The idea to facilitate more agile movement of troops and military assets in order to enable easier and faster military movements within European borders was backed at EU level, in 2017 as well, in a Joint Communication, signed by the Commission and the High Representative, addressed to the Parliament and the Council. This was framed in a call for bold political action to advance towards a European Defence Union, as President Juncker stressed in his State of the Union Address of 2017⁴. Following the Joint Communication, in March 2018, an [Action Plan on military mobility](#) was presented based on a Roadmap composed by an Ad-Hoc Working Group on cross-border military transportation. It should be noted that it was set to be implemented in close coordination with the separate PESCO project on military mobility⁵ so as to accomplish coherent and complementary results and under the framework of the EU-NATO Joint Declaration of July 2016⁶. Twenty-five EU Member States embarked on the aforementioned project,

which envisages military mobility as a must to “be more effective in preventing crises, more efficient in deploying our missions, and quicker in reacting when challenges arise”⁷.

The Action Plan stems from an overarching consensus on the need to map physical and regulatory barriers in order to enhance civil-military synergies. This effort should aim to support the EU Member States by working closely to streamline these procedures with full respect to their sovereignty and national decision-making. This is because most of regulatory and legal procedures lie under the sovereignty of the European countries. Within the realm of national competences are custom checks, diplomatic clearances, information exchange or legal issues such as the protection of personnel. Therefore, these give rise to complaint among military officials each time a contingent of troops is displaced for military maneuvers or joint exercises. Take for instance a military convoy of 100 vehicles that has to cross a border. Major General Steven Shapiro underlined that it was necessary to list each one of those 100 vehicles by serial number on a document and repeat the same process afterwards “on a different document in a different language” before crossing another border⁸. In the same way, Hodges, complained that he had “to submit a list of all the vehicles, the drivers [and] what’s in every truck”⁹. He stressed as well that in Germany every state requires its own procedure. The proposal made by the European institutions intends to relieve this burden. However, it has nothing to do with a “military Schengen zone”. These competences will not be erased, they will remain in force. Nor is it about handing over powers to the EU. It is rather a question of Brussels exercising a coordinating role and support the Member States in the development of the

¹ <https://www.defensenews.com/smr/european-balance-of-power/2017/07/28/outgoing-us-army-europe-commander-pushes-for-military-schengen-zone/>

² <https://www.defensie.nl/actueel/nieuws/2017/06/29/hennis-wil-militair-schengengebied>

³ <https://www.politico.eu/article/italian-foreign-minister-eu-needs-schengen-for-defense-paolo-gentiloni-islamic-state-migrants-security/>

⁴ Juncker’s state of the Union Address, 2017 https://europa.eu/rapid/press-release_SPEECH-17-3165_en.htm

⁵ <https://pesco.europa.eu/project/military-mobility/>

⁶ Council conclusions on the Implementation of the Joint Declaration

<https://www.consilium.europa.eu/media/31947/st14802en17.pdf>

⁷ Mogherini’s statement on military mobility https://europa.eu/rapid/press-release_IP-18-2521_en.htm

⁸ <https://www.defenseone.com/politics/2017/10/if-war-russia-breaks-out-borders-and-bureaucracy-could-slow-west-response/141733/>

⁹ <https://www.dw.com/en/nato-in-europe-needs-military-schengen-to-rival-russian-mobility/a-40470302>

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arranged measures. The objective is to identify the hurdles that impede a swift deployment of troops across the continent and lay down a common frame of controls and regulations.

The abovementioned Roadmap encompasses several tasks to be carried out in three main areas: transport infrastructure, regulatory and procedural issues, and legal aspects. The first subject requires to assess to what extent is existing civilian infrastructure compatible with military transport. Regulatory and procedural issues encompass several aspects ranging from procedures to acquire permission to cross borders and request timings to Value Added Tax (VAT) regulations for the import and export of military supplies. Legal aspects refer to the status of military forces in a foreign country, data protection and transport of dangerous goods. This way forward was designed to be implemented in an ambitious schedule. Up to November 2019, the state of play is that some substantial breakthroughs have been achieved as noted in the Joint report on the implementation of the Action Plan¹⁰.

The definition and identification of the Military Requirements was the starting point to implement the Action Plan. They reflect the needs of the EU and the Member States to ameliorate the movement of military forces and they cover all of the aforementioned sections. The task was developed by the EU Military Staff in cooperation with the EU countries and relevant stakeholders, such as the European Defence Agency (EDA) and NATO.

Once the Military Requirements were approved, the next step in the way forward was to compose a report determining which parts of the Trans European Transport Network (TEN-T) were suitable for military transport and the necessary upgrades to meet civilian and military needs. The TEN-T is a European Commission policy whose purpose

is to implement a "Europe-wide network of railway lines, roads, inland waterways, maritime routes, ports, airports and railroad terminals"¹¹. It consists of nine Core Corridors, from South to North and West to East, and intends to connect the most important nodes of Europe. The EU approach is to make a dual-use of those lines of communications for both civilian and military purposes.

Transport infrastructure policy is amongst the most compelling factors to be addressed to ensure that all means (air, road, rail, maritime and inland waterways) are available for dual-use and in all strategic directions. There are currently some existing incompatibilities that could constraint military mobility. For instance, the Baltic countries operate Russian gauge railroad tracks, whereas many other European states use standardized European gauges¹². Other physical barriers regarding infrastructure may be insufficient rail load capacity to bear overweight military vehicles or height clearance and weight tolerance of road bridges.

Due to the different quality of the infrastructure in the European countries and the disparity of criteria at a national level when approaching the construction of new projects, the TEN-T policy is imperative to set uniform standards and technical requirements for the infrastructure system. The Gap Analysis was released in May 2019 with the aim to assess to what degree the existing infrastructure comply with military needs. It compared "[...] the military infrastructure standards and the geographic scope of the military network defined in the Military Requirements [...] and the technical requirements and the geographic scope of the [TEN-T]". According to the progress report on the implementation of the Action Plan, released in June 2019, "a large part of the military standards are in principle considered as compatible with the [TEN-T]". In addition to

¹⁰ Joint report to the European Parliament and the Council on the implementation of the Action Plan on Military Mobility <https://ec.europa.eu/transport/sites/transport/files/legislation/join20190011.pdf>

¹¹ A map of the Core Network Corridors and further information about the TEN-T can be found on the website https://ec.europa.eu/transport/themes/infrastructure/ten-t_en

¹² Until the Second World War the Baltic States were connected to Europe with 1435 mm rails but since the second half

of the 20th century they operated the Russian gauge 1520 mm rails. Nowadays, this is reflected in rail traffic flows. Most of freight traffic comes from the Commonwealth of Independent States and the existing 1520 mm gauge system hinder to connect the Baltic countries with the rest of Europe. A current project, Rail Baltica, aims to solve this situation by connecting these states with Poland and Central Europe through European standard gauge rail lines <http://www.railbaltica.org/>

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it, the evaluation found that “94% of the infrastructure identified as relevant for military purposes overlaps with the geographic scope of the [TEN-T]”¹³.

What are the steps ahead for the EU?

The Gap Analysis has paved the way for the definition of dual-use requirements, which are supposed to be ready by the end of 2019. Once this is done, and after the Member States identify the required upgrades and develop potential infrastructure projects with these demands in mind, the Commission, along with the EDA and other EU agencies, will work with the States on a dual-use set of projects (which is to be implemented by 2020). This stage entails further coordination efforts between neighbouring countries in order to set priorities on which infrastructure needs to be upgraded first. It will be a necessary task to ensure a proper development of the project.

To fund it, a €6.5 billion envelope has been proposed as part of the next Connecting Europe Facility 2021-2027¹⁴. Nonetheless, the final amount is pending negotiations on the Multiannual Financial Framework 2021-2027. Despite that and given the magnitude of the initiative, the question arises as to whether the budget will be enough to accomplish the ambitious set goals. By way of comparison, Rail Baltica’s estimated construction cost is 5.8 billion euros¹⁵.

As for regulatory and procedural measures, they are based on two aspects: customs and value added tax, and cross border movement permissions.

Overcoming border bureaucratic procedures is a major challenge as these regulations rely on national decision-making processes. The Action Plan aims at reducing the administrative burden by standardizing cross border movement permissions. Due to the issuance of such

permissions concerns each Member State, the Commission called on them to single out national regulatory restrictions and to lay down common harmonized regulations. Progress in this domain have been achieved in the frame of the Programme on Optimizing Cross Border Movement Permission Procedures in Europe developed by the EDA in May 2019. Twenty-three signatory countries¹⁶ arranged to simplify cross border formalities “with a focus on surface and air movements in combination with diplomatic clearance procedures”¹⁷. Further cooperation initiatives for air transport were previously facilitated by the EDA, specifically the EU Multimodal Transportation Hub¹⁸, in 2013, and the Diplomatic Clearance Technical Agreement¹⁹, in 2012. The purpose of the former programme is to identify and enhance a transport network to allow military movement across Europe. Regarding the latter, it contemplates pre-approval for diplomatic clearance for air transport as well as to erode hurdles for military flights landings and overpasses. It should be noted that the measures to be developed will be facilitated in the framework of a plethora of stakeholders, not only the EDA but also the PESCO, the European External Action Service or the Commission.

As regards customs formalities, there are certain technical details being discussed, such as Form 302. This is a NATO document used for customs transit of goods, namely, import and export of military goods. Since 2016, the EU legislation provides for the use of Form 302 for transit procedures only. However, due to some operational troubles reported by EU Member States, the Action Plan proposes a twofold measure: to create an EU Form 302 and to amend the above mentioned legislation to extend its competences to import and export.

VAT rules have been a subject under review as well. Military personnel deployed abroad demand supply efforts such as food, accommodation, fuel or exercise materials.

¹³ Joint report to the European Parliament and the Council on the implementation of the Action Plan on Military Mobility

¹⁴ Connecting Europe Facility is the EU funding instrument for strategic investment in transport, energy and digital infrastructure

¹⁵ <http://www.railbaltica.org/about-rail-baltica/finances/>

¹⁶ Denmark, Finland, Ireland, Slovenia and the U.K. decided not to sign

¹⁷ Joint report to the European Parliament and the Council on the implementation of the Action Plan on Military Mobility

¹⁸ <https://www.eda.europa.eu/what-we-do/activities/activities-search/eu-multimodal-transport-hubs>

¹⁹ <https://www.eda.europa.eu/docs/default-source/documents/dic-ip.pdf>

VAT regulations in force applies to these goods. However, the Commission, following the call from the Member States, proposed in April 2019 these supplies to be VAT exempt. Therefore, the EU defence efforts would be treated in the same way as under the NATO framework, where these goods benefited from exemptions, in order to enhance military cooperation.

Legal aspects range from the protection of data, personnel and equipment (including dangerous goods) to liability issues, such as legal protection of military forces. Amongst these factors, it should be mentioned the EU Status of Forces Agreement, in force since April 2019. It concerns "the status of military and civilian staff seconded to the institutions of the European Union [...] in the context of the preparation and execution of the tasks referred to in Article 17(2) of the [TEU], including exercises"²⁰. With regard to transport of dangerous goods, this is a matter regulated by national legislative frameworks. A survey with the aim to map existing restrictions and obstacles to its transport was delivered by the EDA to the Member States. Currently, several options are being taken under consideration to be further implemented.

EU-NATO cooperation

On their part, NATO undertook its own plan concerning military mobility. The Enablement Plan for SACEUR's Area of Responsibility²¹ intends to improve NATO's logistical capabilities by "adjusting procedures and legislation, enhancing command and control, increasing transport capabilities and upgrading infrastructure"²². Moreover, for this purpose, the Atlantic organization has established a new command structure with two headquarters based in Norfolk (U.S.) and in Ulm (Germany).

Yet, military mobility has constituted a key factor bolstering NATO-EU relationship through cooperation. Its

turning point was the Joint Declaration signed after the NATO Warsaw Summit in July 2016. Later that year, both organizations agreed to cooperate in seven areas for which a list of 42 measures (eventually enlarged to 74) was established. Those points of cooperation were: hybrid threats, operational cooperation, cyber security, defence capabilities, defence industry and research, exercises, and capacity-building²³. Since then, military mobility has been a driving force in improving relations between both organizations. For instance, the EU Military Requirements were approved upon consultation with NATO, which transmitted its own transportation network infrastructure parameters. Additional efforts were made as well to align the NATO Form 302 and the EU Form 302 to the maximum extent possible to ensure the use of quite similar forms.

On top of that, both organizations agreed to launch a Structured Dialogue on Military Mobility in November 2018. Through this platform, several topics have been addressed, including cross border legislative and procedural issues. Indeed, the NATO Standard on the transportation of dangerous goods was shared with EU's stakeholders to facilitate its work on military mobility. Two meetings have been held since then to deepen information sharing and ensure mutual reinforcement. That being said, both sides attend to respective meetings and workshops, and informally exchange views on a continual basis.

Overall military mobility is both a NATO and EU initiative in which mutual cooperation has proved positive. It has reinforced the bonds between the two institutions promoted since the foregoing Joint Declaration of 2016. Nevertheless the deepening of this relationship presents some challenges. For example, some argue that the efforts driven to strengthen EU's defence capabilities could undermine NATO. There is a certain tendency to approach this as a dichotomy where European defence architecture is either NATO's or the EU's responsibility. The advocates of

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<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A42003A1231%2801%29>

²¹ Supreme Allied Commander Europe

²² Motion for a European Parliament resolution on military mobility http://www.europarl.europa.eu/doceo/document/A-8-2018-0372_EN.html?redirect

²³ Joint Declaration by the President of the European Council, the President of the European Commission, and the Secretary General of NATO https://www.nato.int/cps/en/natohq/official_texts_133163.htm

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this last side point to the lack of commitment of the U.S. to Europe. Against this backdrop, the Union should take a bigger share in its defence burden. It has even been discussed an intra-European division within NATO²⁴. However, there is a difficulty that underlies this whole partnership issue. While 22 countries are members of both organizations, there are several states that only belong to one of them. The U.S., Canada, Turkey or Norway are non-EU NATO countries, with the U.K. about to join the club. On the other side, Austria, Ireland, Finland or Sweden are some of the non-NATO EU countries. Some of these states may not see collaboration as a priority. Even more, among the 22 countries there are those that show a greater preference for one of the two institutions (i.e. Poland for NATO²⁵ and France for the EU²⁶). Despite all of that, the deterioration of the European security environment and the global challenges the trans-Atlantic partners face should lay the ground to persevere in the collaboration that has achieved positive progress so far.

Concluding remarks

Several challenges arise in the construction of the European security environment, be it through the point of view of the EU-NATO conundrum previously outlined or from an internal perspective. In this case, the Action Plan is part of a major project composed of complementary initiatives which are, subsequently, carried out by several EU bodies and agencies with the ultimate commitment of the States. This entails the risk that the mobility enterprise

may be completed at different paces. Take for instance the Multimodal Transportation Hub and the Diplomatic Clearance Technical Agreement. Only fourteen and twenty Member States respectively have joined the initiatives. This means that the potential of the project risks not reaching its full capacity due to the different levels of political commitment.

The current lack of interest of the Trump Administration towards its European partners should not be understood as a temporal matter but rather as part of a long-term geostrategic shift to Asia. Indeed, in the Asia-Pacific Cooperation Summit in 2011, Obama stated "The United States is a Pacific Power and we are here to stay. [...] there is no region in the world that we consider more vital than the Asia Pacific region"²⁷. This, along with the threats that arise in the southern and eastern neighborhood, presents a great opportunity for a deepened integration. Both the European institutions and NATO should emphasize that is in the interest of all European countries to pursue a more capable and independent European defence. At the same time a foster campaign should be carried out by all the stakeholders. Military issues not only require a whole of government but also a society approach. It is a sensitive topic for the European public opinion. Thus, a proper presentation of the initiatives to be undertaken and the funds to be earmarked is necessary to endow the project with public legitimacy and demonstrate the citizens that all of these efforts are for their own benefit.



Co-funded by the
Europe for Citizens Programme
of the European Union

The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.

²⁴ The EU and NATO: the essential partners. European Union Institute for Security Studies, page 39
<https://www.iss.europa.eu/content/eu-and-nato>

²⁵ <https://www.defensenews.com/global/europe/2019/09/24/us-polish-presidents-sign-pact-to-boost-american-military-presence-in-poland/>

²⁶ <https://www.economist.com/europe/2019/11/07/emmanuel-macron-warns-europe-nato-is-becoming-brain-dead>
²⁷ <https://obamawhitehouse.archives.gov/the-press-office/2011/11/12/remarks-president-obama-apec-ceo-business-summit-qa>