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EDITORIAL COMMENTS

ReArm Europe/Readiness 2030: European defence in times of war

On 6 June 1944 – D-Day – Allied forces landed more than 150,000 troops on five beaches in Normandy in the North of France in what was the largest naval, air and land operation in history. D-Day was the result of an unprecedented cooperation between international armed forces: the Allied forces consisted primarily of American, British and Canadian troops, but also included Australian, Belgian, Czech, Dutch, French, Greek, New Zealand, Norwegian, Rhodesian and Polish support. The invasion did not bring an immediate end to the war in Europe, but it marked the beginning of a campaign through which victory was ultimately achieved and peace was finally restored.

Anno 2025, Europe is already in its third year of war again. The European Union is facing one of the most serious crises of its existence. The primary goal of European integration after World War II was to create lasting peace among its members. This objective has been achieved remarkably well: war between EU Member States has become both legally impossible as well as realistically unthinkable. The award of the 2012 Nobel Peace prize to the EU, which had 'for over six decades contributed to the advancement of peace, reconciliation, democracy and human rights in Europe', bears small testimony to this.[1] However, Russia's aggression against Ukraine has returned full-blown conventional warfare to the European continent and exposed the fragility of peace. On 24 February 2022, Europe woke up to the painful reality that it takes two to maintain peace, but only one to start a war. What is more, the hostilities in Ukraine have demonstrated that a Russian attack on an EU country in the foreseeable future is not inconceivable.[2] The EU's security environment is thus again in jeopardy. And as if that was not bad news enough, since the re-election of Donald Trump as President of the United States, US support for transatlantic relations has been wavering. The NATO security umbrella notwithstanding, President Trump has hinted several times – even during his first term in office between 2016

1. See The Nobel Peace Prize 2012, <www.nobelprize.org/prizes/peace/2012/summary/> (all websites last visited 1 July 2025).

2. Alexandr Burilkov and Guntram B Wolff, 'Defending Europe without the US: First Estimates of What is Needed' (*Bruegel*, 21 February 2025) <www.bruegel.org/analysis/defending-europe-without-us-first-estimates-what-needed>.

and 2020 – that the US might not come to the EU's rescue once again, if needed.[3]

The EU thus has no choice but to take its fate into its own hands.[4] It should have done this a long time ago. In a recent report *Strengthening Europe's Civilian and Military Preparedness and Readiness*, the former President of Finland, Sauli Niinistö, acting as special advisor to the President of the European Commission, noted that when:

> 'looking at the EU as a whole in a deteriorating global security environment, two gaps are particularly evident: firstly, we do not have a clear plan on what the EU will do in the event of an armed aggression against a Member State; and secondly, we do not have comprehensive capacity to bring all necessary EU resources together in a coordinated manner across institutional and operational silos to prepare for – and if needed act – in response to major cross-sectoral and cross-border shocks and crises.'[5]

With the enemy virtually at the gate, this observation is extremely worrying. The report's call for swiftly enhanced preparedness and strength, not to wage war but to maintain peace, resounds loudly and leaves no room for misunderstanding. The EU and its Member States must urgently get ready to face the worst-case scenario.

But how did the EU and its Member State get into this predicament? And what are the ways to get out of it?

'Si vis pacem, para bellum'[6]

In the aftermath of World War II, the widespread consensus was that history must not repeat itself: No more War – Nie wieder Krieg – Plus Jamais de Guerre. The international collaborative effort which had led to D-Day was continued with the creation of the North Atlantic Treaty Organization in

3. 'Trump Told European Leaders that US "Will Never Come to Help You"' *The Guardian* (10 January 2024) <www.theguardian.com/us-news/2024/jan/10/donald-trump-says-never-help-europe-attack>.

4. 'As Putin and Trump Threaten from East and West, Europe Must Stand up for Itself' *The Guardian* (6 February 2024) <www.theguardian.com/commentisfree/2024/feb/06/vladimir-putin-donald-trump-europe-defence-community>.

5. Sauli Niinistö, *Safer Together – Strengthening Europe's Civilian and Military Preparedness and Readiness*, Report to the President of the European Commission, 30 October 2024, <commission.europa.eu/document/download/5bb2881f-9e29-42f2-8b77-8739b19d047c_en?filename=2024_Niinisto-report_Book_VF.pdf>.

6. 'If you want peace, prepare for war'.

1949.[7] NATO operates as a collective security system, in which member countries agree to defend each other against attacks by third parties, as 'an attack on one is an attack on all' which merits a collective response.[8]

In Europe, the 1950 Schuman Declaration famously stipulated that 'world peace cannot be safeguarded without the making of creative efforts proportionate to the dangers which threaten it'.[9] This declaration became the driving force behind efforts at more supranational cooperation within Europe, which resulted in the establishment of the European Coal and Steel Community in the Paris Treaty in 1951 signed by Belgium, France, Germany, Italy, Luxembourg and the Netherlands.[10] Conscious of the threat Stalin's Soviet Union posed after the outbreak of the Cold War, and at the same time also wary of Germany's rearmament and its inclusion in NATO, for which the US pressed, France proposed the creation of a European Defence Community with the explicit goal to secure European defence: a European army would be set up, funded by a common budget and governed by common institutions.[11] Close coordination with NATO would be established: in wartime, the European forces would operate under NATO command.

Conspicuously, however, it was the French National Assembly under a new government which failed to ratify the European Defence Community Treaty in 1954, out of fear for loss of sovereignty, after which the idea of a common army was abandoned.[12] Instead, European countries chose to eliminate the reasons for conflict between them primarily via the path of economic integration, with the establishment of the European Economic Community in Rome in 1957.[13] Over time, integration would gradually widen and deepen, without defence ever returning to the forefront of States' attention. There was unwillingness to duplicate NATO or tread on its toes; some Member States were concerned with their neutrality, while others, especially France and the UK (the nuclear powers), were very unwilling to consider handing over defence

7. The North Atlantic Treaty, also known as the Washington Treaty, was signed on 4 April 1949, <www.nato.int/cps/en/natohq/official_texts_17120.htm>.

8. Art 5 NATO.

9. Schuman Declaration May 1950 <european-union.europa.eu/principles-countries-history/history-eu/1945-59/schuman-declaration-may-1950_en>.

10. Treaty establishing the European Coal and Steel Community, ECSC Treaty.

11. Paul Craig and Gráinne de Búrca, *EU Law. Text, Cases & Materials* (6th edn, OUP 2015) 3–4.

12. It is worth observing that Belgium, Germany, Luxembourg and the Netherlands had already ratified the EDC Treaty. See also Federico Fabbrini, 'European Defence Integration after Trump's Re-election: A Proposal to Revive the European Defence Community Treaty and its Legal Feasibility' (2024) 30 European Law Journal 614, doi: 10.1111/eulj.12531.

13. Treaty of Rome (EEC).

competence to a supranational body. Most European countries in essence happily contented themselves with seeking comfortable protection under the broad wings of the US in the framework of NATO for security and defence. At the moment, the alliance consists of 32 members, including 23 EU Member States (all but Austria, Cyprus, Ireland and Malta). Finland and Sweden joined only recently, after the Russian invasion in Ukraine, highlighting the continued faith in the transatlantic alliance for Europe's security purposes. As such, this approach arguably made a lot of sense, given the economic and military might of the US and its (self-proclaimed) position as 'leader of the Free World'. What is less understandable, however, and perhaps even somewhat irresponsible, is most Member States' overreliance on the US and their structural failure to meet the 2014 NATO goal of a share of 2% GDP on defence expenditure, even after several admonitions from successive US Presidents Obama, Trump and Biden. In 2021, only Croatia, Estonia, France, Greece, Latvia, Lithuania, Romania and Poland met the threshold. Luxembourg proved to be the weakest link (0.57%), but defence expenditure in large Member States such as Germany (1.53%), Italy (1.41%) and Spain (1.02%) also remained far below expectations.[14] Not only did Europe's shortcomings in equitable burden-sharing in collective security irk 'big brother' the US, putting President Trump's refusal to firmly commit to honouring the Article 5 NATO mutual defence pledge in a somewhat different light, they also left national armies in a dilapidated state.

At the same time, it would also not be entirely accurate to state that the EU has not undertaken any action at all in relation to defence since the failure of the European Defence Community. After all, in 1999, at the Cologne European Council, the Common Security and Defence Policy (CSDP) was established as an integral part of the Union's Common Foreign and Security Policy (CFSP).[15] Article 42(1) TEU solemnly declares that this policy is intended to provide the Union with 'an operational capacity drawing on civilian and military assets provided by the Member States, which may be used on missions for peace-keeping, conflict prevention and the strengthening of international security'. Article 42(2) TEU also provides that the CSDP shall include the progressive framing of a common Union Defence Policy, which 'will lead to a common defence, when the European Council, acting unanimously, so decides'. This may sound pro-

14. 'Duitsland schroeft defensiebudget op: welke landen zitten op de NAVO-norm van 2% van het bbp?' (*Business Insider*, 1 March 2022) <www.businessinsider.nl/navo-defensie-duitsland-budget-oorlog-oekraine-rusland/>.

15. Panos Koutrakos, *The EU Common Security and Defence Policy* (OUP 2013).

mising, but the Achilles heel of the institutional set-up of the edifice is immediately apparent. CSDP is firmly embedded in the terrain of high politics, characterized by its intergovernmental nature: decisions taken in this policy field are taken unanimously in the Council.[16] Progress is thus entirely dependent upon the political will of the Member States. The adoption of legislative acts is excluded.[17] Furthermore, Article 42 TEU also specifically acknowledges the position of neutrality of certain Member States in relation to defence. And Article 41(2) TEU states that expenditure arising from operations having military or defence implications cannot be funded through the EU budget. Clearly, these provisions served to pay lip service to the idea that Europe needed defending, but it was evident that defence did not score highly on the list of political priorities of the European Heads of State and Government.[18] European leaders had seemingly grown so accustomed to the reality of peace at home in the EU that they had almost become oblivious to the menacing realities of war elsewhere in the world and naively forgot to prepare for it. Built as a peace project, the EU always seemed to position itself prevalently as a 'normative' or 'civilian' power in international relations.[19] Not even the Russian annexation of Crimea in 2014 changed this mindset, the creation of the Permanent Structured Cooperation (PESCO) in 2017 perhaps notwithstanding.[20] Admittedly, in those days there was almost always some other crisis that needed resolving and that snatched away the attention at the successive European Councils, whether it related to economic and financial governance, migration or the outbreak of a global pandemic. Regardless, EU defence arrangements remained suboptimal. Or, as a former Belgian politician once famously retorted, 'Europe is an economic giant, a political dwarf and a military worm'.[21]

16. Arts 31(1) and 42(4) TEU.
17. Art 31(1) TEU.
18. Carolyn Moser, 'The Impact of the War in Ukraine on the EU's Common Security and Defence Policy' in Stefan Kadelbach and Rainer Hofmann (eds), *The Common Security and Defence Policy of the EU* (Nomos 2024) 23–54.
19. Ian Manners, 'Normative Power Europe: A Contradiction in Terms?' (2002) 40 Journal of Common Market Studies 235, doi: 10.1111/1468-5965.00353.
20. Steven Blockmans, 'The EU's Modular Approach to Defence Integration: An Inclusive, Ambitious and Legally Binding PESCO? (2018) 55 CML Rev 1785, doi: 10.54648/COLA2018145.
21. 'Europe must stop being a "political dwarf and military worm"' *Brussels Morning Newspaper* (18 July 2023) <brusselsmorning.com/europe-must-stop-being-a-political-dwarf-and-military-worm/33315/#:~:text=In%201991%2C%20prominent%20Belgian%20politician%20Mark%20Eyskens%20regretted,giant%2C%20a%20political%20dwarf%2C%20and%20a%20military%20worm>.

A call to arms

The Russian full-scale invasion of Ukraine changed everything. It was described as 'a tectonic shift in history'.[22] This led to the geostrategic awakening of Europe.[23] Once again, it was proved that events shape the direction of the European integration process.[24] Developments that were previously politically unthinkable suddenly became possible. The more hostile security environment required the EU 'to make a quantum leap forward' in terms of security and defence.[25] In many ways, the EU reacted forcefully to Russia's aggression.[26] At the 2022 Versailles European Council, the Heads of State and Government agreed to bolster Europe's defence capabilities, primarily by substantially increasing Member States' defence expenditures. In the Strategic Compass, adopted one month after the start of the war, the European Council committed to developing an EU Rapid Deployment Capacity that would allow the swift deployment of up to 5,000 troops for different types of crises.[27] In June 2022, the European Council conferred EU candidate-country status on Ukraine, and accession negotiations started in December of that year.[28] The Council adopted many hefty sanction packages against Russia.[29] For the first time, it unanimously agreed to provide lethal weapons to a country at war (with Austria, Ireland and Malta constructively abstaining from the vote).[30] To make this possible, it made extensive use of the European Peace Facility, an extra-budgetary financing mechanism for CFSP actions.[31] In October 2022, the Council also

22. Council of the EU, *A Strategic Compass for Security and Defence* – For a European Union that protects its citizens, values and interests and contributes to international peace and security, 21 March 2022, <www.eeas.europa.eu/sites/default/files/documents/strategic_compass_en3_web.pdf>.

23. Romana Vlahutin, 'Europe's Geostrategic Awakening' *Internationale Politik Quarterly* (10 January 2024) <ip-quarterly.com/en/europes-geostrategic-awakening>.

24. Luuk van Middelaar, Alarums and Excursions: Improvising Politics on the European Stage (Agenda Publishing 2019).

25. *Strategic Compass* (n 22) 10.

26. Moser (n 18).

27. *Strategic Compass* (n 22) 11.

28. Roman Petrov and Christophe Hillion, 'Guest Editorial: "Accession through War" – Ukraine's Road to the EU' (2022) 59 CML Rev 1289, doi: 10.54648/COLA2022092.

29. European Council, 'EU Sanctions against Russia' <www.consilium.europa.eu/en/policies/sanctions-against-russia/>.

30. Council Decision (CFSP) 2022/338 of 28 February 2022 on an assistance measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment and platforms, designed to deliver lethal force [2022] OJ L60/1; Council Decision (CFSP) 2022/339 of 28 February 2022 on an assistance measure under the European Peace Facility to support the Ukrainian Armed Forces [2022] OJ L61/1.

31. Council Decision (CFSP) 2021/509 of 22 March 2021 establishing a European Peace Facility, and repealing Decision (CFSP) 2015/528 [2021] OJ L102/14.

launched the EU Military Assistance Mission (EUMAM Ukraine), aiming to train 40,000 Ukrainian troops, with headquarters in Brussels and operational hubs in Poland and Germany.[32] The civilian CSDP mission EUAM Ukraine, established in 2014, was also retooled to assist with refugee management and the investigation of war crimes.[33]

In 2023, the EU transitioned from emergency response to more structural reforms. Key initiatives aimed to bolster defence industry production, capacity and coordination, such as the Act in Support of Ammunition Production (ASAP),[34] or the European Defence Industry Reinforcement through Common Procurement Act (EDIRPA), incentivizing joint procurement with an initial EUR 300 million budget.[35]

In 2024, further steps were taken towards institutionalizing the defence architecture of the EU. In the *Political Guidelines* for 2024 to 2029, Commission President von der Leyen placed security and defence at the heart of the Commission's new mandate. In her mission letter, she entrusted the Commissioner-designate for Defence, Andrius Kubilius, a historic first appointment, with the task of establishing a true European Defence Union. Acknowledging the primary responsibility of the Member States for their armed forces, she nevertheless also envisaged a clear – supporting – role for the EU institutions, 'in terms of investment, industry, procurement research, innovation and much more', in the task of defending Europe, in close cooperation with NATO. All initiatives must be guided by the overarching principle: Europe must spend more, spend better and spend European.[36]

On 4 March 2025, the Commission President unveiled the contours of *ReArm Europe*, an ambitious plan aimed at quickly and significantly increasing defence expenditure which could mobilize 'close to EUR 800 billion for a safe and resilient Europe'.[37] The first and major part of the plan

32. Council Decision (CFSP) 2022/1968 of 17 October 2022 on a EU Military Assistance Mission in support of Ukraine (EUMAM Ukraine) [2022] OJ L270/85.

33. Council Decision (CFSP) 2022/638 of 13 April 2022 amending Council Decision 2014/486/CFSP on the EU Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine) [2022] OJ L117/38.

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

35. Regulation (EU) 2023/2418 of the European Parliament and the Council of 18 October 2023 on establishing an instrument for the reinforcement of the European defence industry through common procurement (EDIRPA) [2023] OJ L2023/2418.

36. Mission letter from the President of the European Commission to the Commissioner-designate for Defence and Space, Brussels, 17 September 2024, <commission.europa.eu/document/download/1f8ec030-d018-41a2-9759-c694d4d56d6c_fr?filename=Mission%20letter%20-%20KUBILIUS.pdf>.

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

revolves around public spending at national level. The Commission proposes to activate the national escape clause of the Stability and Growth Pact,[38] entailing a relaxation of the fiscal rules, allowing Member States to increase defence spending in response to 'exceptional circumstances beyond their control' which have a major impact on their public finances.[39] Over a period of four years, this could create a fiscal space of close to EUR 650 billion. Besides this, the *ReArm Europe* plan also proposes the adoption of the draft Regulation on the Security and Action for Europe (SAFE), a new financial instrument which provides EUR 150 billion of loans to Member States from the EU budget for joint procurement in critical defence capability domains, such as air and missile defence, artillery systems, ammunition and missiles, drones, AI and cyber warfare, military mobility, strategic enablers and critical infrastructure protection.[40] Also in March 2025, a White Paper for European Defence, strategically entitled *Readiness 2030*, was presented by the European Commission and the High Representative.[41] It stresses that 'the moment has come for Europe to re-arm', to credibly deter armed aggression and secure its own future. In the face of adversity, it calls on the EU and its Member States 'to stand firm, be united and act with decisiveness, ambition and speed'. The White Paper provides a framework for the *ReArm Europe* plan, pressing the case for a massive increase in defence spending, and presenting 'the necessary steps to rebuild European defence, to support Ukraine, address critical capability shortfalls and establish a strong and competitive defence industrial base'. It reaffirms Member States' responsibility for their own troops, from doctrine to deployment, but equally stresses the potential of the EU to reap the 'collective dividend', in supporting and coordinating Member States' efforts to strengthen the defence industrial base and the EU's overall defence readiness, including European contributions to NATO's deterrence and collective defence. The

38. Art 26 Regulation EU 2024/1263 of the European Parliament and of the Council of 29 April 2024 on the effective coordination of economic policies and on multilateral budgetary surveillance and repealing Council Regulation (EC) No 1466/97 [2024] OJ L2024/1263.

39. Communication from the Commission, *Accommodating Increased Defence Expenditure within the Stability and Growth Pact*, 19 March 2025, C(2025) 2000 final <defence-industry-space.ec.europa.eu/document/download/a57304ce-1a98-4a2c-aed5-36485884f1a0_en?filename=Communication-on-the-national-escape-clause.pdf>.

40. Proposal for a Council Regulation establishing the Security Action for Europe (SAFE) through the reinforcement of European defence industry Instrument, 19.3.2025, COM(2025) 122 final <defence-industry-space.ec.europa.eu/document/download/6d6f889ce58d-4caa-8f3b-8b93154fe206_en?filename=SAFE%20Regulation.pdf>.

41. European Commission, *White Paper for European Defence – Readiness 2030* <commission.europa.eu/document/download/e6d5db69-e0ab-4bec-9dc0-3867b4373019_en?filename=White%20paper%20for%20European%20defence%20%E2%80%93%20Readiness%202030.pdf>.

EU can especially provide added-value by, *inter alia*, facilitating greater collaboration and efficient scale for the European defence industry, facilitating interchangeability or interoperability, or enabling partnerships. If the plan comes together, 'this could lead to a major leap in European resilience'.[42]

An army for Europe?

What to make now of all these ambitious – and costly – reforms, plans and initiatives? 'We need 27 European armies that are capable and can effectively work together to deter our rivals and defend Europe – preferably with our allies and partners, but alone if needed', EU High Representative for Foreign Affairs and Security Policy Kaja Kallas said in late January 2025.[43] It seems evident that this is currently not a readily achievable objective. The 27 European armies are simply not all fit for purpose, let alone can they be expected to operate effectively together. In the short term, strategically the EU has thus no option but to continue seeking shelter under the security umbrella of NATO.[44] To make the Americans milder about continued Atlanticism, European leaders therefore agreed to an increase in defence expenditure, as required by the US during the June 2025 NATO summit in The Hague, even if they diverge in their assessment of the threat posed by Russia and the military deterrence that is needed. This 'defence investment pledge' amounts to 5% GDP and is split into 3.5% for defence expenditure and 1.5% for infrastructure works and the fight against terrorism. Unquestionably, this considerable increase is a bitter pill to swallow, especially for those EU countries whose current defence expenditure is still below or just above the 2% threshold, and it is bound to have national budgetary repercussions, risking negatively affecting, *inter alia*, social expenditure or the pursuit of environmental objectives. The Commission's announced *ReArm Europe* plans may serve to somewhat soften the blow. And this may very well be the 'once-in-a-lifetime' price we have to pay for security in a world where threats are proliferating. After all, as was observed in the Niinistö report, 'if we are not doing everything we can for our own

42. ibid 21.

43. Speech by High Representative/Vice-President Kaja Kallas at the Annual Conference of the European Defence Agency, Brussels, 22 January 2025 <www.eeas.europa.eu/eeas/defence-speech-high-representativevice-president-kaja-kallas-annual-conference-european-defence_en>.

44. Max Bergmann, 'Why It's Time to Reconsider a European Army' Centre for Strategic and International Studies (28 February 2025) <www.csis.org/analysis/why-its-time-reconsider-european-army>.

security, we cannot ask anyone else to do it for us'.[45] The question of how all that money can be spent most efficiently – at both national and EU level – then of course becomes of quintessential importance.

For the longer term, the EU would be well-advised to pursue the goal of *Readiness 2030* and strengthen its own military capacity to protect its citizens, defend its interests and the values it stands for, and thus no longer be entirely dependent on the US for its security, or the political whim of the moment in the White House. Recent Eurobarometer surveys show strong support from European citizens: more than eight in ten (81%) support a common defence and security policy among Member States – the highest result since 2004. At the same time, 78% are concerned about the EU's defence and security in the next five years.[46] But the question that looms large in this respect is whether the current Commission proposals go far enough to achieve this goal. The *ReArm Europe* plan devotes a lot of attention to the issue of funding, and the White Paper for European Defence sets out several ways to improve defence capabilities, but the other crucial issue of how to actually reform and integrate the national military forces into working efficiently together receives remarkably little attention. In a speech at the Munich Security conference in February 2025, President Zelensky of Ukraine put his finger on the issue by calling for the creation of an 'Army of Europe' in order to face Russia.[47]

The European army has been described as the 'ghost in the system of European Defence debates' since the failure of the European Defence Community in the 1950s.[48] From a theoretical perspective, the prospect of an integrated European army, superseding the national armies, funded by a common budget and with a clear operational command structure clearly has a certain appeal. In terms of cost-effectiveness, it would possibly also maximize the deterrence of a common European defence.

Legally, the creation of a supranational EU army, replacing the 27 national armies and superseding the CSDP, would require a Treaty amendment under the ordinary revision procedure of Article 48 TEU, and thus the unanimous support of all Member States. Additionally, national

45. Niinistö (n 5).

46. European Commission Press Release, Eurobarometer shows record high trust in the EU, and strong support for the euro and a common defence and security policy, 28 May 2025.

47. Joshua Posaner, 'Zelenskyy: "The Time has Come" for a European Army' (*Politico*, 15 February 2025) <www.politico.eu/article/ukraine-volodymyr-zelenskyy-time-has-come-european-army-munich-security-conference/>.

48. Ulrike Franke, 'The Never-ending Debate of the European Army and Why it is Unhelpful' (22 January 2024) <www.boell.de/en/2024/01/22/never-ending-debate-european-army-and-why-it-unhelpful>.

(constitutional) constraints must be overcome. For one, Ireland, Austria and Malta still maintain neutral status in their constitutions or foreign policy doctrines, complicating participation in collective military structures. Also Germany's Basic Law presents stringent constitutional hurdles to transferring sovereign military powers.[49] To maintain peace, Article 24 (2) of the Basic Law allows Germany to join a common defence system. While the Federal Constitutional Court (FCC) did not regard the EU as such a system in its *Lisbon* ruling, it later accepted this premise in its Order of 17 September 2019.[50] This, however, still leaves the issue of democratic control. The FCC demands that any transfer of sovereignty from Germany to the EU must be in conformity with the principle of democracy. It is likely that the FCC would regard the establishment of a European army as constitutional only under the condition that there is a requirement of parliamentary consent for any military deployment abroad (ie outside the EU borders), as the FCC requires the same for the German army.

The establishment of a common EU army may thus be possible, even if legally complex; politically, the requirement of unanimity currently seems to present an insurmountable obstacle. The Hungarian and Slovakian governments have already expressed opposition to EU-level military integration and would in all likelihood oppose Treaty changes or binding commitments related to a European army. But also, more generally, Member States still very much consider defence as a national prerogative and will not likely transfer sovereignty in this regard to the EU. The Member States will thus retain the primary responsibility for Europe's common defence via their national armies.

It does not appear inconceivable though to set up a complementary European army, besides the 27 national armies, with the specific and sole purpose of Europe's defence, which would have the added-value that it could be deployed fast in crisis times in Europe.[51] It could be akin to the EU

49. Bernd Grzeszick, 'Wäre eine europäische Armee erlaubt?' *Frankfurter Allgemeine Zeitung* (23 May 2025) <www.faz.net/einspruch/verteidigung-gegen-russland-waere-eine-europaeische-armee-erlaubt-110493647.html>.

50. Bundesverfassungsgericht (Federal Constitutional Court), *Judgment of the Second Senate of 30 June 2009 – 2 BvE 2/08 (Lisbon Treaty)*, <www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/EN/2009/06/es20090630_2bve000208en.html>;
Bundesverfassungsgericht (Federal Constitutional Court), *Order of the Second Senate of 17 September 2019 (ISIL terrorist group) – 2 BvE* 2/16, <www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/EN/2019/09/es20190917_2bve000216en.html>.

51. Karsten Meijer and Arjen Klein, 'A European Army and Three Difficult Choices' (*Verfassungsblog*, 6 March 2025) <verfassungsblog.de/a-european-army-and-difficult-choices/>.

Rapid Deployment Capacity, envisaged in the Strategic Compass, but with its own personnel and resources, recruited from EU citizens, and under a clear operational command. There seems to be room for this within the current CSDP framework. After all, Article 42(7) TEU stipulates that in the event of an armed aggression against a Member State, the other Member States can and must use 'all the means in their power' to aid and assist. Article 44 TEU also provides that the Council may entrust 'the implementation of a task to a group of Member States which are willing and have the capacity'. It might even be envisaged to use the framework of PESCO for this purpose.[52] Ideally, other 'willing' European countries, such as the UK or Norway, would be free to join in the common defence effort. To mount a credible deterrence, and from the perspective of the need for enhanced cooperation on defence, such a complementary European army seems thus worth consideration.

Citizens' resilience

As a final thought, up until now, European integration has brought with it an invaluable peace dividend for EU citizens in the EU. The reverse side of this medal, however, is that most EU citizens – luckily – have no idea what it actually entails to be at war, or even to be threatened by it. The focus of the Commission's *Readiness 2030* campaign should therefore not only be on preparing Europe's defence, in terms of the military, but should be more comprehensive, and also extend to enhancing individual and household preparedness. In the already mentioned Niinistö Report, the need to empower citizens as the backbone of societal resilience and preparedness was identified as one of the indispensable building blocks of a fully prepared Union. Concrete steps are being taken, such as the EU's Internal Market Emergence and Resilience Act, intended to ensure the uninterrupted movement of essential goods, services and persons across the EU during a crisis,[53] or the information campaign to promote a target of 72-hour self-sufficiency in case of emergency.[54] These must be intensified. In the clear hope that EU citizens' readiness will never be put to the test.

52. Arts 42(6) and 46 TEU.

53. Regulation (EU) 2024/2747 of the European Parliament and the Council of 9 October 2024 establishing a framework of measures related to an internal market emergency and to the resilience of the internal market and amending Council Regulation (EC) No 2679/98 (Internal Market Emergency and Resilience Act) [2024] OJ L2024/2747.

54. 'Threat of War and Disease Means Europeans Need 3 Days' Supplies, Commission to Warn' (*Politico*, 26 March 2025) <www.politico.eu/article/europe-crisis-stockpile-supplies-war-disease-natural-disaster-roxana-minzatu/>.