

COOPERATION OF EU MEMBER-STATES IN THE FIELD OF SECURITY AND DEFENCE ON THE CURRENT STAGE

At the present stage, taking into account military and political instability, the violation of foreign territorial supremacy and independence of individual states of the world, the issue of enhancing the national security, strengthening of defensive potential and establishing effective cooperation in this area is a key objective for the EU member states as well as Ukraine. Maintenance of peace, their values and the welfare of their peoples is defined as an underlying purpose of the European Union (art. 3.1 of the Treaty on European Union 1992 (hereinafter TEU)) [1].

On June 28, 2016, the EU Global Strategy «A Shared Vision, a Joint Action: A Stronger Europe» was presented [2] – a political document of the European Council, which emphasized the need to strengthen the EU due to the external threats and increasing instability in the region. Defense, antiterrorism protection, cybersecurity, electric power industry and strategic communications are determined as the main security priorities. For this purpose, the need for synchronization and mutual adaptation of national defense planning cycles; use of EU funds to support defense research, technologies and multinational cooperation; widespread use of the capability of the European Defense Agency; development of the European defense industry has been highlighted.

The EU Common Security and Defense Policy is one of the most important areas of its activities within the framework of the Common European Union's Foreign and Security Policy. It represents a complex of unified legal and policy tools for Member States and provides for specific rules and procedures governing the states within the EU (art. 24, 42–46 TEU). Building collaboration in the field of security and defense provides the Union with operational capability based on civil and military means of member states that can be used outside the Union to support peace, prevent conflicts and enhance international

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security in accordance with the principles of the UN Charter of 1945. One of the ambitious goals of the Common EU Security and Defense Policy is the gradual development of a common defense policy that will lead to the common defense of the member states. In this respect due to art. 42.2 TEU such comprehensive integration is possible only with the unanimous consent of the member states at European Council level.

With the aim of strengthening cooperation of the EU member states due to art. 42.6 and 46 TEU Permanent Structured Cooperation (PESCO) has been provided as a form of voluntary integration of Member States that are motivated to take on additional liabilities in the security and defense matters. In particular art. 42.6 TEU has determined that participation in PESCO may be taken by Member States whose military capability meets the highest criteria and who have agreed to make commitments to cooperate more closely in this area. Unlike other forms of cooperation between EU Member States in the field of security and defense, PESCO commitments have legally binding nature and are established with the unanimous consent of all States, which are participating in it. Art. 46 TEU stipulates that any Member State may both accede to the specified forms of cooperation and refuse to participate in it, as notified to the EU Council. PESCO decisions oblige only states, which are participating in it and are not the EU acquis, which should be accepted by States candidates for entering into Union (art. 20.4 TEU).

By legal nature PESCO is a form of enhanced EU cooperation (art. 20 TEU), based on the concept of multi-speed integration. It allows to provide a higher or lower degree of integration within one integration union. The diversity of conditions for integration and the difference in the levels of economic, political, legal and cultural development of member states encourages the use of variable rates, tools and methods of legal regulation of integration processes [3, c. 307].

Protocol No. 10 to the EU's founding treaties regulates the general framework for such cooperation. In particular, art. 1 provides that PESCO is open to any Member State which enters into commitments to enhance their defense capabilities more intensively by expanding its national contributions and participating, if necessary, in multinational forces, in major European equipment programs and in the European Defense Agency activities and had the opportunity, not later than by 2010, to provide, either at the national level or as a part of a multinational armed services groups, special tactical armor units for the planned missions, structured at the tactical level as a fighting

group, support elements, including transport and logistic activities, capable of performing the tasks specified in art. 43 TEU, for a period of 5 to 30 days, in particular in response to requests from the United Nations, which may last for 30 days at an early stage and may be extended to at least 120 days.

Art. 2 of Protocol No. 10 also provides for the general obligations of PESCO member states: 1) to cooperate with a view to achieving the adopted targets concerning the level of investment expenditure for military equipment and to regularly review these objectives in view of the security conditions and the international obligations of the Union; 2) to bring their defense systems in line with each other as much as possible, in particular by harmonizing the determination of their military requirements through the pooling and, where possible, the specialization of their defensive means and capabilities, and by encouraging cooperation in the field of military exercises and logistics; 3) to take clear measures to enhance the availability, interoperability, flexibility and ability to deploy of its armed forces, in particular by establishing common objectives concerning a commitment to armed forces direction, including possible revision of their national decision-making procedures; 4) to cooperate with a view to implementing the necessary measures to remedy the shortcomings, in particular through multinational approaches, without prejudice to the commitments made within the framework of NATO identified under the «Capability Development Mechanism»; 5) to participate in the development of the major common or European equipment programs within the framework of the European Defense Agency.

A practical step towards the development of PESCO was signing by 23 EU Member States the EU Report on Permanent Structured Cooperation on Security and Defense on November 13, 2017, which was approved by the EU Council on December 11, 2017. Currently 25 of the 28 Member States have supported this initiative (with the exception of the United Kingdom, Denmark and Malta) [4].

The Annex to the EU Council Decision on Permanent Structured Cooperation dated 08.12.2017 [5] states the 20 major commitments of PESCO participants. These commitments include a constant increasing defense spending from the state budget; increasing the share of defense research and technology expenditures to 2% of total defense spending; to contribute actively in the European Defense Fund; enhance efforts in the field of cyber defense cooperation, in particular regarding the exchange of information, training and

operational support; creation of joint strategic organizations and EU fighting groups necessary for the operational and effective implementation of security and defense tasks; active involvement in EU operations within the framework of the Common Foreign and Security Policy (f.ex. EUFOR); involvement in training programs of the EU in order to improve the skills of national personnel; standardization of transboundary military transport of the Member States to facilitate the rapid deployment of military equipment and personnel; ensure the interoperability of its armed forces, while complying with NATO standards; participate in at least one PESCO project that develops or provides opportunities identified as strategically important for Member States, etc.

With regard to the last commitment in the Special Declaration [6], Member States have agreed on 17 initial projects which must be implemented to carry out PESCO tasks, including: European Medical Command, European Software (ESSOR); a network of logistic hubs in Europe and support for operations; military mobility; Center for the Competence of the European Union's Training Missions (EU TMCC); European Training Certification Center for European Army; energy operating management; detailed military aid package for the disaster relief operation; marine (semi) autonomous systems for mine actions (MAS MCM); Port and Maritime Surveillance and Protection (HARMSPRO); modernization of maritime surveillance; a platform for the exchange of information on the rehabilitation of cyber-threats and incidents; Cyber Immediate Reaction Forces and Mutual Cybersecurity Assistance; strategic command and control system for EU missions and operations; IFV / amphibious assault vehicle / light armored vehicle; remote fire support (EuroArtillery); Operational Center «Operational Capability».

In accordance with art. 4 of the EU Council Decision on Permanent Structured Cooperation dated 08.12.2017 [5] PESCO management is carried out on two levels. Governance at the first level is carried out by the EU Council responsible for overall policy and decision-making management that defines global priorities in this area, evaluates the implementation of the commitments of Member States. Only PESCO members are entitled to vote, decisions are taken unanimously (with exception of decisions on the suspension of membership and the admission of new members, which are adopted by a qualified majority). Management at the second level relates directly to PESCO projects. The management of each individual project is carried out by those Member States only which take part in them. It provides for consultation with the EU High Representative for Foreign Affairs and Security

Policy and the EU Military Committee, as well as reporting to the EU Council on the implementation of relevant projects.

As of today, the last most important practical step towards PESCO was the adoption by the EU Council of 06.03.2018 of the Recommendation on a Roadmap for the Implementation of the Program of Military-Strategic Cooperation of the EU Member States [7], as well as approval of the above-mentioned 17 projects. The PESCO «Roadmap» defines a strategic direction for structuring further work in the implementation and management of the program, including projects and defining steps to fulfill commitments. This document establishes a schedule for reviewing and evaluating the implementation of national plans for program implementation of PESCO Participating Member States; provides for a schedule for implementation of future European defense projects and fundamental provisions on project management to be approved by the EU Council by the end of June 2018.

In summary, it should be pointed out that under the current conditions of political and military instability, the Permanent Structured Cooperation of the EU member states in the field of security and defense has never appeared to be relevant and necessary as it is now. Military capacity-building of the EU Member States and strengthening of its defensive potential is important not only in the context of peace-building at the regional level, but also important for our state, which is actively supported by the European Union. At the same time, the deepening of the integration and use of PESCO's capability depends directly on the national will of the Member States and, accordingly, on their readiness to assume new security and defense responsibilities.

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