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HOW TO STRUCTURE AN EU/UK PARTNERSHIP ON FOREIGN, SECURITY AND DEFENCE POLICY

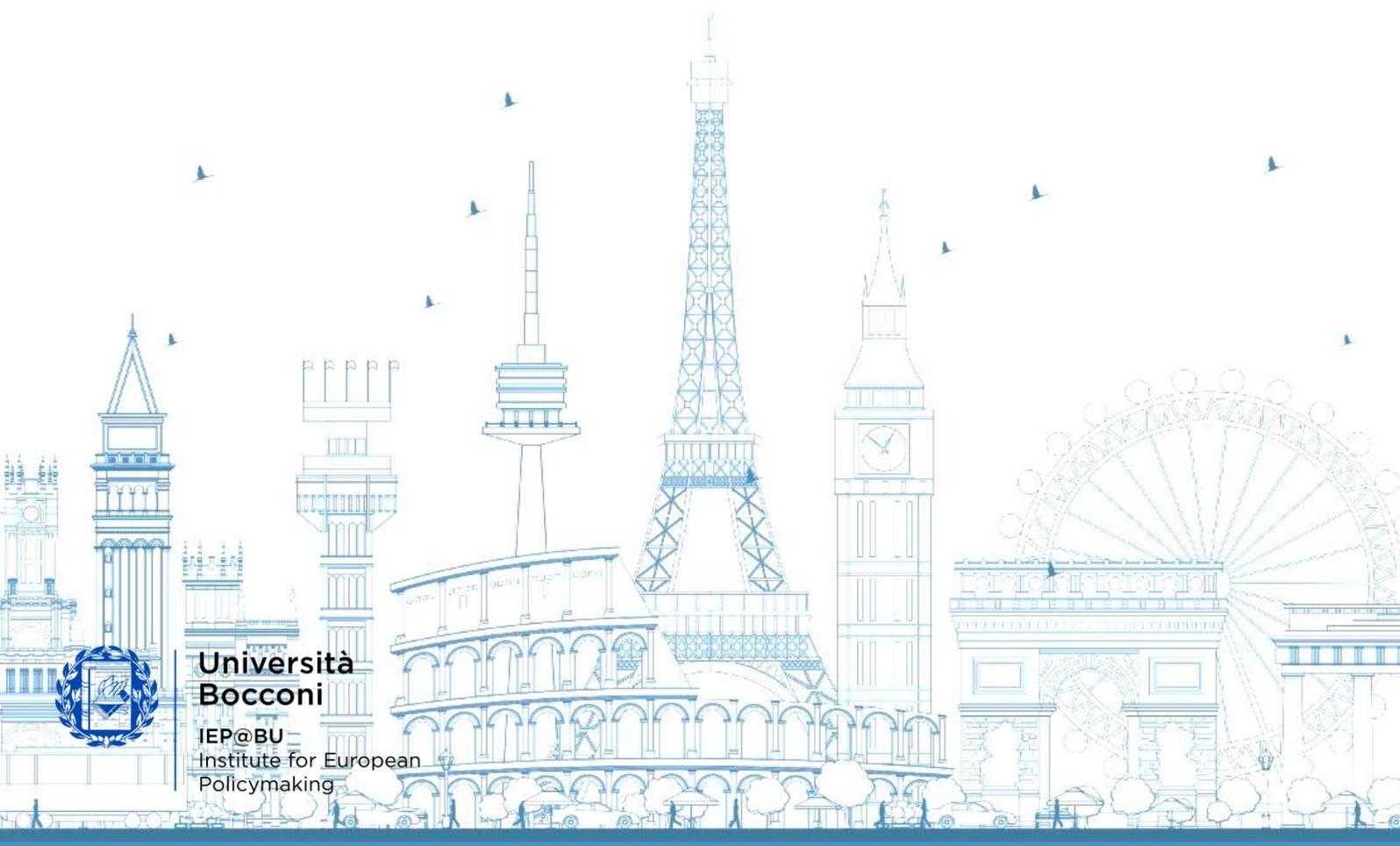
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Executive Summary

The paper addresses the question of how to **structure post-Brexit cooperation between the United Kingdom and the European Union in the fields of foreign policy, security, and defence.**

It rejects the suggestion that the UK should initially content itself with ad hoc cooperation, opting for a **structured approach**, which is evidently the preference of the Parties themselves.

As precedents of structured cooperation, the paper contrasts the EU-Canada Strategic Partnership Agreement (Canada SPA) with the new non-binding, tailored security and defence partnerships which the EU began concluding in 2024 with a number of third countries (including, importantly, Norway); it is argued that **the tailored partnership model offers the most suitable framework for the EU/UK relationship**, enabling **prompt, flexible, and incremental development of cooperation** without the delays and rigidity associated with a binding international agreement.

Against the background of recent geopolitical developments, including the deterioration of the transatlantic security relationship under the Trump Administration, the paper sets out **detailed proposals for the content of an EU/UK tailored partnership.**

These comprise: suggestions for the matters to be highlighted in the **preamble**; a proposal for a **general institutional framework**, which should include (if perhaps only in the medium term) a **consultation mechanism** allowing the **UK to feed its views** systematically into the **EU Council's** formal decision-making on **foreign policy, security and defence**; and identification of the areas of **cooperation**, which should extend to **foreign policy** as well as **security and defence.**

The areas of cooperation more particularly discussed are, besides **foreign policy**, continuing support for **Ukraine**, the potential **contribution by the UK to CSDP missions**, and the prospects for the UK's involvement in EU instruments designed to strengthen the **European defence industrial sector**, covering the whole range from research and development to the production and procurement of armaments. **UK membership of the EU's single market** restricted to the defence industrial sector is suggested as a medium-term aim.

In sum, the paper advocates for an **ambitious foreign policy, security and defence partnership (FSDP)** between the EU and the UK, tailored to reflect the UK's unique situation, which should be swiftly negotiated and concluded.



Introduction

The theme of this paper is the framing of the future relationship between the European Union and the United Kingdom in the areas of foreign policy, security and defence. The paper discusses ideas for a framework in the form of a tailored foreign policy, security and defence partnership (FSDP), that is considered practically achievable in the immediate term.

The companion paper by Jonathan Faull focuses on a key aspect of the future relationship, namely the impediments to closer integration of the defence industries of the EU and the UK resulting from the latter's status as a third country outside the EEA. Looking to the medium term, it explores possible ways of overcoming those impediments, using the relationship between Switzerland and the EU as a model.

Ad hoc or structured cooperation?

It was arguable that the UK should be content, for an initial period, to seek out proactively the widest possible range of opportunities for ad hoc cooperation with the EU in the areas of foreign, security and defence policy (FSDP), rather than try to establish a formal, structured relationship.

The argument would be that the task of restoring the EU's trust in the UK as a reliable international partner could better be achieved by maximising participation by the UK in the various aspects of FSDP activity that are open to third countries, and in which it has interests in common with the EU. Attempting, at this stage, to negotiate an overarching framework for SDP cooperation would be a distraction.

That has never been the writer's view.

Cooperating "in an ad hoc way every time is very difficult", as Lord Hague, speaking as a former Foreign Secretary, told the House of Lords European Affairs Committee in 2023.¹ An organising framework that is appropriately flexible provides a stronger basis for systematic cooperation, helping to incentivise and build the habit of working together in the policy areas that it covers, without necessarily presenting any obstacle to collaborative activity in other areas.

In fact, a partnership on FSDP matters of common interest has been hovering in the background since discussions began on the future relationship between the UK and the EU, following the 2016 Referendum. As Lord Hague reminded the House of Lords European Affairs Committee,² Prime Minister Theresa May put forward a proposal for such a partnership in her speech to the Munich Security Conference on 17 February 2018;³ while a security partnership with similar content was

¹ House of Lords European Affairs Committee, 4th Report of Session 2022-2023, "The Future UK-EU Relationship", paragraph 143.

² *Ibid.*

³ See <https://www.gov.uk/government/speeches/pm-speech-at-munich-security-conference-17-february-2018>. Mrs May spoke with some enthusiasm about the possibility of establishing a "security partnership" between the UK and the EU, comprising "distinct arrangements for our foreign and security policy", which she suggested could be in place in 2019. The matters she referred to as the subject of such arrangements correspond to some of what is discussed below as falling within the scope of a prospective EU/UK FSDP Partnership.



also referred to in the UK/EU Political Declaration of 2019 that accompanied the Withdrawal Agreement.⁴ However, that idea was not taken forward by the Johnson and Sunak Governments.

Both the Labour Government that came to power in the UK in July 2024 and European Union leaders have now made it clear that they are committed, in principle, to a structured future EU/UK security relationship. The Statement that was issued after the meeting between Prime Minister Keir Starmer and the Commission President, Ursula von der Leyen, on 2 October 2024 referred to the resolve of the EU and the UK “to strengthen ambitiously their *structured strategic cooperation*”.⁵ Some two weeks later, at their meeting ahead of the Foreign Affairs Council in Luxembourg on 14 October, the UK’s Foreign Secretary, David Lammy, and the EU’s then High Representative of for Foreign Affairs and Security Policy (“the EU High Representative”), Josep Borrell, “agreed to advance work towards a *security partnership* to address common threats and challenges”.⁶ Moreover, according to the statement given to the House of Commons on 6 February 2025 by Nick Thomas-Symonds, the Paymaster General and Minister for the Cabinet Office, for the Constitution and for European Relations, the Prime Minister took advantage of his attendance at the dinner on 3 February for the EU’s Heads of State and Government, as part of their informal “retreat” in Brussels, to set out a strong case for European security and defence, including “an ambitious UK/EU *security partnership*”.⁷

More recently still, Mr Lammy and the new EU High Representative, Kaja Kallas, on the occasion of the visit by the latter to the UK on 18 March 2025, published a joint article in Politico calling for closer EU/UK cooperation at the present moment of crisis, and stating: “Our shared values and interests make us natural *strategic partners*”.⁸

The realisation of those various political commitments, through the creation of a solid framework for cooperation on foreign policy, security and defence between the UK and the EU, seems ever more urgent, in the light of statements made by the representatives of the Trump Administration at the Munich Security Conference in February 2025, and the evolution in the security relationship between Europe and the United States that has taken place since then.

Choosing a model of structured cooperation

Among the available precedents of arrangements framing cooperation between the EU and a third country in the areas of security and defence, the choice for those negotiating the future EU/UK FSDP Partnership lies effectively between two contrasting models: a binding international agreement, in the form of a strategic partnership agreement regulating in detail the security and defence relationship between the EU and the third country concerned, of which the Agreement between the

⁴ See <https://www.gov.uk/government/publications-new-withdrawal-agreement-and-political> declaration.

⁵ See <https://www.gov.uk/government/news/joint-statement-by-the-president-of-the-european-commission-and-the-prime-minister>. Emphasis added.

⁶ See <https://www.gov.uk/government/news/joint-press-release-on-the-meeting-high-representativevice-president-josep-borrell-and-the-uk-foreign-secretary-david-lammy>. Emphasis added.

⁷ See Hansard for 6 February 2025 (<http://hansard.parliament.uk>). Emphasis added.

⁸ See <https://www.politico.eu/article/eu-uk-cooperation-crisis-eu-westminter-european-commission/>. Emphasis added.



EU and Canada is the exemplar;⁹ and the newly developed instrument of cooperation in the form of a non-binding tailored security and defence partnership, such as those signed during 2024 by the EU and a number of third countries.

The EU/Canada SPA

At first sight, the EU/Canada Strategic Partnership Agreement (SPA) might seem an attractive model for organising the UK/EU relationship on foreign, security and defence policy.

The SPA is a legally binding international agreement, which has not yet been ratified by all the Parties, though large parts of it have been given provisional application. The Agreement extends over a wide range of policy areas. These include: human rights, democracy and the rule of law; international peace and security; economic cooperation and sustainable development; science, technology and innovation; and energy, the environment and climate change.

The cooperation mechanisms take the form of annual summits at leader level and regular meetings and consultations at ministerial and official levels.

Periodic reports on the state of the EU/Canada relationship indicate a high level of satisfaction with its operation on Canada's part.¹⁰ Nevertheless, there are strong arguments against the UK's opting for the SPA model, at least at this stage of its relationship with the EU.

First, negotiating a binding international agreement covering a range of highly sensitive matters is likely to take several years.

Negotiations for the EU/Canada SPA commenced in September 2011, and the Agreement was signed on 3 December 2016 and given provisional application from 1 April 2017.

In the present perilous state of geopolitics, made worse by the current stance of the Trump Administration towards European security so vividly illustrated by the contributions of its representatives at the Munich Security Conference in February, and more recent statements by the President himself, the UK and the EU will surely be looking for a much quicker result.

A second issue concerns the legal necessity of ratification of an SPA by the EU and all 27 Member States.

As mentioned, above, the ratification process of the EU/Canada SPA has not yet been completed, some eight years after the Agreement was signed. Though admittedly that is less serious than might at first appear, given the very extensive provisional application that was deemed legally possible and appropriate for the Agreement.

Thirdly, the SPA model for the UK/EU relationship would be too constraining. As indicated below,

⁹ Strategic Partnership Agreement between the European Union and its Member States, of the one part, and Canada, of the other part, OJEU 2016, L329/45.

¹⁰ See, e.g., the third Joint Co-operation Committee Report on the State of the EU-Canada Relationship (2020-2022), <https://www.eas.europa.eu/eeas/eu-canada-strategic-partnership-agreement.en>.



the UK's approach to its relationship with the EU on FSDP will necessarily be incremental.

A comprehensive and legally binding international agreement in the form of an SPA would risk inhibiting the evolutionary potential of the relationship.

Tailored partnerships

The alternative cooperation model, a non-binding tailored security and defence partnership (SDP), was foreshadowed in the document known as the “Strategic Compass”, which the EU Council approved in March 2022.¹¹ This proclaimed the EU's intention to “build tailored partnerships on the basis of shared values and interests, while taking into account the intensity and specific characteristics of our existing relationships”.¹² The same document, it is worth recalling, referred to the EU's being open to “a broad and ambitious security and defence engagement with the United Kingdom”.¹³

SDPs have been defined by the European External Action Service (EEAS) as “non-binding instruments that offer a flexible and customised framework for enhanced political and practical cooperation on specific security themes with selected partners”.¹⁴

Six SDPs have been signed so far, with Moldova (21 May 2024), Norway (28 May 2024), Japan (1 November 2024), South Korea (4 November 2024), North Macedonia (19 November 2024) and Albania (18 December 2024).

All have the same format: a preamble followed by a short section on the “General framework”, a substantial section setting out “Areas of Cooperation” and a final section entitled “Way Forward”; though, as “customised” (or tailored) instruments, their content is variable.¹⁵

Discussion of this new instrument as a possible model for future FSDP cooperation between the EU and the UK will be mainly focused on the Partnership with Norway, as the most far-reaching, and because Norway's geopolitical situation and its security and defence capabilities correspond most closely to the UK's.¹⁶

The preamble to the SDP with Norway (similarly to those with the three other European Partners) begins by evoking “the volatile and increasingly challenging security environment in Europe, as

¹¹ EU Council Document no.7371/22.

¹² *Ibid*, p 41.

¹³ *Ibid*, p 42.

¹⁴ EEAS, *The EU's Expanding Toolkit for Partnerships in Peace and Security*: https://www.eeas.europa.eu/eeas/eus-expanding-toolkit-partnerships-peace-and-security_en.

¹⁵ See the Briefing Paper, *The EU's new bilateral security and defence partnerships*, published in January 2025 by the European Parliamentary Research Service (EPRS): [https://www.europarl.europa.eu/thinktank/en/document/EPRS-BRI\(2025\)767215](https://www.europarl.europa.eu/thinktank/en/document/EPRS-BRI(2025)767215) We refer to this hereinafter as “the EPRS Paper”.

¹⁶ The text of the Norway SDP can be found at <https://www.regjeringen.no/contentassets/abc084fe921e403791ddb505622ba365/eu-norway-security-and-defence-partnership-pdf>.



demonstrated by Russia’s unprovoked and unjustified war of aggression against Ukraine”.

Norway is described in the preamble as “the EU’s most closely associated partner, including in the area of security and defence”, with shared values and interests “exemplified by Norway’s alignment with EU CFSP positions as stated by the EU Council”. Relations between Norway and the EU are said to be “regulated by a comprehensive legal framework”; through the EEA Agreement, it is noted, “Norway is part of the European Defence Technological and Industrial Base and European value chains”, and the Agreement is said also to be relevant to “Norway’s participation in EU programmes”.

The rest of the preamble recalls summarily various ways in which Norway is already cooperating with the EU: such as its contribution to CSDP missions, based on the Framework Participation Agreement signed with the EU in 2005; its participation, under the Administrative Arrangement of 2006 with the EDA, in specific EDA projects and programmes; and its participation in the PESCO project on Military Mobility. There is also, as in the SDPs with other NATO Partners, a strong paragraph on NATO.

The “General framework” section of the Norway SDP proclaims the decision by the EU and Norway “to establish and implement a tailor-made, mutually beneficial Security and Defence Partnership that will frame their overall cooperation across the security and defence spectrum”.¹⁷ This is said to be “underpinned by dialogue and consultation mechanisms to facilitate exchange of information, steering and oversight”, namely:

- a standing invitation by the High Representative of the EU for Foreign Affairs and Security Policy (“the High Representative”) to participate in the biannual Schuman Security and Defence Forum;
- a possibility for the High Representative to invite Norway to “high level EU meetings, including at the Council as appropriate”;
- a dedicated Security and Defence Dialogue, to take place annually at the level of, respectively, State Secretary and Deputy Secretary General, which can also be used to ensure monitoring of the implementation of the TP and provide guidance as appropriate; and
- annual working level consultations to prepare the Security and Defence Dialogue and to ensure follow-up to the guidance set by the Dialogue.¹⁸

Those mechanisms are evidently complementary to the institutional ties Norway already has with the EU through the EEA and other cooperation structures. The mechanisms specified in the SDPs with the other five partner countries are adapted to the current level of their respective security and defence cooperation with the EU.

The main substance of the SDPs is found in the section identifying “Areas of Cooperation”. There is extensive overlap of the areas covered by different partnerships; indeed, the same 10 areas feature in all of them, though with variable content.¹⁹

¹⁷ Norway SDP, paragraph 10. The relevant paragraphs of the TPs with Albania, North Macedonia and South Korea are similarly worded. The TPs with Moldova and Japan omit the reference to framing “overall cooperation across the security and defence spectrum”, suggesting a less comprehensive relationship.

¹⁸ Norway SDP, paragraph 11.

¹⁹ See Table 2 in the EPRS Paper, providing a comparison of the content of the six SDPs.



The Norway SDP specifies 17 areas of cooperation across a very wide range of security and defence concerns. The areas comprise: continued long-term support for Ukraine; international peace and crisis management; maritime security; defence initiatives, policies and instruments; space security and defence; cyber issues; countering hybrid threats; strategic communications and countering foreign information manipulation; resilience of critical infrastructure; counter-terrorism and preventing/violent extremism; non-proliferation, disarmament and conventional arms, including small arms and light weapons; capacity building for partners in security and defence; training and education in security and defence; peace mediation and conflict prevention; cooperation in third countries and multilateral fora; external aspects of economic security; and women, peace and security.

The tailored partnership model is essentially programmatic. The partnership text does not generally prescribe specific action to be taken by the EU or the third country concerned in a given area of cooperation; rather, it comprises broad commitments to continue or expand existing activities or to explore new possibilities for common action.

This approach is well illustrated by the provisions of the Norway SDP on cooperation in the area of defence initiatives, policies and instruments.²⁰ Norway and the EU undertake to “*continue and expand* consultations on their respective defence initiatives, tools and instruments related to security and defence, including defence industry”; more specifically, Norway will continue its active participation in the EDF and in other named European security and defence instruments. Different language is used regarding prospective new initiatives.

The EU and Norway are to “*explore the possibilities* for Norway’s further involvement in the EU’s defence initiatives such as the European Defence Industry Programme, as part of the European Defence Technological and Industrial Base”. That is said to include “*possibilities* for Norway’s participation in PESCO projects...as well as participation in EU defence industrial initiatives, in accordance with the relevant rules and procedure, notably the EEA Agreement”; and “*further cooperation will be explored* between EDA and Norway”. Finally, Norway and the EU will explore additional measures to ensure the safe and effective exchange of classified information, in accordance with their existing Agreement on security procedures for such exchange.²¹

Another feature of the tailored partnership model, evident from its name, is that the envisaged cooperation is “tailored” to fit the security and defence needs and capabilities of individual partners, and the intensity of their existing, or potential future, cooperation with the EU.

Thus, for instance, on Ukraine the EU and Norway give a firm commitment to “*further strengthen and enhance* efficient mechanisms for long-term support”, to “*continue to support* the armed forces of Ukraine under the European Peace Facility” and to continue their support to Ukraine’s civil sector.²²

Whereas the SDPs with Albania and North Macedonia refer simply to “the *goal* those countries share with the EU of providing support to Ukraine as long as necessary to defend its political independence, sovereignty and territorial integrity”, with a commitment to “*explore options* to streamline joint efforts”, including the potential participation by the two countries in EU initiatives to increase the defence

²⁰ Norway SDP, paragraphs 19 to 22.

²¹ Emphasis added to citations.

²² See Norway SDP, paragraph 13. Emphasis added.



capacities of Ukraine.²³

Each SDP text ends with a brief section entitled “Way Forward”. This provides, in closely similar terms, for two kinds of “review”, which again highlight the flexibility of this cooperation model: a regular review, in the framework of the Security and Defence Dialogue between the EU and the Partner concerned, of the different areas identified in the SDP, taking stock of progress made and providing impetus towards further strengthening and developing the cooperation; and a review of the content of the TP (presumably, both the mechanisms and the range of areas of cooperation), as appropriate.

From the above analysis, the reasons for choosing a tailored partnership to frame the new SDP relationship between the EU and the UK are clear.

The appeal lies in the programmatic nature of the SDP model and the avowed willingness to tailor arrangements for cooperation to the situation of individual partners.

That flexible approach is well suited to the unique situation of the UK, as a former EU Member State, seeking to build a new, broad and deep foreign, security and defence partnership with the EU, a process that will inevitably be incremental.

The TP model would allow the EU and the UK to commit firmly to actions in areas where cooperation can be seen as realistically achievable in the immediate term, while undertaking to explore ways and means of developing cooperation over the medium term in other areas,²⁴ including where serious technical and political issues fall to be resolved, such as the UK’s status as a third country outside the internal market of the EU.

A further advantage of the model is its non-binding character, which avoids the formalities of concluding and ratifying a binding international agreement; it offers instead, in the words of the EEAS definition cited above, a “framework for enhanced political and practical cooperation.”²⁵

This should facilitate the rapid negotiation of an initial partnership, and any later adaptations that an evolving relationship between the Partners or changes in the geopolitical conjuncture may call for.

An EU/UK tailored partnership

What, then, might be the content of an EU/UK tailored partnership negotiable in the immediate term? Such a text, while drawing inspiration from the EU/Norway SDP, must evidently reflect not only the UK’s very different situation from that of Norway, notably in terms of the recent history of relations with the EU, but also the astonishing events, affecting the security and defence of Europe and the wider NATO area, that have been unfolding in the short time since the Norway SDP was signed.

In view of those events, it is strongly suggested that, while recognising the need for an incremental approach, every effort be made to achieve a truly ambitious initial cooperation package.

²³ See Albania and North Macedonia SDPs, paragraph 14. Emphasis added.

²⁴ The “medium term” is here understood as spanning five to ten years or the period of two UK Parliamentary terms.

²⁵ See note 13, above.



Preamble

There is plenty of material that could appropriately be included in the preamble to an EU/ UK SDP.

The UK and the EU face the same perilous security environment in Europe, more especially in the light of Russia's relentless prosecution of its war of aggression against Ukraine.

The importance for the EU and the UK (with other EU third country partners) to act together in meeting this challenge is greater than ever, with the disruption of the trans-Atlantic security relationship by the Trump administration in the USA, which has brought home the stark truth that European countries will be required in future to bear the main burden of their own defence.

It would be appropriate for the preamble to evoke that background, and in stronger terms than those of the Norway SDP. The effective collaboration achieved between the EU and the UK on sanctions against Russia should be mentioned, and the fact that the UK is among the European nations that has already significantly increased its defence spending and is committed to raising defence expenditure, as a proportion of its GDP, to 2.5 per cent by 2027 and to 3 percent by 2030.

There should also be mention of the initiative taken by Prime Minister Starmer in hosting the Lancaster House meeting of European leaders, including President Zelensky, on 2 March 2025 and of the leading role the UK is continuing to play, alongside certain EU Member States, in the process of constructing a "coalition of the willing" to help ensure the future security of Ukraine.

Following the pattern of other SDPs, the preamble should go on to recall the existing framework of relations between the EU and the UK, noting in particular: the Withdrawal Agreement (WA), the Windsor Framework and the Trade and Cooperation Agreement (TCA), which provide the legal underpinning of EU/UK relations; the Political Declaration of October 2019 annexed to the WA ("the 2019 Political Declaration"), which expresses the support of the EU and the UK for "ambitious, close and lasting cooperation on external action"²⁶ and identifies specific areas of potential cooperation; the Security of Information Agreement concluded between the EU and the UK in April 2021; and the statement on enhancing strategic cooperation agreed by the Commission President and the UK Prime Minister at their meeting on 2 October 2024.

The preamble, it is suggested, could also recall that, while a Member State of the EU, the UK was an active contributor to CSDP missions, both civilian and military; this experience and its range of civilian and military capabilities would make the UK a valuable future partner in such missions. Moreover, the UK has a large and technologically advanced defence industry that could, through close collaboration with the EU's defence industries, contribute in a decisive way towards realising the aim of rapid European rearmament.

Finally, the preamble should contain a strong statement on NATO, similar to the one in the Norway SDP.

²⁶ 2019 Political Declaration, paragraph 90.



General framework

The UK should propose to the EU that the scope of their tailored partnership be extended beyond security and defence policy to cover foreign policy.²⁷ In practice, foreign policy, security and defence are a continuum, as the provisions of the TEU on the CFSP and the CSDP clearly recognise. That seamless connection has been acknowledged by the UK's Foreign Secretary and the EU's High Representative, who referred in their Politico article of 18 March 2025 to "upgrading the EU-UK *foreign policy and security relationship*, so that we can maximise our impact in an uncertain world".²⁸

A further consideration is that foreign policy is a field where the UK has traditional strengths from which the EU can benefit. The extension to foreign policy, if acceptable to the EU and wanted by Norway, could be applied to the latter.

Accordingly, the opening sentence of the General framework section of a prospective EU/UK partnership text should read (adapting paragraph 10 of the Norway text):

"The EU and the United Kingdom have decided to establish and implement a tailor-made, mutually beneficial *Foreign Policy, Security and Defence (FSDP) Partnership* that will frame their overall cooperation across the *foreign policy, security and defence spectrum*".²⁹

Lacking the institutional ties that Norway already has with the EU through the EEA and other cooperation structures, the UK will need a more muscular institutional framework for its FSDP Partnership than the four "dialogue and consultation mechanisms" referred to in paragraph 11 of the EU/Norway text. It is suggested that the EU/UK text provide for the underpinning of the Partnership by the following "cooperation mechanisms":

- An annual summit between the Presidents of the European Commission and the European Council and the UK Prime Minister.

That would give formal effect to the agreement expressed at the 2 October 2024 meeting between Commission President von der Leyen and UK Prime Minister Starmer "on the importance of holding regular EU-UK Summits at leader level to oversee the development of the relationship".³⁰

- A six-monthly Foreign Policy Dialogue between the EU High Representative and the UK Foreign Secretary, and regular UK-EU strategic consultations to sit underneath this Dialogue.

That would similarly formalise points agreed at the meeting between High Representation Borrell and Foreign Secretary Lammy on 14 October 2024.³¹

²⁷ This was the approach taken in a report, "UK-EU Foreign, Security and Defence Cooperation", which was published in March 2024 by UK in a Changing Europe (UKICE): see <https://ukandeu.ac.uk/reports/uk-eu-foreign-security-and-defence-cooperation/>. Hereinafter, "UKICE FSDP Report".

²⁸ See note 8, above. Emphasis added. The article will be cited hereinafter as "the 18 March Joint Article".

²⁹ References from here on will be to the "FSDP" between the EU and the UK.

³⁰ See note 5, above. The first such Summit will be held on 19 May 2025.

³¹ See note 6, above.



- A standing invitation by the High Representative for the UK (like Norway) to participate in the biannual Schuman Security and Defence Forum.
- A possibility for the High Representative to invite the UK to EU high-level meetings including at the Council as appropriate.

The language of the corresponding provision of the Norway SDP is that the High Representative “*may, where appropriate*” invite Norway to such EU meetings.³² This is the minimum level of access the UK should seek to EU discussions of FSDP matters. However, a good case can be made that the geopolitical situation, as it has developed since the accession of Donald Trump to the US Presidency, calls for more intensive security and defence cooperation between the EU and the UK (as well as Norway, if that country so wishes).

It is proposed, *first*, that the phrase in the UK FSDP should be that the High Representative “*will, where appropriate*” invite the Foreign Secretary to EU high-level meetings, indicating a commitment in principle to issue such invitations, while leaving the High Representative a measure of discretion as to when to do so.

Secondly, there should be a standing invitation by the High Representative for the UK Foreign Secretary to attend the informal so-called “Gymnich” meetings of the Foreign Affairs Council.

Thirdly, the UK might ask for the establishment of a consultation mechanism providing an opportunity for feeding its views systematically into the Council’s formal decision-making process; for instance by way of a substantive discussion within a joint EU/UK committee, of any proposal for an FSDP decision which is before the Council. Such rights of “decision-shaping” are a familiar feature of the relations between the EU and the EEA or Switzerland. However, that may perhaps be seen as something to be achievable only in the medium term.³³

Still more ambitiously, as a medium-term aim, there would be no impediment in primary EU law to the creation of a special form of observer status for the UK (and Norway), giving a UK minister the right to contribute to the debate within the Council itself, though not to vote or otherwise participate in any actual decision. The Council’s Rules of Procedure would probably need to be amended but that is a relatively easy matter, since it only needs a simple majority of the votes of Council members.

³² Norway SDP, paragraph 11, second bullet point. Emphasis added.

³³ See the discussion of the EU/Swiss relationship in Jonathan Faull’s paper, as a possible model for the integration of the EU and UK defence industries. Institutional arrangements inspired by the EU/Swiss model could be applied more widely, to the EU/UK FSDP relationship as a whole.



Areas of Cooperation

It was mentioned above that there is an extensive overlap between the areas of cooperation covered by the six SDPs signed in 2024, and it seems likely that many of these would find their way into an FSDP between the EU and the UK, particularly from amongst the 17 areas identified in the Norway SDP.

In some instances, indeed, the content and even the language of the Norway SDP might seem more or less directly transferable to the text of an EU/UK FSDP: for instance, on strategic communications and countering foreign information manipulation and interference;³⁴ on resilience of critical infrastructure;³⁵ or on external aspects of economic security.³⁶

In other cases, only minor changes may be thought necessary, reflecting the intention to establish cooperation (as compared with strengthening existing cooperation under the Norway SDP): for instance, on maritime security;³⁷ on space security and defence;³⁸ on cyber issues;³⁹ on countering hybrid threats;⁴⁰ or on non-proliferation, disarmament and conventional arms, including small arms and light weapons.⁴¹

While under the heading “Counter-terrorism, preventing/countering violent extremism and other threats to internal security”, the corresponding wording of the Norway SDP⁴² should be extended as follows: “The EU and the United Kingdom will explore cooperation on counterterrorism and the prevention of violent extremism, as well as the control of external borders, irregular migration, people-trafficking and other threats to internal security from beyond their respective borders”.

The more detailed discussion of areas of cooperation that follows will focus on Foreign Policy, since it is not covered in the Norway SDP, and on three areas where recent events have rendered the enhancement of EU/UK cooperation especially urgent. The discussion will include some drafting suggestions.

Foreign Policy

The Norway SDP refers to “Norway’s alignment with EU CFSP positions as stated by the European

³⁴ “The EU and Norway will proactively share information on threat assessments in the disinformation domain through bilateral exchanges on foreign manipulation and interference and explore operational cooperation”: Norway SDP, paragraph 30.

³⁵ “Norway and the EU will strengthen consultations on their respective approaches to enhance the resilience of critical infrastructure in Europe, including underwater infrastructure. The EU will base its efforts on the EU Directive on the Resilience of Critical Entities and the Council recommendation on a union wide coordinated approach”: Norway SDP, paragraph 31.

³⁶ “Norway and the EU will explore ways to exchange views on external aspects of their respective economic security policies, with the aim to address shared risks while maintaining and improving a well-functioning international rules-based system to continue to benefit from an open economy”: Norway SDP, paragraph 44.

³⁷ Norway SDP, paragraphs 17 and 18.

³⁸ Norway SDP, paragraphs 23-25.

³⁹ Norway SDP, paragraphs 26 and 27.

⁴⁰ Norway SDP, paragraphs 28 and 29.

⁴¹ Norway SDP, paragraphs 33-35.

⁴² Norway SDP, paragraph 32.



Council”,⁴³ but foreign policy is not specified in the Partnership text as a distinct area of cooperation; nor is it in any other of the existing SDPs. However, as argued above, a hard and fast distinction between foreign and security policy seems artificial, and the two policy fields were mentioned in the same breath by the EU High Representative and the UK’s Foreign Secretary in their 18 March Joint Article; while the Tailored Partnership model is well suited to organise cooperation across the whole FSDP spectrum.

The UK Government will clearly wish to continue in its distinctive role of providing a “bridge” between the United States and the EU. However, that would be perfectly consistent with a commitment to close foreign policy cooperation with the EU. Such cooperation should aim, more particularly, to restore and strengthen the rules-based international order, including in matters of trade, after the buffeting it has recently received. There should also be a reference to EU/UK cooperation in international organisations and fora, and within third countries on development cooperation and consular matters.

Broadly framed wording, such as the following, might be considered appropriate:

“The EU and the United Kingdom will aim to achieve the closest possible cooperation in the shaping and pursuit of their foreign policies, consistent with their respective strategic interests and goals.

The EU and the United Kingdom will strive to uphold, and where necessary restore and strengthen, the rules-based international order, with a view to maintaining international peace and security and an open international trading system. To those ends, the EU and the United Kingdom will cooperate closely within international organisations and fora, notably the United Nations, the WTO, the OECD, the G7 and the G20.

In third countries, the EU and the United Kingdom will similarly seek to coordinate, to the greatest practicable extent, their activities on development projects, as well as on consular matters affecting the safety and security of their citizens and will hold regular consultations on these subjects.”

Continued long-term support for Ukraine

There should be a commitment by the EU and UK, in even stronger terms than those of the Norway SDP, to the defence of Ukraine and its survival as a sovereign and independent nation with a right to maintain its place among the family of democratic European States. This is foreshadowed in the 18 March Joint Article, which states:

“Our top priority must be to secure a just and lasting peace in Ukraine. We need to deter the threat Russia poses to all of Europe”.

The article goes on to emphasise the “need to accelerate our support for Ukraine” and to recall that “[t]he cooperation between the UK-led Interflex and the EU military mission to Ukraine has already been instrumental, training more than 120,000 Ukrainian soldiers between them”.

An EU/UK FSDP might draw inspiration from those passages of the Joint Article. However, it would

⁴³ Norway SDP, paragraph 2.



be premature to suggest precise wording for the FSDP, pending developments over the coming weeks regarding a possible ceasefire between Ukraine and Russia that could lead to substantive peace negotiations; and the guarantees Ukraine would require for its security in the post-war period, were a peace settlement eventually to be reached, including the extent to which the United States might be willing to contribute to such guarantees.

International peace and crisis management

Cooperation in this area should cover both crisis-management and peace keeping and the imposition and enforcement of sanctions.

The renewal of active participation by the UK, now as a third country, in CSDP civilian missions and military operations should be recognised in the FSDP as a priority for both Parties. Brexit ended the UK's longstanding contribution to two important CSDP military operations, EUNAVFOR ATALANTA, which protects shipping and combats illegal maritime activity off the Horn of Africa and in the Western Indian Ocean (and whose headquarters the UK formerly hosted), and EUFOR ALTHEA, responsible for implementing the military side of the Dayton Agreement in Bosnia Herzegovina. An obvious starting point for the UK in its new FSDP relationship with the EU would be to re-engage with those operations;⁴⁴ and willingness on the UK's part to do this, as soon as practicable, could be spelled out in the text of the FSDP.

The FSDP should include a joint commitment by the EU and the UK to negotiate a Framework Participation Agreement, establishing a standard set of arrangements to regulate the UK's future contributions to CSDP missions and operations, similar to those the EU has in place with some 20 third countries. There should be no difficulty about this, since “[c]lose cooperation in Union-led crisis management missions and operations...through a Framework Participation Agreement” already received encouragement in the 2019 Political Declaration.⁴⁵ It should further be provided that, if the UK indicates its intention to contribute to a given CSDP mission or operation, the UK and the EU will intensify interaction and exchange information, to facilitate the intended UK contribution in line with the established procedures.⁴⁶

The FSDP should also seek to build on the effective collaboration between the EU and the UK that has been achieved on sanctions against Russia, through a commitment to close cooperation on sanctions policy in general, with an appropriate framework agreement to regulate the UK's participation in specific sanctions programmes.

Defence initiatives, policies and instruments

This area of cooperation concerns possible UK involvement in collaborative actions under the range of instruments which have been developed by the EU to strengthen the European defence and technological industrial base (EDTIB) and to improve the capabilities and effectiveness of EU

⁴⁴ While still in opposition, Labour is said to have “signalled an interest” in returning to the two operations: see UKICE FSDP Report, note 28, above, p 21.

⁴⁵ 2019 Political Declaration, paragraph 99.



Member States' armed forces.

The main instruments relevant for present purposes (with their dates of formal establishment) are: the European Defence Agency (EDA) (2004); Permanent Structure Cooperation (PESCO) (2017); the European Defence Fund (EDF) (2021); and two instruments that are still the subject of negotiations within the EU institutions, the European Defence Industry Programme (EDIP) and Security Action for Europe (SAFE).⁴⁷

The 2019 Political Declaration expressed the willingness of the Parties to consider: (a) the UK's collaboration in existing and future EDA projects "through an Administrative Arrangement"; (b) the participation of eligible UK entities in "collaborative defence projects bringing together Union entities supported by the [EDF]"; and (c) the UK's collaboration in projects within the framework of PESCO, when invited to do so on an exceptional basis by the EU Council in PESCO format.⁴⁸ EU/UK collaboration, so far as practicable, under those instruments and ones developed more recently, would significantly enhance their effectiveness, through the added value the UK can provide, with its large and technically advanced defence industrial sector and military capabilities, while helping to avoid the risk that fruitful existing collaborations may gradually be squeezed out, as intra-EU cooperation develops.

All the EU instruments listed above allow participation in actions and projects by third countries and third country entities, in principle. However, such participation is subject to complex conditions, rendering it problematic.⁴⁹

Currently, the UK does not participate in any EDA projects, although this is an instrument relatively open to third country partners. A pre-condition of such participation is that the third country concerned conclude an administrative arrangement with the EDA, as Norway, Switzerland, Serbia, Ukraine and the United States have done.⁵⁰ It has been noted that Norway participates in 21 EDA actions and projects, showing that cooperation within the EDA framework may be intensive, if there is mutual political will.⁵¹ An EU/UK FSDP should contain a commitment by the UK in these terms: "The United Kingdom will seek to conclude an administrative arrangement with the European

⁴⁷ Other EU defence instruments currently in force are the Act in Support of Ammunition Production (ASAP) and the European Defence Industry Reinforcement through Common Procurement Act (EDIRPA). These are short-term emergency measures to fill procurement gaps resulting from the war in Ukraine and are due to expire, respectively, on 30 June 2025 and on 31 December 2025. They will be superseded by the EDIP.

⁴⁸ 2019 Political Declaration, paragraph 102.

⁴⁹ This is not the place for a comprehensive analysis of the impediments to third party participation, particularly that of the UK, in EU defence instruments, and ways of overcoming such impediments. There are several excellent recent studies of these issues: Tim Lawrenson and Ester Sabatino, "The Impact of the European Defence Fund on Cooperation with Third-country Entities", International Institute for Strategic Studies (IISS), October 2024; Max Becker, Johanna Flach and Nicolai von Odarza, "Third-State Participation in the EU's Common Security and Defence Policy, Stiftung Wissenschaft und Politik (SWP), Working Paper, 2 February 2025 (hereinafter, "Becker *et al*, SWP Working Paper"); Luigi Scazzieri, "How the UK and the EU can deepen defence cooperation", Centre for European Reform (CER), March 2025 (hereinafter, Zacchieri, March CER Paper No 1); Luigi Zacchieri, "One step forward for Europe's defence", CER, 26 March 2025 (hereinafter, Zacchieri March CER paper No 2). A paper on the topic of impediments to the UK's participation in EU defence instruments and how to overcome them, to be published by the IEP as a companion piece to this paper, is currently being prepared by Sir Jonathan Faull.

⁵⁰ See <https://www.eda.europa.eu/who-we-are/third-parties>.

⁵¹ Becker *et al*, SWP Working Paper, note 48, above, at p 10.



Defence Agency as soon as practicable, and explore possibilities for the United Kingdom's involvement in projects of the Agency."

The accessibility of PESCO projects to third countries depends on the specific object of the collaboration in question. The general conditions applicable to third country participation in PESCO projects include the rule that this must not lead to "dependencies" on the third country concerned, or to restrictions imposed by that country against any EU Member State "as regards armament procurement, research and capability development, or on the use and export of arms or capabilities or technology".⁵²

The rule may be understood to prevent a third country partner from acquiring exclusive IP rights in the outputs of a PESCO collaboration;⁵³ and it is clearly intended to ban the placing by a third country of restrictions on the use or export of such outputs. This is liable, in practice, to deter participation by third countries, notably the UK, in projects on the research and development of defence capabilities, in respect of whose outputs protections of the prohibited kind might be considered indispensable.

However, there are PESCO projects that are not about developing capabilities and are therefore unaffected by the no third State dependency or control of outputs rule. Examples are the Military Mobility Project, in which Norway, Canada and the United States are currently partners of the EU, and the project "Network of Logistic Hubs in Europe and Support to Operations", which Canada has an invitation to join.⁵⁴

The UK was formally invited to join the Military Mobility project in 2022 but has so far been prevented from becoming fully involved, owing to an ongoing dispute with Spain over the Gibraltar airport.

An EU/UK FSDP should contain suitably diplomatic language referring to the UK's participation in that project and prospectively in other appropriate PESCO projects. Suggested drafting would be: "The EU and the United Kingdom look forward to the full participation of the United Kingdom in the PESCO Military Mobility project and will actively consider the possibility of the United Kingdom's involvement in other PESCO projects to which it could bring substantial added value".

The EDF is currently the main EU instrument providing financial support for collaborative research and development on defence capabilities. Entities (companies or research bodies) in receipt of EDF funding must be established in the EU or in an "associated" country like Norway. In carrying out funded research and development actions, they are permitted to collaborate with third country entities but such collaboration is subject to conditions similar in effect to PESCO's no third State dependency or control of outputs rule.⁵⁵

⁵² Council Decision (CFSP) 2020/1639, Official Journal of the EU 2020 L371/3, Article 3 (d). The rule is referred to hereinafter as "the no third State dependency or control of outputs rule".

⁵³ Believed to be the UK's understanding of the rule. See Zacchieri, CER March Paper No1), note 48, above, at p 4.

⁵⁴ See https://www.eeas.europa.eu/eeas/questions-answers-third-states-participation-pesco-projects_en.

⁵⁵ See Regulation 2021/697, Official Journal of the EU 2021 L 170/149. Article 9 (6) of the Regulation states: "negative effects over security of supply of critical inputs shall be avoided". The notion of "critical inputs" is undefined and even less clear than that of "dependencies". Article 20 (3) and 23 (2) of the Regulation prohibit, respectively, "the results of research actions" and "the results of development actions" supported by the EDF from being "subject to any control or restriction by a non-associated third country or a non-associated third country entity".



A version of the rule is also found in the draft regulation on the establishment of the EDIP, a programme destined to complement the EDF by providing support for collaborative efforts at the production and procurement stage.⁵⁶ The rule does not feature, however, in the draft regulation on the establishment of SAFE, a financial instrument that will provide loans to EU Member States seeking significantly to increase their defence investment through collaborative means. Non-associated third countries having a security and defence partnership with the EU (hence potentially the UK), and contractors in those countries, will be able to participate in common procurements under SAFE, on the basis of agreements concluded with the EU setting out the conditions for such participation.⁵⁷ It would contribute materially to the goal of strengthening the EDTIB, if a similarly flexible approach were adopted for other EU defence industry instruments.

In the immediate term, an EU/UK SDP could only refer to finding ways and means of facilitating participation by the UK in the EDF's research and development projects and in the EDIP and SAFE once they become operative. The following text is suggested: "The EU and the UK will explore ways and means of opening up possibilities for collaboration on the research and the development of defence capabilities supported by the EDF, as well as future possibilities for the UK's involvement in the EDIP and SAFE".

A medium-term goal for the UK should be to develop a relationship with the EU equivalent to Norway's, across the whole range of defence industrial activity from research to procurement. It could do this without acceding to the EEA, which seems likely to remain a red line for UK Governments for the foreseeable future. "Association" within the meaning of Article 217 TFEU has long been recognised by the Court of Justice of the EU as a way of "creating special privileged links with a non-member country *which must, at least to a certain extent, take part in the Community system*".⁵⁸ That must surely mean that partial membership of the EU's single market is legally permissible.

An association agreement with the EU would enable the UK to take part in the single market "to a certain extent", namely so far as concerns the defence industrial sector. Any necessary institutional arrangements could draw inspiration from those recently agreed with Switzerland, including an arbitration mechanism for dispute settlement, with the role of the European Court of Justice confined to providing authoritative guidance, by way of a preliminary reference procedure, on questions of EU law that arise in the course of proceedings before the arbitral tribunal.⁵⁹

The "unity" of the single market is thus an ideological concept, not a fundamental principle, and more honoured in the breach than the observance, as the Windsor Framework regarding Northern Ireland, and the decades-old "cherry-picking" of the EU-Swiss relationship, demonstrate clearly.⁶⁰ The issue

⁵⁶ See the Commission's Proposal of 5 March 2024, COM (2024) 150 final, Article 10 (6) and 11 (8) (c). However, it is understood that the conditions governing third country participation in the EDIP are the subject of ongoing negotiations within the EU institutions.

⁵⁷ See the Commission's Proposal of 19 March 2025.

⁵⁸ Case 12/86, *Demirel*, ECLI:EU:C: 1987:232, paragraph 9.

⁵⁹ See Anton Spisak, CER Insight, "The new EU-Swiss deal: What it means and the lessons it holds for the UK-EU 're-set'", published by the CER, 17 March 2025 (hereinafter, "Spisak EU-Swiss Insight"). The EU/UK Trade and Cooperation Agreement contains a similar arbitration mechanism. See also the discussion of the EU/Swiss relationship in Jonathan Faull's paper, as a model for the kind of single market membership confined to the defence industrial sector, which is proposed here.

⁶⁰ See Spisak, under the heading "A new model for partial integration into the single market?".



is not one of law but of political will; a will that we must hope the darkening skies over our continent can stimulate.

Conclusion

A tailored partnership should be the chosen framework for the future foreign policy security and defence relationship between the EU and the UK. This should be as ambitious as the prospective Parties deem practicable; and it should be concluded speedily, to open the way for UK contractors to participate in common procurements under the SAFE instrument, to the great benefit of the EDTIB. It seems, indeed, that a partnership text may be signed as early as the Summit meeting on 19 May 2025 between Sir Keir Starmer and the Presidents of the European Council and the Commission.⁶¹

If that proves to be the case, the suggestions in this paper may serve as a basis for evaluating whatever the EU and the UK have been able to agree on as an initial package, and a possible source of ideas for further strengthening the package, especially the institutional arrangements and cooperation on defence capabilities, as mutual trust deepens and close collaboration becomes a habit once again.

⁶¹ *Financial Times*, 24 April 2025.

