EU-UK DEFENCE AND SECURITY COOPERATION: A UNION LAW PERSPECTIVE

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The Russian war against Ukraine has dramatically shifted the perspective on security and defence in Europe. Persistent instability in the Middle East, increasing volatility in both South America and across sub-Saharan Africa as well as serious uncertainty surrounding the status of Taiwan add further challenges. Remarkable changes brought on by the Trump administration to seemingly well-established American positions on foreign policy have added significantly to rapidly growing European security concerns.

Against the background of these geopolitical shifts, a new Security and Defence Partnership ("SDP") agreed between the EU and the UK was published in May 2025 as a first step towards more formalised cooperation on security and defence.

This contribution examines the status of the increased security and defence relationship between the EU and the UK. While it is acknowledged that the SDP represents progress in the security and defence relationship between the parties, three critical observations will be made concerning; (i) the SDP's lack of substantial commitments; (ii) legal difficulties in actually realising what the new partnership intends to achieve and (iii) its restricted reach.

This article will also reflect on how to the EU-UK security and defence partnership may be improved beyond the SDP.

1. INTRODUCTION

The Russian war against Ukraine has dramatically shifted the perspective on security and defence in Europe. Persistent instability in the Middle East, increasing volatility in both South America and across sub-Saharan Africa as well as serious uncertainty surrounding the status of Taiwan add further

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challenges. Remarkable changes brought on by the Trump administration to seemingly well-established American positions on foreign policy, including US contribution to European security, the future of NATO and US involvement in Greenland, Venezuela, Iran and other areas, have added significantly to rapidly growing European security concerns.

The effects of these seismic geopolitical shifts are felt across the capitals of Europe and, in this regard, the EU and the UK face much the same challenges. However, despite the large overlap in values and interests, EU and UK defence cooperation has until relatively recently been difficult. But with the change of government in the UK in the summer of 2024, the British has been seeking to reset relations with the EU, including in the area of security and defence. As a first step towards more formalised cooperation, the EU and the UK published a Common Understanding on 19 May 2025 to strengthen bilateral cooperation (the "Common Understanding").[1] Closely associated with the Common Understanding is the SDP, which was published together with the former. The SDP reflects the ambition to strengthen the EU-UK cooperation on security and defence.[2]

This contribution will examine the status of the increased security and defence relationship between the EU and the UK, with focus on the SDP. While it is acknowledged that the SDP represents progress in the security and defence relationship between the parties, three critical observations will be made concerning; (i) the SDP's lack of substantial commitments; (ii) legal difficulties in actually realising what the new partnership intends to achieve and (iii) its restricted reach.

This article will also reflect on how to the EU-UK security and defence partnership may be improved beyond the SDP. In particular, these reflections will underline that security and defence is increasingly recognised as a more comprehensive concept which go beyond the EU's distinctly intergovernmental and unanimity-based Common Security and Defence Policy ("CSDP"). A broader understanding of security and defence generates wider overlaps between security and defence objectives and other policy areas such as trade, energy and new technology. It will be put forward that this broader view of security and defence can more readily enable effective security and defence cooperation between the EU and the UK.

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1 Commission Statement, A renewed agenda for European Union – United Kingdom cooperation Common Understanding, 19 May 2025, https://ec.europa.eu/commission/presscorner/api/files/document/print/en/statement_25_1267/STATEMENT_25_1267_EN.pdf, last visited 15 February 2026.

2 Council, Security and Defence Partnership between the European Union and the United Kingdom of Great Britain and Northern Ireland, 19 May 2025, https://www.consilium.europa.eu/media/3w3hhlxz/eu-uk-summit_sdp.pdf, last visited 15 February 2026.

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The contribution will end with a concluding comment on the EU legal security and defence framework and how it operates in relation to the UK in the context of the ongoing geopolitical turmoil.

2. EU – UK SECURITY AND DEFENCE COOPERATION

2.1 Introduction

As a key European NATO ally, as well as a permanent member of the UN Security Council and a G7 and G20 Member, the UK should be considered as a critical partner to the EU. Together, the EU and the UK can make a significant contribution to shared objectives. Some have even gone as far as to say that the EU cannot achieve strategic autonomy without working with the UK to build effective defences and deter Russian aggression.[3] However, since 2021, the institutionalised relationship between the UK and the EU in areas of security and defence has been limited to a Security of Information Agreement. In fact, although ad-hoc cooperation between the EU and the UK picked up in wake of the Russian invasion against Ukraine, up until at least early 2025 the EU had a closer security relationship with Norway, Ukraine and the US than it did with the UK.

Moreover, a broader understanding of security and defence, with overlaps between security and defence objectives and other policy areas such as trade, energy and new technology, further underlines the distance between the EU and the UK. It is, primarily, the Trade and Cooperation Agreement (TCA) that now governs a large part of the non-CFSP related relationship between the EU and the UK. The TCA differs significantly from the regime under the Single Market, it is not the broad and comprehensive agreement on a new EU-UK relationship that had first been envisaged by some during the Brexit procedure. It is an agreement similar in character and scope to other international trade agreements negotiated by the EU. The TCA does not provide for the close-knit relationship on non-CFSP supranational policy areas that would correspond to the broader perspective on security and defence that is essential to the EU (and the UK).

While the UK has not had a close institutionalised cooperation with the EU on security and defence since Brexit,[4] as was noted in the introduction, the

[3] Ignacio García Bercero, The most important outcome of the EU-UK Summit might be that it re-establishes the habit of working together, 22 May 2025, https://www.bruegel.org/first-glance/eu-uk-reset-first-big-step-right-direction, last visited 15 February 2026.

[4] Max Becker, Johanna Flach, Nicolai von Ondarza, Third-State Participation in the EU's Common Security and Defence Policy (Working Paper), German Institute for International and Security Affairs, 2 February 2025, https://www.swp-berlin.org/publications/products/arbeitspapiere/Third-State_Participation_in_CSDP_Becker_Flach_Ondarza.pdf, last visited 15 February 2026.

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tide appears to be shifting. The change of UK government in 2024, alongside the fundamentally securitised European discourse, has allowed for the parties to come closer together. This rapprochement manifested itself by the publication of the Common Understanding and the SDP in May of 2025. However, this development has not (yet) materialised into an effective new security and defence relationship.

2.2 The SDP – brief overview

With the establishment of the SDP, the EU and the UK set up a political framework centred on cooperation and dialogue on security and defence related issues.[5] In this regard, the SDP refers to shared interests beyond traditional strategic domains, to include areas such as cyber and hybrid threats, space and the resilience of critical infrastructure.[6] The wording is often broad and ambitious, primarily aimed at cooperation within CSDP related initiatives. It is underlined in the SDP that the EU's CSDP and the UK's action on security and defence can together make a significant contribution to shared objectives,[7] and the SDP refers mainly (but not exclusively) to possible cooperation within several EU initiatives set up under the CSDP.[8] However, the SDP is not a security and defence partnership that immediately enables closer cooperation between the EU and the UK within these areas. While the SDP may be a stepping stone to enhanced cooperation, there are three broad reasons why the new security and defence pact does not on its own represent comprehensive progress between the EU and the UK.

2.2.1 The SDP does not contain substantial commitments

The SDP primarily provides for a closer relationship by setting out a structure for exchanges on security related issues. It has created seven new dialogue structures, a variety of ad hoc "high-level"[9] meetings and six areas for "regular consultations".[10] This structure also includes six-monthly foreign and security policy dialogues between the High Representative of the European Union for

5 SDP at para. 11.
6 Ibid. at para. 2.
7 Ibid. at para. 5.
8 For example, this includes cooperation between the UK and the European Defence Agency (SDP at para. 27).
9 For example, it is set out that the Council and the High Representative of the European Union for Foreign Affairs and Security Policy may invite the UK for high-level meetings where appropriate (SDP at para. 12(b)).
10 For example, the EU and the UK will hold regular exchanges on maritime security, and explore ways to deepen practical cooperation with the aim of promoting a free and rules-based maritime security environment (SDP at para. 22).

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Foreign Affairs and Security Policy and the UK Foreign and Defence Secretaries to address areas of joint interest such as Russia/Ukraine, Western Balkans, Indo-Pacific and hybrid threats.[11] Moreover, several areas of cooperation are set out, such as defence initiatives,[12] space security[13] and cyber issues.[14] The SDP also points towards specific UK participation in various EU initiatives, which will be further considered below.

However, the SDP is a political understanding, and not a formal international agreement. Accordingly, in an EU perspective, the SDP has not been subject to the requirements on negotiating and concluding international agreements provided for in Article 218 TFEU. This has allowed the EU to avoid sometimes difficult questions concerning, for example, the choice of appropriate legal basis and how to reach the required unanimous Council decision, which is needed when the EU concludes an international agreement which is exclusively or principally related to the CSDP.[15] But with the SDP resting on a political understanding, this also means that there are no substantial obligations agreed. Without firm commitments, it is uncertain how the envisaged cooperation in the SDP will be given effect. For example, how and when will UK participation in EU initiatives be materialised? With that said, the SDP's political importance should not be underestimated. It is the product of an improved bilateral relationship which also lays the framework for cooperation and a mutual path for future negotiations. Accordingly, the SDP has opened the door but does not include a formal agreement on how to develop further security and defence cooperation.

2.2.2 Domestic EU legal requirements may frustrate further cooperation

How the intentions set out in the SDP will be manifested in tangible results is largely dependent on political will. However, the legal requirements inherent in the different EU initiatives set out in the SDP which are considered suitable for increased EU-UK cooperation may also frustrate much of this intention. How these legal requirements, specifically aimed at third country participation, may stand in the way of further progress may be illustrated by the following example.

The SDP indicates that "[p]ossibilities for establishing an Administrative Agreement between the UK and the European Defence Agency (EDA) will also be explored".[16] The EDA was founded in 2004 as an intergovernmental

[11] n 5 above, at para. 12(a).
[12] Ibid. at paras 25–27.
[13] Ibid. at paras 28–29.
[14] Ibid. at paras 31–32.
[15] Article 218(8)(2) TFEU.
[16] n 5 above, at para 27.

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institution that aims to increase member states military cooperation. It falls under the authority of the Council of the EU and aims to support the development of defence capabilities, promote defence research and technology and strengthen the European defence industry, acting as a platform and an interface between military planning and policy making.[17] All EU Member States are also members of the EDA, but cooperation within the EDA is fully voluntary, with joint projects being initiated either by the Agency itself or by one or more Member States.

Article 26 of Council Decision (CFSP) 2015/1835 regulates relations between the EDA and third countries. In short, participation in EDA activities requires the conclusion of an administrative arrangement, with participation in individual projects decided on a case-by-case basis. Several conditions must be met to enable an administrative agreement to be concluded.[18] In principle, by concluding a framework agreement, the EDA and the third country aim to intensify and deepen their cooperation over time and upon mutual agreements. However, third countries cannot become part of the decision-making process within the agency,[19] they have no automatic right to participate in further projects and are not even allowed to participate in activities and meetings that are concerned with third parties.[20] Accordingly, cooperation within the EDA framework is not straightforward even if, and when, a framework agreement is concluded. Moreover, the limited decision-making role of third states could make participation unattractive for the UK.

In addition to cooperation within the EDA, the SDP also points towards specific cooperation within the Permanent Structured Cooperation ("PESCO") Military Mobility project,[21] in bodies such as the European Peace Facility ("EPF")[22] and between the European Security and Defence College ("ESDC") and the UK security and defence training and education authorities.[23] The EU has similar rules to those related to the EDA for third country cooperation within these instruments. These requirements may become problematic if they are used as obstacles to UK participation or if they dissuade the UK from actually joining.

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17 The EMA is based on Article 42 TEU and Council Decision (CFSP) 2015/1835 of 12 October 2015 defining the statute, seat and operational rules of the European Defence Agency (recast), OJ L 266 ("Council Decision (CFSP) 2015/1835").

18 The conditions are set out in different documents, including Article 26(1) of Council Decision (CFSP) 2015/1835.

19 Articles 8 and 9 of Council Decision (CFSP) 2015/1835.

20 Ibid. Article 23.

21 n 5 above, at para. 26.

22 Ibid. at para. 42.

23 Ibid. at paras 43–44.

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2.2.3 The restricted reach of the SDP

The SDP includes ambitious language primarily, but not only, focused on objectives related to the CSDP. The partnership enables strengthened means of dialogue and expresses joint intentions to enable a closer relationship within different EU initiatives. However, as noted above, there is a lack of substantive obligations in the SDP and cooperation within some of the initiatives pointed towards may not be straightforward. Moreover, as will be addressed below, despite referring to the parties' decision to "establish and implement a comprehensive, balanced and mutually beneficial [SDP] that will frame their cooperation across the security and defence spectrum",[24] the SDP is restricted in its reach.

The declarations of intent set out in the SDP to indicate possible future cooperation within certain EU initiatives are limited. There are other EU initiatives, not referred to in the SDP, that are relevant to a EU-UK security and defence partnership. For example, in addition to Military Mobility, other PESCO projects could be considered for future cooperation. Under existing rules, cooperation could include the *Network of Logistic Hubs in Europe and Support to Operations project*, for which the EU has already recognised the added value of third country participation, and which is closely linked to *Military Mobility*. The EU is also considering the participation of third countries in the *Cyber Ranges Federations* project.[25]

The possibilities to improve EU-UK security and defence cooperation is further affected by the only very limited possibilities for cooperation with third countries such as the UK offered by some important EU initiatives. One example is the European Defence Fund ("EDF"), established in 2021 as the EU's instrument for supporting research, development and cooperation within the defence sector.[26] In the Multiannual Financial Framework (MFF), it has been allocated a budget of €7.953 billion, divided into two main pillars: €2.651 billion for the financing of cooperative defence research and €5.302 billion for the co-financing of cooperative capability development projects.[27] The EDF is primarily aimed at EU Member States,[28] however members of the European Economic Area ("EEA"), "associated countries", may participate in the Fund in accordance with the EEA Agreement.[29] Third countries that are not EEA members, "non-associated countries", such as the UK, can participate in the

[24] Ibid. at para. 11.
[25] n 4 above.
[26] Regulation (EU) 2021/697 of the European Parliament and of the Council of 29 April 2021 establishing the European Defence Fund and repealing Regulation (EU) 2018/1092, OJ L 170 ("EDF Regulation").
[27] n 4 above.
[28] Article 3 of the EDF Regulation.
[29] Ibid. Article 5.

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EDF but the hurdles for doing so are high.[30] A company based in a non-associated country and with its main business activities there may only cooperate with a beneficiary of EDF funding provided that participating Member States never lose ultimate control.[31] This gives rise to severe practical limitations. For the UK, possible participation in the EDF is thus limited.[32] Similar third country cooperation limitations exist in other instruments, such as the European Defence Industry Reinforcement through Common Procurement Act ("EDIRPA").[33] Accordingly, EU third country requirements stand in the way of significant EU-UK cooperation within these instruments.

One area of considerable importance which is largely omitted from the SDP is economic security. The SDP refers only in vague terms to the parties' commitment to "exchange views on external aspects of their respective economic security policies".[34] Economic security is otherwise absent from the document. The Common Understanding – not the SDP – indicates that the UK and the Commission should explore cooperation within the context of the recent SAFE Regulation.[35] SAFE entered into force on 29 of May 2025 and is meant to provide up to €150 billion in loans to Member States for urgent defence investments. However, similarly to EU initiatives referred to in the SDP, participation of third countries is restricted to those that fulfil certain conditions.[36] At the time of writing this article, negotiations with the UK have stranded, with reports that the parties have clashed over the UK's financial contribution to join SAFE.[37]

The absence of further references to cooperation on economic security is surprising. Both the EU and the UK increasingly recognise the nexus of economics and security as central to their planning. The EU has also been expanding economic security partnerships with "like-minded" partners internationally. The UK is among the few major partners without a structured framework for

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30 The EDF Regulation differentiates between legal entities based in the EU but controlled by a non-associated third country or a non-associated third country entity (Article 9(4) of the EDF Regulation) and legal entities established outside of the EU or associated countries (Article 9(6) of the EDF Regulation). Only the former may, under certain circumstances, be eligible to be a recipient or subcontractor. The latter are not eligible for funding.

31 n 28 above, Articles 20 and 23.

32 However, UK companies may benefit from the EDF as shareholders in companies that can and do participate in EDF projects.

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

34 n 5 above, at para. 52.

35 Common Understanding at para. 6. Council Regulation (EU) 2025/1106 of 27 May 2025 establishing the Security Action for Europe (SAFE) through the Reinforcement of the European Defence Industry Instrument, OJ L, 2025/1106 ("SAFE").

36 Ibid. Article 17.

37 Politico, EU-UK talks on defense deal break down, 28 November 2025, https://www.politico.eu/article/eu-uk-talks-on-defense-deal-break-down/, last visited 15 February 2026.

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cooperation. This lack of cooperation reflects the UK's decision to leave the EU single market, which has excluded it from the many collective initiatives on economic security adopted by the EU. This gap is striking and unfortunate in view of the many common vulnerabilities that the EU and UK face. For example, reliance on dominant Chinese suppliers of certain goods is one key area in this regard.[38]

2.2.4 What is next for the SDP?

With much to be desired from the SDP, with its lack of substantive commitments, faltering progress with regard to what was agreed and its limited scope, it is clear that significant challenges remain. However, there are positive signs of movement between the parties that may benefit the SDP. In particular, as part of the Common Understanding, the UK has agreed to "dynamic alignment" with EU rules in several areas.[39] Dynamic alignment with EU rules is set as a precondition for UK participation in the EU's electricity market,[40] a possible SPS agreement between the parties[41] and a future agreement on linking the EU's Emission Trading Systems ("ETS") and the United Kingdom.[42] At the time of writing, further progress on the negotiations between the EU and the UK concerning a SPS as well as a ETS agreement has been reported.[43] While the UK's commitment to "dynamic alignment" does not concern security and defence (although, in particular, participation in the EU's electricity market is relevant to energy security), this is an indication of the politically sensitive compromises that will be required for the Common Understanding as well as the SDP to materialise into substantive agreements. But it is not only for the UK to show goodwill, the EU should also demonstrate its commitment to increased EU-UK cooperation in matters concerning security and defence. In general, the EU may have to rethink how it applies its rules that govern – and limit – third country participation. One reason for why the UK rejected increased EU-UK cooperation in earlier post-Brexit negotiations on security and defence was the EU restrictions on participation of third countries in CSDP initiatives. From a

[38] Jake Benford, Anton Spisak, A Missing Pillar: Economic Security Cooperation in the EU-UK Partnership, the Bertelsmann Stiftung, 12 September 2025, https://bst-europe.eu/europe-in-the-world/a-missing-pillar-economic-security-cooperation-in-the-eu-uk-partnership/, last visited 15 February 2026.

[39] Common Understanding at paras 21, 27–28 and 40.

[40] Ibid. at para. 21.

[41] Ibid. at paras 27–28.

[42] Ibid. at para. 40.

[43] Council press release, EU-UK relations: Council greenlights negotiations on agri-food deal and linking emissions trading systems, 13 November 2025, https://www.consilium.europa.eu/en/press/press-releases/2025/11/13/eu-uk-relations-council-greenlights-negotiations-on-agri-food-deal-and-linking-emissions-trading-systems/, last visited 15 February 2026.

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British point of view, these restrictions were not compatible with the status and resources of the UK.[44]

2.3 Beyond the SDP – Reflections on how to improve the EU-UK security and defence partnership

The EU-UK security and defence partnership must be considered in view of the critical challenges faced by both parties, where the bond with the US is proven weaker than what Europe's security architecture has long relied on and when Europe must come together and accept greater responsibilities and demonstrate increased self-reliance. In this regard, and in particular if the SDP does not provide the comprehensive security and defence partnership needed and sought after by the parties, it is relevant to consider how cooperation on security and defence may be enhanced further beyond the SDP.

The EU has legal instruments to be a more credible defence actor than it is currently perceived to be, provided the political will to muster them is available. Primary law establishes the CFSP, of which the CSDP forms an integral part,[45] as a *sui generis* EU competence,[46] which covers all security matters, including the development of a shared EU defence policy (Article 2(4) TFEU), with the prospect of a common defence (Article 24(1)(1) TEU). Thus, the scope for defence integration within the Union is remarkably broad, extending up to the initiation of a common defence through a unanimous European Council decision, provided that the neutrality and independent nuclear deterrent of Member States, as well as their obligations under the North Atlantic Treaty Organization (NATO), are respected (Article 42(2) TEU).[47] The broad competence to develop EU defence policy may be manifested differently, including by engaging in international cooperation and concluding international agreements.[48] Accordingly, the EU is legally competent to engage in an ambitious security and defence partnership of more comprehensive character than the SDP.

It may be argued that more ambitious EU-UK security and defence cooperation requires a solid foundation of expressed solidarity. It may even be asked if a provision similar to the EU's mutual defence clause in Article 42(7) TEU should form the backbone of such cooperation. Article 42(7) TEU imposes a duty on all Member States to, "by all the means in their power", aid and assist

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44 n 4 above.

45 Section 2 of the specific provisions on the CFSP in Title V TEU.

46 Marise Cremona, The Two (or Three) Treaty Solution: The New Treaty Structure of the EU, in Andrea Biondi, Piet Eeckhout and Stefanie Ripley (eds), EU Law After Lisbon, Oxford University Press, 2012, pp. 50–54.

47 Carolyn Moser, Transforming defence into an asset for safeguarding the EU's normative core, Common Market Law Review 63: 209–222, 2026, pp. 211–212.

48 Article 37 TEU.

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another Member State which faces armed aggression. While it was not designed to turn the EU into a miliary alliance, and a comparison between Article 42(7) TEU and the mutual defence clause in Article 5 of the NATO Charter is arguably misplaced,[49] this provision illustrates a particular form of political solidarity which should not be underestimated. It could provide the EU, and its Member States, and the UK with a unifying obligation to point towards if a need to act together would arise.

However, the implementation of the CSDP is largely characterised by unanimous decision-making,[50] including the conclusion of international agreements exclusively or principally related to this policy area.[51] The unanimity requirement has become increasingly problematic, with the formal veto power enjoyed by each country for a number of EU legal acts becoming a more unpredictable and obstructive weapon.[52] With Treaty reform highly unlikely in the foreseeable future,[53] there is thus a considerable risk that a formal agreement encompassing a comprehensive security and defence partnership within the scope of the CSDP may not find the necessary support within the EU.

This raises the question what may be achieved within the current constitutional parameters. Security and defence is increasingly recognised as a more comprehensive concept which reaches beyond immediate military associations. A broader understanding of security and defence generates wider overlaps between security and defence objectives and other policy areas such as trade, energy and new technology. Accordingly, a broader view of security and defence also covers the wider conditions that enable context-adapted defence, including technological innovation, industrial capacity, procurement, investment, and infrastructure necessary for military mobility.[54]

In line with this broader view of security and defence, the EU is increasingly active within these areas to address geopolitical concerns. Thus, security and defence now extend beyond the Union's distinctly intergovernmental and unanimity-based CSDP to include supranational policy areas subject to the Community method – such as internal market rules, industrial policies, infrastructure projects, or research funding.[55] Through the use of the ordinary legislative procedure, security and defence-related legal acts under an increasing number of TFEU legal bases have been introduced.[56] For example, recent

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49 Panos Koutrakos, EU International Relations Law, Hart Publishing, pp. 457–458.
50 Article 31(1)(1) TEU.
51 Article 218(8)(2) TFEU.
52 Bruno de Witte, The EU's capacity to act: constitutional design and institutional practice, Common Market Law Review 63: 49–60, 2026, pp. 50–51.
53 Ibid. pp. 52.
54 See further n 47 above, p. 210.
55 Ibid. p. 211.
56 Initiatives include legal acts on defence-related research (European Defence Fund, EDF), joint armaments production (Act in Support of Ammunition Production, ASAP) and joint

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instruments include the Anti-Coercion Instrument (ACI),[57] the Foreign Direct Investment (FDI) regulation[58] and the updated Regulation on Export Controls on Dual-Use Goods.[59] All three examples have been adopted based on Article 207(2) TFEU of the Common Commercial Policy ("CCP"), and they all seek to protect EU and Member State security.[60]

The growing reliance on supranational EU law and actors, rather than intergovernmental CSDP arrangements, is fundamentally reshaping European defence governance. It allows the EU to more effectively address topics such as armament production, procurement, military mobility, supply chain resilience, or cyber security. This domestic development also affects the EU's capacity to act externally and engage with third countries. Reliance on supranational policy areas subject to the Community method indicate that the EU will have corresponding exclusive external competence, either directly under the CCP[61] or arising implicitly in circumstances where domestic rules may be affected by an international commitment.[62] This is of considerable practical significance. The more extensive range of policies it covers, the less control the Member States are able to exercise in this area of external relations and the more significant the powers of the EU institutions. In particular, the qualified-majority voting that generally applies within exclusive external competence is in sharp contrast to the unanimity requirement that characterises decision-making within the CSDP. The central role of the Commission to lead international negotiations also stands out.[63]

procurement (European Defence Industry Reinforcement through Common Procurement Act, EDIRPA).

57 Regulation (EU) 2023/2675 of the European Parliament and of the Council of 22 November 2023 on the protection of the Union and its Member States from economic coercion by third countries, OJ L 2023/2675.

58 Regulation (EU) 2019/452 of the European Parliament and of the Council of 19 March 2019 establishing a framework for the screening of foreign direct investments into the Union, OJ L 79I.

59 Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items (recast), OJ L 206.

60 Other TFEU legal bases used include competitiveness (Article 173(3) TFEU), research and development (Article 182(4) TFEU), cooperation with third countries (Article 212 TFEU), and harmonisation (Article 114 TFEU). Economic emergency measures (Article 122(2) TFEU) have also served as a legal basis with Member States' agreement.

61 In addition to the CCP, there are other specific TFEU provisions that expressly generate external competence. For example, in the areas of the environment (Article 191(4) TFEU), education (Article 165(3) TFEU), vocational training (Article 166(3) TFEU), culture (Article 167(3) TFEU) and public health (Article 168(3) TFEU).

62 The EU has exclusive external competence if international commitments (including commitments that are being negotiated and measures adopted by a body established by an international agreement) may affect EU rules (Article 216(1) TFEU and Article 3(2) TFEU).

63 Article 218(3) TFEU.

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Consequently, embracing security and defence as a cross-cutting policy issue will allow the EU to act more effectively also externally vis-à-vis third country allies. In many areas of importance to defence and security, one may regard it as a shifting of dynamics within EU external relations law. This could help the EU to effectively engage with the UK (and other close partners, such as Canada) on mutually important issues related to security and defence. For example, there is substantial potential for optimising cooperation on arms production and procurement across Europe.[64]

The expressed ambition in the Common Understanding to explore UK participation in SAFE, which is an EU Regulation adopted on the basis of Article 122 TFEU, and thus a demonstration of how reliance on supranational EU law is used to address security and defence concerns, is an example of how EU-UK cooperation may be brought forward in practice. With that said, the necessary legal framework is not sufficient without the requiste political will. Thus, the current inability of the EU and the UK to agree on the terms of cooperation within SAFE is disappointing. The severity of the current geopolitical situation should enable the parties to find common ground and move forward.

3. CONCLUDING COMMENTS

The ongoing geopolitical developments constitute a fundamental change of the world order, and the global security environment is becoming more contested, complex and interconnected. Increased cooperation between the EU and the UK in matters related to security and defence is in this context considered to be of growing urgency by many.

The SDP represents a significant step forward in enhanced EU-UK defence and security relations, at least politically. The new partnership provides for increased exchanges between the parties and point towards different EU initiatives within which cooperation may be developed. However, it remains uncertain to what extent the SDP may generate tangible results. The SDP does not contain substantial obligations, progress to realise what was agreed in the SDP is limited and its scope is restricted. In view of the serious security situation facing both the EU and the UK, these concerns are worrying.

Looking ahead, the EU-UK defence and security relationship must materialise to move beyond the rhetoric related to the Common Understanding and the SDP. To do so, at least one if not both sides would need to fundamentally revisit their red lines either on third country participation rules for the EU and/or willingness for the UK to integrate with the EU's single market. If the EU

[64] Mario Draghi, The Draghi Report: In-Depth Analysis and Recommendations (Part B), European Commission 2024, 161–165. See also Enrico Letta, Letta Report: Much More than a Market", European Commission 2024 70–76.

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and the UK are able to rethink seemingly entrenched positions, and there are positive signs in this regard, the SDP points towards various initiatives within the which the parties have already signalled a need to move forward (as well as the Common Understanding regarding SAFE). However, even if the intentions set out in the SDP would materialise, it may be necessary to consider how EU-UK security cooperation could be developed beyond what was agreed in May 2025. While the EU clearly has legal instruments to be a much stronger defence actor than what is perceived, which could generate a much more comprehensive security and defence partnership with the UK within CSDP related matters, the most effective way forward is likely to be for the EU to rely on supranational Union law with potentially clear benefits for international cooperation. Without the EU being tied to a unanimity requirement internally, the EU and UK could together address pressing security and defence related issues concerning, for example, armament production, procurement, military mobility, supply chain resilience and cyber security.

Another scenario would of course be if dramatic geopolitical developments, of which there seem to be many, could generate a reversal of Brexit with the UK rejoining the EU. We are certainly not there yet politically, but every effort should be made towards securing such a change if the opportunity would arise. European security and defence would arguably be in a much better position if it were to happen.

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