

## University of Groningen

### Case Studies of the EU's CFSP Activity

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**Case Studies of  
the EU's CFSP Activity**

**Viktor Szép, Ramses A. Wessel, Marie  
Vandendriessche, Ezgi Uzun, Carlota Moreno Villar,  
Hanna Ojanen, Henna Kakko, Lucia Rybníková,  
Vladislava Gubalova & Juraj Kuruc**

**ENVISIONING A NEW  
GOVERNANCE ARCHITECTURE  
FOR A GLOBAL EUROPE**



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## Executive Summary

A new geopolitical reality and challenges in the EU's close neighbourhood, especially the war in Ukraine, have drawn attention once again towards examining whether the Common Foreign and Security Policy (CFSP) and its instruments work. This working paper re-assesses the effectiveness, coherence and sustainability of EU CFSP actions through case studies. In doing so, this paper tests and refines a set of assessment criteria – developed partially in [ENGAGE Working Paper 10](#) on intelligence and security cooperation, and partially in these pages – to identify specific obstacles to, as well as possibilities for, coherent EU foreign policy. The paper examines two geographical-oriented case studies (Western Balkans and Iran) and three thematic case studies (EU sanctions against Russia, the EU's role in international organisations and EU intelligence cooperation). Building on more theoretical notions in previous ENGAGE papers, this study assesses CFSP in action by applying, whenever possible, at least one effectiveness, one coherence, and one sustainability-related assessment criterion. The paper further analyses, when relevant, the decision-making procedures applied in the case studies, focusing on whether decisions were made by unanimity or by qualified majority voting.

### For More Information

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# 1 Introduction<sup>1</sup>

The question of effectiveness and coherence of the European Union's (EU) Common Foreign and Security Policy (CFSP) has inspired decades of research (Duke, 2011; Gebhard, 2017; Giumelli, 2013; Missiroli, 2001; Portela, 2010; Portela & Raube, 2012). This is partly because the CFSP is still subject to "special rules and procedures", including the requirement of unanimity, which has sometimes prevented the EU from taking much-needed foreign and security policy actions (Szép & Wessel, 2021; Wessel et al., 2021; Wessel & Szép, 2022, p. 31). Indeed, reconciling the different interests of the 27 Member States (MS) is sometimes challenging, and even when the EU agrees on common measures, the effectiveness, coherence and sustainability of Union actions are often called into question. A new geopolitical reality and challenges in the EU's neighbourhood, especially the war in Ukraine, have drawn our attention once again towards examining whether the CFSP and its instruments work. Accordingly, the remit of this working paper is to re-assess the *effectiveness, coherence and sustainability* of EU CFSP actions through different case studies.

The case studies considered will seek to test and refine a set of assessment criteria to identify specific obstacles to, as well as possibilities and best practices for, coherent EU foreign policy. Some of the assessment criteria used in this paper were developed in ENGAGE D5.2, which focused on EU security and intelligence cooperation (Szép et al., 2022). However, the scope of this working paper goes beyond security and intelligence cooperation to cover the EU's foreign policy more broadly. Therefore, while this paper tests some of the criteria designed to evaluate EU intelligence cooperation from D5.2, we have also developed additional assessment criteria to evaluate CFSP activities. These are divided into three categories: effectiveness-, coherence- and sustainability-related assessment criteria. We draw on the definitions of these three concepts developed in [ENGAGE Working Paper 3](#) (Sus et al., 2021) to develop these assessment criteria, and outline them in the following section.

The case study selection in this working paper seeks to compare and contrast widely different CFSP cases, covering a range of geographical and thematic areas. This will allow us to generate a more comprehensive picture of the EU's CFSP and to examine the effectiveness, coherence and sustainability of EU actions in different contexts. We examine two geographically-oriented case studies (Western Balkans and Iran) and three thematic case studies (EU sanctions against Russia, the EU's role in international organisations and EU intelligence cooperation). With regards to our geographical targets, on the one hand we examine a region in the EU's neighbourhood (Western Balkans), where most of the states participate in the EU's enlargement process, considered to be one of the most effective foreign policy tools at the EU's disposal. We also examine a country which lays further away from the EU, Iran, and focus on the nuclear negotiations from 2013 to 2022. This is one of the most well-known foreign policy cases the EU has been involved in, and one of the most high-profile cases in which the HR/VP has played a significant role. Concerning the thematic case studies,

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<sup>1</sup> The authors would like to thank the support of RUG student assistant Marcell Szilágyi.



we examine the EU's 2022 sanctions against Russia in an effort to reflect on one of the most pressing challenges the EU's CFSP faces: the ongoing Russian war on Ukraine. We therefore evaluate the political and economic effects of the EU's restrictive measures and whether these can be sustained in the long-term. We also examine the EU's role in the UN Security Council and the Human Rights Council to assess whether and how EU Member States can speak with a unified in these bodies. Finally, as a special case study, we examine EU intelligence cooperation where further advancement is necessary for a more effective EU external action. EU intelligence cooperation is special because public access to information is limited and, therefore, it is challenging to examine some of its aspects. Hence, we have used assessment criteria that are adjusted for this specific field which can tell us something about the current challenges EU intelligence structures face and the ways in which it can be further improved.



## 2 Refinement of the Assessment Criteria

The assessment criteria used in this working paper were developed in two phases. First, a set of criteria focusing primarily on intelligence cooperation were developed in ENGAGE D5.2. Second, to cover CFSP more broadly, further criteria were added. These additional criteria were developed based on the three key concepts guiding ENGAGE research: effectiveness, coherence and sustainability of the EU's external action. Broadly speaking, effectiveness is defined in relation to goal-achievement. Coherence is defined by the alignment between policies, policy objectives, and the EU institutions implementing them (horizontal coherence) on the one hand, and institutions and Member States (vertical coherence) on the other. Finally, to assess sustainability, we define a policy as sustainable if it can continue over a period of time, which can be measured along four dimensions: environmental, social, economic and political. See Table 1, below, for a summary of these concepts and their definitions. Importantly, these concepts are interrelated and interact with each other in different ways. For instance, it is reasonable to assume that a high level of coherence can positively impact effectiveness and sustainability. For analytical purposes, it is useful to separate these concepts; however, in the case studies, reflections are included on the relations between them.

**Table 1: ENGAGE Definitions of Effectiveness, Coherence and Sustainability in CFSP**

<b>Effectiveness</b>	<ul style="list-style-type: none"> <li>The EU's ability to influence world affairs in accordance with its objectives and to produce a desired result, which involves two dimensions: goal achievement and leadership capacity</li> </ul>				
<b>Coherence</b>	<table border="1"> <tr> <td>Horizontal</td> <td> <ul style="list-style-type: none"> <li>Coherence between different policies of the Union, their objectives, and their implementation</li> <li>The EU's capacity to coordinate and manage policies and institutions that are involved in the pursuit of Union's external objectives</li> </ul> </td> </tr> <tr> <td>Vertical</td> <td> <ul style="list-style-type: none"> <li>Coherence between the EU and the Member States</li> <li>The EU's capacity to work together with Member States on the pursuit of external objectives and to coordinate between the foreign policies of the Member States and the foreign policy of the EU</li> </ul> </td> </tr> </table>	Horizontal	<ul style="list-style-type: none"> <li>Coherence between different policies of the Union, their objectives, and their implementation</li> <li>The EU's capacity to coordinate and manage policies and institutions that are involved in the pursuit of Union's external objectives</li> </ul>	Vertical	<ul style="list-style-type: none"> <li>Coherence between the EU and the Member States</li> <li>The EU's capacity to work together with Member States on the pursuit of external objectives and to coordinate between the foreign policies of the Member States and the foreign policy of the EU</li> </ul>
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<b>Sustainability</b>	<ul style="list-style-type: none"> <li>Sustainable EU external action is external action that can continue over a period of time. This durability is defined both in the sense of how long a policy can continue to be implemented (which depends largely on input factors) and how lasting the impact of the policy is (which depends largely on policy design and ultimate implementation).</li> </ul>				
	<table border="1"> <tr> <td>Political</td> <td> <ul style="list-style-type: none"> <li>The policy must benefit from sufficient political support among the general public and policymaking elites - both in the polities that approve the policy and its implementation, and in the polities where the policy is implemented</li> </ul> </td> </tr> </table>	Political	<ul style="list-style-type: none"> <li>The policy must benefit from sufficient political support among the general public and policymaking elites - both in the polities that approve the policy and its implementation, and in the polities where the policy is implemented</li> </ul>		
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	Environmental	<ul style="list-style-type: none"><li>The environmental impact of the policy must be explicitly considered and its negative externalities minimised as much as possible, both in terms of the materials used in the implementation of the policy (e.g. flights, military material) and in terms of the impact of the action on the ground</li></ul>
	Economic	<ul style="list-style-type: none"><li>A policy is sustainable when sufficient economic resources are dedicated to its implementation and when the economic consequences of a policy (e.g. the domestic and external impact of economic sanctions) can be withstood for a sufficiently long period of time</li></ul>
	Social	<ul style="list-style-type: none"><li>A policy is sustainable when its social impact – in terms of the impact of the policy on human rights and living conditions in the place of implementation – is explicitly considered and potential negative social and societal effects are minimised while positive social impact is sought</li></ul>

Source: Adapted from Sus et al. (2021)

To develop the additional assessment criteria for this study, a set of broad criteria was derived from the three concept definitions. These broad criteria can in principle be applied to a wide range of CFSP cases (see Table 2, below). However, for certain cases, more specific assessment criteria were developed from the base of these broad criteria, to inquire about specific aspects of a case. In addition, for the intelligence cooperation case, the unique nature of this case required further tailoring.

For example, the EU's effectiveness in the realm of CFSP can generally be assessed by examining whether the EU's objectives have been achieved by the deployed instruments. This is not fully feasible, however, when we examine EU intelligence cooperation. The secretive nature of this field and the lack of available information make it difficult to identify the specific goals and instruments that were deployed. Researchers do not, for instance, have sufficient information to judge whether classified information has been used for certain foreign and security policy decisions, and if so, in what ways. It is possible, nevertheless, to reflect on the pre-conditions for an effective EU intelligence cooperation. We therefore use a different set of criteria for this case study, some of which were elaborated in D5.2. With adjusted criteria, we have been able to shed light on even this largely under-researched area.

In this paper, whenever possible, at least one effectiveness-, one coherence-, and one sustainability-related assessment criterion were applied to each case, to create a comprehensive assessment of the CFSP activities under study. The criteria were however at times not equally informative for every case. For instance, not all dimensions of sustainability are relevant for all the case studies. In the Iranian case, the environmental dimension of sustainability is not the most relevant, whereas it is necessary to examine the social sustainability of the EU's restrictive measures (that is, the social impact of the EU's actions towards Iran).





**Table 2: Overview of CFSP Assessment Criteria**

Assessment criteria	Explanation
<b>Effectiveness</b>	Did the EU achieve its objectives in this case? Have the CFSP instruments that were deployed contributed to achieving the EU's desired result in this case? <sup>2</sup>
<b>Coherence</b>	Horizontal coherence: To what extent were the CFSP tools, policies and strategies deployed by EU institutions aligned? (Possible addition: to what extent were CFSP tools, policies and strategies aligned with <i>other</i> EU policies with a direct or indirect impact on the case?) <sup>3</sup>
	Vertical coherence: To what extent were EU institutions and the Member States coordinated in their actions in this case? In other words: to what extent were the CFSP tools, policies and strategies aligned with and/or in conflict with MS foreign policy activities?
<b>Sustainability</b>	Political sustainability: To what extent was there sustained support for the CFSP tools, policies, and strategies among (1) MS national policymakers and parliamentarians; (2) domestic constituencies in MS; and (3) policymakers and the general public in relevant third countries?
	Environmental sustainability: Was the environmental impact of the CFSP policies or actions considered and mitigated?
	Social sustainability: Were the negative social externalities (e.g. impact on local population, women, minorities...) that EU policies could have in target countries considered and mitigated as far as possible during the policymaking and implementation phase?
	Economic sustainability: Were appropriate/sufficient resources (e.g. financial, personnel...) allocated to the CFSP actions, and was the level of resources allocated sustainable for the time-horizon envisioned?

Source: own elaboration

As a separate qualifier, we also examine, where possible, the decision-making procedures applied in each case. Given that [ENGAGE Working Paper 5](#) analysed the possibility of using underutilised Treaty provisions to enhance foreign policy decision-making in the EU (Szép & Wessel, 2021), it seems appropriate to examine whether a CFSP decision was made by unanimity or by qualified majority voting.

<sup>2</sup> Because the definition of effectiveness depends on objectives and desired results, each case study will have to determine the ex-ante objectives for their specific case in order to assess effectiveness of the EU's actions.

<sup>3</sup> Depending on the relevance to the case study in question, the following can be considered: (1) other CFSP objectives and instruments; (2) non-CFSP external action objectives and instruments; and (3) internal policy areas with an external impact.



## 3 Iran

### 3.1 A Short Overview

The CFSP actions described in this case were undertaken to address the issue of the evolution of the Iranian nuclear program. In 2002, it was revealed that Iran had failed to disclose multiple nuclear facilities to the International Atomic Energy Agency (IAEA), in breach of its obligations. This heightened concerns in the US and EU that Iran's nuclear program, which was stated to be peaceful, with energy, medical, and research aims only, could be advancing towards weapons-grade uranium enrichment and nuclear weapons production capacities.

Following these revelations, discussions for a negotiated solution began in 2003, at the behest of French, German and British foreign ministers (E3). The EU High Representative for Foreign Affairs – a post held by Javier Solana at the time – was soon formally invited to join by the E3. This was the first high-profile foreign policy issue where the HR, a newly created position that had been introduced in the Treaty of Amsterdam, had a salient role (Bassiri Tabrizi & Kienzle, 2020). The negotiating format later came to include China, Russia and the US, in a configuration known as the P5+1 or the E3/EU+3.

The negotiations on the Iranian nuclear file span two decades and are known as one of the most significant diplomatic endeavours of the EU. This case study assesses the effectiveness, coherence and sustainability of the EU's CFSP in this milestone case, from 2013 – a moment of acceleration following the election of moderate president Rouhani in Iran, which coincided with the Obama presidency in the US – to June 2022.<sup>4</sup> In doing so, it draws on primary and secondary sources to consider both the EU and Iranian perspectives, which enables deeper insights as to whether the EU was effective, coherent and sustainable in actions on this file and the factors that facilitate or obstruct this.

### 3.2 What Is the Problem?

The nuclear negotiations with Iran occur in four distinct phases between 2013 and 2022. Below we provide a brief overview of the most relevant events for each period.

**JCPOA negotiation period (2013–2015).** The first phase commences in August 2013, when President Hassan Rouhani, a moderate who had partaken in the nuclear negotiations between 2003 and 2005, took office. The new Iranian government, with foreign minister Javad Zarif leading the nuclear negotiations, offered a more conciliatory position than the preceding one under Ahmadinejad. On the EU's side, the entry into force of the Lisbon Treaty had endowed the post of the HR/VP with more institutional resources, and the creation of the EEAS had

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<sup>4</sup> See Appendix 1 for a brief overview of the occurrences between 2003 and 2013.



expanded the EU's capacity for external action. E3/EU+3 negotiations with Iran formally<sup>5</sup> resumed in October 2013, in Vienna, after a productive bilateral meeting between Zarif and US Secretary of State John Kerry on the sidelines of the 2013 UNGA meeting in New York (Mohammed & Spetalnick, 2013). On November 24, 2013, Zarif and HR/VP Catherine Ashton announced in Geneva that an interim agreement had been reached "on a joint plan of action which sets out an approach towards reaching a long-term comprehensive solution" (Ashton & Zarif, 2013). This solution arrived on July 14, 2015, a year after Federica Mogherini had taken on the mantle of HR/VP: the Joint Comprehensive Plan of Action (JCPOA) was designed to ensure that Iran's nuclear programme would remain "exclusively peaceful" and would in return produce the lifting of national and multilateral sanctions on Iran (Mogherini & Zarif, 2015; United Nations Security Council, 2015b). The deal was formally adopted on October 18, 2015.

**Implementation period (2016–2018).** During this period, Iran adhered to its commitments and sanctions on the country were lifted (see Tables 4 and 5 in Annex 2 for the EU, US and UN sanctions that were lifted). EU Member States embarked on missions to revive economic ties with Iran. In July 2015, Germany's vice chancellor and economy minister visited Iran and was accompanied by "top officials from some of Germany's largest companies, including Daimler, Volkswagen and ThyssenKrupp" (Birnbaum & Morello, 2015). Soon after, President Rouhani visited Italy and France, reportedly signing business deals worth 'billions' ("Italy's Renzi signs", 2016; "Total of deals", 2016). In the following months, Iran announced further deals with Airbus (Johnston, 2016), Boeing (Kamali Dehghan & Thielman, 2016) and Peugeot-Citroën ("Peugeot-Citroen back", 2016), among others. The EU also rushed to improve its cooperation with Tehran: in April 2016, HR/VP Mogherini visited the country accompanied by seven EU Commissioners (Mogherini & Zarif, 2016). Despite these efforts, concerns were beginning to arise on the Iranian side with regards to the pace at which economic benefits for the Iranian economy were materialising (Gladstone & Erdbrink, 2016) – but overall, enthusiasm over the success of the agreement prevailed. After Trump's election in November 2016 and throughout 2017, the US continued to waive US sanctions in accordance with the JCPOA, all while simultaneously calling for a re-negotiation of the terms of the agreement. However, this period of rising tensions and uncertainty ultimately came to a head in 2018.

**The erosion of the deal (2018–2021).** The third phase began on May 8, 2018, when President Trump announced the US would withdraw from the JCPOA and reimpose sanctions (White House, 2018). This marked the beginning of the US' maximum pressure policy (Trump, 2018), where it sought to inflict maximum financial pressure on Tehran to push the country on nuclear and non-nuclear issues (e.g. Iran's ballistic missiles or militia support). The week after the US' announcement, the HR/VP and the EC President outlined the EU's response, emphasising coordination at the national and EU level (Mogherini, 2018b), as well as more active involvement of the Commission (Tusk, 2018). The EU responded by: (1) extending the blocking statute to cover the extraterritorial impact of US sanctions on Iran under Trump's maximum pressure policy; (2) updating the external lending mandate of the European

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<sup>5</sup> It was later revealed that a secret backchannel had been established between Washington and Tehran as early as March 2013 ("Secret talks set", 2013).



Investment Bank (EIB) for development projects in Iran; and (3) creating a Special Purpose Vehicle – INSTEX, which aimed to establish a barter system without any direct transfer of payment to Iran and to ensure continued trade (European Commission, 2018a; Joint Commission of the Joint Comprehensive Plan of Action, 2018). The EU's efforts, however, proved insufficient. As Tehran grew impatient with Washington's aggressiveness and the slow pace of progress in trade with Europe, it began to progressively reduce its commitments to the JCPOA on July 2019 ("Iran nuclear deal", 2019). For Iran, these actions were reversible and remedial; a response to the US' own breach of its commitments. By the time Iran committed its fifth breach on January 2020, the E3 triggered the deal's dispute resolution mechanism, which, if referred to the UNSC, could result in the reimposition of UN nuclear-related sanctions on Iran ("How the Iran", 2020). The newly appointed HR/VP, Josep Borrell, explained that the European parties to the deal were willing to continuously postpone referral to the UNSC (Borrell, 2020). Tensions, however, continued to rise, and on July 3, 2020, Iran triggered the dispute resolution mechanism as well, citing the US' and the EU's violation of the deal ("Seriously?: Zarif mocks", 2020).

**The Biden period (2021–present).** A fourth phase commenced when US President Biden took office in early 2021. On February 18, 2021, a joint statement was released in which "the E3 welcomed the United States' stated intention to return to diplomacy" (Blinken et. al., 2021). The US also sent a letter to the UNSC formally rescinding President Trump's request to reimpose sanctions that had been lifted in accordance with the JCPOA (Ruffini et. al., 2021). With the US re-engaged and dealing with Iran indirectly through the EU, negotiations to reinstate the JCPOA resumed. However, despite multiple rounds of talks in Vienna, a deal had not yet been reached by the time Ebrahim Rahisi, a conservative, was elected on June 19, 2021. The new Iranian administration continued to assert that a return to the deal was possible ("Iran warns US", 2021), and talks ensued, reaching a potential end zone. The eighth round of talks, however, was paused in March 2022 due to "external factors" (Borrell, 2022). Many factors are currently marring the negotiations, including disunity within the E3/EU+3 formation following the Russian invasion of Ukraine; Iran's supply of drones to Russia during the war; and new IAEA resolutions on Iranian non-compliance with the NPT Safeguards Agreement and the Additional Protocol in the Islamic Republic of Iran (International Atomic Energy Agency, 2022).

### 3.3 Assessment Criteria

#### 3.3.1 Effectiveness-Related Assessment Criteria

**Criterion:** Assessing the EU's effectiveness entails answering two related questions: (1) did the EU achieve its objectives? (2) did the CFSP instruments that were deployed contribute to achieving the EU's desired results?

In this section, we review the match between the EU's actions and objectives over the different phases. We also examine Iran's perceptions of the EU's actions, to provide further insights into factors that may have contributed to or hindered the EU's effectiveness in this case.



## The EU perspective

When Hassan Rouhani was elected in June 2013, a window of opportunity opened to accelerate the nuclear negotiations with Iran. The EU's objective in this first phase (2013–2015) was to achieve a “comprehensive, negotiated, long-term settlement” that would ensure the “peaceful nature of the Iranian nuclear programme” (European External Action Service, 2015b). The intended agreement would bring Iran into compliance with the Non-Proliferation Treaty (NPT), as well as with UNSC and IAEA resolutions.

By the time Rouhani was elected, the positions of Iran and the E3/EU+3 were far apart (G8, 2013), and no further talks had been scheduled after a round of negotiations in Almaty in April 2013. It was HR/VP Catherine Ashton who, in September 2013, brought together Javad Zarif and John Kerry for the first high-level meeting between the US and Iran since 1979 (Schmitz & Schult, 2013). After cumbersome negotiations, the E3/EU+3 and Iran signed the JCPOA in July 2015, which included sanctions removal in exchange for limits on Iran's nuclear program and monitoring provisions. The EU therefore achieved its objectives over this period.

In the second period, after the JCPOA was signed (July 2015–November 2018), the EU's objective was “to support the full and effective implementation of the JCPOA including by the lifting of nuclear related economic and financial sanctions and engaging with the private sector and economic operators” (Council of the EU, 2016a). The EU was relatively effective in the mobilisation of its private sector – as evidenced by the number of business deals signed between Iran and EU Member States, as well as Mogherini's visit, flanked by seven EU commissioners, to Iran in 2016. The remaining parties to the JCPOA also fulfilled their commitments: after the IAEA certified that Iran had met its obligations (International Atomic Energy Agency, 2016), the UN and the US lifted their nuclear-related sanctions (Kerry, 2016) and the US granted Airbus and Boeing licenses to sell planes to Iran (Torbati, 2016). The latter was a key development, as the sale of aircraft to Iran's airlines was seen as “an important signal for the successful implementation of the JCPOA” (Council of the European Union, 2016a). However, while governments were honoring their commitments under the JCPOA (International Atomic Energy Agency, 2017; Mogherini, 2017), large banks were still weary of doing business in the country (Khamali Dehghan, 2016), and Iran felt that the US could do more to resolve this issue (Rouhani, 2016; Hafezi & Nichols, 2016).<sup>6</sup> The US also imposed additional non-JCPOA-related sanctions on Iran, which Tehran claimed violated the spirit of the deal (“Iran accuses US”, 2017).<sup>7</sup>

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<sup>6</sup> After Iranian President Hassan Rouhani expressed concerns over the materialisation of economic benefits for Iran following the lifting of sanctions at the 71<sup>st</sup> United Nations General Assembly, on the one-year anniversary of the JCPOA, HR/VP Mogherini encouraged all parties to the JCPOA to continue their outreach efforts with the private sector (Mogherini, 2016).

<sup>7</sup> On December 1, 2016 US Congress passed H.R.6297 - Iran Sanctions Extension Act. On June 15, 2017, the Countering Iran's Destabilizing Activities Act of 2017 (S.722) passed the Senate by a vote of 98-2. Finally, on July 25, 2017, the US House of Representatives passed H.R. 3364, the Countering Adversarial Nations Through Sanctions Act, which would impose new sanctions on Iran, North Korea and Russia.



Eventually, US President Trump violated the agreement, by announcing the US withdrawal from the deal and re-imposing sanctions on Iran (White House, 2018). In the third phase, the EU remained determined to preserve the deal and enable the “positive impact on trade and economic relations with Iran” resulting from the lifting of nuclear-related sanctions, while protecting the EU’s economic investments (Mogherini, 2018a). The EU attempted to mitigate the impact of renewed US sanctions through institutional mechanisms. The new instruments, however, were largely ineffective. The first and only transaction through INSTEX took much longer than expected, and European businesses intent on using it still faced the threat of US sanctions, which ultimately led to the limitation of INSTEX to humanitarian items (Immenkamp, 2020). By February 2020, HR/VP Josep Borrell was forced to admit that “INSTEX has not been able to produce significant transactions” (Borrell, 2020).

The EU was also unable to provide sufficient cover for economic operators through the Blocking Statute. Total, for instance, was forced to withdraw from a US\$4.8 billion development project in Iran’s South Pars natural gas field (Total Energies, 2018), and Boeing and Airbus saw their licenses to sell planes in Iran revoked (Lawder, 2018). Overall, in 2017, EU imports from Iran increased by 84.9% and exports by 31.1%. In 2019, however, EU imports from Iran fell by 92.8% and exports to the country decreased by 49.5% (European Commission, DG Trade, 2022). Finally, the EIB, under pressure from the US, also refused to invest in Iran (Gerdziunas, 2018).

In the fourth period, after Biden’s election in late 2020, the EU sought to, on the one hand, negotiate the re-entry of the US into the JCPOA; and on the other, to bring Iran into compliance with the deal once again. Both Tehran and Washington expressed their desire for the EU to coordinate the negotiations, which resumed in April 2021. Although the EU managed to bring both parties back to the negotiating table, multiple factors combined to impede further progress, including the election of Raisi, the IAEA’s revelations of undeclared Iranian nuclear activities, the Russian invasion of Ukraine, and the US’ ambition to include non-nuclear issues in the negotiations, which was not well received by Iran. The Vienna talks soon stalled, and Iran continued to accelerate its nuclear program. Ultimately, the EU was not able to achieve its objectives during this period.

### The Iranian perspective

Iran’s apparent foreign policy objective was to sign a nuclear deal with the P5+1, and to preserve it despite the US pull-out in 2018. Nevertheless, a more fundamental objective of Iran common to all periods is sanctions removal and securing the commitment of all P5+1 parties to this objective. As a matter of fact, in official communications the Islamic Republic has referred to the recent JCPOA talks as “the sanctions removal talks”, rather than “the nuclear talks” (Islamic Republic of Iran Ministry of Foreign Affairs, 2022b).

During the 2013–2015 negotiations, Iran saw the US as the lead decision-maker due to the latter’s imposition of heavy unilateral sanctions and their extraterritorial impact on Iran’s economic relations. For Iran, the E3 and the EU were the coordinators of Iran’s international negotiations efforts with the US (Jalilvand, 2019, p. 128). However, during the Implementation



period (2016–2018), the E3 and the EU started to occupy a central place in the Islamic Republic's post-sanctions calculations due to their potential to be Iran's biggest economic partners after the upcoming sanctions relief (Jalilvand, 2019, p. 129). Iran was hoping to "reconnect with the global economy", especially through the European economy in 2015 and 2016 (Jalilvand, 2019, p. 128).

After the US pull-out in 2018, the EU's role shifted from that of a coordinator to a lead actor to preserve the JCPOA, in the eyes of Iran. Iran had placed high expectations on the E3, as Iran's then foreign minister Javad Zarif made clear when he stated that the future of the JCPOA "depends on Europe" during this phase ("Iranian Foreign Minister Says", 2020). Zarif's assertive comments during this period show that this phase was seen as a test case for the EU, revealing whether it could act as an 'independent' international actor with its own commitments under the JCPOA, and separate from its transatlantic ties; an economically 'strong' actor that is able to withstand the extraterritorial US sanctions; and finally, as an 'effective' actor overall. In a speech at the 2019 Munich Security Conference, Zarif called for a more independent European position when he said, "Europe needs to be willing to get wet if it wants to swim against the dangerous tide of US unilateralism" (Gray & Weise, 2019). Zarif's statements were a reaction to the shortcomings of the institutional mechanisms set up by the EU to respond to the re-imposition of US sanctions, as many European companies kept withdrawing from Iran. In the end, Iran was extremely critical of the EU for not satisfying its expectations.

After Joe Biden came to office in 2021, the EU was relegated to its previous position as coordinator by Iran. In an interview, Zarif said the EU could "synchronize" or "coordinate what can be done" for the US' return to the deal, where EU foreign policy head Josep Borrell could "choreograph the actions that are needed to be taken by the United States and the actions that are needed to be taken by Iran" ("Iran's Zarif Suggests", 2021). Although the latest negotiations were marked by hectic and dynamic diplomacy overall, the IAEA Board Resolution that Iran failed to report three nuclear facilities before and during the JCPOA period and Iran's alleged drone support to Russia during the Ukrainian War had implications for the Vienna talks from February 2022 onwards. Still, Iran looks to the EU as an open communication channel and relies on the EU to continue the diplomatic process. Iranian foreign minister Amir Abdollahian said Iran had "differences with America and three European countries", but acknowledged Josep Borrell and EEAS Deputy Secretary-General Enrique Mora's efforts for "trying to find a solution" ("Iran Says Counting", 2022).

Overall, Iran appears to find the institutional structure of the EU, especially the position of EU's High Representative for CFSP and overall EEAS operations, effective in coordinating the multilateral negotiations for a nuclear deal and in keeping communication channels open despite odds against the JCPOA. Nevertheless, Iran has serious reservations about the EU/E3's effectiveness as a global actor in a decision-making position, especially when it comes to keeping its commitments under the JCPOA after the US withdrawal and in operationalizing new institutional mechanisms to ensure continued business with Iran.



### 3.3.2 Coherence-Related Assessment Criteria

**Criterion:** To assess coherence in the EU's actions in this file, two overarching questions need to be considered: (1) to what extent were the CFSP tools, policies and strategies deployed by EU institutions aligned? and (2) to what extent were EU institutions and the Member States coordinated in their actions in this case?

In this section, we first study coherence in the *overall* approach to the file, examining the EU and the Iranian perspectives in turn. We then analyze more *specific* questions related to horizontal and vertical coherence at concrete moments over the case timeline.

When it comes to coherence in the *overall* approach, it is important to first consider questions of scope. As with any country, bilateral relations between Iran and the EU comprise a host of different foreign policy issues. Several contentious matters overshadow Iran's relations with the international community, ranging from its support for militias and terrorist groups across the Middle East and its ballistic missiles program to domestic human rights violations.<sup>8</sup>

Over our case timeline, we observe that in the pre-JCPOA period and the JCPOA implementation period, progress was possible *despite* the tension between the concerns over Iran's nuclear program on the one hand, and its missile program, militia support, and human rights issues on the other. However, the US pull-out period (2018–2021) is distinctively characterised by a *conflation* of several contentious issues concerning Iran – not due to Iran's lack of commitment to the JCPOA, but due to the possible implications of JCPOA-induced sanctions relief on Iran's support for militia in the Middle East and its ballistic missile program.

When it comes to the coherence of the overall EU strategy towards the nuclear negotiations, *the EU* and its negotiating partners explicitly decided to split the nuclear file from other contentious issues in the relationship. The EU thus reduced the scope to enable progress on the nuclear front, separately from other problems.<sup>9</sup> *From the Iranian perspective*, the EU's exclusion of these other issues from the Vienna negotiations and the overall JCPOA scheme made sense, as this would keep the potential direct or indirect impact of these issues away from the JCPOA process.

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<sup>8</sup> These in turn stem from a constant tug of war between Iran's simultaneously integrationist and revisionist outlook on the international system (Uzun, 2022), which is linked to a foreign policy characteristic of the Islamic Republic after the 1979 Revolution: the challenge of gaining international legitimacy, which fundamentally stems from its regime ideology and its practical implications on Iran's foreign policy strategies (Uzun, 2022).

<sup>9</sup> As suggested above, during the third period, pressure from the US made it more difficult for the EU and its Member States to maintain the strict separation between the nuclear and other issues. Nevertheless, at the Vienna negotiations, the issues were never brought together. The difficulties in maintaining vertical coherence on the separation of files is described later in this section.





On the basis of this overarching strategy, for *the EU*, it was not formally incompatible or incoherent to lift nuclear-related sanctions while simultaneously imposing sanctions related to human rights violations,<sup>10</sup> because they pertained to different, unrelated matters. Despite this, the EU was hesitant to impose non-nuclear-related sanctions on Iran, particularly during the Implementation period; and its imposition of human rights-related sanctions in 2019 ultimately took place in the context of persistent pressure from the US administration.

*From the Iranian perspective*, the fact that sanctions were put into place – whether related to Iran’s nuclear programme or human rights – demonstrated incoherence on the part of the EU. As discussed in the previous section, this is because the primary objective of Tehran during the negotiations was the lifting of sanctions, rather than the achievement of a negotiated nuclear programme. Regardless of the motive for the EU’s sanctions, these measures hindered economic progress in Iran, and therefore, in Iran’s eyes, violated the spirit and intended outcome of the JCPOA. In other words, while the EU’s separation of files was in principle supported by the Iranian side, the EU’s use of sanctions in non-nuclear files was perceived as incoherent from Tehran’s point of view. This had implications for the sustainability and effectiveness of the EU’s CFSP actions in this case, as discussed in the previous and next sections.

We now turn to *specific* questions of horizontal and vertical coherence in this file. From the EU perspective, in the Implementation period, coherence was present both vertically (between EU Member States and EU institutions, for example with regard to the promotion of trade), and horizontally (among EU policies, for instance in deploying energy cooperation and science diplomacy to advance JCPOA objectives). As outlined in the previous section, following the signing of the JCPOA, Member States, as well as EU Commissioners alongside HR/VP Mogherini made great efforts to improve bilateral economic relations with Iran.

The EU was also vertically and horizontally coherent in its immediate response to Donald Trump’s announcement of the US withdrawal from the JCPOA in May 2018. The week after the announcement, Mogherini explained that EU Member States would work in a complementary fashion, both at the national and EU levels, to protect Member States’ economic operators (Mogherini, 2018b). Council president Tusk further emphasised the Commission’s role in the EU’s response, and stated that the Commission had been “given a green light to be ready to act whenever European interests are affected (Tusk, 2018). The HR/VP, European Council and Commission moved in unison in the direct aftermath of the US announcement.

Later in time, however, there were instances where vertical coherence was lacking. Only ten European countries, including the E3, joined INSTEX (INSTEX-Europe, n. d.), for example. There were also divergences between the approaches of the HR/VP and Member States during the

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<sup>10</sup> For example, in April 2019, the EU extended restrictive measures responding to serious human rights violations in Iran until April 2020 (Council of the EU, 2019).



period following US withdrawal.<sup>11</sup> While the HR/VP consistently emphasised the separation of the nuclear file from other issues, French President Macron considered discussing other issues, such as Iran's ballistic missile activity, in parallel with the nuclear negotiations ("France's Macron, after talks", 2018). In February 2019, Poland co-hosted a US-sponsored conference on the Middle East, which was widely perceived to be intended to put pressure on Iran (Marcus, 2019; "US to host", 2019), and which HR/VP Mogherini decided to avoid (Wintour, 2019). In a February 2020 visit to Tehran, HR/VP Josep Borrell also remarked that some voices had "been asking for enlarging the scope of the deal and introducing new aspects" (Borrell, 2020).

Despite these examples, however, from the EU perspective, horizontal and vertical coherence were generally quite strong in the approach to the nuclear file. Both in the E3/EU configuration and in the relation between the Foreign Affairs Council and the HR/VP, coherence was generally assured. The fluid coordination in this file did not occur along strictly predetermined parameters, but was based on an informal yet clear understanding of shared objectives and 'red lines'. This enabled all EU actors to work independently, but in a complementary fashion.

### 3.3.3 Sustainability-Related Assessment Criteria

**Criterion:** The overarching question to assess the social, and to some extent political, sustainability of the EU's actions in this case is whether the negative social externalities that EU policies could have in target countries were considered and mitigated as far as possible during the policymaking and implementation phase. We also consider briefly the political and economic sustainability of the EU's actions in this file, asking whether political support or economic effects altered the EU's capacity to sustain its actions over time.

Turning first to *social sustainability, from the EU side*, over the case timeline, the intention is to ensure a peaceful Iranian nuclear program. This is articulated through the JCPOA and the related lifting of nuclear-related sanctions, which has the potential to enable further economic development and improve the social and economic situation in Iran. Although the EU did indeed lift its own nuclear-related sanctions, it was still, as discussed above, largely unable to mitigate the negative social impact of sanctions – the US' extraterritorial ones, rather than its own – in particular following the US' withdrawal from the JCPOA.

In reaction to the EU's failure to offset the impact of unilateral US sanctions on Iran, *Iran* has voiced its concerns that sanctions are harming the ordinary people and especially the socio-economically disadvantaged segments of the Iranian population, including women, youth, children, and ethnic and religious minorities (Islamic Republic of Iran Ministry of Foreign Affairs, 2022d). For example, the Iranian Ministry of Foreign Affairs released the translation of an interview by UNHR Special Rapporteur Alena Douhan with the French Weekly *Le Point* in June 2022 as a testament of how banking sanctions also prevent humanitarian items such as

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<sup>11</sup> Some of these divergences can arguably be linked to differing MS preferences with regard to the relation with the US and the security umbrella it provides.



medications from reaching Iran, leading to basic human rights violations (Islamic Republic of Iran Ministry of Foreign Affairs, 2022a).

Iran also invokes this official discourse whenever there is a lack of progress in sanctions-related commitments under the JCPOA or relations become tense due to the imposition of new human rights sanctions on Iran. In this respect, Iran's Foreign Ministry Spokesman Nasser Kanaani stated that "many European governments have directly or indirectly violated the human and legal rights of Iranians and even their right to life due to aiding and abetting in the imposition of cruel and illegal sanctions by the US regime against the Iranian nation" (Islamic Republic of Iran Ministry of Foreign Affairs, 2022c). From the Iranian perspective, the European stance towards sanctions on Iran is one of "double standards" and "selectivity" (Islamic Republic of Iran Ministry of Foreign Affairs, 2022d) and Iran therefore perceives incoherence, as discussed above, between the EU's principles and strategies.

With regards to the *political and economic sustainability of the EU's policies*, there were no impediments to sustaining the EU's actions in this file. On the political side, there was sustained support from Member States for the EU to continue negotiations and actions (though there was a limited degree of vertical incoherence in phase 3, as discussed above). On the economic side, the EU experienced no significant negative economic consequences of maintaining its actions in this file, other than trade potential that largely remained unrealised.<sup>12</sup> On the one hand, given that the EU lifted its nuclear-related sanctions on Iran with the entry into force of the JCPOA, there were no adverse economic impacts of these sanctions internally. On the other hand, bilateral trade between the EU and Iran did not pick up as expected due to US extraterritorial sanctions and the EU's inability to offset their impact (see Table 3 below). The impact on the EU's economy, however, was relatively minor; in 2021, Iran represented the EU's 60<sup>th</sup> largest trading partner (European Commission, DG Trade, 2022).

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<sup>12</sup> Some EU companies experienced losses following the US' withdrawal from the JCPOA (e.g. Total Energies and Airbus had to pull out of business deals with Iran due to the re-imposition of US sanctions); however, these economic effects were not a direct result of the EU's policy implementation.



**Table 3: EU – Iran Trade Flows (2011–2021)**

Period	Imports		Exports	
	Mio euros	% growth	Mio euros	% growth
2011	16,909	N/A	10,294	N/A
2012	5,515	-67.4	7,260	-29.5
2013	751	-86.4	5,356	-26.2
2014	1,118	48.9	6,316	17.9
2015	1,221	9.2	6,348	0.5
2016	5,461	347.2	8,060	27.0
2017	10,099	84.9	10,570	31.1
2018	9,425	-6.7	8,711	-17.6
2019	680	-92.8	4,398	-49.5
2020	713	4.9	3,745	-14.8
2021	922	29.3	3,940	5.2

Source: European Commission, DG Trade (2022)



## 4 Western Balkans

### 4.1 A Short Overview

Today the Western Balkans (WB) are surrounded by the EU. The region that experienced war in the 1990's is considered to have strategic importance. This is based on its location, security, and economic potential. As a result of the complex relations between Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, and Serbia (WB6), the EU has prioritised supporting the region to avoid another conflict and securing a path towards alignment with the EU, mainly through its Neighbourhood policy. Further, the WB6 have expressed their desire to become members of the EU with Montenegro and Serbia having opened accession negotiation chapters (acquis), Albania and North Macedonia starting the negotiation process and Bosnia and Herzegovina granted a candidacy status in late 2022. The goal of enlargement, therefore, guides much of the EU's policies towards WB6, including CFSP.

Simultaneously, however, the region continues to exhibit a slow reconciliation process, general political uncertainty, unresolved conflict-prompt tensions; such as between Belgrade and Pristina and within Bosnia and Herzegovina, and consistent pressure from external actors. This contextualisation influences EU's CFSP strategies, tools and actions in the region.

To assess the effectiveness, coherence, and sustainability of the CFSP action in the Western Balkans we shall use a comparative case study of Serbia and North Macedonia. Both countries share several features like being located in the Balkans, a recent history as former parts of Yugoslavia, and both wish to become members of the European Union. Yet, these countries have reacted in diametrically opposite manners to the EU and its CFSP actions.

### 4.2 What Is the Problem?

Importantly for our cases-in-case study, an immediate, inseparable link between EU's foreign and enlargement policies is present in the Strategy for Western Balkans (European Commission, 2018b). CFSP objectives form a part of the accession process, and their achievement can be measured through the lenses of the accession progress, in particular the alignment of Serbia's and North Macedonia's foreign policies to CFSP. While D6.2 and D6.3 spend much time on internal-external nexus linkages, when studying the Western Balkans, we cannot cut the link between CFSP and enlargement. Cautiously, we can assume that CFSP strategies, tools and actions are enacted in the Western Balkans with the long-term objective of the region's accession. Simultaneously, more likely than not the Western Balkan countries align with CFSP-specific objectives in order to achieve eventual accession. Following this assumption, we can proceed with assessing CFSP in the Western Balkans through the existing link with enlargement policy.

EU-third country cooperation on foreign affairs usually takes place through an agreement that functions as the base for their cooperation. Both North Macedonia and Serbia have Stabilisation and Association Agreements (SAAs) signed with the EU (European Commission,



2004; 2013), establishing a free trade area, identifying common political and economic goals, and encouraging regional cooperation. SAAs are tailor made to each country, however, there is a common, albeit vague language used in relation to CFSP (European Commission, 2013):

#### **Article 10**

*1. Political dialogue between the Parties shall be further developed within the context of this Agreement. It shall accompany and consolidate the rapprochement between the European Union and Serbia and contribute to the establishment of close links of solidarity and new forms of cooperation between the Parties.*

...

*(d) common views on security and stability in Europe, including cooperation in the areas covered by the CFSP of the European Union.*

However, with CFSP objectives closely intertwined with EU's enlargement policy in the Western Balkans, their identification is nested mainly into the *acquis*. Underlying once again the link between these policies. Chapter 31 calls for:

Member States must be able to conduct political dialogue in the framework of CFSP, to align with EU statements, to take part in EU actions and to apply agreed sanctions and restrictive measures. Applicant countries are required to progressively align with EU statements, and to apply sanctions and restrictive measures when and where required (European Commission, DG NEAR, 2012).

## 4.3 Assessment Criteria

### 4.3.1 Effectiveness-Related Assessment Criteria

**Criterion:** Did the EU achieve its objectives in this case? Have the CFSP instruments that were deployed contributed to achieving the EU's desired result in this case?

As outlined above the CFSP objectives in Serbia and North Macedonia are, in the long-term, related to the accession of the region. Therefore, an alignment of the candidate countries' foreign policies with the EU's would suffice as an achievement of the set long-term objective. In addition, levels of achievement of alignment with EU statements and application of EU sanctions and restrictive measures are also good indicators for the effectiveness of CFSP in the region.

**Criterion:** Have the EU's positions been adopted/reflected in the recipient country? How aligned is the foreign policy of the recipient country to CFSP?

#### Serbia

There has been a downward trend in Serbia's alignment with the CFSP. Their highest was in 2013 with 89% (European Commission, 2013) and their lowest (before the invasion of Ukraine) was in 2018 with 52% (European Commission, DG NEAR, 2018a). In 2020, Serbia's alignment



rate with relevant High Representative statements on behalf of the EU and Council Decisions stood at 56% but rose to 61% as of August 2021 (European Commission, DG NEAR, 2021b). Since the invasion of Ukraine, their alignment decreased to 45% as of August 2022, with Serbia not adopting any of the EU's restrictive measures against Russia and the majority of Declarations by the High Representative (European Commission, DG NEAR, 2022b).

Serbia's lack of alignment of foreign policy is shown through several important inactions. Serbia did not impose sanctions on Russia with regards to the annexation of Crimea. Further, it was absent from the vote on the UN General Assembly resolution on the territorial integrity of Ukraine. When called upon to do so, Serbia did not join the Council's decisions on restrictive measures on the annexation of Crimea and Russia's involvement in eastern Ukraine (European Commission, DG NEAR, 2014). The country did not follow the Council's decisions on Venezuela, China, Bosnia and Herzegovina, Moldova, and Zimbabwe (European Commission, DG NEAR, 2016) nor did it adopt the restrictive measures introduced by the EU against Belarus. However, the High Representative's declaration on the presidential elections in Belarus was supported and Serbia condemned the escalation of violence and intimidation of the Coordination Council (European Commission, DG NEAR, 2020).

Some measure of alignment exists. Serbia respects the territorial integrity and sovereignty of Ukraine and supports EU measures and documents for conflict prevention (European Commission, DG NEAR, 2019). The country supports the EU Global Strategy (European Commission, DG NEAR, 2018a), it enacted the Law on Restrictive Measures and the Implementation of International Sanctions in 2016 (European Commission, DG NEAR, 2018b) and it follows the EU's position on the integrity of the Rome Statute and the EU guiding principles on immunity agreements (European Commission, DG NEAR, 2015).

The data shows that the EU has not been as effective in its CFSP policy mechanisms to persuade Serbia to seek full alignment with the policies, statements, sanctions and restrictive measures. A few possible explanations may be traced back to Serbia's complicated relationship with its "brother" Russia (Samorukov, 2019), to the long accession process frustration (Locatelli, 2022), to internal identity re-building after the wars (Biserko, 2016), and to the unresolved tensions with Kosovo.

#### North Macedonia

In contrast to Serbia, North Macedonia's compliance with the EU's CFSP is high. In 2021, it stood at 96% (European Commission, DG NEAR, 2021a), while in 2022, North Macedonia's alignment rate with relevant High Representative statements on behalf of the EU and Council Decisions reached 100% in February 2022 (European Commission, DG NEAR, 2022c). It supports the EU's Global Strategy (European Commission, DG NEAR, 2018b), and in 2019 it aligned to the EU's position regarding unauthorised Turkish drilling activities in the Eastern Mediterranean, despite decades long close bilateral ties with Turkey. Most recently North Macedonia fully aligned with EU's sanctions against Russia and Belarus following the invasion of Ukraine.



North Macedonia has been an exemplary case of alignment, where assumingly the goal of accession to the EU has played a significant role to enhance the effectiveness of the CFSP tools/instruments towards policy alignment.

**Criterion:** Is there an established structured common foreign and security policy dialogue between the EU and the region/country?

One CFSP instrument that has been used through different formats with the Western Balkan countries has been foreign and security policy dialogue.

While intergovernmental conferences are more part of the Enlargement Policy playbook, having such established and structured events are also positive for dialogue between Member States and the third country regarding CFSP matters. Serbia held its first meeting in January 2014, with thirteen meetings conducted since then. These meetings may appear somewhat ineffective when juxtaposed against the actual progress of Serbia's accession, and more importantly for this analysis, their alignment to the EU's foreign and security policy. With North Macedonia holding its first meeting in July 2022 there is insufficient data to compare. Overall, the technical nature of these formal negotiations, with heavy expert-oriented work, leaves little room to contribute towards the effectiveness of CFSP tools and actions.

Another established structured format for dialogue is through the Stabilisation and Association Council meetings. These are led by the HR/VP, from the EU side, and the respective leaders of the third country in question. Their main purpose is to periodically assess bilateral relations, although often focusing on accession progress as well. The meetings yield common statements on economic and political accession criteria and current developments (e.g. COVID-19 assistance). The format has also been effectively used by EU representatives to discuss CFSP matters, urging Serbia at times to align with the EU's objectives, while praising the North Macedonian efforts.

The Stabilisation and Association Council meetings differ from the negotiation format of the Accession conferences with their rather political and not technical approach. With the HR/VP leading the EU side, there is a potential for more effective use of the format towards structured CFSP dialogue.

The EU – Western Balkans Summits, initiated by the Bulgarian Council Presidency in 2018, are now part of the European Council's 2019–2024 Strategic Agenda (European Council, 2019). These are an effective tool of the Council's regional outreach, somewhere where heads of Member States and of the Western Balkan countries can meet in a broader format compared to bilateral meetings. There is an element of peer competition in regional summits that is not present in bilateral meetings, providing for opportunities for high level commitments towards meeting the EU's objectives by Western Balkan countries.

CFSP dialogues are structured into several meeting formats that primarily focus on the region's accession progress. Nevertheless, the dialogues carry out reasonable opportunities for the EU to pursue and achieve in time its CFSP objectives in the Western Balkans.





One CFSP-mandated tool in the Western Balkans is the use of EU Special Representatives (EUSR). Namely, the appointment of EU Special Representatives such as EUSR for Kosovo Tomáš Szuyog and EUSR Miroslav Lajčák, for the Belgrade-Pristina Dialogue and other regional issues. The role of the Representatives is to facilitate a structured dialogue (going away from ad-hoc formats) and to focus on:

Improving good neighbourly relations in the Western Balkans and promoting reconciliation, enhancing the EU's visibility and effectiveness through public diplomacy, as well as contributing to the unity, consistency and effectiveness of the EU's action in the Western Balkans (European External Action Service, 2021).

In other words, the Representatives coordinate with the EEAS in the region and are entrusted with ensuring alignment regarding CFSP and other EU areas (e.g. CSDP). This is especially true (but not exclusively) in Kosovo and Serbia (dual role towards effectiveness and horizontal coherence).

#### **Box 1: CFSP Decision-Making Procedure for Appointing the EUSR for Belgrade-Pristina Dialogue and Other Regional Issues**

*COUNCIL DECISION (CFSP) 2020/489*

Appointing a Special Representative refers to Article 31(2) TEU as a legal basis and since it is a clearly defined case qualified majority voting is used.

Source: Council of the EU (2020b)

Although the idea of a European Political Community (EPC) has been only recently revived by Emmanuel Macron (Macron 2022) and the first meeting took place in October 2022, hosted by the Czech Presidency of the Council of the EU, it has the potential to be a new CFSP political dialogue mechanism. With a loose intergovernmental structure, placing 'like-minded' partners as equals to discuss shared challenges, CFSP objectives have the potential to be incorporated and partners to align to them. However, because of the EU aspirations for the WB6, this format might be counterproductive if the EU shifts focus towards strong alignment within the EPC and may even further slows the accession process (Moyer, 2022).

#### 4.3.2 Coherence-Related Assessment Criteria

**Criterion:** To what extent were CFSP tools, policies and strategies aligned with other EU policies with a direct or indirect impact on the case (have there been established coordination/alignment mechanisms between CFSP and other EU policies (e.g. enlargement, CSDP, internal affairs (migration), trade, etc)?)

CFSP tools, policies and strategies have been to a substantial extent aligned with the EU's CSDP, enlargement and trade policy towards the Western Balkans. Through its mandate (explained above), a CFSP tool that acts as a coordination mechanism between CFSP, CSDP and enlargement (indirectly) is the EUSR. It holds a dual role in contributing to CFSP's



effectiveness in the region and in ensuring horizontal coherence between CFSP policies and other EU policies.

Another instrument that has a horizontal coherence element connecting enlargement, trade and CFSP is the Economic and Investment Plan for the Western Balkans (EIP for Western Balkans):

EU requires a strong commitment from the Western Balkans to implement fundamental reforms, deepen regional economic integration and develop a common regional market on the basis of the EU acquis [...] Boosting investment and economic growth will therefore only be possible if the Western Balkans firmly commit to and implement fundamental reforms in line with European values (European Commission, 2020).

The EIP, while focusing on providing financial assistance and investment options in the Western Balkans, also has the objective to facilitate favourable trade conditions and to prepare the region for the EU's internal market upon accession. The EIP is well aligned with CFSP objectives. It is conditional on implementing reforms in line with European values, and it aims at the same time to soften the economic hardship related to the COVID-19 pandemic as well as the negative effects of the sanctions towards Russia.

**Criterion:** To what extent are the EU and the Member States aligned in their political position towards an issue emanating from a third country?

North Macedonia is well aligned with the CFSP: according to the Commission's 2022 Progress report, the alignment is 100%. However, to openly and successfully negotiate accession chapters, including chapter 31, it was necessary for North Macedonia to first negotiate a long-standing dispute with Greece and secondly another dispute with neighbouring Bulgaria. Thus, a lack of vertical coherence is exhibited in relation to the enlargement policy objective of CFSP alignment. As already well established, Member States' hesitancy towards the accession process can influence, with diametrical variation, the achievement of CFSP objectives for the Western Balkans. In the case of North Macedonia, the stalling of the accession negotiation process start played a motivational role for CFSP alignment. In Serbia, in contrast, MS like France have also slowed down the enlargement process (e.g. demanding new membership criteria mechanism), which has lengthened the process and led to backsliding in CFSP alignment.

Further, the mediation efforts through the EU's Belgrade-Pristina Dialogue are experiencing difficulties, in part due to a lack of vertical coherence related to the recognition of Kosovo (by Serbia and by five MS, namely Cyprus, Greece, Romania, Slovakia and Spain) (Scazzieri, 2021).



### 4.3.3 Sustainability-Related Assessment Criteria

#### Political

**Criterion:** To what extent was there sustained support for the CFSP tools, policies, and strategies among (1) MS national policymakers and parliamentarians; (2) domestic constituencies in MS; and (3) policymakers and the general public in relevant third countries?

While it is hard to distil MS support for the EU's CFSP strategies towards the Western Balkans, some assumptions can be cautiously advanced based on the support for enlargement. There is no unanimous support for enlargement among the MS policymakers and domestic constituencies. Vetoes stalling the accession processes have been exercised in the past few years by France, the Netherlands, Greece, and Bulgaria. A new study conducted after the start of the Russian war in Ukraine revealed that 45% of the Dutch population are in favour of future EU membership of the Western Balkan countries and 34% oppose it, with over 20% unable to decide (Cvijić et al., 2022). This reflects the cautious position of the Dutch government. Similarly, in 2021 more than 60% of the French population deemed the accession of the Western Balkans as a rather bad or very bad idea (Hübner et al., 2021). With variation in support for EU enlargement from policymakers and the MS' populations and the direction of the EU's CFSP in the region (e.g. how to frame and conduct the Belgrade-Pristina dialogue), the political sustainability of a CFSP in the Western Balkans from the angle of the MS' is limited.

When it comes to public opinion on CFSP alignment in Serbia and North Macedonia, citizens express varied levels of support for the respective country's foreign policy course. According to the 2022 International Republican Institute survey, in Serbia only 6% of the population desires an exclusively pro-European and pro-Western foreign policy, and 13% supports both a pro-European policy and good relations with Russia. Another 64% demand as least an equally divided foreign policy from the Serbian government between the EU/West and Russia (International Republican Institute, 2022). The data suggests that the CFSP tools and mechanisms available to the EU might struggle to bring about the alignment of Serbia's foreign policy in the short- to medium-term.

On the other hand, 41% of the citizens of North Macedonia prefer a foreign policy aligned with the EU and the West. However, the population does show tendencies towards Russia, with 13% favouring some relations with Moscow and another 31% seeking at least an equal split in the North Macedonian foreign policy (International Republican Institute, 2022). This data questions the political sustainability of the country's current alignment to CFSP.

The region's policymaking elite, at times, endanger the political sustainability of EU policies, including CFSP. For example, on occasion, Western Balkans leaders have "do(ne) the bare minimum to clear a hurdle or two on the EU's path but take extra care not to undermine their own domestic position while doing so" (Bechev, 2022).



## Economic

**Criterion:** Is the policy/strategy towards third countries financially viable and efficient in the long run?

Economic tools are powerful incentives, particularly when used in conjunction with pre-accession political reforms. In terms of financial support, there are long term funds allocated for pre-accession countries through various programmes. These run similar to standard European structural and investment funds (ESIF) that are available to MS. Pre-accession funds are tied to achieving intended goals and reforms in line with the accession negotiation goals, including alignment with EU policies such as the CFSP policy. The Instrument for Pre-Accession Assistance (IPA) is in its third iteration. The current budgetary allocation for the entire Western Balkan is €14.2 bn. This is up from €11.5bn in 2007–2013 and €12.8bn in 2014–2020 period.

In addition to these pre-accession funds, the EU introduced the Economic and Investment Plan for the Western Balkans in 2020 and will run in line with the programming period. It is foreseen that this plan will contribute €9bn in European funding, up to €20bn in Foreign Direct Investment and an additional €3.3bn in COVID-19 EU support package (Western Balkans Investment Framework, 2021). This new financial tool, while aimed at the Western Balkan region economic post-COVID recovery, reforms and growth, is also an important addition to sustainable EU financial support. It is a type of 'soft diplomacy' tool aiming to counter foreign influence in the region (notably Russian and Chinese) and in this way contributes in a more sustainable way to the achievement of CFSP objectives in the Western Balkans. Here, especially important is the contribution to Serbia, given its reluctance to align and continued close cooperation with China and Russia.

Overall, funds continue to be provided at an increasing rate, while conditions are refined and more stringent. Indirectly, we can assume that these pre-accession funds contribute towards the economic sustainability of CFSP tools and mechanisms applied in the Western Balkans.

## Social

**Criterion:** Were the negative social externalities (e.g. impact on local population, women, minorities...) that EU policies could have in target countries considered and mitigated as far as possible during the policymaking and implementation phase?

A policy is sustainable when its social impact – i.e. impact of the policy on human rights and living conditions – is explicitly considered. As part of the accession process careful consideration exists towards the fundamental values of the EU. The priorities of functioning democratic institutions, reform of and functioning of judiciary and fundamental rights, the fight against corruption, as well as public administration reforms and support for civil society, are firmly embedded in the requirements for EU membership. With the CFSP policy present in Chapter 31 of the *acquis*, EU strategies and tools enacted in the region assumingly carry a social sustainability consideration. The work of the EUSR includes awareness and consideration of the regional sensitivities especially when it comes to ethnic and religious



aspects. The political dialogue towards reconciliation is based on the acute awareness of the social complexities. Therefore, a reasonable level of social sustainability exists on religious and ethnic grounds.



## 5 The EU's 2022 Sanctions Against Russia

### 5.1 A Short Overview

Reflecting on the war in Ukraine, we believe it appropriate to assess the EU sanctions that have been imposed on Russia. Sanctions have been in place since 2014, when Russia annexed the Crimean Peninsula and destabilised Eastern Ukraine. In 2022, responding to a serious breach of international law, the EU adopted an unprecedented set of measures against Russia.

Sanctions have reached an almost unprecedented degree of magnitude and have become one of the major tools through which EU has responded to Russia's war in Ukraine. However, the effectiveness of sanctions is often called into question, partly because there is a general lack of information about the objectives of these measures and the impact they have. This case study clarifies some of these issues and seeks to evaluate EU restrictive measures in the face of the Russian war in Ukraine.

### 5.2 What Is the Problem?

Several challenges lie ahead for the EU in relation to the application of sanctions. Most importantly, a recurring question is whether sanctions actually work. In this case study, we will assess the effectiveness of EU restrictive measures to find out the short-term implications of sanctions and to give an outlook on the future. A second challenge for the EU is to build a broad coalition of like-minded states that are willing to cooperate with the EU on sanctions. That cooperation is a necessary pre-condition in guaranteeing their effectiveness. In fact, whenever the EU imposes sanctions, it rarely does it alone: the EU coordinates its restrictive measures with like-minded states in order to improve their effectiveness. A final question is whether sanctions can be politically sustainable: government preferences may change, and a single Member State can veto, partly or completely, the EU's proposed sanctions regime. Another sustainability-related question arises which relates to public opinion: is there sufficient public support for restrictive measures affecting the European economy?

### 5.3 Assessment Criteria

#### 5.3.1 Effectiveness-Related Assessment Criteria

**Criterion:** Did the EU achieve its objectives with the imposition of EU sanctions?

Sanctions are judged against their performance but there is no universally agreed method for assessing their effectiveness. There is a general trend to assess the effectiveness of sanctions against the intended goals of the measures. Many observers claim that sanctions have been ineffective because they failed to induce meaningful change in Russia's behaviour (Portela & Kluge, 2022, pp. 3–4). However, Western sanctions never intended to force a Russian back down or pull out of Ukraine because it is impossible due to Putin's belief that he is fighting for Russia's survival. Provoking a regime change is not realistic, as the cases of



Cuba, North Korea and Syria have shown. Inducing an economic collapse is also impossible with sanctions as Russia is currently the world's 11<sup>th</sup> largest economy. Instead, Western sanctions have had three objectives: (1) sending clear signals of Western unity; (2) degrading Russia's ability to wage war against Ukraine; and (3) betting that sanctions will slowly restrain the Russian economy and its energy sector (Demarais, 2022).

The EU has managed to coordinate its sanctions in a remarkable way. It not only convinced European states with no EU membership to adopt its sanctions regime, but also coordinated its sanctions with the US, Canada, Japan and other like-minded states. One of the keys for successful sanctions coordination was early preparation: already in November 2021, the EU and its partners were coordinating their measures bilaterally and multilaterally (e.g. in the G7) so that they would be able to immediately adopt them in case of a Russian invasion. Coordination does not mean that there is full harmony between the different jurisdictions; however, the EU managed to coordinate its sanctions regime in an almost unprecedented level, which is already a sign of success in itself (Szép, 2022; Van Elsuwege & Szép, 2022).

#### **Box 2: CFSP Decision-Making Procedure in the EU's Sanctions Against Russia**

The new sanctions against Russia have been decided by unanimity. In most of the cases, the EU was surprisingly fast in adopting different restrictive measures against Russia. This was partly due to the fact that several sanctions have been prepared in the G7 weeks before the war erupted in Ukraine.

However, in some cases, the requirement of unanimity prevented the EU from taking efficient decisions. For instance, Patriarch Kirill was excluded from EU sanctions after Hungary's objection. Also, some Member States and in particular Hungary have opposed oil sanctions against Russia which delayed for weeks the adoption of such EU-wide import ban.

While it is difficult to assess the effects of the sanctions in the short-term, we can already see some developments. Although the initial expectations of an 8,5% to 12% drop in Russian GDP now seem an overestimate, in October 2022 the Russian GDP was 4,4% lower than during the same month in the previous year, and the GDP contraction is expected to be between 5% and 6% in the medium-term (Demarais, 2022). The partial mobilisation of 300.000 troops has further created uncertainties over economic predictions (Demertzis et al., 2022, p. 13). In other cases, the impact of sanctions is more intense. Russia's access to components, materials and machinery was seriously restricted due to the combined effects of coordinated sanctions and the suspension or withdrawal of private companies from Russia. Export controls in particular have had the most significant impacts as they have touched upon machinery and components like chips, software and low-tech goods. All of these had dramatic consequences for Russia's automotive and locomotive industry, its aerospace sector and the production of electrical appliances. In particular, almost all advanced semiconductors for electronic and military gear area made with US know-how that would be needed for Russian advanced missiles. However, the difficulties in imports were somewhat counterbalanced by increased export revenues. Chiefly due to high energy prices, Russia reached an unprecedented level of surplus of \$127



billion between March and July 2022. That surplus was used to stabilise the Russian economy and specifically the rouble, especially after Russia was cut off from its reserves in dollars, euros and yen (Portela & Kluge, 2022, pp. 4–5).

Energy-related sanctions are also important in the new package as they are expected to contribute to a long-term asphyxiation of the Russian economy. Canada, the US and Australia have banned all imports of Russian oil. The impact of these measures, however, has remained limited as these countries imported Russian oil in small quantities relative to total demand (between 1% and 5% of demand). The EU's prohibition on Russian crude oil has been applied since December 5, 2022, and on Russian oil products from February 5, 2023 on (Simola, 2022). This means that 90% of Russia's previous oil exports to the EU will be banned (Demertzis et al., 2022, p. 14). In the medium and longer term, the EU's decision to ban Russian oil will have significant effects on Russia's role as an oil exporter. At the same time, Russia has continued to earn significant oil revenues, especially because India and China have increased their purchases. They receive, however, discounted Russian oil as European demand has disappeared (Brzozowski, 2022; Demertzis et al., 2022).

Another way to undermine Russian oil exports is the introduction of a price cap mechanism agreed at the G7 level. This price cap allows the provision of shipping, financing and insurance services for Russian oil shipments to any country only if the price paid for the oil does not exceed the price cap (Simola, 2022). The objective of such action is to enable Russian oil to continue flowing at lower prices, thus removing windfall profit, but avoiding harsh global economic repercussions (Demertzis et al., 2022, p. 15). On December 3, 2022, EU Member States agreed on a price cap of \$60 per barrel on Russian seaborne oil that is expected to further reduce Russia's oil revenues. If Russia seeks to sell its oil outside of this price cap system, it must find alternative shipping capacity as well as financing and insurance services (Brzozowski, 2022). According to forecasts, in 2023 there will be a contraction in Russian oil production between 5% and 15%. This drop is expected to reduce Russia's GDP by around 2% (Simola, 2022).

Approximately 11 months after the first sanctions were imposed in 2022, one of the general conclusions is that restrictive measures are slow acting tools, but that time works in their favour. Sanctions can still make it more difficult for Russia to continue to wage war. As of December 2022, Russia's revenues have not plummeted as much as it had been intended by coordinated sanctions, thus permitting Moscow to continue to finance its war against Ukraine. However, the impact of these sanctions will be lasting and hard to reverse. In the medium and longer term, the combined effect of sanctions and the voluntary departure of many firms will cause severe damage to the Russian economy. The continued coordination of restrictive measures will contribute to the further isolation of Russia, including possibly the imposition of secondary (US) sanctions on Russian oil or gas (Demertzis et al., 2022, p. 17; Portela & Kluge, 2022, p. 7).



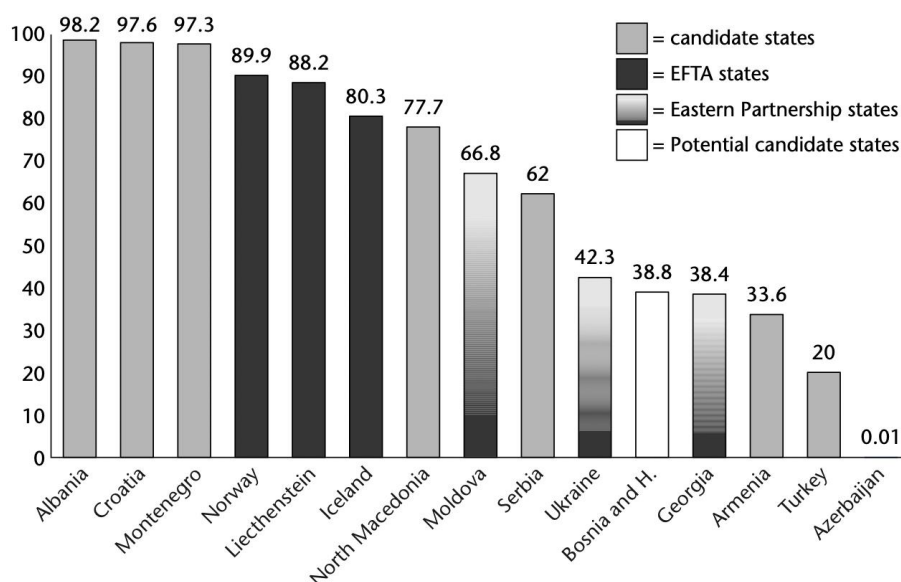


**Criterion:** Has the EU successfully cooperated with non-EU states to increase the effectiveness of sanctions?

Cooperation in sanctions policy is essential to increase the effectiveness of EU restrictive measures. In fact, whenever the EU imposes sanctions, it never does it alone. In Europe, the customary practice is that the HR/VP invites third countries to join the EU's pre-prepared sanctions regime. That also means that third countries cannot influence the content of the measures. They can, however, cooperate with the EU on sanctions issues and can implement restrictive measures in their domestic legal system. The HR/VP's invitation goes out to several states, including to those in the European Free Trade Association (EFTA) (except for Switzerland), to states participating in the EU enlargement process (candidate and potential candidate states) and to states in the Eastern Partnership.

The challenge for the EU is that not every third country would accept the HR/VP's invitation, thus creating an uneven landscape for sanctions coordination. Usually, the general pattern is that EU candidate states implement EU sanctions given their desire to join the EU.<sup>13</sup> EFTA countries implement EU sanctions to a high degree too, partly because of the shared values and similar foreign and security policy challenges. Potential candidates and Eastern partnership states have less than 50% of implementation rate. Switzerland is not in the list because it does not accept the invitation from the HR/VP, but instead emphasises its neutral status in international relations. This does not mean, however, that it never implements EU sanctions, but it does so on a case-by-case basis (Szép & Van Elsuwege, 2020).

**Figure 1: Alignment of Third Countries with EU Sanctions Regimes (May 2010 and April 2019)**



Source: Szép & Van Elsuwege (2020, p. 229)

<sup>13</sup> There are some exceptions. For example, Serbia in general does not implement Russia-related EU sanctions.



For this case study, we have re-examined the alignment rate of third countries with EU sanctions regimes, but we focused on the case of the 2022 sanctions package.<sup>14</sup> Figure 2 shows states that have aligned themselves, at least to some extent, with the EU's 2022 sanctions package. In general, it is worth noting that in the specific case of Russian sanctions, we can observe five countries with a full alignment rate (100%). There are also some interesting similarities and differences compared to the general alignment figure (see Figure 1). EU candidate countries have higher implementation rates, but North Macedonia's alignment rate with CFSP is considerably higher (100%) than its general alignment rate (77,7%). In the case of Bosnia and Herzegovina, now an EU candidate country, the government has implemented all EU sanctions in relation to Russia, which is significantly higher than its general alignment rate (38,8%). Georgia, Moldova and Serbia, however, do not wish to align presently in the specific case of Russian sanctions and they all are at or below 8%. As for other potential partners, Armenia, Azerbaijan and Turkey have no intention to implement the EU's 2022 sanctions package, meaning there is no implementation record to examine. In December 2022, in turn, the Council expressed its regret over Serbia's and Turkey's non-alignment with the EU sanctions against Russia (Council of the EU, 2022d). It is worth noting that despite its neutral position, Switzerland has implemented some of the EU sanctions packages (Reich & Rolaz, 2022; Shields & Koltrowitz, 2022; Swiss Federal Council, 2022; Swissinfo, 2022).<sup>15</sup>

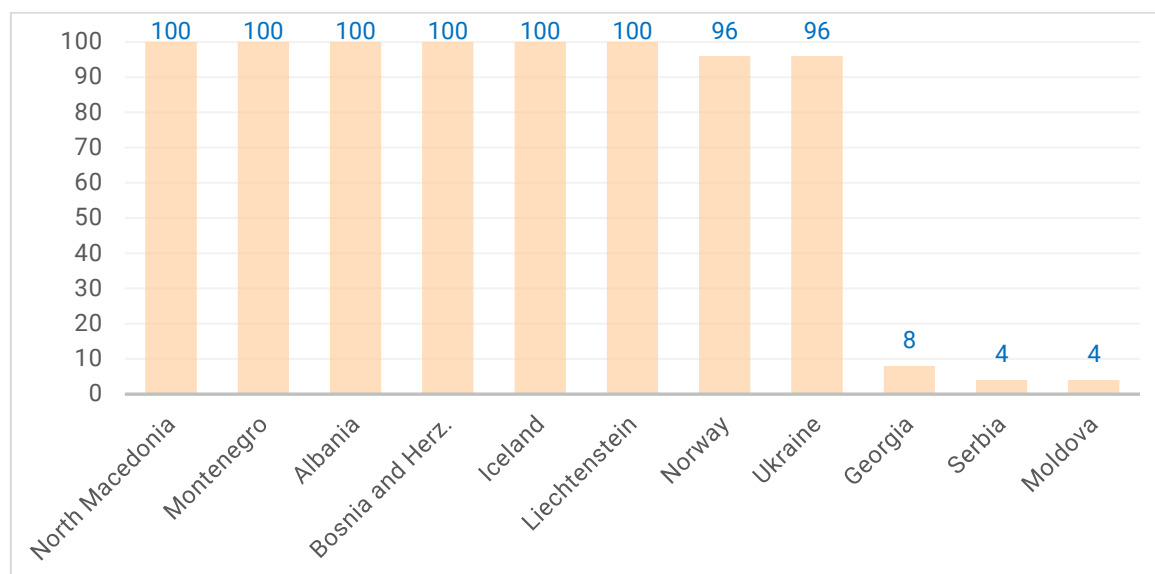
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<sup>14</sup> The method to examine the alignment rate of third countries with the EU's 2022 sanctions package was borrowed from (Szép & Van Elsuwege, 2020). In short, the HR/VP always publishes press releases on which third countries have accepted his/her invitation to align with the EU's sanctions regime. Between February 2022 and October 2022, we found 25 press releases that explicitly dealt with the EU's 2022 sanctions package against Russia. From that point, we simply counted the number of countries listed in each of these invitations and based on that we created columns in Figure 2.

<sup>15</sup> Switzerland is not in the statistics given that it does not accept the EU's invitation to align itself with the EU's sanctions regime. Instead, it emphasises its neutral status and joins EU sanctions regime on a more case-by-case basis.



**Figure 2: Alignment Rate of Third Countries (in %) with the EU's 2022 Sanctions Against Russia Between February 2022 and October 2022**



Source: own elaboration

Altogether, the EU has managed to create a significant degree of cooperation with third-party states, especially if one also looks at the unprecedented level of transatlantic sanctions cooperation. The preparation of coordinated sanctions started already in November 2021 to deter Russia from wrongdoing. Although the deterrence effect of those actions failed (Van Elsuwege & Szép, 2022), coordinated sanctions have had significant effect on Russia, as was discussed in the previous section.

### 5.3.2 Coherence-Related Assessment Criteria

**Criterion:** Have EU Member States developed national foreign policies that go against the commonly agreed EU decision?

As we have already noted in [ENGAGE Working Paper 5](#) (Szép & Wessel, 2021), Member States do have obligations in the CFSP context to respect the Union's decisions. In particular, for instance, Article 28(2) TEU provides that CFSP decisions commit the Member States to the positions they adopt and in the conduct of their activity. The binding nature of CFSP Decisions is also reflected in Article 29 TEU that provides that Member States ensure that their national policies conform to the Union positions (Szép & Wessel, 2021).

In the field of sanctions, Member States may face further restrictions. As a matter of fact, trade is an exclusive EU competence which has clear repercussions on the freedom of the Member States to impose unilateral trade sanctions. The Commission can launch infringement proceedings against a Member State that unilaterally deviates from the common EU sanctions policy (Szép, 2019). Therefore, in many cases, Member States either agree at the EU level on the imposition of sanctions or they are unable to impose economic and financial sanctions. Formally speaking, therefore, Member States have not adopted policies that go against the EU



legal instruments, including sanctions. That would have probably resulted in an infringement proceeding.

Despite legal obligations, the CFSP legal framework still allows a certain flexibility for the Member States to develop alternative political relations with third states, including with Russia or its close ally, Belarus. Currently, there is nothing to prevent EU Member States from holding bilateral meetings with Russia or Belarus. For instance, in 2022 Hungarian Foreign Minister Péter Szijjártó met with his Russian counterpart in New York on the sidelines of the United Nations' General Assembly. This meeting between Hungary and Russia was held despite an EU official noting that Member States had understood that they should not meet with Russian officials (Tidey, 2022). In early 2023, Hungary's foreign minister also paid a visit to Minsk, a close ally of Moscow, to "keep channels of communication open" ("Hungary's foreign minister", 2023).

These events show that although no EU Member State has gone against established EU policies or tools, at least not from a legal point of view, they sometimes develop national positions that may go against the "spirit" of common decisions.

### 5.3.3 Sustainability-Related Assessment Criteria

**Criterion:** Do the restrictive measures deployed in this case continue to enjoy political support?

One way to assess the sustainability of EU sanctions regimes is to see whether they continue to enjoy political support from the Member States. This is key to their sustainability because the establishment and renewal of EU sanctions regimes require unanimous support from Member States. That said, any Member State government may decide to withdraw its support from any EU sanctions regime, thus contributing to the potential collapse of the whole regime. Uncertainties can be particularly acute when in a Member State a new Government is placed in power which is composed of parties critical of some of the sanction's regimes.

Indeed, the so-called "Sanctions Guidelines" adopted by the Council provide that EU sanctions regimes are regularly assessed against their own objectives and may be lifted if certain conditions are met. The document makes it clear that sanctions:

should [...] either have an expiration date or a review clause, as decided by the Council, so as to ensure that the need for renewal of restrictive measures is discussed within an appropriate period of time. The expiration or review date could be decided taking into account relevant facts and considerations (e.g. dates of future elections or peace negotiations which might bring about a change in the political context) [...] restrictive measures should be lifted when their objectives have been met. The time limit therefore would be an occasion to revisit the restrictive measures regime and to assess whether the objectives have been met (Council of the EU, 2018).

EU institutions, therefore, may create political criteria for a more sustainable EU sanctions regime. For instance, in the case of the 2014/15 EU sanctions regime against Russia, former European Council President Donald Tusk proposed to link the lifting of EU sanctions to the full



implementation of the Minsk Agreement. That agreement was seen as a compromise between those who had pushed for a legally binding document to prolong sanctions and those who sought to delay any related decisions. In March 2015, the European Council adopted its own Conclusions in that regard and agreed that “the duration of the restrictive measures against the Russian Federation, adopted on 31 July 2014 and enhanced on 8 September 2014, should be clearly linked to the complete implementation of the Minsk Agreements” (European Council, 2015).

The link between the full implementation of the Minsk agreement and the lifting of EU sanctions has proved to be lasting. The EU has never failed to extend sanctions regarding actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine. Between March 2014 and the beginning of the war in Ukraine, this sanctions regime experienced 40 updates, whereas between February 24, 2022 and July 2022 the same sanctions regime experienced 16 further updates. The number of listed individuals/entities has gone up from 21 individuals in March 2014<sup>16</sup> to 1181 individuals and 102 entities by July 2022.<sup>17,18</sup> So far, the new EU sanctions regime has stuck against Russia and currently there is no evidence that any EU Member State government intends to withdraw their support.

The same is true for the EU’s thematic sanctions regimes which all feature Russian individuals and/or entities, including the EU’s human rights sanctions regime, chemical weapons sanctions regime or cyber-attacks sanctions regime. There has been a willingness to extend those sanctions that are widely agreed upon, like the “framework for restrictive measures against cyber-attacks” beyond the normal expiration period of six months. In this case around May 2022 the Council prolonged the sanctions for three years (Council of the EU, 2022c).

**Criterion:** Is public opinion favourable of EU sanctions?

Public opinion support for certain policies is often a necessary condition for sustainable, long-term policies. This is perhaps even more so the case for measures that seriously affect the European economy and thus their impact is directly felt by many citizens. Failure in this endeavour can push the local and European electorate to incentivise EU policymakers to withdraw certain policy measures. Therefore, it is appropriate to examine whether EU citizens support the 2022 EU sanctions package against Russia.

There are several polls in relation to Europeans’ attitudes towards the war in Ukraine in general and the 2022 sanctions against Russia. In the last couple of months, two Eurobarometer

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<sup>16</sup> Council Decision 2014/145/CFSP of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty, and independence of Ukraine.

<sup>17</sup> Council Decision (CFSP) 2022/1276 of 21 July 2022 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty, and independence of Ukraine.

<sup>18</sup> Consolidated text: Council Decision [2014/145/CFSP](#) of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine.



(2022a; 2022b) surveys have been published on EU27 attitudes and one ECFR survey (Krastev & Leonard, 2022) on selected Member States.

Between April 13 and April 20, 2022, the Eurobarometer conducted interviews with 26066 people in the EU27. Overall, nine in ten respondents felt sympathy towards Ukrainians (54% totally agree and 35% tend to agree). An overwhelming majority of respondents either totally (52%) or tend to agree (26%) that Russia is chiefly responsible for the war in Ukraine. Bulgaria and Cyprus are the only two countries where a relative majority disagree with that statement (Eurobarometer, 2022a).

Public satisfaction with how authorities have reacted to the war is overall positive. Polls show that 54% of the respondents are (very or rather) satisfied with responses of national authorities and 51% is (very or rather) satisfied with the EU's responses. Satisfaction with the reaction of the EU to the war ranges from 29% in Greece, 32% in Bulgaria and 33% in Cyprus, to 63% in Romania, 65% in Finland and 67% in Denmark. About eight in ten respondents agree that the EU has shown solidarity with Ukraine (23% totally agree, 55% tend to agree). More than six in ten agree that the EU has been united in responding to the war (15% totally agree, 47% tend to agree). Almost six in ten respondents agree the EU was fast in responding to the war in Ukraine (13% totally agree, 45% tend to agree) (Eurobarometer, 2022a).

Overall, eight in ten respondents have approved economic sanctions against Russia (55% fully approve, 25% tend to approve). In 21 countries, 70% or more respondents approve of EU economic sanctions. There are two countries where there is not a majority in favour of EU economic sanctions: only 44% Bulgarian respondents support these measures whereas 48% in Cyprus share similar views. At the other end of the country ranking, 91–93% approve economic sanctions in Finland, Poland and Portugal. Overall, there is strong support for sanctions against oligarchs (55% fully approve, 24% tend to approve). Two-thirds also approve banning state-owned Russia media from broadcasting in the EU (41% fully approve, 25% tend to approve).

Another Eurobarometer survey published in September 2022 confirmed the previous trend and recorded only minor changes in attitudes. In 23 countries, a majority are satisfied with the EU's response to Russia's invasion of Ukraine. The survey also revealed that 57% of the EU respondents are overall satisfied with the EU's responses to the Russian invasion (11% totally agree; 46% tend to agree). The survey contained questions about the specific actions that were taken at EU level. Up to 78% of Europeans support economic sanctions imposed by the EU (47% totally agree; 31% tend to agree). A similar proportion could be observed in relation to banning state-owned media such as Sputnik and Russia Today, where 40% totally agreed with this measure, while a further 30% tended to agree (Eurobarometer, 2022b).

In mid-2022, the European Council on Foreign Relations (ECFR) conducted a pan-European opinion poll in ten countries<sup>19</sup> with over 8.000 people to find out what Europeans think about

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<sup>19</sup> Poland and Romania (traditionally Russia-sceptic, central European states); France, Germany, and Italy (large Western states with a "Russia understanders" attitude); Portugal and Spain (southern states



the EU's responses against the war in Ukraine. In general, Europeans see Russia as mainly responsible for the war in Ukraine (73%) but there is a great variation between the countries. While in Finland, 90% of the population sees Russia as the main cause of the war, only 56% of Italians share the same view. Europeans are also divided whether the most important goal is to end the war as soon as possible – even if this entails concessions by Ukraine – or whether the most important goal is to punish Russia for its actions – even if that option leads to a protracted conflict. While 52% of Italians and 49% of Germans are in the “Peace camp”, other countries have more adverse attitudes towards Russia, including Poland where only 16% percent of the population belongs to the “Peace camp”. Similarly, a low proportion of the population belongs to the “Peace camp” in Great Britain (22%) and Finland (26%). These countries belong to the “Justice camp” that sees Russia's punishment as the primary objective (Krastev & Leonard, 2022).

The Peace and Justice camps are divided on the issue of supporting further sanctions or other types of restrictions. Within the Peace camp, 59% still supports the increasing economic and diplomatic sanctions against Russia, while 27% opposes it. However, the Justice camp is much more willing to impose additional economic and diplomatic sanctions (88%) and only a minor part (7%) sees those restrictive measures in a negative way. Overall, there is a strong support across all countries for severing all economic ties with Russia (62%). There is also a majority (52%) across all countries that support severing cultural ties with Russia and an almost-majority for restricting diplomatic ties (49%) (Krastev & Leonard, 2022).

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who were previously less involved in the EU's Russia policy); Finland and Sweden (northern states applying for NATO membership); and Great Britain.

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## 6 The EU in International Organisations<sup>20</sup>

### 6.1 A Short Overview

Over the years, the EU's relationship with other international organisations (IOs) and institutions has further developed, mainly due to the increasingly active role of the EU as a global actor (Czuczai & Naert, 2017; Vooren et al., 2013). Not only has the EU sought to become more visible and active in these organisations, but the normative output of these bodies also has had an important effect on the development of EU law (Wessel & Blockmans, 2013). The EU's participation in IOs like the World Trade Organization (WTO), the Food and Agricultural Organization (FAO) or the United Nations (UN) was a logical consequence of the transfer of competences from the Member States to the EU over the past decades and the further development of its external relations and foreign policy. Yet for legal or political reasons not all IOs accept the EU as a full member, which leads to a plethora of different arrangements, ranging from full membership of the EU to having to rely on its Member States to be represented (Costa & Jørgensen, 2012; Jørgensen & Laatikainen, 2013; Wessel & Odermatt, 2019).<sup>21</sup>

In addition to the aforementioned legal rationale – the fact that the transfer of competences from the Member States to the Union resulted in a need for the latter to become more active at the global level – what also plays a crucial role is the acknowledgement that if the EU is to be an effective global actor and to influence developments at the international level, then it should more closely engage with other international bodies. If, early on, IOs were seen as important fora for the EU's 'common voice,' the EU now takes the role of an active supporter of multilateralism. It has an impact on other organisations (Ojanen, 2018) and has set the goal of contributing to their reform (European Commission, 2021).

The present section examines two case studies to investigate legal and political obstacles and opportunities surrounding the effectiveness, coherence, and sustainability of the EU's action in IOs. The first is a study of the UN Security Council (UNSC); the second of the UN Human Rights Council. These institutions allow us to focus on two policy areas that are central to the EU's foreign policy performance: security and human rights. As indicated in [ENGAGE Working Paper 6](#) (Szép & Wessel, 2022), these areas are central to many of the EU's CFSP decisions.

### 6.2 What Is the Problem?

As noted, the EU's participation in international institutions can be considered a logical consequence of the division of competences between the EU and its Member States. It is also

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<sup>20</sup> For this case study, the introduction of a sustainability-related qualifier would have been artificial and, therefore, we decided not to expand on it. Only effectiveness and coherence are examined in the case of the EU's role in international organisations.

<sup>21</sup> This section is largely based on (Wessel & Odermatt, 2019).





a consequence of the Union's autonomous international legal standing. Moreover, especially since the Lisbon Treaty, becoming a more visible and effective global actor and having closer relations with international institutions has been a key objective of the Union. Articles 3 (5) and 21 TEU lay down the overall external objectives of the Union and the latter even expressly refers to the EU's relations with other organisations, mentioning the UN specifically.

Article 216 (1) TFEU provides for international agreements to be concluded "with one or more third countries or international organizations" and Article 217 TFEU allows the EU to conclude association agreements with both states and IOs. The procedures to conclude these international agreements are to be found in Arts. 218 and 219 (3) TFEU. So-called 'constitutive agreements' by which IOs are created, or accession agreements to acquire membership of an IO, are not excluded, which for instance allowed the EU to be of the creators of the WTO. The provisions dealing with the EU's engagement with IOs are, however, scattered all over the Treaties and do not provide a coherent picture (Odermatt & Wessel, 2022). A somewhat more general provision, and the first one in a specific Treaty Title on 'The Union's Relations with International Organisations and Third Countries and Union Delegations' is Article 220 (1) TFEU:

The Union shall establish all appropriate forms of cooperation with the organs of the United Nations and its specialised agencies, the Council of Europe, the Organisation for Security and Cooperation in Europe and the Organisation for Economic Cooperation and Development. The Union shall also maintain such relations as are appropriate with other international organisations.

Despite this clear brief for the Union to be actively engaged in other international institutions, practice has revealed several challenges. First, the role of the EU depends on the rules of the respective IOs. While full membership may allow the Union to fully participate in decision-making, a mere observer status is often less effective and forces the EU to turn to softer methods of influence. Secondly, the division of competences with its Member States may not allow the Union to be active in all areas. And, thirdly, where it can be active as a separate actor, it often still needs the Member States as agents, simply because many IOs only accept states as full members.

For the present case study, it is important to note that the positions the EU takes in IOs are to be formulated based on internal decision-making procedures. While the 'nature' of the competence (EU exclusive or shared with the Member States) may be decisive for the extent to which the Member States as such have to be involved, in the end it is the Council, or the meeting of the EU and its Member States at the IOs, that need to formulate a Union position. That may be a joint statement by the Union and its Members, or – in case of a lack of a Union standing – a statement on behalf of the Union by one or more Member States.

Decision-making rules on the formulation of Union positions in IOs are unclear. Art. 31(1) TEU tells us that "Decisions under this Chapter shall be taken by the European Council and the Council acting unanimously [...]". 'This Chapter' is the CFSP Chapter and Art. 31 merely refers to 'the European Council and the Council' and not to the meetings of the EU and Member States at IOs. For that situation, one looks to Art. 34. This provides that "Member States shall



coordinate their action in IOs and at international conferences". It is thus unclear whether the unanimity requirement also formally applies for the coordination efforts to reach a common position in IOs. While there is a clear Brussels-based preparation in the Council's working groups, this is combined with the coordination efforts by the permanent representations of the EU and its Member States at the actual IO.

For instance, since the entry into force of the Treaty of Lisbon, the EU Delegation at the UN has organised and chaired more than 1,300 internal coordination meetings at all levels each year (Paasivirta & Ramopoulos, 2019; Wessel & Odermatt, 2019, pp. 58–81). Despite the unclear decision-making procedures that would formally apply to positions adopted outside Brussels, practice reveals that Union positions are formulated through consensus and can be blocked by individual Member States. Not limiting it to positions in IOs, we have seen that, in general in relation to CFSP positions, since mid-2016, 30 individual vetoes, threats of veto or delays could be observed. From these 30 cases, 60 percent are related to Hungary (18 cases), while the rest can be linked to eight other Member States (Greece (4), Cyprus (2) and Austria, Czech Republic, Italy, France, Malta, and Romania (1 each)). From the 30 cases, 21 were actual vetoes, 3 threats of veto and 5 delays. The cases concerned altogether nine geographical locations or thematic areas: China (6), Russia (5), Venezuela, Belarus, and Israel/Palestine (3 each), Libya (2), US, Turkey, and the Arab League (1 each). Most of these cases can be related to CFSP statements/declarations/joint letter (14), whereas some others relate to sanctions (8) or CSDP missions (2) (Wessel & Szép, 2022).

In the specific setting of the United Nations, it is important to note that Article 220(1) TFEU requires the Union to "establish all appropriate forms of cooperation with the organs of the United Nations and its specialised agencies" among other IOs (Paasivirta & Ramopoulos, 2019; Wessel & Odermatt, 2019). In the UN General Assembly, the position of the EU has been further enhanced on the basis of Resolution 65/276 on the participation of the EU in the work of the UN which was finally adopted on May 3, 2011. Thus, the Union obtained enhanced observer status "in the General Assembly and its committees and working groups, in international meetings and conferences convened under the auspices of the Assembly and in United Nations conferences" (hence, not in other UN institutions and bodies). Rights include above all the right to speak early in the debate among representatives of the major groups and to be invited to the general debate of the UNGA.

These rights do not exist in the context of the UNSC. The fact that only a few EU Member States are members of the UNSC has resulted in the Treaty requirement that EU Member States that are members of the UNSC have a dual obligation: to 'concert' among themselves and to 'inform' the High Representative and the other EU Member States (Art. 34(2) TEU). In addition, these Member States must "defend the positions and the interests of the Union" within the UNSC; something that is strongly linked to the general loyalty obligation regarding CFSP (Art. 24(3) TEU). While coordination efforts are extensive and useful, it has also been noted that "all these internal exercises prove so time consuming that they end up being counterproductive, in that they do not allow for sufficient time and energy to conduct the all-important outreach exercises in the context of the UN" (Paasivirta & Ramopoulos, 2019). Apart



from being time-consuming, this complex coordinating machinery may also lead to watered-down Union statements or positions – thereby affecting the influence of the EU on UNSC decisions.

As to the position of the EU in the UN Human Rights Council (HRC), it is important to be reminded of the fact that the HRC was established by the UN General Assembly in 2006 as its subsidiary body, replacing the earlier Human Rights Commission. It consists of 47 members, elected by the General Assembly for a three-year period. 7 to 9 seats are in the hands of EU Member States through the regional groups system that is also used in the General Assembly. The EU is not a member but does enjoy observer status. EU positions are usually prepared in the framework of the Council Working Group on Human Rights (COHOM). While the EU has overall managed to maintain a rather consistent line in human rights policy (Paasivirta & Ramopoulos, 2019), divergencies may emerge, which may block the EU's efficiency because of the existence of the unanimity rule regarding the adoption of EU statements. Thus, for instance, in 2017 (HRC35) it was reported that the EU was not able to reach agreement on a statement concerning the human rights situation in China because Greece blocked the Union statement criticising China's human rights record. And, more recently, in September 2022, Hungary threatened to block the EU's request in the UN Human Rights Council to appoint a newly created independent expert on alleged human rights abuses in Russia (Wessel & Szép, 2022).

Because of the observer status of the EU, it often must rely on its Member States to act on behalf of the Union. In general debates, EU statements are delivered by the EU Presidency. While the EU Presidency may not be a member of the HRC at that moment, it may still speak on behalf of the Union. It has been argued that, overall, the system seems to work well and that the Union does indeed have a chance to make its voice heard (Tuominen, 2022).

## 6.3 Assessment Criteria

### 6.3.1 Effectiveness-Related Assessment Criteria

**Criterion:** Did the EU achieve its objectives in the UNSC? <sup>22</sup>

The EU's effectiveness is examined here as the ability of the Union to achieve its goals. It is important to see that effectiveness is linked to coherence, but this case shows that coherence may not be enough for the EU to be effective. When effectiveness is measured as goal fulfilment, it might be reasonable to look at whether the goals stated in EU's strategy on multilateralism have been fulfilled in the Security Council. According to Bouchard and Drieskens (2013), the EU Member States have sponsored many UNSC draft resolutions and have effectively supported multilateral UN-centred efforts in concordance with the strategic objectives of the European Security Strategy (2003), regardless of the competing national

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<sup>22</sup> Coherence and effectiveness are often examined together and as two inter-linked features, or two sides of the same coin.



interests of the states. Some scholars, on the other hand, have pointed out that the EU seems to struggle to set the rules of the game. Even though in their rhetoric the EU emphasises the importance of the UN in fostering international order and human rights, the UN has been increasingly shaped by China, Russia, and their allies (Gowan & Brantner 2008; Bouchard & Drieskens, 2013; Blavoukos & Bourantonis, 2011). More recent literature suggests a more optimistic view. Coordination and information sharing between EU Member States have improved in the UNSC. This is symbolised in the joint actions and statements by EU members of the UNSC, and the highlighting of the European dimension in the 'split term' (2017–2018) between Italy and the Netherlands (Monteleone, 2019). This seems like a rather coherent action and does demonstrate that the EU can act as one. In addition, the EU engages in actions that go beyond the achievement of its self-interest and is also value-driven (Schwarzkopf, 2022). This result is promising. The EU defines effective multilateralism as something that can serve both its interests and values. However, as the EU's strategy includes the reform of the Security Council, the current inability to form a common approach towards the issue seems worrying. This is a question where coherence is especially tested, as France's clearly privileged position makes it difficult for the Member States to act as one. Finally, the most difficult goal to be fulfilled seems to be the one of coalition-building. To be effective actor, the EU needs to find its way to win the support of above-mentioned important non-EU countries, as well as counter Russia and China in the Security Council.

The EU finds itself in a frustrated position in the Security Council. Use of the veto privilege by China and Russia has proven an effective obstacle to the advancement of EU aims in the UNSC. Neither one uses their veto frequently, but the threat tends to be enough to make the EU retreat or compromise. The EU has thus been forced to water down and abandon resolutions. The core problem has been the EU's inability to create a coalition of like-minded states in the Security Council because of the lack of support. It needs a strategy to win back the support of African and Latin American countries, as well as the support of moderate members of the Islamic bloc (Gowan & Brantner, 2008). In future research, it would be crucial to identify how the EU can counter the difficult position towards above-mentioned non-EU countries that are not keen to cooperate with the EU. Two major changes may affect the EU's effectiveness in the UNSC in a particular way. First, since Brexit, France is the only EU Member State with permanent membership in the UNSC. This means that the EU has lost influence in the UNSC as those permanent seats hold significant diplomatic power (Hosli, 2022). Second, talks about a shift to QMV in CFSP areas would shift the dynamic too. While the issue is currently on the EU's agenda, it will most probably not apply to a wide range of CFSP topics if adopted. Yet, 'human rights' is often mentioned as an area that would be fit to be discussed on by QMV (Wessel & Szép, 2022).

**Criterion:** Has the EU achieved its objectives in the UNHRC?

The EU's effectiveness in the UNHRC remains conditioned by the challenging political context of the Council (Tuominen, 2022). There has traditionally been a clear rich North vs. poor South polarisation in the HRC (Smith, 2010). When the Council votes, the EU tends to find itself in opposition to the developing world and its authoritarian socialist allies – Russia, China, Cuba,



Venezuela. The developing countries outnumber the Western states, and the EU has around 20 per cent of the total 47 votes (Tuominen, 2022). The cooperation with the non-EU states in the HRC has not been without friction. The EU has faced accusations of double standards by the non-EU states (Boyashov, 2019). Already in 2010, Smith (2010) brought up the dissatisfaction of certain Muslim states as they have been criticising European states for 'Islamophobia' and the restriction of civil liberties in the name of the fight against terrorism. Furthermore, literature from 2008 illustrates that the Latin American countries have been opposed the EU's migration policy, and the EU has had a rather confrontational relationship with the Organisation of Islamic Cooperation, which holds twice as many seats in the Council (Gowan & Brantner, 2008).

This has led the EU to adopt a strategy that avoids opposition or possible defeat by not putting forward country resolutions. Consequently, the EU's ambitions on human rights have been lowered to try to achieve compromises on resolutions and ensure consensus in the HRC (Smith, 2010). However, more recent literature suggests that the EU could be considered an effective actor in the HRC. Tuominen (2022) assesses the EU's effectiveness in the HRC by using data collected from the official records of the HRC, as well as expert interviews collected from over 75 HRC participants. The data demonstrates that the EU has been quite effective in the HRC lately. The EU and its Member States have been the most active initiators of country-specific actions (Israeli violations excluded) and the EU has promoted country-specific resolutions through cross-regional groups and in cooperation with others. In addition, the EU has vigorously expressed its concern about the deteriorating human rights situation in countries such as Russia, China, Egypt, Turkey and Saudi Arabia. The EU's contribution to the creation of a special rapporteur on human rights and climate change can be seen as a success, too. Lastly, according to available data, the EU voices its opinion on almost every issue by delivering around 100 statements or interventions each year (Hosli, 2022; Tuominen, 2022).

To sum up, recent research shows that the EU does act in an effective way in the HRC. However, the EU seems to face the same old issue of not being able to build coalitions that would help it to achieve its goals in the Council. Even in 2022, the main challenge remains to be EU's ability to take decisive action despite opposition (Tuominen, 2022). The EU and its Member States have been relatively successful at introducing initiatives, but these are often contested. The latest example was when a resolution sponsored by many European states on a Yemen war crimes inquiry was rejected in October 2021. Those states opposing the resolution included Russia, China, Pakistan, Cuba, Venezuela and Bahrain (Tuominen, 2022). Hannay (2012) has suggested that to shape the EU's interests effectively will require less focus on internal EU deliberations and more on listening to and influencing those non-European states who will inevitably play a larger role at the UN than they have done in the past. This seems to be an accurate evaluation, as it looks like the EU's internal coherence is already quite good, but at the same time in both councils the opposition of non-EU actors weakens the EU's ability to act. However, achieving effectiveness will be even more difficult for the EU in the future if the atmosphere at the HRC continues to be as polarised as it is. For effectiveness in the HRC, it is crucial for the EU to understand how to win over the majority of the members of



the Human Rights Council. EU effectiveness is highly dependent on other actors, and it must be able to adapt to the changing multilateral context.

### 6.3.2 Coherence-Related Assessment Criteria

**Criterion:** To what extent do EU Member States coordinate their actions and/or adopt the same position on the issue at hand in the UNSC?

Despite the difficult decision-making procedures at various levels, the Treaty is quite clear on the need for coherence or consistency. Thus, as we have seen, Member States and the Union have clear obligations to work together, even in the UN. Pragmatic solutions are sometimes found by allowing a Member State to speak on behalf of the Union or to adopt statements on behalf of a group of Member States, rather than on behalf of 'the Union'. Yet, these pragmatic tricks reveal the underlying problem that is also clearly visible to the addressees of the statements: obviously, the Union is not able to agree. This obviously does not strengthen the effectiveness of the statement.

Measuring European coherence (and influence) in the Security Council is in many ways harder than in other UN forums. The primary actors in the Security Council are EU Member States. Hence, the EU needs to rely on the Member States to get its message through. Coherence is not a simple issue of EU Member States taking the same position. Voting analysis is not appropriate for measuring the EU's performance in the UNSC because divisive issues are rarely voted on owing to its restricted membership, and because the UNSC mainly operates by consensus (Bouchard & Drieskens, 2013; Blavoukos & Bourantonis, 2011). The main challenge is not to win a majority of members (as in the HRC), but to overcome the threat of vetoes by major powers (Gowan & Brantner, 2008). Overall, research on the EU at the UNSC remains thin when compared to UNGA. However, it seems like some EU Member States prefer to utilise the UNSC for their own national interests (Blavoukos & Bourantonis, 2011; Bouchard & Drieskens, 2013; Rasch, 2009).

A telling example of coherence, or lack of it, related to a very fundamental question concerning the UNSC, is the EU's struggle to take a common approach to the UN reform process. France opposes any reform that challenges its privileged position as permanent member (Blavoukos & Bourantonis, 2013; Hosli, 2022). The Member States within the EU argue that just one Member State holding a permanent seat no longer reflects global geopolitical reality. In 2018, Germany suggested transforming the French permanent seat on the UNSC into a shared EU permanent seat, but the proposal was not supported by France. Nonetheless, Hosli sees that a long-term ambition is that the EU will obtain a collective permanent seat in the UNSC (Hosli, 2022).

**Criterion:** To what extent do EU Member States coordinate their actions and/or adopt the same position on the issue at hand in the UNHRC?

Before the entry into force of the Lisbon Treaty, the observer status of the EU meant that the European Council rotating presidency spoke on behalf of the EU in the UNHRC. This has led to



challenges in consensus building among EU Member States, making the EU a rather slow and inflexible actor in the UNHRC (Hosli, 2022; Ojanen, 2011).

Article 34 TEU now provides that Member States coordinate their action in IOs and at international conferences. They are under legal obligation to uphold the Union's positions in such forums. The HR/VP is given a key role as (s)he shall organise this coordination. Where not all the Member States participate, those which do take part shall uphold the Union's positions. Moreover, in these situations, participating Member States shall keep the other Member States and the High Representative informed of any matter of common interest.

Overall, recent studies would point to a clear coherence in that the EU Member States cooperate closely and promote a unified message at the HRC. An example of this coherence was that all EU Member States supported the suspension of Russia's membership in the HRC in April 2022 (Hosli, 2022; Tuominen, 2022).



## 7 EU Intelligence

This section is a somewhat delicate part of this working paper. For obvious reasons, access to information in the field of intelligence is severely restricted. We have already indicated this challenge in [ENGAGE Working Paper 10](#) (Szép et. al., 2022) and have underlined that the study of EU intelligence cooperation requires creative methods for assessment purposes. One method we have found to be effective is conducting interviews with security and intelligence experts. The additional information received through interviews conducted in a previous ENGAGE paper (D5.2) will be used to assess this case study. We will also use some additional data to further assess the effectiveness, the coherence and sustainability of EU intelligence cooperation. However, we once again wish to underline that compared to other cases studies, this section is somewhat limited in scope because of the very sensitive nature of EU intelligence cooperation. At the same time, we also wish to emphasise that a limited assessment of this area is possible.

### 7.1 A Short Overview

Over the last few decades, the EU has developed a number of capabilities to collect and analyse classified information, including the potential to gather imagery and geospatial intelligence (SATCEN), information on international crime (Europol, Frontex), cyberthreats (CERT-EU, ENISA), open source and social media analysis (EU Joint Research Centre and EU Intelligence Analysis Centre, INTCEN) or information on third states' activities (around 140 Delegations). INTCEN and EU Military Staff (EUMS) INT also support EU foreign, security and defence policymaking through the deliverables from Member States, or the provision of intelligence information, which is given on a voluntary basis (for full institutional review, see Szép et al., 2022, p. 4). One could argue that having all these bodies is already a success for the EU because it was not meant to become an intelligence sharing community.

There are areas where, partly due to common interests, Member States have shared quite a bit of information with each other through the EU. For instance, sharing classified data in counterterrorism, counterproliferation, cybersecurity, control of common borders, post conflict stabilisation or support for EU crisis management missions has been quite common. However, in areas where the interests of the Member States have diverged, such as relations with China or Russia, Member States have remained reluctant to share a significant amount of information through the EU. New external challenges, such as the war in Ukraine, may well change that status quo given the recognition that an EU policy on Russia requires a mutual understanding of the risks and threats it poses on the European continent, but Member States retain broad discretion regarding sharing information on Russia.

### 7.2 What Is the Problem?

No effective foreign and security policy can exist without equally effective intelligence sharing. Access to information is imperative in anticipating security threats and in making the right





foreign policy decisions. On one hand, there is recognition within the EU that intelligence cooperation must be enhanced to improve the CFSP/CSDP response of the union. On the other hand, Member States have been reluctant to act on this recognition and share the amount of information needed to create effective response framework. The EU itself, aside from geospatial data obtained through SATCEN, does not have a broad active intelligence capability. Instead, as noted above, the EU relies on Member States to furnish it with their gathered intelligence. This, in light of the new security challenges that the Union faces, is insufficient. However, one can argue that there has been some success already through the existence of SIAC, which comprises the INTCEN and EUMS INT, on the grounds that the Union was never meant to become an intelligence sharing community.

Several challenges lie ahead of the EU in terms of intelligence cooperation. First, given that Member States dominate this field, the question of political support for an increase in coordination arises. The second closely connected question is whether there are institutions or processes in place that increase the shared understanding of security threats and trust among the Member States. Third, it is also important that the EU does not create an artificial barrier between the internal and external side of security threats and develop a horizontal view on all these challenges. Fourth, concerning the financial aspect of such cooperation, it is worth examining the potential economies of scale for Member States should the collection of intelligence be centralised/shared. These are vital pre-conditions for an effective multilateral intelligence sharing environment.

## 7.3 Assessment Criteria

### 7.3.1 Effectiveness-Related Assessment Criteria

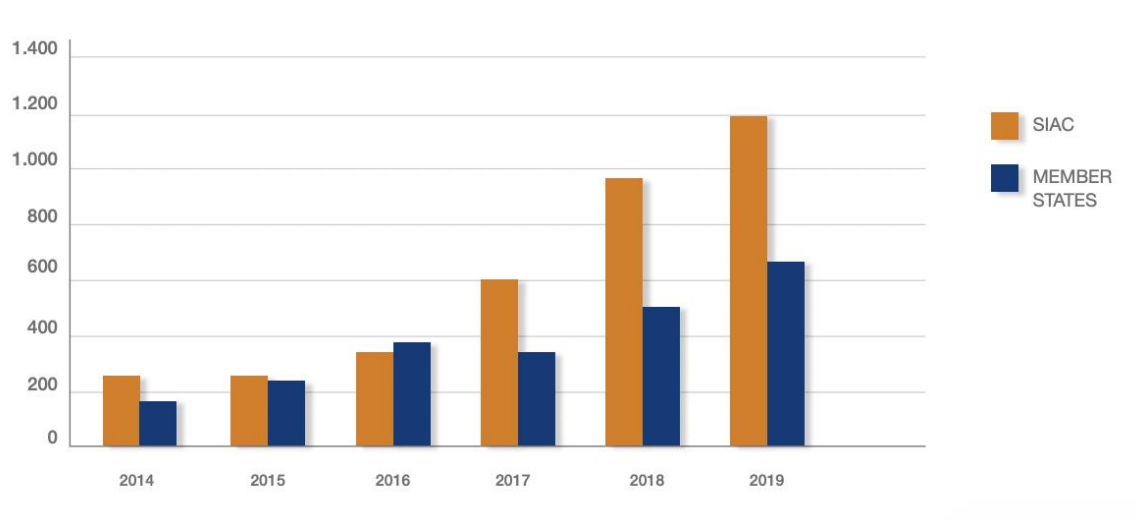
As we indicated earlier, a somewhat differentiated set of assessment criteria needed to be developed regarding EU intelligence given the scarcity of information. An academic or policy analyst will not be provided with all the information that is necessary to examine the “output effectiveness” of EU intelligence cooperation. It is almost impossible to examine the information that the EU has at its disposal and the way it uses this for foreign and security policy purposes. However, despite the sensitive nature of EU intelligence, it is not impossible to examine it. This section presents a set of criteria that allow us to evaluate the demand and support for intelligence cooperation in the EU.

**Criterion:** Is there continued demand for EU intelligence products?

In principle, information on the amount of information provided by intelligence bodies to relevant stakeholders (e.g. SIAC, Member States, etc.) is limited. During interviews in the first half of 2022, several of our interviewees declined to provide information regarding the number of yearly products of SIAC. However, SATCEN regularly publishes the amount of information it forwards to its stakeholders. For instance, Figure 3 shows that SATCEN’s products have been increasingly used between 2014 and 2019. As can be seen, the two most important customers were the SIAC (consisting of the EUMS INT and INTCEN) and the Member States:



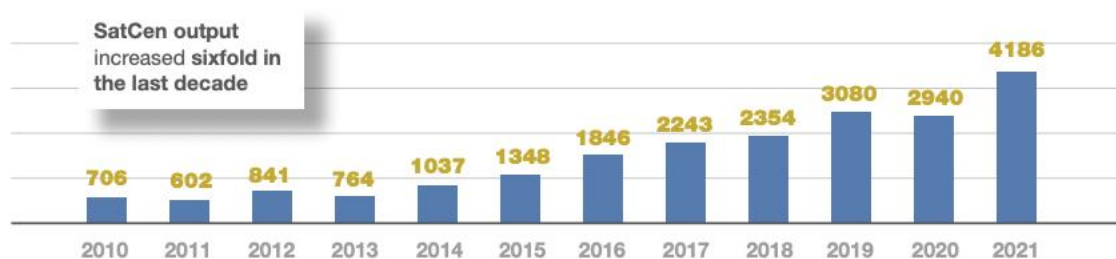
**Figure 3: Demand for SATCEN's Products**



Source: SatCen (2019, p. 22)

The trend towards more geospatial intelligence was also confirmed by SATCEN Director Sorin Ducaru: “[d]emand for support has actually multiplied over the past years, and we estimate that this trend will further increase in the near future [...] The [EU] is increasingly taking over more responsibility for its own security and in the field of defence” (SatCen, 2022c, p. 43). Main stakeholders include primarily the SIAC, but data is also transferred to EU missions and operations, Member States and cooperating entities like those under Copernicus SEA (SatCen, 2022c, p. 40). In fact, SatCen output increased sixfold in the last decade, as Figure 4 shows below. Whereas in 2010 SATCEN provided 706 outputs, in 2021 it produced 4186 outputs (in 2020 this stood at 2940 products).

**Figure 4: Annual Nominal Output of Geospatial Intelligence Products (2010–2021)**

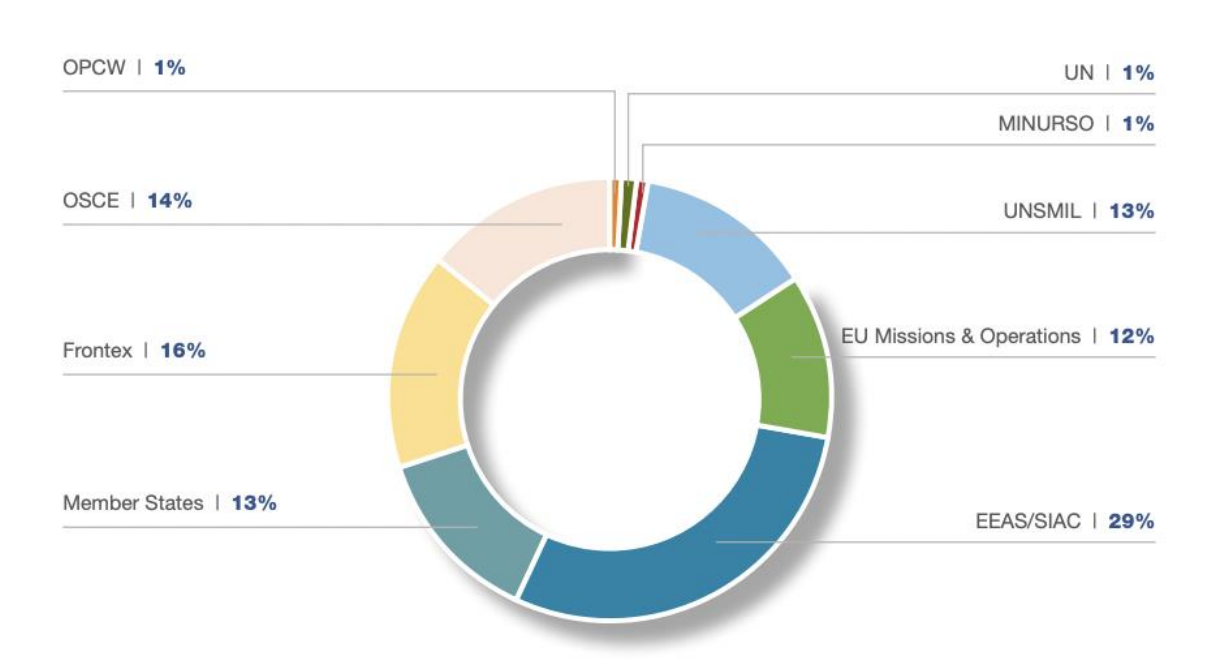


Source: SatCen (2021, p. 30)

As can be seen from Figure 5, the main users of the products include the EEAS/SIAC, EU missions and operations (in particular Operation EUNAVFOR MED IRINI), Frontex, the OSCE and the EU Member States.



**Figure 5: 2021 SATCEN's Normalised Production Share**



Source: SatGen (2021, p. 32)

**Criterion:** Is there continued support to further develop the EU's security and intelligence cooperation?

The success of cooperation can also be measured by evaluating somewhat of a pre-condition, namely whether over the last years there has been a continued support to improve security and intelligence cooperation within the EU. That support could be political (e.g. a statement from representatives of the Member States) or take the form of financial contributions (e.g. additional financial assistance to certain parts of EU intelligence structures).

Generally, the strengthening of EU intelligence structures enjoys support at the highest political level. For instance, Ursula von der Leyen in her 2021 State of the Union speech said that “[w]e fall short if Member States active in the same region, do not share their information on the European level. It is vital that we improve intelligence cooperation.” The President of the Commission also advocated to establish a Joint Situational Awareness Centre to fuse all the different pieces of information (von der Leyen, 2021). In the European Parliament, Nacho Sánchez Amor is the most active MEP fostering the idea of a strengthened EU intelligence structure. MEP Sánchez Amor used his role, among others, to send questions to the HR/VP concerning a new Joint Situational Awareness Centre. HR/VP Josep Borrell, in his reply, said in early 2022 that the establishment of a new centre was under discussion, while emphasising that intelligence is a Member State competence. Further, any discussions on a Joint Situational Awareness Centre are ongoing in the context of the Strategic Compass objective (Borrell, 2022; Sánchez Amor, 2021).



While a high level of confidentiality surrounds the further strengthening of SIAC and its related bodies, there have been active discussions on SATCEN. Indeed, in the case of SATCEN's functioning and potential expansion, especially after Russia's invasion of Ukraine there has been additional support from EU institutions and Member States. For instance, after the acts of sabotage against both Nord Stream pipelines in 2022, Commission President Ursula von der Leyen announced, among others, that the Commission "will make best use of our satellite surveillance capacity to detect potential threats" (von der Leyen, 2022).

Strong pieces of evidence point towards a clear endorsement from the Member States – both collectively and individually. Collectively, in March 2022 EU Member States adopted the Strategic Compass which is an ambitious plan of action for strengthening the EU's security and defence policy. In the Strategic Compass, there are explicit references to the SIAC and specifically to SATCEN: "[b]y 2025, we will also strengthen the [SATCEN] to boost our autonomous geo-spatial intelligence capacity" (Council of the EU, 2022a, p. 39). We have also witnessed individual Member State endorsements in relation to the importance of SATCEN. For instance, during the 30<sup>th</sup> anniversary of SATCEN, Spain Minister of Defence Margarita Robles said the Centre "provid[es] information that greatly helps in the decision-making process of the [EU] and the Member States in the fields of [CFSP]" (SatCen, 2022b). High level endorsements also came, for example, from French Space Commander Philippe Adam who said "SATCEN will remain a key asset for protecting EU interests, security, and citizens. Alongside European countries, France has always been a strong partner and supplier of SATCEN. We will stand with you in the coming years!" (SatCen, 2022d). Italian Brigadier General Danilo Morando similarly argued that SATCEN plays a critical and fundamental role in the decision-making process under CFSP/CSDP of the [EU]" (SatCen, 2022a).

In 2021, the budget of the SATCEN was approximately €30 million per year, half of which was direct Member State contributions, while the other half was coming from cooperation projects with the European Commission (e.g. Copernicus, Frontex, Horizon Europe). Some Member States have also made some voluntary, additional financial contributions. Luxembourg, for instance, provided €1,5 million as earmarked financial support for the purchase of imagery and equipment ("Luxembourg to Contribute", 2022). This was because the activities of SATCEN have significantly intensified given the high demand for its services. All these have had noteworthy impact on the operational activity of SATCEN and its budgetary planning. The additional funding provided by Luxembourg has aimed to keep up the SATCEN's activities and to purchase imagery at the same pace as during the first half year of 2022. Deputy Prime Minister François Bausch further announced that the SATCEN "provides essential services to European defence and security [...] The tracking of last year's floods, of the impact of this summer heat wave, of the forest fires but foremost the monitoring of military activity or irregular migration all attest to the importance of quality satellite imagery. Luxembourg's voluntary contribution of €1,5 million testifies to our conviction that SATCEN provides indispensable services, beyond just the military sector" ("Luxembourg to Contribute", 2022; The Luxembourg Government, 2022).



**Criterion:** Are there institutions or other processes in place for trust-building among cooperating actors?

It is relevant to examine whether there are ad hoc forums and/or institutions that can, directly or indirectly, increase the level of trust and common understanding of security threats and thus the effectiveness of EU intelligence cooperation. As we argued in [ENGAGE Working Paper 10](#) (Szép et. al., 2022), sharing intelligence requires a similar intelligence culture, trust, common understanding of threats and a demonstratable added value of sharing information. This has been a challenge for the EU given the diverging interests of the Member States, their different relations with third countries and different socialising patterns in national foreign ministries.

In the last couple of years, there have been two major attempts to increase a similar understanding of common threats and trust between the Member States. Recently, upon the initiative of the European Parliament and further developed by the EEAS, a European Diplomatic Academy was established in 2022 in the campus of the College of Europe. This pilot programme, which will last for 9 months with 42 selected diplomats, will provide common training for diplomats that is expected to create a truly European diplomatic corps. Indeed, the European Diplomatic Academy, supported strongly by MEP Nacho Sánchez Amor, is a serious attempt to create a common understanding of European security threats as well as common intelligence cooperation in the EU. On the one hand, it aims to create an EU with its own image that is “distinguishable from national pictures, which vehicles our common identity and European way of life” (Lamoso González et al., 2022, p. 9). It also has the objective to establish “a genuinely ‘EU’ diplomatic service determined by a common EU diplomatic culture” (S&D, 2022). On the other hand, the European Diplomatic Academy was also established because the EU “need[s] an automatic mechanism of flow of intelligence from each Member State to the EU concerning foreign and security issues occurring outside the Union” (Lamoso González et al., 2022, p. 9). MEP Sánchez Amor sees the main problem as the restriction on the length of time EEAS officials are permitted to stay in Brussels, presently 10 years. He asserts that this undermines the EU’s capability to develop a truly European diplomatic culture. The EEAS according to Mr Sánchez Amor, lacks an esprit de corps which could be improved if common training were provided to EU and Member State officials.

Another initiative to enhance a common understanding of threats and trust between the Member States is linked to French President Emmanuel Macron. In 2017, he called for a European intelligence academy to strengthen links between the Member States. Despite some reluctance, the Intelligence College in Europe (ICE) was founded in Paris in 2019 as “a platform for reflection, engagement and outreach” (Intelligence College, 2020, p. 3) to facilitate cooperation at a non-operational level between the different intelligence authorities, practitioners and academics. The Letter of Intent at the basis of the intergovernmental entity was signed by 23 European states, while others like Bulgaria, Greece, Ireland, Luxemburg, Poland, Slovakia and Switzerland are expected to join at a later stage. The ICE is not a top-down organisation where decisions are made above the participants. It is instead shaped by intelligence officers (civilian, military, homeland security, external security and signals intelligence services) through regular interaction with their peers. ICE also includes security



experts and academics who participate in webinars, seminars and research on intelligence issues, to contribute to a common understanding of external threats, to enhance a common intelligence culture and to improve joint situational awareness (Intelligence College, 2022; Korteweg, 2022; Pronk & Korteweg, 2021, pp. 19–21). Such initiatives can be considered positive for non-specialist personnel, but according to our interviewees<sup>23</sup> the added value of such initiatives is extremely limited without a binding mechanism that allows the translation of the goals into practical and tangible outcomes. Similar efforts are also put forward in the EU framework, like the Joint EU Intelligence School PESCO project. While the initiative is commendable, the project targets “reconnaissance squats and not the strategic level and there is no strategic, common, standard available” (Szép et al., 2022, p. 36).

External factors may enhance the willingness of Member States to share information with the EU. This is especially true after Russia’s decision to start a war in Ukraine. This may be a catalyst for further improvement in EU intelligence cooperation. The war in Ukraine has probably made EU Member States realise that more shared information is needed to better anticipate security threats in the immediate neighbourhood. However, internal demands are equally important. Regarding these internal demands, the European Diplomatic Academy or the Intelligence College Europe could facilitate more shared information by creating a common understanding of security threats and further increase trust between the Member States. A common understanding of security threats and genuine trust cannot be built overnight but these early steps in the right direction.

### 7.3.2 Coherence-Related Assessment Criteria

**Criterion:** Is there continued support to create and sustain the necessary synergies between the internal and external aspects of EU security?

The internal and external aspects of EU security cannot be always neatly separated – and, in fact, should not be. A clear link between internal and external security has been demonstrated in the joint work carried out by INTCEN and Europol. This cooperation has been necessary due to terrorist attacks in Europe. The recognition that terrorism is both an internal and an external challenge for the EU led to the creation of counter-terrorist analytical capabilities within INTCEN’s Civilian Intelligence Cell. Furthermore, counter-terrorist experts were also seconded from Member States to join INTCEN (European External Action Service, 2015a). This took place as part of a wider trend called the “comprehensive approach” which has made it possible to remove some of the artificial dividing lines between internal and external security (Cross, 2013, p. 394). In this sense, INTCEN has never been exclusively a CFSP body but has also been a platform for supporting the work of interior ministers too (Szép et al., 2022). The EU’s Counter-Terrorism Coordinator is also a somehow hybrid position in that one person has the

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<sup>23</sup> Note that most of these interviews were conducted for our previous working paper on EU intelligence cooperation (see Szép et al., 2022).



competence to oversee the coordination of law enforcement, diplomatic services and ministries of finance and defence to fight against radicalisation and terrorism in Europe.

Since the entry into force of the Lisbon Treaty, there has been an ever-greater willingness to maintain the relationship between the internal and external dimension of EU security. For instance, the so-called solidarity clause under Article 222 TFEU is a codification of evolving practices around of EU functional security in the form of a Treaty provision, covering possible terrorist attacks and their consequences on European soil. This provision provides that if a Member States is the object of a terrorist attack or the victim of a natural or man-made disaster, the Union shall mobilise “all the instruments at its disposal, including the military resources.” Indeed, as we demonstrated in [ENGAGE Working Paper 10](#), that provision could have been invoked in 2015 when terrorist attacks took place in the French capital (Szép et al., 2022, p. 9). Apart from that, the Council has also sought to maintain the links between the internal and external aspects of EU security. It continuously argued that INTCEN shall continue to provide “assessment both on the internal and external aspects of [counterterrorism], serving Member States, Commission, EEAS and other EU bodies” (Council of the EU, 2011). The Council also encouraged the [INTCEN] and Europol to “work together, in a complementary manner, to comprehensively analyse the terrorist threat to the EU” (Council of the EU, 2011).

A recent example where the EU has clearly sought to develop synergies between the internal and external dimension of security is cyberspace. In 2022, the Council recognised that malicious behaviour in cyberspace has intensified in recent years, targeting the EU and its Member States’ critical infrastructure, supply chains, etc. On the one hand, the Council reiterated the importance of adopting internal measures. Amongst these included a Directive on high level of cybersecurity (NIS), a Regulation on digital operational resilience for the financial sector (DORA) or a Directive on critical entities resilience (CER). In this context, the Council also emphasised the need to invest in mutual assistance under Article 42(7) TEU as well as giving effect to the solidarity clause under Article 222 TFEU through frequent exercises. The Council also referred to the 2022 Strategic Compass which, in the field of EU intelligence, has aimed to incentivise the adoption of additional standards and rules to ensure cybersecurity and security information. On the other hand, the Council also called on the High Representative and the Commission to develop the Cyber Diplomacy Toolbox and to make full use of the 145 Delegations to develop collaboration between them and Member States’ embassies in third countries. This would be under the auspices of the Cyber Diplomacy Network. The Council also invited the Member States, the High Representative and the Commission to work towards a revised version of the implementing guidelines of the EU Cyber Diplomacy Toolbox by the end of Q1 2023. In this context, the Council also noted the importance of strengthening intelligence and information sharing and cooperation between Member States as well as with the INTCEN to be able to share intelligence at the beginning of the decision-making process to enable a swift, effective and substantiated response to malicious cyber activities. The Council also reiterated the importance of strengthening INTCEN’s capacity in the cyber domain, based on voluntary intelligence contributions from the Member States (Council of the EU, 2022b).



The Council also emphasised the importance of strengthening the internal and external security nexus in home affairs. It underlined that while according to Article 4(2) TEU national security is the sole responsibility of the Member States, terrorist attacks and other transnational crimes require further cooperation at an EU level. The Council underlined the need to deepen cooperation and sharing of information with third countries under appropriate safeguards in the field of law enforcement. It also pointed out that European law enforcement agencies are an integral part of the international community and must work together more closely. The Council also recognised that efficient information exchange with third countries and parties is needed to maximise EU internal security. Finally, the Council emphasised the importance of further developing the cooperation of home affairs actors and CSDP Operations and urges to move ahead with the implementation of the so-called “mini-concepts” defining this cooperation (Council of the EU, 2020a).

While there is increased recognition that the internal and external dimensions of the EU’s security cannot be disentangled from each other, cooperation between intelligence services is not without challenges. For instance, INTCEN was expected to deepen its cooperation with Europol but as a matter of fact, different cultures prevail in the internal and external intelligence spheres: Europol is primarily seen as a police organisation whose competence in terrorism is often called into doubt. More importantly, information gathered by intelligence services may be shared with partner organisations but less with internal intelligence services that may have different culture and secrecy policies (Fägersten, 2010, pp. 515–519).

### 7.3.3 Sustainability-Related Assessment Criteria

**Criterion:** Do EU policymakers take democratic legitimacy into account when further developing intelligence cooperation within the EU?

Democratic accountability of intelligence cooperation should be further enhanced in the EU. The issue of democratic legitimacy is an evergreen question, especially in CFSP/CSDP matters where democratically elected members of parliaments have limited roles. We understand that many intelligence activities (must) take place behind closed doors. At the same time, the field of intelligence could potentially demonstrate some of the features that are expected in other areas of EU cooperation, such as a clear legal basis for transparency and accountability that might be also required for upholding rule of law within EU context (Conrad, 2021, p. 65). A clear definition of legal basis and procedures would also help improve the sharing of information, thanks to streamlined processes.

The lack of an appropriate legal basis raises general questions relating to EU rule of law. Legality requires that actions of public bodies of the EU take place under and within the law. On the one hand, it means that a legal basis is required which can be traced to primary law and, on the other hand, EU institutions and bodies must act within the limits of the powers conferred on them. EU institutions and bodies may not act *ultra vires* and must comply with the procedural rules set out in their specific legal bases (Hofmann, 2020, p. 223). Apart from legality, the principle of legal certainty also forms part of EU general principles and requires two things:





- “Legal rules be clear and precise, and aim to ensure that situations and legal relationships governed by Community law remain foreseeable;
- Individuals must be able to ascertain unequivocally what their rights and obligations are and take steps accordingly” (Hofmann, 2020, p. 225).

Even though INTCEN has existed since the early 2000s, the EU has failed to create a necessary legal basis for that body. Secondary legislation would contribute to more transparent functioning as well as to laying down the rules and obligations that EU institutions and bodies need to respect when carrying out tasks relating to sensitive and classified data. While it is understandable that INTCEN – and generally EU “secret services” – must operate in a framework that guarantees confidentiality and secrecy, EU rule of law and in particular the general EU law principle of legal certainty require EU legislators to create a clear and predictable framework in the form of secondary legal bases for INTCEN. That would also contribute to the unity and consistency of the EU’s legal order. Previously, the lack of legal basis was explained by the very political nature of INTCEN where the initiative of the HR was sufficient to launch a new body in the EU. Another explanation offered was that at the very beginning, all personnel of INTCEN had been seconded and therefore it did not formally qualify as an organisation of the General Secretariat of the Council (Szép et al., 2022, p. 18).

### **Box 3: Adopting a (Possible) Secondary Legal Act for EU INTCEN**

Presumably, similarly to EUMS INT or SATCEN, the EU would need to adopt a CFSP Decision on the basis of Article 28 and/or 31(1) TEU. That would require a unanimous decision by the Council.

In fact, contrary to INTCEN, many parts of EU “secret services” have appropriate legal bases. For instance, EUMS INT already had its own legal basis in 2001 when the Council decided to formalise its operation following the European Council decision of 7–11 December 2000.<sup>24</sup> Similarly, in 2001 EU legislators adopted secondary legislation for SATCEN in the form of a Joint Action.<sup>25</sup> After the entry into force of the Lisbon Treaty, that Joint Action was repealed by Council Decision 2014/401/CFSP that introduced several amendments and additional changes in the functioning of the SATCEN.<sup>26</sup> INTCEN, however, has remained undefined under EU law in terms of its responsibilities and obligations. The Council Decision establishing the EEAS merely acknowledged in the third indent of Article 4(a) of that Decision that INTCEN (together with EUMS) had become part of the EEAS under the direct authority and

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<sup>24</sup> Council Decision of 22 January 2001 on the establishment of the Military Staff of the European Union

<sup>25</sup> Council Joint Action of 20 July 2001 on the establishment of a European Union Satellite Centre (2001/555/CFSP)

<sup>26</sup> Council Decision 2014/401/CFSP of 26 June 2014 on the European Union Satellite Centre and repealing Joint Action 2001/555/CFSP on the establishment of a European Union Satellite Centre



responsibility of the HR/VP.<sup>27</sup> No additional details are provided by that Council Decision on the responsibilities and functioning of the INTCEN.

In a national context too, it is not uncommon to see that secret services are bound by national law. In fact, several EU Member States have adopted national legislation that regulate the functioning of those services. For instance, the French *Direction Générale de la sécurité extérieure*<sup>28</sup> or the Hungarian *nemzetbiztonsági szolgálatok*<sup>29</sup> all have legal basis in domestic legal orders. Similarly, the EU could adopt its own legislation and regulate the responsibilities of each unit.

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<sup>27</sup> Council Decision of 26 July 2010 establishing the organisation and functioning of the European External Action Service

<sup>28</sup> Arrêté du 13 juillet 2022 portant organisation de la direction générale de la sécurité extérieure

<sup>29</sup> 1995. évi CXXV. törvény a nemzetbiztonsági szolgálatokról



## 8 Conclusion

Our case studies show different levels of effectiveness, coherence, and sustainability.

In the case of CFSP in the Iranian nuclear file from 2013 to 2022, the EU's effectiveness waxed and waned. Although the EU was effective during the JCPOA drafting phase and in the first years of implementation of the deal, its effectiveness was reduced greatly from 2018, following the US' announcement that it would withdraw. Separating the nuclear file from other issues – a strategy initially accepted by all parties – enabled progress at first, by shielding the nuclear negotiations from other contentious issues. However, the US withdrawal from the JCPOA presented obstacles to the separation-of-files strategy and, more broadly, demonstrated that the EU's effectiveness in this file was highly dependent on external conditioning factors.

The most recent example of this is the setback to the negotiations following the Russian invasion of Ukraine in February 2022. Over the entire timeline studied in this case, however, elections in Iran and the US repeatedly changed the negotiating dynamics (the Rouhani-Obama period, for example, presented much more favourable conditions than the Trump and Raisi administrations). During the Trump administration in particular, the US' objectives did not align with the EU's (in relation to the separation of the nuclear file versus the US' desire to broaden the scope of the deal), which greatly inhibited the EU's efforts to save the JCPOA. It furthermore became patent during this period that the EU lacked the economic and structural power to overcome the effects of the US extraterritorial sanctions and produce sufficient economic benefits for Iran to remain in compliance with the JCPOA.

From the Iranian side, the EU is perceived as a skilled negotiator, but its perceived role changes along with external shifts. Iran varyingly sees the EU as a facilitator or a leader in the talks, depending on its structural weight in the negotiations (which increases, *de facto*, when the US withdraws from them). In addition, there is a point of contention between Iran and the EU on the separation of files. Taking this principle as a given, the EU saw no incompatibilities in lifting nuclear-related sanctions while imposing sanctions related to human rights violations, because they pertained to different matters. However, from an Iranian perspective, and because Tehran's main objective during the negotiations was to lift sanctions to revive its economy, the EU's use of sanctions – whether related to Iran's nuclear programme or human rights – was perceived as incoherent.

Overall, casting a more detailed eye on the EU's actions over the case timeline, the EU's horizontal and vertical coherence were generally high in this file. Coordination between EU bodies and between the EU and its Member States was based on an informal yet clear understanding of shared objectives and 'red lines' rather than on strictly predetermined parameters. Nevertheless, as this case demonstrates, coherence cannot, on its own, deliver effectiveness – particularly when the EU's economic or structural power is no match for external conditioning factors, such as US extraterritorial sanctions.



The Western Balkans case showed that CFSP tools yield various results in achieving the objectives set. The contrasting results in alignment with the CFSP by Serbia and North Macedonia suggest that the close link between the CFSP and the enlargement process in the Western Balkans does not necessarily facilitate the achievement of EU's foreign and security objectives. Structured political dialogues, even under the umbrella of the accession process or through the Special Representatives, have strong potential for increased effectiveness of CFSP in relation to the Western Balkans. These formats allow for different types of activities like bilateral negotiations or multilateral diplomatic pressure. The leadership of the SA Council meetings, chaired by the HR/VP, is an especially useful tool to pursue CFSP objectives in the Western Balkans. Similarly, the establishment of the EUSR position has also streamlined the work towards EU's CFSP objectives and links with other policies. The regular work and presence of the EUSR increases the effectiveness of CFSP. Following the Russian war in Ukraine, the EU can use structured dialogue formats to communicate and pursue its CFSP objectives with a new impetus and regularity.

Nevertheless, attention should be placed on the long socialisation process between the EU and the Western Balkans, where the region's leaders have learned "to talk the EU talk" while failing to "walk the reform implementation and alignment walk" (Bechev, 2022). The cases also showed that, with a promised European path for the countries of the Western Balkans, various EU policies find themselves under the enlargement umbrella. This includes CFSP. Nevertheless, vertical incoherence related to enlargement can influence the rate of success of CFSP mechanisms. Enlargement fatigue, dissatisfaction with the integration of some newer MS, non-recognition of Kosovo by some MS, bilateral disagreements and domestic pressures are some of the factors that have been slowing down the accession process in the Western Balkans. Partially, the vertical incoherence has led to diametrically different results, with Serbia sliding backwards on CFSP alignment and North Macedonia speeding up its own alignment. Additionally, a lack of vertical coherence on sanctions and restrictive measures in the case of Russia fuels poor sanction alignment by accession countries, such as Serbia, and hinders EU CFSP work in the region.

When it comes to effectiveness of EU sanctions, it is important to keep the limitations of this instrument in mind. For instance, the current sanctions will not oust the Russian leadership and cannot induce immediate change, as several other sanctions experiences have shown. If we measure the effectiveness of EU sanctions against the objective of immediate effects, we must conclude that they are simply not working. At the same time, the sanctions do influence Russia's ability to wage a war in Ukraine, especially after energy-related sanctions came into force. What was helpful in that sense was that the EU could create an alliance that more or less imposed the same set of measures to close potential loopholes in different jurisdictions. We also found that the 2022 EU sanctions regime has been coherent in that all EU Member States have implemented the same set of restrictive measures. This uniform implementation is partly because EU sanctions are adopted in the form of EU Regulations that are binding in their entirety. Further, individual Member States are prohibited from developing national or foreign policies in an area where the EU has wide competences, including trade, economic and financial matters. We also found that EU sanctions have been sustainable from a political



perspective: ever since 2014, sanctions against Russia have always been prolonged. Moreover, there seems to be sufficient public support for these EU measures despite the direct consequences they have on EU citizens' lives.

The case study on the EU's activities in and through other international organisations underlines that, in recent years, the EU has demonstrated its engagement in different international organisations, partly as an effort to become a truly global actor. However, for a set of legal and political reasons, the EU is not necessarily accepted as a full member in different international organisations. This leads to uncertainties as to whether the EU can live up to expectations, especially in times when many actors challenge the global order. The division of competences between the EU and its Member States may hinder the Union's role in areas of activities where more dominant roles are taken up by the Member States. A further constraint is the requirement of unanimity, which not only affects decisions of the Council and the European Council in relation to the CFSP but also coordination efforts at international organisations.

All these challenges, however, do not prevent the EU from maintaining its commitment to multilateralism, reflected in two prominent cases: the EU's participation in the UNSC and the UNHRC. Although not without challenges, evidence has shown that there is more willingness to coordinate and to share information between EU Member States to enhance the EU's positions at the UNSC. This is, for instance, demonstrated by the joint actions and statements by EU members in the UNSC and the "split term" between Italy and the Netherlands. In these cases, the EU appears as a unitary actor. In other cases, this unity is far less clear, partly due to the inability of the Member States to reform the UNSC in a way that would be acceptable to all 27 Member States. Building coalitions in the UNSC has also proved to be challenging which, in turn, has often led to watered down or even abandoned resolutions. Overall, coherence is hindered by the resistance of France to reform the UNSC. This opposition makes it difficult, if not impossible, to turn France's seat into a shared EU permanent seat. In the UNHRC, although some of the EU's resolutions have failed, it has been the most active initiator of country-specific actions, such as in relation to Russia or China. The UNHRC case shows that pragmatic solutions – including adopting statements on behalf of a group of Member States – may help the Union express a coherent opinion at the UN level.

The success of EU intelligence – our final case study – partly depends on how we define the notion of 'success.' One could argue, on the one hand, that the establishment and the continued existence of the various EU bodies that have been created in the last two or three decades is already a sign of success. This is particularly true when keeping in mind that originally the EU was not created to become an intelligence community. On the other hand, the EU is still largely dependent on its Member States for its "deliverables." Yet, this case study showed that there is now a new impetus to further enhance the EU's capabilities in that regard. This is largely related to new trust-building processes, which are essential preconditions to develop common threat perceptions among the Member States. These developments are partly due to the new types of challenges the EU faces, including the war in Ukraine. Nevertheless, information is still fragmented and spread across several EU bodies and units,



which prevents the effective use of already existing information in the EU for security purposes. This affects a coherent approach, particularly when internal and external security challenges continue to be approached separately. Therefore, strong cooperation between law enforcement agencies and intelligence bodies at EU and Member State levels is necessary to prevent terrorist attacks or to tackle transnational crimes.

EU institutions have also recognised the need for strong links between the internal and external dimensions of EU security and have proposed policy actions that consider the hybrid nature of new security challenges, including cyberattacks against the EU and its Member States. We considered the number of requests from EU institutions and Member States to SIAC and found that the demand for EU information is continuously rising. At the same time, INTCEN, which was created in 2002, still lacks a legal basis, which goes against the very principles of EU law and decreases the legitimacy of intelligence cooperation. That situation could be changed if the Council decides to adopt necessary decisions on the basis of CFSP provisions which, in turn, could define more clearly the responsibilities and limits of EU intelligence units.

Numerous lessons can be extracted from the varied set of cases examined in this paper. One key lesson is that although coherence and effectiveness are often closely linked, coherence is not enough to guarantee effectiveness. In the Iranian case, although Member States exhibited high levels of coherence, this was not enough to counter the effects of US extraterritorial sanctions. Similarly, the case on the EU's actions at the UNHRC and UNSC shows that even when EU Member States speak with a 'unified voice', the EU does not necessarily achieve its objectives. Both cases point to the importance of third actors. The case examining the EU's performance at the UNHRC highlights the importance of being able to build broad coalitions across regions. This is echoed when reflecting on the EU's sanctions against Russia and the importance of third countries joining the EU's sanctions regime. Yet, the Iranian case and the EU's actions at the UNSC show that the EU faces great difficulties when its positions are diametrically opposed to those of powers such as the US, Russia or China.

The case studies also show that in some situations it is simply impossible to reach consensus among the 27 Member States. However, in these cases, operations, activities or statements by smaller groups may still allow the EU to contribute to global solutions. Flexible configurations and coordination mechanisms can contribute towards improving the EU's coherence and effectiveness, as evidenced by the European dimension highlighted in the 'split term' (2017–2018) between Italy and the Netherlands in the UNSC, and joint statements by EU Member States at the UNSC. The structured dialogues in the Balkans as well as the appointment of EUSRs constitute further examples of creative tools the EU may utilise. Indeed, the overall picture emerging from this study is not negative. On the contrary, it shows that the EU, by sometimes opting for pragmatic solutions, has been able to not only play a role, but even act as a global foreign policy leader. However, it is important to also note that vertical and horizontal coherence remain an impediment to an effective CFSP in some instances. The positions of Bulgaria and Greece in enlargement files and their consequences for CFSP alignment in candidate countries, as well as France's resistance to UNSC reforms, are



examples of this. More concrete recommendations to make use of these insights will follow in subsequent ENGAGE working papers, as well as in the final White Paper.

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## Appendix 1: A Brief Recount of the Iranian Nuclear File and EU Involvement up to 2013

Concerns over Iran's nuclear program can be traced back to the late 1970s, when negotiations between Washington and Tehran first began. Iran was one of the original signatories to the Non-Proliferation Treaty, which was adopted in 1970. This meant that Islamic Republic had committed to an exclusively peaceful nuclear programme, without any military dimensions. With the fall of Shah Mohammad Reza Pahlavi in the 1979 Islamic Revolution, the West's fears that the new regime would seek to develop nuclear weapons intensified. As tensions over Iran's nuclear programme grew, the relationship between Washington and Tehran quickly soured and negotiations eventually broke down. In the following two decades, the US' policy towards Iran hardened considerably, with Iran being added to the list of state sponsors of terrorism in 1984.

In 2002, the existence of secret nuclear facilities in Natanz was revealed, an occurrence which prompted an International Atomic Energy Agency (IAEA) inspection. The IAEA concluded that Iran had failed to disclose the extent of its nuclear activities and that it had breached "its obligation to comply with the provisions of the Safeguards Agreement" (International Atomic Energy Agency, 2003). In light of these revelations, the French, German and British foreign ministers launched discussions for a negotiated solution with Iran in 2003. Javier Solana, the then EU High Representative for Foreign Affairs, a newly created position introduced by the Treaty of Amsterdam, was formally invited to join by the E3. This marked the first time the HR was involved in a high-profile foreign policy case (Bassiri Tabrizi & Kienzle, 2020). China, the Russian Federation and the United States joined the discussions in 2006, one year after President Mahmoud Ahmadinejad had been elected in Iran. This negotiating coalition came to be known as the E3/EU+3 (or the P5+1 due to the involvement of the five permanent Security Council members plus Germany).

Some progress was made in 2006, when Iran delivered a response to a proposal that the E3/EU+3 had presented, stating that the proposed framework contained "elements which may be useful for a constructive approach" (United Nations General Assembly, 2006). Two years later, in 2008, the E3/EU+3 presented a new proposal, which included a "freeze-for-freeze" process whereby Iran would halt the expansion of its nuclear programme in exchange for the UNSC refraining from imposing sanctions (Sciolino, 2008). Iran, however, did not accept the terms of this proposal, and negotiations stalled in the following years. This was mainly due to the influence of domestic power configurations on the negotiations: in Iran, hardliner Mahmoud Ahmadinejad resisted placing any limits on Iran's nuclear program (Hafezi & Mostafadi, 2010), while in the US, the Bush administration held a tough stance towards the negotiations (Rice, 2010).

It was not until President Barack Obama took office in the US, in 2009, and moderate president Rouhani was elected in Iran, in 2013, that the pace accelerated once more. On the Iranian side, Rouhani's electoral campaign had focused heavily on the nuclear negotiations, and there was



an eagerness to achieve results on this front. Newly elected president Rouhani invited former High Representative Javier Solana to his inauguration in August 2013, which helped to set into motion the track towards a negotiated solution.



## Appendix 2: Sanctions Removed by the US, the EU and the UN on JCPOA Implementation Day

Table 4: US Sanctions Lifted on Implementation Day

Sector(s)	Sanctions removed
Financial, banking and insurance measures	<ul style="list-style-type: none"> <li>Sanctions on transactions with individuals and entities, including: the Central Bank of Iran (CBI) and other specified Iranian financial institutions; the National Iranian Oil Company (NIOC), Naftiran Intertrade Company (NICO), National Iranian Tanker Company (NITC) and other specified individuals and entities identified as Government of Iran by the Office of Foreign Assets Control; and certain designated individuals and entities on the Specially Designated Nationals and Blocked Persons List (SDN List)</li> <li>Sanctions on the Iranian Rial</li> <li>Sanctions on the provision of U.S. banknotes to the Government of Iran</li> <li>Bilateral trade limitations on Iranian revenues held abroad, including limitations on their transfer</li> <li>Sanctions on the purchase, subscription to, or facilitation of the issuance of Iranian sovereign debt, including governmental bonds</li> <li>Sanctions on financial messaging services to the CBI and Iranian financial institutions</li> <li>Sanctions on associated services</li> </ul>
Insurance measures	<ul style="list-style-type: none"> <li>Sanctions on the provision of underwriting services, insurance, or reinsurance in connection with activities consistent with the JCPOA</li> </ul>
Energy and petrochemical sectors	<ul style="list-style-type: none"> <li>Efforts to reduce Iran's crude oil sales, including limitations on the quantities of Iranian crude oil sold and the nations that can purchase Iranian crude oil</li> <li>Sanctions on investment, including participation in joint ventures, goods, services, information, technology and technical expertise and support for Iran's oil, gas, and petrochemical sectors</li> <li>Sanctions on the purchase, acquisition, sale, transportation, or marketing of petroleum, petrochemical products and natural gas from Iran</li> <li>Sanctions on the export, sale or provision of refined petroleum products and petrochemical products to Iran</li> <li>Sanctions on transactions with Iran's energy sector including with NIOC, NICO and NITC</li> <li>Sanctions on associated services</li> </ul>
Shipping, shipbuilding and port sectors	<ul style="list-style-type: none"> <li>Sanctions on transactions with Iran's shipping and shipbuilding sectors and port operators including IRISL, South Shipping Line, and NITC, and the port operator(s) of Bandar Abbas</li> <li>Sanctions on associated services</li> </ul>
Gold and other precious metals	<ul style="list-style-type: none"> <li>Sanctions on Iran's trade in gold and other precious metals</li> <li>Sanctions on associated services</li> </ul>



Software and metals	<ul style="list-style-type: none"> <li>• Sanctions on trade with Iran in graphite, raw or semi-finished metals such as aluminum and steel, coal, and software for integrating industrial processes, in connection with activities consistent with the JCPOA</li> <li>• Sanctions on associated services</li> </ul>
Automotive sector	<ul style="list-style-type: none"> <li>• Sanctions on the sale, supply or transfer of goods and services used in connection with Iran's automotive sector</li> <li>• Sanctions on associated services</li> </ul>
Designations and other sanctions listings	<ul style="list-style-type: none"> <li>• Sanctions on certain individuals and entities imposed through the Specially Designated Nationals and Blocked Persons List (SDN List), the Foreign Sanctions Evaders List, and/or the Non-SDN Iran Sanctions Act List</li> </ul>
Nuclear proliferation-related measures	<ul style="list-style-type: none"> <li>• Sanctions under the Iran, North Korea and Syria Nonproliferation Act on the acquisition of nuclear-related commodities and services for nuclear activities contemplated in the JCPOA</li> <li>• Sanctions on joint ventures relating to the mining, production, or transportation of uranium</li> <li>• Exclusion of Iranian citizens from higher education coursework related to careers in nuclear science, nuclear engineering or the energy sector</li> </ul>
Other trade measures	<ul style="list-style-type: none"> <li>• In addition to the sanctions relief described above, after JCPOA Implementation Day, the US commits to licensing: <ul style="list-style-type: none"> <li>○ export, re-export, sale, lease or transfer to Iran of commercial passenger aircraft for exclusively civil aviation end-use,</li> <li>○ export, re-export, sale, lease or transfer to Iran of spare parts and components for commercial passenger aircraft, and</li> <li>○ provision of associated serviced, including warranty, maintenance, and repair services and safety-related inspections, for all the foregoing, provided that licensed items and services are used exclusively for commercial passenger aviation</li> <li>○ non-U.S. entities that are owned or controlled by a U.S. person to engage in activities with Iran that are consistent with this JCPOA</li> <li>○ the importation into the United States of Iranian-origin carpets and foodstuffs, including pistachios and caviar</li> </ul> </li> </ul>

Source: Joint Comprehensive Plan of Action (2015)



**Table 5: EU Sanctions Lifted on Implementation Day**

Sector(s)	Permitted actions
Financial, banking and insurance measures	<ul style="list-style-type: none"> <li>• Financial transfers to and from Iran.</li> <li>• Banking activities of non-listed Iranian banks in Member States.</li> <li>• Non-listed Iranian financial and credit institutions are allowed to acquire any ownership interest in EU financial and credit institutions.</li> <li>• EU financial and credit institutions are allowed to carry out banking activities in Iran; to establish joint ventures and open bank accounts with Iranian financial or credit institutions.</li> <li>• The supply of specialised financial messaging services, including SWIFT, for Iranian natural or legal persons, entities or bodies.</li> <li>• The provision of financial support for trade with Iran such as export credit, guarantees or insurance.</li> </ul>
Oil, gas and petrochemical sectors	<ul style="list-style-type: none"> <li>• Import, purchase, swap and transport of crude oil and petroleum products, gas and petrochemical products from Iran.</li> <li>• EU export of equipment or technology, and provision technical assistance for exploration, production and refining of oil and natural gas, to Iran.</li> <li>• Investment in the Iranian oil, gas and petrochemical sectors.</li> </ul>
Shipping, shipbuilding and transport sectors	<ul style="list-style-type: none"> <li>• The sale, supply, transfer or export of naval equipment and technology.</li> <li>• The design or construction of cargo vessels and oil tankers for Iran.</li> <li>• The provision of vessels designed or used for the transport or storage of oil and petrochemical products to Iran.</li> <li>• The provision of flagging and classification services to Iranian oil tankers and cargo vessels.</li> <li>• Cargo flights operated by Iranian carriers or originating from Iran have access to the airports under the jurisdiction of EU Member States.</li> <li>• Inspection, seizure and disposal of cargoes to and from Iran in EU territories no longer apply with regard to non-prohibited items.</li> <li>• Provision of bunkering or ship supply services to Iranian-owned or Iranian-contracted vessels; and the provision of fuel, engineering and maintenance services to Iranian cargo aircraft.</li> </ul>
Gold, other precious metals, banknotes and coinage	<ul style="list-style-type: none"> <li>• Sale, supply, purchase, export, transfer or transport of gold and precious metals as well as diamonds, and provision of related brokering, financing and security services to Iran.</li> <li>• Delivery of newly printed or minted banknotes and coinage for the Central Bank of Iran.</li> </ul>
Metals	<ul style="list-style-type: none"> <li>• Sale, supply, transfer or export of certain graphite and raw or semi-finished metals to any Iranian person, entity or body.</li> </ul>
Software	<ul style="list-style-type: none"> <li>• Sale, supply, transfer or export of Enterprise Resource Planning software, including updates is allowed, but is subject to authorisation if the software is designed specifically for use in nuclear and military industries.</li> </ul>
De-listing of persons, entities and bodies	<ul style="list-style-type: none"> <li>• Certain persons, entities and bodies are delisted and consequently no longer subject to the asset freeze, prohibition to make funds available and visa ban.</li> </ul>

Source: European External Action Service (2016a)



**Table 6: UN Resolutions Terminated on Implementation Day**

UN Resolution	Resolutions terminated
<a href="#">1696 (2006)</a>	<ul style="list-style-type: none"> <li>• Iran shall take the steps required by the IAEA Board of Governors in its resolution <a href="#">GOV/2006/14</a></li> <li>• Iran shall suspend all enrichment-related and reprocessing activities, including research and development, to be verified by the IAEA</li> <li>• States are to exercise vigilance and prevent the transfer of any items, materials, goods and technology that could contribute to Iran's enrichment-related and reprocessing activities and ballistic missile programmes</li> </ul>
<a href="#">1737 (2006)</a>	<ul style="list-style-type: none"> <li>• States shall take the necessary measures to prevent the supply, sale or transfer directly or indirectly of all items, materials, equipment, goods and technology which could contribute to Iran's proliferation sensitive nuclear activities<sup>30</sup></li> <li>• States shall take the necessary measures to prevent the provision to Iran of any technical assistance or training, financial assistance, investment, brokering or other services, related to the supply, sale, transfer, manufacture or use of the prohibited items, materials, equipment, goods and technology</li> <li>• Iran shall not export any of the items in documents <a href="#">S/2006/814</a> and <a href="#">S/2006/815</a> and all Member States shall prohibit the procurement of such items from Iran by their nationals</li> <li>• Iran shall provide such access and cooperation as the IAEA requests</li> <li>• States shall notify the Committee of the entry into or transit through their territories of the persons engaged in, directly associated with or providing support for Iran's proliferation sensitive nuclear activities and for the development of nuclear weapon delivery systems</li> <li>• States shall freeze the funds, other financial assets and economic resources which are on their territories that are owned or controlled by designated persons or entities</li> <li>• Technical cooperation provided to Iran by the IAEA or under its auspices shall only be for food, agricultural, medical, safety or other humanitarian purposes</li> <li>• States shall prevent specialized teaching or training of Iranian nationals, within their territories or by their nationals, of disciplines which would contribute to Iran's proliferation sensitive nuclear activities and development of nuclear weapon delivery systems</li> </ul>
<a href="#">1747 (2007)</a>	<ul style="list-style-type: none"> <li>• Iran shall not supply, sell or transfer directly or indirectly any arms or related materiel, and all States shall prohibit the procurement of such items from Iran by their nationals</li> </ul>

<sup>30</sup> See resolution 1737 (2006) for a list of the specific sections of documents [S/2006/814](#) and [S/2006/815](#) in which the prohibited items, materials, equipment, goods and technology are designated.





	<ul style="list-style-type: none"><li>• All States shall exercise restraint in the supply, sale or transfer directly or indirectly of any battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems, and in the provision to Iran of any technical assistance or training, financial assistance, investment, brokering or other services, related to the supply, sale, transfer, manufacture or use of such items</li><li>• States and international financial institutions shall not enter into new commitments for grants, financial assistance, and concessional loans, to the Government of the Islamic Republic of Iran, except for humanitarian and developmental purposes</li></ul>
<a href="#">1803 (2008)</a>	<ul style="list-style-type: none"><li>• All States are to exercise vigilance in entering into new commitments for public provided financial support for trade with Iran, including the granting of export credits, guarantees or insurance, to their nationals or entities involved in such trade</li><li>• All States are to exercise vigilance over the activities of financial institutions in their territories with all banks domiciled in Iran, in particular with Bank Melli and Bank Saderat, and their branches and subsidiaries abroad</li><li>• All States are to inspect the cargoes to and from Iran, of aircraft and vessels, at their airports and seaports, owned or operated by Iran Air Cargo and Islamic Republic of Iran Shipping Line, provided there are reasonable grounds to believe that the aircraft or vessel is transporting prohibited goods</li></ul>
<a href="#">1929 (2010)</a>	<ul style="list-style-type: none"><li>• Iran shall take the steps required by the IAEA Board of Governors in its resolutions GOV/2006/14 and GOV/2009/82, shall cooperate fully with the IAEA, and shall comply with its IAEA Safeguards Agreement</li><li>• Iran shall not acquire an interest in any commercial activity in another State involving uranium mining, production or use of nuclear materials and technology, and all States shall prohibit such investment in territories under their jurisdiction by Iran, its nationals, and entities</li><li>• All States shall prevent the direct or indirect supply, sale or transfer to Iran, of any battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems, or related materiel</li><li>• All States shall prevent the provision to Iran of technical training, financial resources or services, advice, other services or assistance related to the supply, sale, transfer, provision, manufacture, maintenance or use of such arms and related materiel</li><li>• Iran shall not undertake any activity related to ballistic missiles capable of delivering nuclear weapons</li><li>• All States are to exercise vigilance over transactions involving the Islamic Revolutionary Guard Corps</li><li>• All States shall, seize and dispose of items the supply, sale, transfer, or export of which is prohibited</li></ul>



	<ul style="list-style-type: none"><li>• All States shall prohibit the provision by their nationals or from their territory of bunkering services, or other servicing of vessels, to Iranian-owned or -contracted vessels, if they have information that provides reasonable grounds to believe they are carrying prohibited items</li><li>• All Member States are to communicate to the Committee any information available on transfers or activity by Iran Air's cargo division or vessels owned or operated by the Islamic Republic of Iran Shipping Lines (IRISL)</li><li>• All States are to prevent the provision of financial services, including insurance or re-insurance, or the transfer of any financial or other assets or resources, if they have information that provides reasonable grounds to believe that such services, assets or resources could contribute to Iran's proliferation-sensitive nuclear activities</li><li>• All States shall require their nationals, persons or firms subject to their jurisdiction to exercise vigilance when doing business with entities incorporated in Iran or subject to Iran's jurisdiction if they have information that provides reasonable grounds to believe that such business could contribute to Iran's proliferation-sensitive nuclear activities</li><li>• States are to take appropriate measures that prohibit in their territories the opening of new branches, subsidiaries, or representative offices of Iranian banks, and also prohibit Iranian banks from establishing new joint ventures, taking an ownership interest in or establishing or maintaining correspondent relationships with banks in their jurisdiction if they have information that provides reasonable grounds to believe that these activities could contribute to Iran's proliferation-sensitive nuclear activities</li><li>• States are to take appropriate measures that prohibit financial institutions within their territories or under their jurisdiction from opening representative offices or subsidiaries or banking accounts in Iran if they have information that provides reasonable grounds to believe that such financial services could contribute to Iran's proliferation-sensitive nuclear activities</li><li>• The Secretary-General is to create for an initial period of one year Panel of Experts to assist with the implementation of the relevant resolutions</li></ul>
<a href="#">2224 (2015)</a>	<ul style="list-style-type: none"><li>• The mandate of the Panel of Experts is extended until 9 July 2016</li><li>• The Panel of Experts to provide to the Committee a series of reports on its work</li><li>• The Panel of Experts to provide to the Committee a planned program of work</li></ul>

Source: United Nations Security Council (2006a, 2006b, 2007, 2008, 2010, 2015a)



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