



## Background notes

# Challenges and Solutions for EU Battlegroup Deployment within the Existing Legal Framework

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### Struggle to make EU Battlegroups deployable

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Although there was great optimism back in the 2004, when the concept of European Union (EU) Battlegroups (BGs) was launched and although they were expected to reach full operational capability by 2007, BGs have not been deployed yet. BGs were designed to make up for the shortage of EU's rapid response military capability by providing it with a "minimum militarily effective a credible and coherent, rapidly deployable force package capable of stand-alone operations or for the initial phase of larger operations"<sup>1</sup>. It was also meant to be a catalyst for the Common Security and Defence Policy (CSDP) development (as NATO Response Force (NRF) was for NATO), and for some countries like Sweden it was the basis for developing forces and capabilities. Critical questions about why the BGs are not deployed started to arise when the EU launched military operations one after another<sup>2</sup> without using BGs, as well as about significant costs incurred by some member states<sup>3</sup> for providing their forces for the BGs. This brief aims to describe the main reasons why the EU's BGs have not been deployed so far and the solutions proposed within the existing legal framework derived from ongoing discussions both among academics and policy makers, as well as to analyse possible future scenarios for the EU's BGs concept.

### Stumbling blocks for deploying EU Battlegroups

When it comes to the deployment of BGs, there are various problems on political, procedural and operational levels which EU's responsible institutions have failed to overcome:

**Political level.** Although the EU's BGs concept provides for carrying out numerous tasks laid out in the European Security Strategy, the Headline Goal 2010, the note on EU Civilian and Military Capability Development beyond 2010, and the Treaty on European Union, there is still a **lack of consensus as to which particular tasks** are relevant for the BGs and when they should be deployed. To paraphrase the old proverb, if BGs are designed to do everything, they are good for nothing. The level of ambition to have both civilian and military capabilities has put the BGs in competition with CSDP civilian missions and military operations. So far, CSDP civilian missions and military

<sup>1</sup> EU Battlegroups. Common Security and Defence Policy. The European Union External Action Service. 2013.

<sup>2</sup> Military missions like in Darfur (Sudan) (EU Support to AMIS (Darfur) 2005-2006), Chad and the Central African Republic (EUFOR Tchad/RCA, 2008-2009), Mali (EUTM-Mali, 2013) and the Central African Republic (EUFOR RCA, 2014). Source: EU ongoing missions and operations. Retrieved from: [http://www.eeas.europa.eu/csdp/missions-and-operations/index\\_en.htm](http://www.eeas.europa.eu/csdp/missions-and-operations/index_en.htm)

<sup>3</sup> For instance, the estimated Swedish costs for contributing to the Nordic BG in the first half of 2008 were more than EUR 130 million. Source: Barcikowska A. (2013). EU Battlegroups – ready to go? *Brief Issue*. European Union Institute for Security Studies. No. 40, p. 3.



operations are convincingly in the lead because EU member states tend to agree more easily on launching missions and operations than on deploying the BGs. Balossi-Restelly mentions another stumbling block: **a lack of strategic vision** by the EU and its member states (except Mediterranean countries) towards the African region where the BGs were initially meant to be deployed.<sup>4</sup>

But the central problem for the deployment of the BGs is **the differing national interests** on BG duty; they differ among member states themselves and from the EU's position towards particular crises. For example, in the case of the crisis in the Democratic Republic of the Congo in 2006, Germany was reluctant to deploy a Franco-German group because of the absence of direct national interests in the crisis<sup>5</sup>; in the case of the crisis in the Central African Republic in the second half of 2013, the United Kingdom refused to discuss BG deployment because of a Eurosceptic domestic audience; and in the first half of 2014 Greece simply could not take the lead because of financial constraints and lack of public support<sup>6</sup>.

**The financial burden** is regarded as another important constraint for BGs' action. Currently, CSDP missions are funded according to the Athena mechanism through "common costs" and through the costs-lie-where-they-fall principle when costs are directly covered by the involved member states. Hence, in case of a positive decision to deploy BGs, countries which are on BG duty need to cover all operational costs. This matter is of utmost importance in view of the slow economic growth of the EU and the defence cuts experienced by the vast majority of member states.

Lastly, literature on this topic also mentions the problem of duplication of capabilities between BGs and NRF, but member states have overcome this problem quite successfully by coordinating and planning force rotations across BGs and NRF taking into account preparation phases and standby requirements.<sup>7</sup> Also, the discussion on overlapping tasks and operational areas has diminished because the NRF was created to reinforce the transatlantic link in times of crisis by engaging in high-intensity operations alongside with U.S. armed forces, whereas EU's BGs, with their 1,500-men forces, were intended to deal with the crisis in Africa, where NATO had no intention to get involved. So far the one common characteristic of both forces is the lack of their deployment, for example, NRF has been deployed only twice<sup>8</sup>; furthermore their performance has been assessed as a failure.

**Procedural level.** The procedure to deploy BGs requires a unanimous decision of the Council of the EU and approval from the parliament and/or government of the member state. Approval by the latter is considered as problematic because **EU member states have diverse decision-making procedures** which, if they are not synchronised, hamper the rapid response as such. Also, there are discussions about **the necessity to have a UN mandate** for intervention in a crisis-affected state. In order to provide EU rapid response, BGs can be deployed on the invitation of the state and/or by a call by the UN. Still, there are countries like Germany which are reluctant to deploy without a UN mandate.<sup>9</sup>

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<sup>4</sup> Balossi-Restelli M. L. (2011). Fit for what? Towards explaining Battlegroup inaction. *European Security*, Vol. 20, No. 2, p. 161.

<sup>5</sup> Europe's Rapid-Response Forces: Use Them or Lose them? A. Nicoll (Ed.). *IISS Strategic Comments*. 2009, Vol. 15, No. 7.

<sup>6</sup> Novaky N. (2014). EU battlegroups after the Central African Republic crisis: quo vadis? Retrieved from <http://www.europeangeostrategy.org/2014/04/eu-battlegroups-central-african-republic-crisis-quo-vadis/>

<sup>7</sup> Hatzigeorgopoulos M. (2012). The Role of EU Battlegroups in European Defence. *European Security Review*. ISIS Europe, Vol. 56, p. 5.

<sup>8</sup> Relief operation in the aftermath of Hurricane Katrina (2005) and disaster relief effort in Pakistan (2006). Source: Balossi-Restelli M. L. (2011). Fit for what? Towards explaining Battlegroup inaction. *European Security*. Vol. 20, No. 2, p. 161.

With few exceptions, for instance, EU military mission in the Central African Republic (EUFOR RCA), which deals with securing of airport and parts of Bangui.

<sup>9</sup> Chappell L. (2010). Differing member state approaches to the development of the EU Battlegroup Concept: implications for CSDP. *European Security*. Vol. 18, No. 4, p. 426.



**Operational level.** Considering the level of ambition set for BGs, there is a significant **shortage of capabilities** to fulfil the relevant tasks. Myrto calls it a capabilities-expectations gap because BGs lack troops, military equipment, aircraft and other military assets for effective deployment to where a military crisis is taking place.<sup>10</sup> The slow and reluctant force generation process within the EU for CSDP missions represents the systemic and political problems of the EU to materialise its military ambitions. In the context of BGs deployment, it undermines the EU's rapid response capabilities as such.

Another problem is the matter of **duration of operations**. Besides disaster relief, nearly all missions need more than 6 months; therefore, BGs, meant as a spearhead, need follow-on forces. Taking into account the slow pace of decision making both at the national level and at the institutional level (EU and UN), or simply reluctance to deploy for political reasons, it is very likely that a deployed BG might find itself in an operation for longer than a 6-month period.

### **Solutions for improving the deployment of the EU's Battlegroups**

Since 2009, when the Swedish Presidency argued for the need to improve the flexibility of the deployment of BGs, this issue has been on the agenda of European Council presidencies. These discussions have given grounds for possible **solutions** within the existing legal framework.

**Permanent civil-military planning and command structure.** One initiative calls for developing BGs into civil-military crisis response forces by setting up a civil-military planning and command structure at the EU level and enhancing pooling and sharing. Although this initiative was considered reasonable for identifying some of BGs' tasks and providing civil-military integration, which is crucial for BGs, it was too ambitious and was not developed further.

**Permanent structured cooperation.** According to Article 42(6) of the Treaty on the EU, member states can voluntarily move toward deeper integration that includes harmonising their objectives with those of the EU; coordinating their military needs and capabilities by pooling, sharing and specialising; cooperating in training; and – most important in the context of EU's BGs – improving the availability, flexibility and deployability of their forces. It is not specified which of these aspects should be developed into a permanent structure.

**Financial burden sharing.** This is an initiative intended to revise the Athena mechanism by supplementing the list with positions that are covered by “common costs”, thereby decreasing the financial burden on member states that want to deploy BGs. Disputes arise about the positions that should be included in the list: some member states argue for covering only the strategic airlift in order to deploy groups to the crisis area, whereas others want military equipment expenses and other operational costs to be covered.

**Synchronisation of the parliament decision-making procedures.** Within the scope of this initiative, an analysis on the differences of national parliamentary decision-making procedures and practices has been delivered. Proposals for synchronising decision-making procedures still remain to be elaborated.

**Modularity.** According to this initiative, instead of having pre-determined structures, BGs could be formed by EU member states' modules on a case-by-case basis. Hence, states that “are most interested in a given crisis, avoiding a too rigid and prescribed composition of the EU BGs, and allowing for more proportionate contributions according to member states' means”<sup>11</sup>. Additionally, modularity is

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<sup>10</sup> Balossi-Restelli M. L. (2011). Fit for what? Towards explaining Battlegroup inaction. *European Security*, Vol. 20, No. 2, p. 174.

<sup>11</sup> High Representative. (15 October 2013). Final Report by the High Representative/ Head of the EDA on the Common Security and Defence Policy. Brussels, p. 11.



mentioned in the context of developing specific capabilities. It is argued that BGs should develop specific military capabilities and become similar to special forces, naval combat assets, etc.<sup>12</sup>

**Coalition of the willing.** According to the Council's conclusions of November of 2014, it has been encouraged to consider "looking into the full potential of the use of Article 44 of the Treaty on the EU"<sup>13</sup>, which states that "the Council may entrust the implementation of a task to a group of Member States which are willing and have the necessary capability for such a task." On the basis of this regulation, it has been considered that greater speed and flexibility can be achieved by allowing member states to form a "coalition of the willing" in order to intervene in crisis areas.

### Scenarios for the EU Battlegroups concept

In order to enhance discussion on the future development of BGs, a few scenarios derived from the identified problems and proposed solutions can be formulated.

**1. Leave BGs as they are.** BGs develop according to the current practice, functioning as a useful, though expensive, platform for military training and experience exchange and waiting for the right time when a leading country has the political will to deploy a BG.

**2. Reforming BGs.** In order to help member states to form the political will to deploy BGs, the financial burden issue should be addressed, and from the operational perspective, the modularity approach, which calls for each BG to deal with specific tasks, should be considered.

**3. BGs with a defined level of ambition.** If it is not possible to reach an agreement on the financial burden, then defining the level of ambition and specific tasks can ease deployment of BGs. Option 1 is to decrease the level of ambition and to develop BGs for securing, patrolling, providing assistance in disaster relief, etc., mainly within or adjacent to EU's borders. Such tasks would be politically less sensitive and less costly. Option 2 is to have a high level of ambition for BGs dealing with specific military tasks such as combating terrorism, securing vital infrastructure and others which demand highly developed military capabilities.

**4. Politically committed BGs.** Before starting a specific BG duty, the member states make a common politically binding commitment about their willingness and preparedness to send their troops in a specific upcoming crisis. This certainly would be done on a voluntary basis.

**5. Creating an alternative force.** After implementing a proposed solution such as modularity, forming a "coalition of the willing" or permanent structured cooperation, an alternative rapid force is formed whose purpose is to intervene in case of an emergency; follow-on forces would be BG or other operating forces under the aegis of the United Nations.

### Some questions for discussion

1. What are the common EU strategic interests regarding the employment of EU's BGs?
2. What could be the specific tasks for EU's BGs, considering the security environment and available military capabilities of member states?
3. How should the Athena mechanism be modified to address funding concerns expressed by some member states?
4. How can the authorisation process for the deployment of troops in member states' parliaments be synchronised?
5. Why not consider encouraging the member states acting within a particular BG framework to synchronise their decision-making procedures?

<sup>12</sup> Barcikowska A. (2013). EU Battlegroups – ready to go? *Brief Issue*. European Union Institute for Security Studies. No. 40, p. 3.

<sup>13</sup> Council of the European Union. (18 November 2014). Council conclusions on Common Security and Defence Policy. Foreign Affairs (Defence) Council meeting, Brussels, p 4.



6. How to deploy EU's BGs within the mandate of Article 44 of the Treaty on the EU? If the consent of the Council is necessary, how is this mechanism different from existing ones, for instance CSDP missions?
7. What could be possible ways to put BGs within the framework described by the Permanent Structured Cooperation under the Treaty on the EU?
8. How to facilitate the development of BGs into more permanent and fixed formations which would allow member states to adjust their military planning and synchronize decision-making procedures?
9. What is the difference between the alternative rapid response forces from the EU's BGs if in both cases the Council's decision is necessary for troops' deployment?

