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Centre for International & European Law

Comprehensive Security: The EU's Strategic Autonomy from a Practical Legal Perspective

CLEER Conference

organised in close cooperation with the General Court of the European Union
and the Department of European and Economic Law of the University of Groningen

Friday 21 October 2022, T.M.C. Asser Institute, The Hague
(as well as online)

'Strategic autonomy' has become a buzzword in debates on the EU's position as a global actor. A first reference to strategic autonomy already dates back to December 2013 when the European Council called for the development of European defense capabilities to enhance the strategic autonomy of the European Union. In the following years, the term features prominently in EU policy documents, including the 2016 EU Global Strategy and the establishment of a European Defence Fund in 2017. The idea received additional attention during the Trump-era and can also be seen as a driver behind the current PESCO initiatives on European military cooperation. Closely linked to this debate is the role of NATO and the function of both Articles 5 NATO and Article 42(7) TEU on collective defence. Despite its growing significance, the legal contours of and challenges raised by 'strategic autonomy' remain nebulous.

The aim of the present conference is to explore the different legal dimensions of the concept of 'strategic autonomy' by approaching 'security' - a core idea underpinning it - in a more comprehensive fashion. After all, security questions are not only relevant in military terms, but also present themselves in areas such as energy policy, data protection, sanctions, extraterritorial effects of foreign law, investment policy, or public procurement.

Practical legal questions increasingly present themselves in these fields – as the relevant CJEU case-law attests to. These range from individuals or companies seeking legal protection in CDSP matters (including staff and public procurement matters), on questions of energy security or data protection, on exports of dual-use goods, or in cases of clear conflicts between EU and foreign sanction regimes. But legal questions equally emerge in relation to obligations under PESCO or with regard to military missions (the binding nature of norms, responsibility and claims, the appropriate court or tribunal).

The conference aims to bring together academics as well as practitioners working at, inter alia, courts and tribunals, ministries, embassies and law firms.

Conference Directors: Eva Kassoti and Ramses A. Wessel

Programme

10:00-10:15 Introduction and welcome

- 10:15-11:00 The General Court of the European Union's Engagement with Questions of Security
Mr Marc van der Woude, *President of the General Court of the EU*
- 11:00-12:15 Round Table on Member State's Perspectives on European Security
Contributions by selected Member States
H.E. Ms Frances Lanitou (Ambassador of the Republic of Cyprus); H.E. Mr Ilkka-Pekka Similä (Ambassador of Finland); Ms Babs Kamsteeg (Dutch Ministry of Defense)
Moderator: Prof. Ramses A. Wessel (University of Groningen)
- 12:15-13:00 Lunch
- 13:00-14:15 Panel 1: Common Security and Defence Policy
Prof. Federico Casolari (University of Bologna) – *Member States-EU interactions with security implications and the implementation of the EU's strategic autonomy doctrine*
Mr Bram Vroege (Utrecht University) - *European Defense Fund*
Mr Stephan Marquardt (EEAS) – *Legal Nature of Civilian CDSP Missions*
Moderator: Dr Eva Kassoti (T.M.C. Asser Institute)
- 14:15-15:15 Panel 2: Sanctions and Export Restrictions
Dr Machiko Kanetake (Utrecht University) – *The EU's dual use export control*
Prof. Peter van Elsuwege (Ghent University) – *Strategic autonomy and EU sanctions: challenges of co-ordination and judicial review*
Moderator: Prof. Henri de Waele (Radboud University/ University of Antwerp)
- 15:15-15:45 Coffee / tea
- 15:45-17:00 Panel 3: Energy, Digital and Food Security
Dr Max Baumgart (Tilburg University) – *EU energy security and its external dimension*
Dr Oskar Gstrein (University of Groningen) – *Digital Autonomy, Sovereignty and Security*
Prof. Josephine van Zeben (Wageningen University) – *Food security*
Moderator: Ms Cathleen Berg (University of Bayreuth/ CLEER Visiting Fellow)
- 17:00-18:00 Reception



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