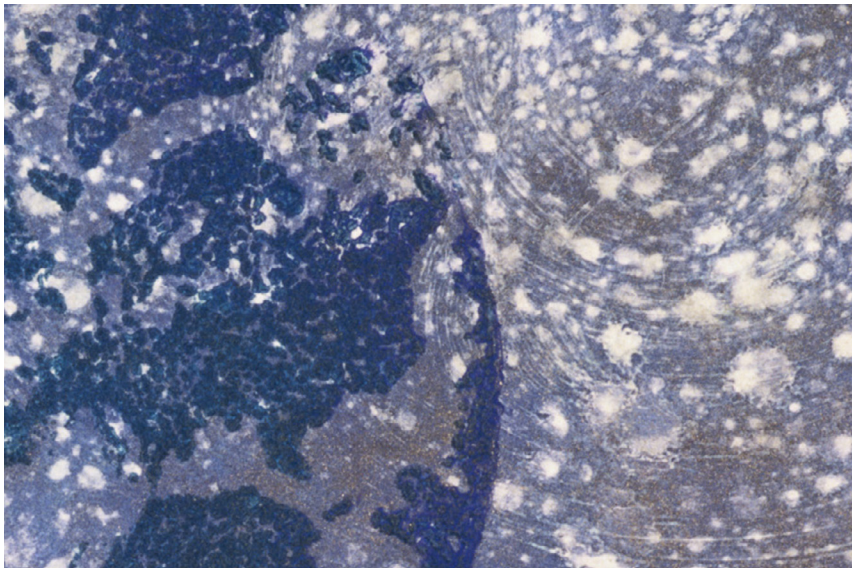

Integration in the European Union's Field of Defence and Security

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Abstract

The European Union's defence and security policy has long been understood as being in the hands of sovereign powers. This report challenges this understanding by addressing the role of a supranational institution, the European Commission (Commission) in the Common Security and Defence Policy (CSDP) of the European Union (EU). As the Commission has increasingly taken initiative in the field of defence and security over the past fifteen years, this dissertation focuses on the initiatives during this period. The aim of the report is to contribute to our understanding of integration in the field of defence and security by answering the following question: Why did the member states of the Union voluntarily accept policy initiatives from the Commission in the field of defence and security? Scholars, so far, have understood the increased autonomy for the Commission in other policy fields as driven by the strategic (enforcement) powers of the Commission. Moreover, in EU foreign policy, the Commission is known to have influence, but initiatives from the Commission have not been studied from a member state perspective. This report analyses six different member states and finds that member state actors have accepted more autonomy of the Commission due to a sense of obligation concerning its role as an executive. Thus, the report also addresses the role of norms. These findings emphasise the role of national civil servants in the policy making process, and the framing of new policies within established norms, as for example non-discrimination.

This dissertation consists of an introductory chapter, which sets out the research agenda, and three separate articles:

- Sovereignty at Stake? The European Commission's proposal for a Defence and Security Procurement Directive
- Unexpected Compliance? The implementation of the Defence and Security Procurement Directive
- The Preparatory Action on Defence Research. A new chapter in European defence integration

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List of abbreviations

CFSP	Common Foreign and Security Policy
Commission	European Commission
CSDP	Common Security and Defence Policy
Defence Directive	Defence and Security Procurement Directive
DG	Directorate General
DSPD	Defence and Security Procurement Directive
ECJ	European Court of Justice
EDA	European Defence Agency
EDAP	European Defence Action Plan
EDEM	European Defence Equipment Market
EDF	European Defence Fund
EDIDP	European Defence Industrial Development Programme
EDRP	European Defence Research Programme
ESRP	European Security Research Programme
EEAS	European External Action Service
EU	European Union
MFF	Multiannual Financial Framework
MSF	Multiple Stream Framework
NATO	North Atlantic Treaty Organisation
OCCAR	Organisation Cojointe de Cooperacion en matiere d'Armement/Organisation for Joint Armament Cooperation
Parliament	European Parliament
PA	Preparatory Action
PADR	Preparatory Action on Defence Research
PASR	Preparatory Action on Security Research
PESCO	Permanent Structured Cooperation
PP	Pilot Project
SME	Small and Medium Enterprise
TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the European Union
UK	United Kingdom

Introduction

The European Union (EU or Union) is a unique form of governance in the world. Its existence is the result of the willingness of the European member states to transfer sovereignty beyond the nation state (Lange 1993: Moravcsik 1998; Bickerton 2012). That being said, integration within the EU is puzzling for policy makers and scholars alike (Lange 1993; Pierson 1996; Moravcsik 1998; Borzel 2005; Bickerton et al. 2011). While the integration of the Union has been studied extensively to understand why member states have transferred sovereign powers to supranational institutions in certain policy areas (cf. Lange 1993; Pollack 1994; Moravcsik 1998; Tallberg 1999), the area of defence and security policy (and foreign and security policy) has until recent remained exempt from such a development (Hoffman 1966; Peterson and Sjursen 1999; Howorth 2001: 766; Menon 2013).

On the one hand, both the Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP) are regarded as intergovernmental (Duke 2011; Bickerton 2011; Menon 2013; Calcara 2017). The policy making procedures of the CFSP and the CSDP are grounded in specific Treaty provisions, which set boundaries for integration in this field – policy remains in the hands of the member states (OJEU 2012; Trybus 2002; Menon 2011; Sjursen 2011; Smith 2015: Sjursen 2016; article 42 TEU). Prior to the Lisbon

Treaty, these decision-making procedures (OJEU 2012) were organised as a separate pillar of the EU (OJEU 1992), ensuring the distinctiveness of this particular policy field, apart from the so-called community method. The pillar was a means for member states to protect their veto powers and secure unanimous decision-making procedures (article 28A.4 TEU; Jones 2007; Menon 2011; Sjursen 2016). As institutionally separate policies, neither the CFSP nor the CSDP have seen the delegation of sovereign powers to supranational institutions (Duke 2006; Sjursen 2011; Bickerton 2012; Menon 2013).

But while member states have aimed to retain a firm grip on defence and security policy, scholars studying the CFSP and the CSDP also find it difficult to portray the CSDP as an intergovernmental policy (Øhrgaard 1997, 2004; Allen 1998; Juncos and Reynolds 2007; Norheim-Martinsen 2010; Juncos and Pomorska 2011; Sjursen 2011; Cross 2011; Hofmann 2012; Howorth 2012; des Courieres 2017; Wessels 2018). This is because the member states do not seem to be the sole actors in the process of determining EU foreign policy (Smith 2004; Sjursen 2011; Howorth 2012; Cross 2013). Some scholars claim to have observe within the field of EU foreign policy making a process of socialisation and 'Brusselisation' (Allen 1998; Tonra 2003; Duke and Vanhoonacker 2006; Juncos and Pomorska 2006, 2011; Howorth 2010, 2012; Vanhoonacker et al. 2010).[1] Evidence so far has thus focused on the way in which actors become more alike when working in EU institutions. These findings challenge existing assumptions about defence and security policy, and, indeed, foreign policy more generally (Smith 2004; Sjursen 2011: 1092).

Intergovernmentalism in this dissertation is used as a descriptive category (Sjursen 2016) to indicate that a particular policy is in the hands of member states. Intergovernmentalism is hence an institutional arrangement. For the purpose of this report, intergovernmentalism is defined as the possibility that member states can lodge a veto, enabling them to maintain full control of a specific policy field. If states delegate policy to supranational institutions, they can take decision-making powers back when necessary (Sjursen 2011). Integration in any policy field is thus defined as a departure from inter-

[1] The phenomenon whereby a profusion of agencies of intergovernmentalism take root in Brussels and through dialogue and socialisation, gradually create a tendency for policy to be influenced, formulated and even driven, from within that city (Allen 1998).

governmentalism (Sjursen 2011). Were states to abandon, for example, their veto power for some form of majority vote, it would be a clear indication of a move beyond intergovernmentalism. Or a transfer of law making powers to the European level could result in more initiating powers to the European Commission (Commission) and enforcement powers to the European Court of Justice (ECJ) (Sjursen 2011, 2016; Bickerton et al. 2011).

Speaking to the question of whether the field of security and defence continues to be intergovernmental (Howorth 2007; Howorth 2012; Menon 2013), this report investigates more recent moves towards integration in the field defence and security. The particular focus is on initiatives from the Commission in the field of defence and security. The Commission is regarded as the Guardian of the Treaty (Becker et al. 2016), which gives it a prominent role in many policy areas (Schmidt 2000; Smith 2004). Where national powers have been delegated to the EU level, the Commission has an influential mandate through its right of initiative and possibility to enforce EU law whenever deemed necessary (Schmidt 2000; Andersen 2012; Bauer and Becker 2014).[2] Yet the Commission has no prominent role in the field of defence and security. The main research question this report therefore seeks to answer is why member states have voluntarily accepted Commission initiatives entailing a loss of national control in the field of defence and security? This question is investigated through the study of three Commission initiatives in the CSDP. The report hence seeks to tease out how change – integration – has been possible since 2004 with a particular focus on answering why member states went along with the initiative.

Empirical evidence of recent developments in the area of defence and security demonstrate extensive change in the policy field (European Commission 2017; European Commission 2018; Council of the EU 2017; Council of the EU 2018). In June 2016, the member states of the Union published an EU Global Strategy (European Union 2016) setting out a new policy agenda for the Union in the world (EU foreign policy). In the follow up of the Global Strategy, there has been a specific focus on defence and security policy. In addition, in December 2017 the member states decided on moving forward in the field of defence

[2] Those enforcement powers are based, as Guardian of the Treaty, on article 258 TFEU. However, the European Court of Justice that still ultimately decides on the legal boundaries (Spence 2006: 385).

and security with the Permanent Structured Cooperation (PESCO) decision (Council of the EU 2017). This decision allows the twenty-five participating member states to work more closely together in the area of defence and security (Council of the EU 2017). This Council decision comes alongside the initiative of French President Macron to establish a common intervention force (Macron 2017). This latter proposal was signed off by nine member states, France, Germany, Belgium, the United Kingdom, Denmark, the Netherlands, Estonia, Spain, and Portugal in June 2018 (Letter of Intent 2018). Despite the importance of current developments in the field of defence and security, all these recent initiatives are based on decision procedures that seem to remain in the hands of the member states. In light of new policy developments, such as PESCO (and the European Defence Fund), it is important to acquire a systematic and detailed understanding of how integration has come about and what the potential impact of this kind of integration might be.

The European Commission has, in the past, frequently sought to move into the field of defence and security, albeit with little success. In 1990, the Commission presented an Action Plan on defence integration (European Commission 1990; European Commission 1996) that was mainly ignored by the member states (European Commission 2003). More than twenty years later, in 2016, Commission President Juncker admitted: 'Europe can no longer afford to piggy back on the military might of others. We have to take responsibility for protecting our interests and the European way of life. It is only by working together that Europe will be able to defend itself at home and abroad'. (European Commission 2016). Repeating the need for defence integration in 2017, Juncker claimed in his state of the Union speech that by 2025 'we [will] need fully-fledged European Defence Union' (European Commission 2017a). Member states' reaction to these more recent proposals remained the same: they were unwilling to accept such initiatives from the Commission in the field of defence and security. In the three articles of this report, this initial reluctance of the member states, as well as their eventual acceptance, are examined in more detail.

In order to answer why member states voluntarily accepted initiatives from the Commission, this report examines two specific cases: the Defence and Security Procurement Directive creating an internal market for defence material, and the Preparatory Action on Defence

Research, creating a European budget for defence research. Both defence procurement and defence research were previously placed under the auspices of the European Defence Agency (EDA), an intergovernmental institution (European Council 2004).[3] Member states had mandated defence procurement and defence research to the EDA in order to keep these policies away from the Commission (European Council 2004; European Defence Agency 2005; Trybus 2006).

In the first article, the acceptance by member states of the first supranational directive in the field defence and security, the Defence and Security Procurement Directive (2009/81 EC), is traced and examined. The article answers questions concerning why the member states changed from not wanting a directive, to accepting the proposal in 2007.

The second article deals with the compliance of member states with the Commission's interpretation of (defence) offset policy as part of the implementation of the Directive, based on a non-legally binding guidance note.[4] Member states could not agree on how to deal with offsets during the negotiations on the Directive, and decided to leave the issue out. Yet when the Commission published a guidance note, national policy on offsets was adjusted. The article explains why the member states complied with this non-legally binding guidance note.

The final article examines the creation of defence research budget in 2017 and asks why the member states accepted this defence research initiative. The question is posed in light of the Preparatory Action on Security Research (PASR) of 2004–2006, a time at which member states fervently blocked any supranational policy in defence research, and prioritised civil security research over defence research. By accepting initiatives from the Commission in the field of defence and security over the past fifteen years, these policies are now in the hands of the Commission.

The analytical framework in this report builds on rational choice and institutional perspectives in literature on integration in the field of defence and security (CFSP/CSDP), and EU integration literature

[3] Strengthening the European defence industry is one of the priorities of the Lisbon Treaty in which a prominent role is reserved for the EDA.
[4] Defence offset policy gives states the possibility to request investments in national industry after purchasing military equipment abroad.

more generally (Moravcsik 1998; Tallberg 1999; Tonra 2003; Smith 2004; Elgström and Smith 2006; Juncos and Reynolds 2007). First, rational choice theory is used to account for the acceptance by member states of ever more initiatives from the Commission in the field of defence and security. Several scholars have successfully applied a rational choice perspective to explain European integration (Moravcsik 1998; Tallberg 1999). The assumption following this perspective is that member states accept supranational policy if they expect material gain or benefit: actors make a cost-benefit calculation. Yet this perspective leaves certain issues unexplained: the hypothesis that actors' expectation of economic benefit is the driver of integration cannot explain why actors would accept policy outcomes that are not in their interest. In addition, the perspective assumes that preferences remain fixed over time, which makes it difficult to explain change.

To explain why member states agreed to Commission initiatives in the field of defence and security it is useful to consider the institutional context in which different actors found themselves when these proposals were made. In this report, therefore, an alternative perspective is applied: a logic of appropriateness (March and Olsen 1998). The choice of this perspective is based on studies that have found an institutional approach to provide a useful set of tools for studying integration in the field of defence and security (Tonra 2003; Smith 2004; Elgstrom and Smith 2006; Thomas 2011; Breuer 2010, 2012). First, the perspective takes into account the role institutions and institutionalised norms/rules can play (Schimmelfennig 2001; Thomas 2011). Research on European integration has found that member states (actors) are socialised within the European policy-making structures (Juncos and Reynold 2007; Juncos and Pomorska 2011). The use of a second perspective, therefore, speaks to the need for an analytical perspective that can capture change based on rules and routines established in these institutions. This is relevant because in the case of understanding why member states accepted a Commission initiative, an institutional perspective allows insight into the effect of rules actors aim to follow as part of their EU membership. Applying a logic of appropriateness, then, provides the tools to assess whether actors adhere to certain European norms/rules when accepting integration in the field of defence and security. Second, applying both a rational choice perspective and logic of appropriateness enables us to understand whether interests or norms have prevailed in integration in this policy field. If only one of these perspective is used, such an

important analytical distinction cannot be made. This distinction is also relevant by helping us understand and identify the drivers of integration in the field of defence and security.

The debate on integration in the area of defence and security

The main contribution of this report is to add to the literature on European defence integration (and integration in the EU foreign policy more generally). The status of research in this field is briefly discussed below in order to identify the added value of this dissertation.

First, the contribution of this report is to studies on EU foreign policy seeking to determine the extent to which integration obtains in the CFSP/CSDP (Wæver 1995; Menon 1996; Foster 1997; Hoffmann 2000; Howorth 2001; Trybus 2002; Smith 2004; Treacher 2004; Meyer 2006; Bickerton et al. 2011; Breuer 2010, 2012; Thomas 2011). Second, as this report deals with cases in the area of defence and security, the main contribution is to research on defence integration more specifically (Menon et al. 1992; Howorth and Menon 1997; Howorth 2000, 2004; Ojanen 2002; Trybus 2005; Meyer 2006; Norheim-Martinsen 2010; Bickerton et al. 2011; Meyer and Strickmann 2011; Kurowska and Breuer 2011; Blauberger and Weiss 2013; Larivé 2014; Howorth 2017; Fiott 2017; Smith 2017).

When addressing the level of integration in the field of defence and security specifically, certain scholars have not found any movement beyond intergovernmentalism (Bickerton 2011: 182; Menon 2013). While the relationship between states does not match the intergovernmental expectation of hard bargaining and defence of self-interest, 'we are also not seeing the emergence of supranational institutions' (Bickerton 2011). Furthermore, recent analyses by Genschel and Jachtenfuchs have found some integration in this policy field, albeit less and slower than in other (more 'low' politics) policy areas (Genschel and Jachtenfuchs 2013). When focusing on military integration, findings suggest that defence forces remain 'under firm member-state control' (Genschel and Jachentfuchs 2013: 251; Menon 2013). Even though there is integration of the EU arms market, scholars find that NATO still has a priority for most member states and reduces the need for European integration (Menon 2013; Mérand and Angers 2013). In the handbook on European Defence Policies and Armed

Forces, the authors come to the same conclusion: defence policy remains ultimately in the hands of the state (Meijer and Wyss 2018). These findings are in line with Howorth's (2007) who found that the ESDP has a long way to go from coordination, i.e., what takes place in an intergovernmental framework, to integration. Integration in the field of defence can therefore still be indicated as the ultimate challenge (Howorth 2000).

As part of analyses of the field of defence and security, defence industrial integration is viewed as a significant component. However, the degree of EU integration is even more contested by scholars when examining armaments cooperation (Walker and Willett 1993; Walker and Gummett 1993; De Vessel 1995; Guay 1998; Guay and Callum 2002; Mörth 2003; Hartley 2003; Thiem 2011; Hoeffler 2012; DeVore 2012, 2013; Weiss 2013; Muravska 2014; Karampekios and Oikonomou 2015; Fiott 2015; Calcara 2017; Calcara 2018). The initiatives towards armaments cooperation at the European level have resulted in a re-invention of national defence industrial strategies but not in automatically uploading these policies to the European level (Hoeffler 2012). Decision-making thus remains in the hands of political elites who possess a strong veto, and Europe does not play a role in the strategic phase (Hoeffler and Mérand 2015). The field is therefore likely to develop along the lines of intergovernmentalism (DeVore 2013), due to historic European and international armaments collaboration (DeVore 2014). This historic context tends to limit the role of the EU, particularly that of the Commission, in armaments cooperation (DeVore 2014). The protection of domestic industry is another factor frustrating the need for European armaments cooperation. Others have found that defence industry mergers drive international cooperation in the sector (Guay and Callum 2002; Kluth 2017), but does not necessarily lead to integration in the European context.

Other scholars studying the field of defence and security find that integration is currently taking place (JCMS 2011/1; Howorth 2012; Hoeffler 2012). Mérand (2008) concludes that defence policy does not solely remain a national matter (Mérand 2008: 3). Howorth, for example, sees the decision-making procedure in the area of defence as intergovernmental supranationalism, since the direction in this field is 'clearly towards greater cooperation and integration' (Howorth 2012: 449). A few studies have established that supranational institutions have the ability to reframe armaments policy and establish

pan-European norms (Mörth 2003; Mörth and Britz 2004; Bátora 2009). This ability has led to a redefinition of national armaments policies (Britz and Eriksson 2000; Mawdsley 2000; Britz 2008, 2010).

According to the Treaties (OJEU 2012) that establish the specific status of the CSDP (and the CFSP), the policy is supposed to remain within the control of the member states. Sjursen (2011), however, indicates that EU foreign policy has moved beyond this strict control in practice, and member states have voluntarily surrendered power to a larger entity (Sjursen 2011; JEPP 2011/08). These developments challenge the view that the CSDP retains the character of a distinct policy process.

Not many case studies have explored the initiatives from the Commission in the field defence and security (cf. Blauberger and Weiss 2013; Weiss and Blauberger 2016; Fiott 2017; James 2018). Blauberger and Weiss (2013) analyse the acceptance of the Defence and Security Procurement Directive and the authors also explore the changed offset policy in the member states (Weiss and Blauberger 2016). Fiott (2017) studies the acceptance of the Defence Transfer Directive in 2009. Apart from the single case study of Fiott (2017), there has been no attempt to explain member states' acceptance of several initiatives from the Commission in the field of defence and security. The principal aim of this report is to fill this gap in our knowledge why integration in this field is accepted by the member states.

Findings from case studies on the decision-making procedures (role of institutions) in the CSDP emphasise that socialisation is taking place. The decision-making procedures of the CSDP are formally inter-governmental, although in practice they function in a different way (Cross 2013: 51). Among others, Cross has explored the socialisation of actors within the European Military Committee and the Committee for Civilian Crisis Management (Cross 2013; 2011). Vanhoonacker et al. (2010) analyse the role of bureaucrats in the making of security and defence policy. Other studies address the Political Security Committee (Juncos and Reynolds 2007; Howorth 2010), the European Defence Agency (Calcara 2017), and the socialisation of national officials in the Council when working in Brussels (Juncos and Pomorska 2011; Juncos and Pomorska 2013). While these scholars address the general function of institutions, they do not explain how integration is possible in this policy field (Sjursen 2011).

To examine such a move, we need to look at acts of concrete decision-making to understand how integration is possible (Sjursen 2011). What has been addressed in the literature is the role of supranational institutions in the CSDP decision-making process. One group has addressed, for example, the role of the European Parliament in the policy-making process (Lord 2011; Wouter and Raube 2012; Peters et al. 2014; Rosén 2015). Another group of studies has explicitly focused on the role of the Commission in the CFSP/CSDP, trying to assess the extent to which the Commission influences the policy-making procedures (Hill 1996; Mörth 2003; Duke 2006; Lavallée 2011; Riddervold and Sjursen 2012; Riddervold 2016, 2018; James 2018). Predominately in studies on the role of the Commission, scholars conclude that the likelihood of the Commission influencing EU foreign policy follows from the role of the Commission as policy entrepreneur/agenda setter (Krause 2003; Lavallee 2011; James 2018; Karampekios et al. 2018). Furthermore, scholars have, for example, addressed the role of NGOs (Joachim and Dembinski 2011) and the EEAS (Juncos and Pomorska 2013). However, these studies address influence, not policy initiatives from a supranational institution.

While the main focus in the literature has been thus far on socialisation within EU institutions, finding an increased influence of supranational institutions in the area of defence and security, the debate on the depth of integration in the field of defence and security policy is still ongoing. The mere fact that 'member state actors are becoming alike within EU institutions does not necessarily mean that the CSDP is no longer intergovernmental' (Sjursen 2011). The main contribution of this report is to add to this debate on integration in the field of defence and security, and account for the acceptance of a move beyond intergovernmentalism, when member states are not forced to do so.

This introduction is followed by an introduction of the analytical framework in the next section, addressing why a rational choice perspective and institutional perspective have been chosen as useful theories to answer the research question of this report, and what hypotheses follow from these perspectives. The third section of this introductory chapter explains the data collection process and methodology applied in the three research articles. In the final section of this report, the findings are presented.

Analytical framework

The research question for this report why the member states accepted initiatives from the Commission in the field of defence and security resulting in deeper integration, is examined through two different perspectives: a rational choice perspective and a logic of appropriateness. These perspectives are found to be useful, because they establish the mechanisms of cost benefit calculation and rule following. These mechanisms are helpful in enhancing our understanding of how exactly integration in the field of defence and security occurs because they identify two possible drivers of integration (Tonra 2003; Howorth 2007; Menon 2011: 96). This section first gives a short overview of approaches that have been applied in studies on integration in the CSDP. Second, the main propositions of the rational choice and logic of appropriateness, including hypotheses that follow from these assumptions are introduced.

Scholars indicate that the analysis of the CSDP has remained predominately descriptive and prescriptive (Bickerton et al. 2011: 3; Kurowska and Breuer 2012; Kurowska 2012). It is suggested that the CSDP is undertheorised because of the fact that 'existing academic theories have had enormous difficulty in explaining ESDP' (Ojanen 2006; Howorth 2007: 24).[5] Traditional European integration theory has considered it unlikely that integration in the field of 'high' politics should happen (Hoffmann 1966; Øhrgaard 1997; Moravcsik 1998; Smith 2004: 23). Therefore, the fact that ESDP emerged (at all) proved problematic in theoretical terms. Since the primarily focus was on finding a reason for the absence of integration in security and defence, these theories failed to explain a phenomenon such as the ESDP by 'simply jettisoning the distinction between high and low politics' (Ojanen 2002, 2006: 61).

As a result of the development of the ESDP and the CSDP in more recent years, scholars have used other explanations to account for the existence of the CSDP, and focus on both rationalist and constructivist explanations (Howorth 2000, 2004; Alexander and Garden 2001; Tonra 2003; Jørgensen 2004; Junocs and Pomorska 2006; Meyer 2006; Meyer and Strickmann 2010; Meyer 2011; Thiem 2011; Mérand 2012;

[5] Integration in the CSDP is recent. Most prominent approaches in the area (to account for the CSDP) are structural and classical realism, principal agent theory, intergovernmental bargaining, regime theory, securitisation theory, and sociological institutionalism (Cross 2013).

Dijkstra 2013; Cross 2013). Next to a rationalist perspective, or rational choice institutionalism (Dijkstra 2013), explanatory power is found in for example sociological or historical institutionalism (Smith 2004; Juncos and Reynolds 2007; Menon 2011; Thomas 2011; Breuer 2012), epistemic communities (Cross 2013), and role theory (Aggestam 2006).

In order to account for European integration more generally, that is, why member states have transferred parts of sovereignty to the European level, research has focused on the explanation that such a move is in the self-interest of a state (Lange 1993; Pollack 1997; Moravcsik 1998; Tallberg 1999). A rational choice perspective is hence an established view and found to be a reasonable way of understanding integration. The CSDP, a policy area so closely attached the national sovereignty of a state, self-interest is expected to explain integration. Ojanen (2006) argues, despite the fact that integration in this field was never regarded possible by realists, it might be that actors in the field of defence and security were expecting some kind of benefit from more integration in this field. The starting point in this report is, therefore, a rational choice perspective.

Yet when applying this perspective to the field of defence and security, some issues remain unexplained. The perspective cannot account for actors following norms when it is not in their interest to do so. In addition, the perspective assumes that preferences remain fixed over time and cannot account for a change. Studies on the CFSP have furthermore suggested that actors are also led by norms in this policy field (cf. Sjursen 2002).

To find a possible solution to these unresolved issues, and use an alternative explanation to an interest based approach, a logic of appropriateness is applied in this report (March and Olsen 1998). This alternative approach is chosen as studies on the CFSP have suggested that actors in this policy area are also led by norms (Sjursen 2002; Tonra 2003; Smith 2004; Elgström and Smith 2006; Cross 2013). An institutional perspective is hence viewed to be useful in answering to question about the developments in the CSDP (Checkel 1999; Smith 2004; Elgström and Smith 2006; Juncos and Reynolds 2007; Breuer 2010, 2012; Howorth 2010; Duke 2011). Finally, applying this perspective is relevant because the member states are actors to the Union, and the perspective allows for analysing the independent effect of this institution (community) on the member states' behaviour (March and Olsen 1989).

Although concepts such as spill over and creeping competences (Haas 1964; Pollack 1994, 2000) have been used in explaining European integration in other policy fields, and in the field of defence and security (Guay 1996, 1998; Citi 2014), they are not considered in this report. The idea of spill over and creeping competences place emphasis on different agents, predominately within the Commission. However agents embossed in institutional structures do not give the possibility to uncover mechanisms for integration. These perspectives are therefore not used in the analysis of the two case studies in this dissertation.

In the following sections the rational choice perspective and an institutional perspective are shortly introduced. The sections elaborate on the theoretical background, basic assumptions and hypotheses used in the three articles.

Interest based approaches

Rational choice theory

Rational choice theory is widely adopted in studying science (Riker 1990; Eriksen and Weigård 1997). Not in the least because of the strength of its explanatory and predictive power (Elster 2000).[6] Rational choice theory is in this report used as an empirical theory, one that explains and predicts human actions and resulting social phenomena (Eriksson 2011: 8). The perspective has a number of assumptions. First, the perspective assumes that the preferences of actors are fixed. Resulting in a ranking of preferences and stability over time (Eriksen and Weigård 1997). It is assumed that actors make decision on strategic cost benefit calculations and that agents are self-interested (Elster 1986, 1989b). Second, actors then seek a maximisation of utility (Riker 1990: 172; Elster 1989b). 'Rational behaviour is typically identified with 'maximization of some sort' (Elster 1989b; Eriksen and Weigård 1997). Utility is based on what is in the self-interest of an actor, after having carefully calculated costs and benefits (Eriksen and Weigård 1997: 222). The calculation of cost and

[6] The perspective has its roots in economic theory, and the apparent simplicity of the perspective is appealing. Yet because rationality is a widely used concept, the coherence of scholars using what they understand to be rational choice perspective is limited (Eriksson 2011; Green and Shapiro 1994: 13). This incoherence comes as a result of the idea that rationality is assumed by many to be the best means for achieving an end. However, such a starting point inherits a normative assumption (Elster 1986: 1).

benefits follows from actors making a choice based on considerations of the consequences of available actions: expectation of gain or loss (Eriksson 2011: 25).

In addition, the perspective is based on a strong methodological individualism (Elster 1989b; Pollack 2006: 32) – the focus is on the individual actor. If actors delegate decision-making to institutions, it is based on expectation of efficiency and functionality (Tallberg 1999; Pollack 2006). The result of this efficiency is considered to be in the interest of an actor. Different than other theoretical perspectives, rational choice theory expects the outcome of a choice to be an equilibrium (Riker 1990). The strength of the theory is considered to be universalism, which allows for generalisation (Riker 1990), but the theory has received criticism for its empirical application (Green and Shapiro 1994). The theory leaves gaps in knowledge, as it cannot account for actors giving up self-interest on behalf of larger institutions.

Following the basic assumptions from a rational choice perspective, one hypothesis formulated for this report is that the member states accepted the initiatives from the Commission because they expected a particular gain for the national defence industry. In the three articles following this introductory chapter, this hypothesis is more clearly defined and it is specified what was particular in each of the cases.

Entrapment

The idea of entrapment is used in this report as a first move away from a pure rational choice perspective. Such is necessary as a rational choice perspective does not take norms into account. Entrapment is likely to answer the question why the member states accepted the initiatives from the Commission in the field of defence because it might be that certain European norms were considered to be to the benefit of member state actors. It is hence important to look at the role of norms, because there might be ideological, rather than material, reasons for integration. The basic assumptions underlying this perspective will be shorty introduced.

Rhetorical entrapment is defined as the 'strategic use and exchange of arguments to persuade other actors to act according to one's preferences' (Schimmelfennig 2001: 63; 2003: 5). The basic proposition is that, once actors have committed to a particular set of norms following a community identity, they are likely to find themselves

constrained to take further actions that do not reflect their original intentions (Schimmelfennig 2001, 2003). The idea of entrapment therefore emphasises the role of norms (Schimmelfennig 2001; Thomas 2011). The perspective suggests that actors do not only follow material interest, thus concerned about their reputation and use community identity strategically.

Three basic indicators of entrapment are used in the application of the perspective to this report (Schimmelfenning 2001). The perspective suggests that actors are limited by certain norms, therefore the first necessary condition is that actors belong to a community whose constitutive values and norms they share (Schimmelfennig 2001: 62). Second, the approach does not expect collective identity to shape concrete preferences. Actors are to focus on their collective interest, and honour their obligations as community members, but preferences will remain the same. This specific community identity may then be used for the pursuit of self-interest (self-legitimisation) (cf. Elster 1989a). Finally, Thomas (2011) argues that the idea of consistency (of norms and values) is subject to deliberate acts of 'framing'; how the issue is framed in light of pre-existing norms (Thomas 2011: 16). The condition is hence that certain policy decision are framed light of an existing norms, and such framing can be strategic. In this report, it is argued that framing is a necessary condition for entrapment to occur.

The hypothesis from this concept of entrapment is that the member states accepted the Commission's initiatives in the field of defence and security because the policy initiatives were framed in light of existing norms within the European Union, and actors voluntarily abided to these norms due to concerns regarding their reputations as 'good' members of the EU.

The idea of entrapment introduces norms in strategic behaviour, in contrast to actors pursuing material interest only, but the perspective cannot explain why norms are followed (Sjursen 2002), or are considered binding in the first place. Entrapment can hence not explain how a norm is established, or why a particular norm is adhered to and another is not (Sjursen 2002: 500).

Institutional approach

When studying integration in the EU, 'Germany, France, Italy, or the Netherlands are no longer simply European states – they are EU states in the sense that their statehood is increasingly defined by their EU membership' (Risse 2004: 148). International institutions, like the EU, can hence provide rules of thumb based on which actors should prefer to adopt policies rather than on a costly assessment of a number of options. In this light – following other scholars who have found a methodological individualism to be limited in explaining integration in EU foreign policy (Tonra 2003) – here a logic of appropriateness is applied (March and Olsen 1998). This perspective can provide explanations of the acceptance by member states of Commission initiatives in the field defence and security based on the mechanism of rule following (identity based) and the existence of certain norms. Rationality is, hence, constructed or context bound, and actors follow a logic of appropriateness (March and Olsen 1998; Eriksen 1999). This is based on the assumption that the goals and procedures of international organisations are more strongly determined by the standard of legitimacy and appropriateness of the international community to which actors belong, than by the utilitarian demand for efficient problem solving (March and Olsen 1989).

Logic of appropriateness

A logic of appropriateness starts with the basic idea that actors are members of a (political) community (institution). March and Olsen define an institution as 'a relatively stable collection of practices and rules defining appropriate behaviour for specific groups of actors in specific situations' (March and Olsen 1998: 948). Peoples' actions are understood as oriented towards fulfilling role expectations (March and Olsen 1989; Eriksen 1999). Olsen (2007) indicates that the basic unit of analysis for applying the logic of appropriateness 'are internalised rules and practices, identity and roles, normative and causal beliefs and resources' – not micro rational individuals (Olsen 2007: 4). Appropriateness here refers to a match of behaviour to a situation, an obligation following an identity or role to a specific situation.

The analytical perspective has the following basic assumptions (March and Olsen 2011: 480; March and Olsen 1998: 952). First, it starts with the idea that actors seek to fulfil the obligations and duties following a particular role, identity or member ship in a political community (March and Olsen 1998). Institutions, or political com-

munities, provide a relatively stable collection of practices and rules for specific groups in specific situations (March and Olsen 1989: 948).

Second, a logic of appropriateness as a theoretical perspective is understood as rule based action. These rules prescribe, more or less precisely, what is considered appropriate action (in a given situation) (March and Olsen 1998: 951). In this light actors act in accordance with rules and practices that are socially constructed, publicly known, anticipated, and accepted (March and Olsen 1989: 952). The behaviour proposition is that actors will ask themselves the following question: what kind of situation is this? What kind of person am I (are we)? What does a person as I do in a situation like this? (March and Olsen 1989, 2011). Consequently, rules are followed because they are perceived to be adequate in fulfilment of duty (as a member of a community/institution), and have normative validity – they are regarded as natural, right or good (Olsen 2007: 3; March and Olsen 1984). This normative validity is different than a moral validity: March and Olsen indicate that certain rules that are regarded appropriate in a certain institutional setting cannot necessarily be thought as good by moral standard (March and Olsen 2011: 479).

Following the necessary conditions for this perspective we might expect that member states accepted the initiatives from the Commission because of their membership in the Union and the existing rules that the Defence Directive and the PADR related to, as for example internal market rules.

Methodology

This report is a study of the acceptance of Commission initiatives in defence and security policy. It consists of three independent studies, which cover different areas of the defence and security policy.

First, this report aims to explain why initiatives from the Commission in the CSDP were accepted by the member states of the Union. It does not address if the Commission has taken an increased lead, but asks the question of why it has been possible to get accepted by the member states on these Commission proposals (Yin 2009: 9).Case studies are found to be useful for the research aim, as it gives the possibly to examine phenomena in depth and gain understanding of the underlying reasons for accepting integration (Yin 2009). These three separate cases provide in-depth investigation of the process that

led to change: instance where the member states voluntarily accepted an initiative from the Commission. The existing literature, as addressed in the sections above, leaves a gap in our understanding (knowledge about) of why the member states have come to accept deeper integration in the CSDP.

Second, as this report focuses on the period 2004 until 2018, it makes use of process tracing to examine (analyse) which causal mechanisms may have led to change: integration in the CSDP. Following the theoretical perspectives introduced in the previous section, these mechanisms were defined as cost benefit calculation and rule following. A key feature of the methodology chosen for this report, process tracing, is that it allows for the testing of hypothesis through multiple observations over time. These observations are derived from interviews and official documents.

Selection of cases

The cases examined in this report are selected on the dependent variable. All three cases are instances where the Commission succeeded in getting its policy proposal accepted. These cases represent a deviation from the standard understanding of defence policy making procedures, which means that these procedures remain in the hands of the member states. Cases where the Commission has failed are not considered as the objective here is to understand deeper integration in the field of defence and security, to which the acceptance of proposal of the Commission is illustrative. A case is defined following: 'a bounded empirical phenomenon that is an instance of a population of similar empirical phenomenon' (Rohlfing 2012: 24; see also Yin 2009; Moses and Knutsen 2012). Bounded, because every case has a temporal and substantive bound (Rohlfing 2012).[7] Such boundaries allow for the analysis of a particular phenomenon.

All cases deal with a particular instances of a Commission initiative in the field of defence and security and represent instances of where the member states allowed the Commission to expand its policy (powers) in a policy area that is formally not part of the Commissions' competence. Prior to the acceptance, member states placed defence procurement policy and defence research policy firmly within the

[7] In addition, Rohlfing addresses spatial and institutional bounds (Rohlfing 2012: 26). As the research agenda in the beginning of this introductory chapter is set, there is no elaboration on these bounds in this section.

EDA. An agency, established in 2004, where the member states are the main actors and can veto proposals in the European Council (OJEU 2015). In choosing these specific cases, the focus has been on change within the field of defence and security, and armaments policy in particular (defence equipment). Consequently, these cases aid in answering the research question of this report. The first case deals with the acceptance of a supranational directive dealing with defence and security procurement, the second with the compliance of non-legally binding guidance note addressing the controversial issue of offsets in defence procurement, and the third case addresses the acceptance of a defence research budget, which was previously contested by the member states. In all three articles, certain member states are studied, resulting from a careful choice for different subcases, i.e. member states. These member states are the United Kingdom, France, Germany, the Netherlands, and Sweden.

All these member states are expected to have an interest in maintaining national control and resisting the proposals form the Commission. France, Germany, and the United Kingdom are member states with a large defence equipment market, which makes it likely for these countries to aim for continuous autonomy in the field of defence and security. In the process of gathering data it proved to be rather difficult to get access to the Germany Ministry of Defence, therefore the main emphasis in this report lies on France and the United Kingdom. The Netherlands and Sweden were selected as middle large countries that both have a defence industrial base, but are not dominant players. Finally, for the third article officials in the Commission were also interviewed, primarily to enhance the understanding of how the Commission proposed the initiative on defence research. Finally, based on the expectation that this particular policy field is in the hands of the member states, all three cases are considered to be least likely cases of integration in the CSDP (Eckstein 2000; George and Bennett 2005: 121).

Data

In order to explain why these member states accepted initiative from the Commission in the field of defence and security, this dissertation builds on different sources of data (Yin 2009: 17). The data for this project comes predominately from official documents and interviews.

Official documents were collected from the member states and the Commission. The core of this report depends on official records of the House of Commons (2003 - 2018), House of Lords (2004 – 2018), the Dutch 'Tweede Kamer' and 'Eerste Kamer' (2004 – 2018), the Swedish 'Riksdagen' (2004 – 2011), the French 'Senat' (2005 – 2018) and 'Assemblée Nationale', and the German 'Bundestag' (2013 – 2018). I gathered transcripts from parliamentary debates in these countries on the two cases examined. For this particular source, I depended to a great extent on the online access of these documents. I applied for a Freedom of Information request at the ministry of Economic Affairs in the Netherlands (June 2017), which was granted. Instead of providing the relevant documents, I established a working relationship with the Ministry (responsible officials) whom helped me in great detail, and put me in contact with those responsible for defence and security procurement, both within the ministry of Economic Affairs and Ministry of Defence. An application for Freedom of Information was submitted to the United Kingdom (ministry of Defence) in June 2017 on the implementation of the Defence and Security Procurement Directive, but did not provide additional (new) information. Furthermore, official documents from the Commission, the European Parliament, the Council and think thanks have been used. These documents were accessed on the website of these institutions. The documents that were accessed for the first article could also be used for my second, as these articles deal with the same topic – albeit a different part of the policy process. In the case of the third article, more extensive use was made of official records from the Commission and the European Defence Agency.

In order to triangulate the findings from the official documents, a series of elite interviews were conducted for each of the articles. Elites are here defined as officials that were in charge or representing their state during the decision-making procedures, or working on the particular portfolio within the responsible ministry. These interviews were considered necessary, as these elites could help fill in gaps in information or confirm information already gathered from the official documents (Aberbach and Rockman 2002). The aim was to contact and interview officials that were considered the most important players in the events being studied (Tansey 2007). Officials were identified by the careful study of official documents, or referred to by other officials.

Within the three cases studied, I address member states, but do not consider the member state to be a single unit. Different and specific ministries within the member state are examined, and a distinction is made between national representatives in Brussels and national administration. For the purpose of this report, I spoke mainly to national administration. In these interviews, I used an interview topic guide and question guide (see Appendix). Interviews were conducted because: 'while we cannot observe the underlying mental process that gives rise to their responses, we can witness many of its outward manifestations.' (Gerring 2011: 14). In addition, in order to examine the increased initiatives of the Commission, and the acceptance, these interview provide me with the ability 'to probe into details that would be impossible to delve into, let alone anticipate in for example a standardized survey' (Gerring 2011: 15).

In total, I conducted 29 semi structured interviews. For my first and second article, both dealing with the Defence and Security Procurement Directive, I was able to speak the same officials, some of which had knowledge of both processes (acceptance and implementation). For the first two articles, I used the same interview guide. By relying on these informants, I conducted a few follow-up interviews for my second article. The questions and topic guide for article three is different (see Appendix). Here, I also included officials from the European Commission in addition to several member states. Both were part of the policy making process. Interviews were conducted with open-ended question and the bulk of my interviews were conducted in the beginning of 2015 (Paris, Stockholm, Bristol, The Hague). Follow up question were asked by mail, telephone or through LinkedIn. An intensive round of interviews for the third case study was conducted in the fall of 2017. From certain key interviews I received new names of other potential interviewees. In particular in my third case study, officials were very eager to provide me with names of their colleagues in other member states.

Some of my interviews were conducted by phone (14 in total), which I do not see as a limitation in comparison to face to face interviews (Holt 2010). 'One of the obvious advantage of telephone interviews is they are less limited by geography which can help to increase participation' (Harvey 2011). In addition, there is greater flexibility to interviewing of the telephone, which can be arranged and rearranged at a lower cost (Harvey 2011). Finally, as this report depends on both face

to face interviews and telephone interviews, I have found the combination to be useful. Possible limitations of telephone interviews, such a cultural differences and physical expressions were taken into account. For this reason, I conducted nine interviews with Dutch informants.

For the purpose of this project open-ended question were considered to be helpful because first the topic addressed in this report have rarely been addressed in the literature, and I wished to gather as much information as possible. Second, elites in general 'do not like being put in the straightjacket of close-ended questions; they prefer to articulate their views, explaining why they think what they think' (Aberbach and Rockman, 2002: 674). In conducting my interviews I found this to be true, as most of my interviewees expressed to have the time and freedom to speak to me on these sensitive issues.

Interviewees were and are protected by the data protection guidelines from the Data Protection Official for Research (Norwegian Centre for Research Data). The protection of my interviewees and anonymity is in particular important in the sensitive area of defence and security. All of these interviews, with the exception of two, were recorded (Aberbach and Rockman 2002) and later transcribed. There were also officials I contacted that were unable/unwilling to participate because of security/sensitive information issues.

Process tracing

The goal of this report is to explain why member states have accepted initiatives from the Commission in the area of defence and security, and thus allowed for supranational integration in this policy field. These three cases are examples of issues in which the Commission took initiatives and got these proposals/changes accepted. In each of the three cases studied, the starting point is a change: in other words deeper integration. To identify the mechanisms that can account for such an increase (change in number of initiatives), process tracing is used as a method throughout this report. The choice for this method is based on the fact that it allows for the identification of the intervening causal process – the causal chain and mechanism – between an independent variable and the outcome of the dependent variable (George and Bennett 2005: 206; Rohlfing 2012: 50; Beach and Pedersen 2013: 1, 5). Gerring illustrates this as peering into the box of causality to locate the intermediate factors lying between cause and effect

(Gerring 2007: 45). It allows for the mapping of one or more potential causal paths that are consistent with the outcome (George and Bennett 2005: 206-7). Process tracing is hence considered to be a flexible methodology that can easily be applied to different unit of analysis and 'offers a compelling reconstruction of key decisions and choices that produced the final outcome' (Capoccia and Kelemen 2007; George and Bennett 2005).

How a causal mechanism should be defined is debated in the literature (Gerring 2008), here I follow the definition that it is complex system (entity or activity) which produces an outcome by the interaction of a number of parts (Beach and Pederson 2013). 'Mechanisms operate at an analytical level, below that of a more encompassing theory' (Checkel 2005; see also Elster 1998).[8] In order to then account for the change identified in each individual article, the decision-making processes is traced, using the analytical distinctions introduced above (Schimmelfennig 2015: 105). These approaches have introduced two analytically distinct mechanisms, cost benefit calculation and rule following, through which actors have agreed to accept the initiatives from the Commission.

The three cases that this report studies, deal each with different time periods. By focusing on a specific time frame, it gives the possibility to reconstruct the actions and positions of the actors in the decision-making process (Riker 1990: 169). Process tracing gives hence the possibility to trace development of policy (change) between T1 and T2 (Riker 1990). It is important to note that this 'temporal bound' is an objective decision made by the researcher (Rohlfing 2012: 25), in each individual article, I therefore set out to explain why a particular period was chosen for the analysis. The overall period studied in this report is from 2004 until 2018. In 2004, the Commission presented its first proposals on the Defence and Security Procurement Directive. 2018 marks the end of the proposals in the field of defence research investments, and the start of the Preparatory Action on Defence Research.

Based on the theoretical perspectives, hypothesis were formulated, which created certain expectations (Brady and Collier 2010: 331;

[8] According to Elster (1998, p. 45), mechanisms are: '…frequently occurring and generally recognizable causal patterns that are triggered under generally unknown conditions or with indeterminate consequences'.

Rohlfing 2012)[9] and the data was ordered in light of these hypotheses (empirical manifestation). Following an interpretative approach (Riker 1990) (methodology of interpretation) data was ordered in different categories (Riker 1990). The researcher looks for a series of theoretically predicted intermediate steps: statements, arguments, positions that would fit in one analytical category and the other (Checkel 2008: 363).

Echoing the theoretical perspectives introduced, ex ante mechanisms were formulated and gave the possibility to analyse the data (Schimmelfennig 2015). Studying least likely cases, it is even more likely that these causal conditions are most strongly present in other cases (Schimmelfennig 2015: 105). For the project similar explanatory variables in each case have been chosen, which allows for making more general conclusions on the Commission's autonomy in the CSDP.

Findings and conclusions

This final section of this chapter elaborates on the three case studies (articles) that form the core of this report. The puzzle and findings of each individual article will briefly be introduced, in particular how each article contributes to answering why the Commission initiatives in the CSDP have been accepted. After these individual articles, some space is given to the overall findings and conclusions of the report.

The first article was published (online) in *European Security* in November 2016. The second article was published (online) in *Journal of European Integration* in June 2018. The third article was submitted to *Journal of Common Market Studies* in June 2018.

Article 1. Sovereignty at stake? The European Commission's proposal for a Defence and Security Procurement Directive

This article examines the acceptance of the first supranational directive in the field of defence and security, the Defence and Security Procurement Directive (Defence Directive or DSPD). The acceptance of the Defence and Security Procurement Directive represents a departure from the standard understanding of the CSDP as inter-

[9] Theory is applied to produce a causal explanation based on three assumption: 1. X and Y exist independently of each other; 2. X precedes Y in time; 3. But for X, Y would not have occurred (Wendt 1998: 105). Methodology then demands a temporal separation of theory and evidence.

governmental. While the member states were initially against such an initiative, the Defence Directive was eventually proposed in the Council in 2007, and accepted in July 2009. This paper examines why European Union (EU) member states changed their position on the proposal between 2004 and 2007.

To answer this question the article examines two hypotheses. The first, based on a rational choice perspective, aims to account for the acceptance based on the expectation of economic benefit. The second, based on the idea of entrapment, expects the acceptance to be a result of the existence of a norm and member states voluntarily abiding to this norm due to prior commitment. The analysis builds on official documents and sixteen interviews with officials in the Netherlands, Sweden, the UK and France. The UK and France, each having a large defence industry, were fervently against the Directive, and criticised the Commission's involvement. Sweden is one of the six largest armaments producers in Europe, and for the Netherlands, the concern was for the effect of the Directive on its small and medium enterprises.

The analysis of these documents reveals that member states had a contradictory stand: they did wish for an integrated defence market, however they wanted this market to remain in their own hands. Member states, and not the Commission, should decide on when and how to open up the market for defence procurement. The findings of this article find some support for the hypothesis that acceptance was a result of the expectation of lower prices of defence products. However, the UK emphasised the cost of extra regulation, and the expected economic benefit remained constant between 2004 and 2007. This finding of a status quo therefore makes a rational choice perspective insufficient in accounting for integration in this case study. Applying the second hypothesis, the article finds that when the Commission placed the policy within the in another DG, member states positioned themselves differently towards the initiative from the Commission. The role of the Commission in the field of defence and security was not accepted based on the expectation of economic gain, as a possible result from the Defence Directive, but due to the role the Commission has in internal market policies and member states' prior subscription to such rules.

In the final part, this article discusses the use of the idea of entrapment, which allows for the analytical distinction between norms and

interest in the analysis of the Defence Directive. In this case study, this perspective aids in understanding how integration in the field of defence and security is possible. In addition, following norms from the entrapment perspective is still based on a strategic (cost benefit) calculation. The article therefore introduces a communicative action approach, and discusses the principle of consistency in the context of the acceptance of the Directive. Due to the theoretical shortcomings of the idea of entrapment, the perspective is not adopted in any of the other articles.

Article 2. Unexpected compliance? The implementation of the Defence and Security Procurement Directive

The second article examines the implementation of the Defence and Security Procurement Directive. When the member states of the European Union accepted the DSPD in 2007, the expectation was that they would be able to retain a substantial amount of autonomy. During the implementation process, however, the members accepted the European Commission as a legitimate authority on how the Directive should be implemented. In this light, member states changed one specific policy issue, not addressed in the Directive: their offset policy. Offset policy deals with the compensations states can demand for a purchase of military goods abroad. The fact that member states complied with the Commission guidance note is puzzling from a theoretical perspective, as the guidance note on offsets is non-legally binding and thus gives no possibility to coerce the member states. The article therefore answers the question of why the member states came to change their national offset policy based on a non-legally binding guidance note from the Commission.

The analysis focuses on three separate cases; the Netherlands, the UK and Finland. The UK's large defence industry makes it unnecessary to follow the implementation guidance from the Commission – the county will receive foreign investments with or without an offset regulation. For Finland and the Netherlands, however, defence offset policy is important for the viability of the national (defence) industry. Based on official documents and semi-structured interviews with officials in these member states, two hypotheses are examined. The first hypothesis, rooted in a rational choice perspective, is that these member states accepted the interpretation of the guidance note because of the risk of future sanctions from the Commission if they did not adjust their national policy. The second hypothesis, based on

a logic of appropriateness, is that civil servants within these member states adjusted national policy because the guidance note created coherence and clarity, and echoed concerns for rule consistency.

The article reveals that even though these member states were increasingly concerned about the role of the Commission in this policy field and the possibility of the Commission to litigate member states for non-compliance, these factors cannot explain why they changed their offset policy. What can explain the acceptance is that, first, during the implementation of the Defence Directive, the process was in the hands of different policy officials than those dealing with the acceptance of the proposal. The implementation was in the hands of civil servants within the ministry of Defence and Economic Affairs, depending on the placement of the policy nationally respectively. Second, the article finds that offset policy during the implementation was presented in the light of EU primary law, more specifically non-discrimination. Civil servants at the national level ended up following the guidance note due to a sense of duty they, as civil servants, had in light of existing European rules. Hence recognising the authority of the Commission during the implementation of the Directive.

These findings shed light on the fact that the Commission is able to expand its role in the field of defence and security through informal procedures, such as the publication of a non-legally binding guidance note. The literature has up to now not addressed the possible influence of Guidance Notes from the Commission, and the article makes an important contribution to EU compliance literature.

Article 3. The Preparatory Action on Defence Research: A new chapter in European defence integration

Integration in the field of defence and security has in recent years been the result of initiatives from both the Commission and the member states. However, the increased role of the Commission in this area challenges our understanding of the CSDP as an intergovernmental policy. In order to shed light on the seemingly changed role of the Commission, this paper addresses the case of the Preparatory Action on Defence Research (PADR). The PADR has become part of the European Defence Fund (EDF) and aims to finance defence research in the EU member states via the EU budget. As member states fervently blocked any move into defence research under the Preparatory Action

on Security Research (2004-2006), preferring the civil nature European research programmes, the acceptance of PADR is surprising.

The analysis in this paper builds on official documents and interviews from Germany, the UK, France, the Netherlands and Sweden. As a starting point for the analysis of this case study, the article identifies that from a realist perspective one would not expect any integration in the field of defence and security, not even due to economic incentives. Following the financial crisis of 2008 and the decrease of defence budgets, the hypothesis, building on a rational choice perspective, is that the PADR was accepted because it would result in a financial boost for national defence industries. Through the study of the selected member states, the paper finds that after the 2008 financial crisis, member states did expect economic gain from the Commissions' proposal. The research investments to be expected through PADR would come in addition to national defence research budgets. It is furthermore characteristic that the European Defence Agency was mainly in charge of defence research up to the creation of PADR, but did not have any money to push this policy forwards. Through the PADR proposal, the Commission brought money alongside its policy initiative and was therefore able to get support from the member states.

The findings of this article have several implications. First, despite the expectation of Realism concerning integration in the field of defence and security, economic incentives did result in deeper integration. Hence, economic interest seems to triumph over sovereignty. Second, the economic crisis has in this case advanced the powers of the Commission. Third, the acceptance of the proposals enhances the role of the Commission in the field of defence and security. The article therefore concludes that member states do not remain the sole actor in this particular policy field.

Summarising the articles

Through the careful analysis of the UK, the Netherlands, Germany, France, Finland, and Sweden, these articles provide evidence for the changed role of the member states in the CSDP following the acceptance of Commission initiatives in this policy field. The articles demonstrate the added value of analysing the member states in gaining understanding of integration in this policy area because it allows for insight in why these main actors in the field have

voluntarily accepted integration. By applying a rational choice perspective and a logic of appropriateness, the articles provide insight into the different drivers for integration in the field of defence and security. The findings of the three articles will be summed up below, after which their implications will be discussed.

The first two articles, addressing the Defence Directive, highlight that integration in the field of defence and security is due to member state actors wishing to follow European norms. Article one emphasises that the acceptance of the Defence Directive was the result of actors wanting to follow internal market rules, because it was in their interest to do so. Article two, on the implementation of the Directive, emphasises that civil servants followed the norm of non-discrimination because, as part of being members of the Union, it was considered appropriate. This article thus indicates that the driver for integration was not self-interest, i.e. the expectation of a kind of benefit for the member states. In these two cases, a rational choice perspective is therefore insufficient in explaining the acceptance of Commission initiatives. Article one and two find that member states wish to follow norms voluntarily, not because they are coerced. Article two makes this especially evident when addressing the role of civil servants and their choice to adhere to the guidance note of the Commission during the implementation of the Defence Directive.

The findings of the third article illustrate the explanatory power of a rational choice perspective, but do question the statement of realism that integration in the field of defence and security is unlikely, even in cases of economic incentives. This article therefore examines the explanatory power of realism in International Relations and the status of its theoretical assumptions in the light of the defence and security cooperation in Europe. The PADR was proposed after the economic crisis, which resulted in the willingness of the member states to receive additional financial support to their national defence budgets, as a possible gain for their national defence industry (cf. Hoeffler 2012). These findings are in line with Bauer and Becker (2014) who conclude at a more general level that the financial crisis has enhanced the Commissions' capacity to take strategic action (Becker et al. 2016; Bauer and Becker 2014).

Implications

The starting point for this report is that integration in the field of defence and security has been considered unlikely due to member states' reluctance to move the policy to a supranational level. In light of this expectation, the aim has been to explain why then member states accepted three initiatives from the Commission in the CSDP. The findings of this dissertation about why member states accepted integration, comes in addition to our knowledge of how the Commission set the agenda in the case of the Defence Directive and defence research (Muravska 2014; James 2018) and was able to force member states into accepting the Defence Directive (Blauberger and Weiss 2013). By analysing the acceptance of the Defence Directive, the implementation of this Directive, and the acceptance of the PADR, this dissertation makes a unique contribution to the debate on the nature of the CSDP. In these cases, the Commission was able to receive acceptance for its proposals. It can even be argued that the success of for example the Directive has increased the confidence of the Commission to make further proposals in the area of defence research, the PADR. Important in this light is also the implications of non-legally binding guidance notes and informal procedures for enhancing the autonomy of the Commission in this area (see article 2). In understanding this increase of autonomy for the Commission, it is important to keep in mind the differences between the member states. Yet it seems that all member states have been influenced by their membership in the Union, and belonging to this community leads to actors abiding to Commission initiatives.

Through the acceptance of the Defence Directive and the PADR, the uniqueness of the policy field is questioned. The acceptance of these Commission initiatives by the member states does not imply that all future proposals from the Commission will be accepted, or that the Commission's role within the CSDP is now definite. However, the findings do speak directly to the question of whether the CFSP/CSDP has moved beyond intergovernmentalism (Norheim-Martinsen 2010; Howorth 2010; Juncos and Pomorska 2011; Sjursen 2011; Howorth 2012; Riddervold and Rosén 2015). The acceptance of Commission proposals supports the part of the literature stating that integration is taking place. The CSDP has moved beyond intergovernmentalism. The findings in this dissertation challenge recent studies on defence and security policy in the EU (Genschel and Jachentfuchs 2013; Menon 2013) which state that there is no integration in the area of

'high' politics. In addition, the finding of integration and the acceptance of initiatives from the Commission in this particular field contrasts the arguments of Meijer and Wyss (2018) that defence policy remains a predominately national matter. Furthermore, as the case studies of this dissertation find that there is integration in defence industrial policy, as a specific part of defence and security policy, it contrasts established findings and the main understanding of armaments policy up to now (cf. Fiott 2017; Calcara 2018). It is hence not only the redefinition of national policies, but also the acceptance of supranational policy in the area that is starting to shape European defence policy.

Territorial control and sovereignty are two important reasons for member states to not allow integration in the field of defence and security (Norheim-Martinsen 2010; Sjursen 2011). However, integration through Commission initiatives and the acceptance of a role for the Commission in the CSDP seems to be a slippery slope. In both the 1990s and 2004, the member states resisted any initiative from the Commission in the CSDP based on their sovereign rights (and veto powers) in the case of defence procurement and defence research (see article 1 and 3). Furthermore, there seems to be certain limits to how far the Commission could move into the field of EU foreign policy (Krause 2003; Riddervold 2016), as the Commission is not a peacekeeper, nor a coordinator of crisis management, and will most likely never take up this position (Sicurelli 2008). In particular, the integration process analysed in this dissertation indicate that it is not as easy as member states saying: integration will stop here. In the case of the European Defence Equipment Market, the proposal was blocked almost twenty-five years ago (European Commission 2003), when member states ignored an Action Plan from the Commission in the field of defence. The acceptance of a Defence Directive and the PADR show that we have moved far beyond this reluctance of member states. This dissertation thus reveals there was a gradual movement over from 2004 until 2018, which goes against most rational arguments. The implications for EU foreign policy is that the Commission has established its role in the policy field, which might lead to further/additional initiatives.

Furthermore, generalisation from these findings is possible based on the theoretical perspectives used in the analysis of the cases. Integration in the field of defence and security is hence not the result of

one single driver. The findings of this report resonate with studies on the CFSP that argue for the use of an alternative to a rational choice perspective to explain integration (Tonra 2003; Kurowska and Breuer 2012). Although the case of the PADR highlights the importance of economic gain in accounting for integration, the case of the Defence and Security Procurement Directive clearly indicates that the expectation of economic gain cannot fully account for the acceptance of the Directive, and the compliance with its guidance notes. In exploring what the drivers of integration are the findings of this report support the proposition of a logic of appropriateness (March and Olsen 1998). Contrary to the understanding of coercion, this report finds that the member states' acceptance is based on a contextual rationality: as member states of the Union they follow the rules existent within the community. In the member states studied in this report, civil servants recognised the authority of the Commission in accepting the Defence Directive.

Current developments in the field of defence and security have impacted the importance of this dissertation. The cases addressed in this report have acquired a new context, one in which member states increasingly choose to integrate in the area of defence and security. The cases of the Commission taking initiative in this policy field have seemingly strengthened the need for member states to accept proposals on for example PESCO. At first sight, there is an important distinction to be made: the current initiatives are predominately in the hands of the member states. The initiatives for PESCO and for example the endorsement of the plans of French President Macron, indicate that decision-making in the field of defence and security remain in the hands of member states. However, in the context of PESCO both the EEAS and the EDA will gain a steering role, and in light of the European Defence Fund the Commission and the EDA take a leading role. The acceptance of these current proposals therefore support the idea that supranational institutions like the Commission, and the EEAS, will further strengthen their role in this policy field.

The findings of this dissertation calls for continuous research on why member states allow for integration in the field of defence and security. The unique contribution of this report has been the analysis of several member states. To the effect of this research agenda, it might be argued that there is an increased need to understand why the member states accept policy initiatives in this field from supra-

national institutions. Such research could then be extended to other member states as well. In the light of current developments and changing roles appointed to supranational institutions, this becomes even more pertinent. In addition, the question of why the member states adhere to certain norms in this integration process is left unanswered, and could be explored in future research. Emphasis in this future research agenda should also be on the role of civil servants, in particular as the second article in this report, dealing with the implementation of the Directive, finds the significant role of civil servants in seeking rule consistency.

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Article 1

Sovereignty at stake? The European Commission's proposal for a Defence and Security Procurement Directive

Abstract

The Defence and Security Procurement Directive (DSDP) is the first supranational policy in the Common Security and Defence Policy (CSDP) and represents a departure from the standard understanding of the CSDP as intergovernmental. Whilst the member states were initially against such an initiative, the Defence Directive was eventually proposed in the Council in 2007 and accepted in July 2009. This paper examines why EU member states changed their position on the proposal for a Defence and Security Procurement Directive between 2004 and 2007. The analysis builds upon two hypotheses that aim to account for this change in position. Providing new insight into the views of the member states, the study finds that member states accepted the Directive due to a sense of obligation to respect internal market rules, and further discusses the theoretical implications of these findings.

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Introduction

The policy making process of the European Union's (EU) Common Security and Defence Policy (CSDP) is considered intergovernmental (Risse-Kappen 1996, p. 67; Øhrgaard 1997, p. 8; Sjursen 2011). In this policy process, the member states are expected to be reluctant to move their decision capacity to the European level, and it is widely regarded that there should be no role for supranational institutions. In recent years, however, this understanding has been contested by scholars who argue that there is an increase in engagement of the European Commission in the Common Foreign and Security Policy (CFSP) (Dijkstra 2011, Blauberger and Weiss 2013, Riddervold 2015, Weiss and Blauberger 2016). This paper contributes to this literature by examining a policy initiative of the European Commission in the area of CSDP, which is the first supranational legislation in the field of defence and security: the Defence and Security Procurement Directive (2009/81 EC).[1]

Two features of the defence procurement practice in Europe make the acceptance of a proposal for the DSDP (or Directive) surprising. First of all, until the acceptance of the Directive, the defence procurement practice was intergovernmental (Britz 2010). The acquisition of defence material was organised through voluntary, non-binding agreements such as the Letter of Intent Framework, the OCCAR, and, more recently, the European Defence Agency (EDA) Code of Conduct. Furthermore, defence procurement had been marked by measures of protectionism. Consequently, when the European Commission (Commission) proposed a defence industry strategy, the member states argued that this strategy was premature (Communication 2003). In response to a Green Paper from the Commission in 2004, the United Kingdom (UK) and France voiced that they saw no need for a Directive. Secondly, central to the issue of defence procurement has been the use of article 346 TFEU. This article stipulates that the member states, on the basis of an essential national security interest,

[1] The Directive was proposed together with a Transfer Directive in a package consisting of both directives and a 'Strategy for a Stronger and more Competitive Defence Industry' (Communication 2007)

are able to derogate their defence contracts from the Treaty.[2] Member states have made frequent use of this legal measure to take the acquisition of defence goods outside the scope of the Internal Market.

The Directive, eventually accepted in 2009, makes it more difficult to justify the need for the use article 346 in practice (Trybus 2014) and replaces voluntary agreements with a new legally binding framework. Yet in response to the Commission Green Paper in 2004 member states expressed the preference for intergovernmental cooperation. In the years after this consultation, member states moved from not wanting a Directive to accepting the proposal of the Commission, that is, changed their position. This paper clarifies and accounts for the move from intergovernmental cooperation to the acceptance of a supranational legal framework in the field of defence and security, and asks: why did member states change their position on the proposal for a Directive?[3] The acceptance of the proposal for a Directive challenges the understanding of the CSDP as intergovernmental, highlighting that the regulations in the field of defence and security have intervened in an area of core state powers (Genschel and Jachtenfuchs 2013).

Previous research on the Directive emphasises the role of the Commission (Weiss 2013, Muravaska 2014), using case law to drive member states to accept the Directive in 2009 (Blauberger and Weiss 2013, Weiss and Blauberger 2016). Others have highlighted the role of the French Presidency in the accepting of the Directive (Hoeffler 2011). Furthermore, several extensive studies have placed the Directive in its legal context (Heuninckx 2015, Trybus 2014). Building on these important findings, the main contribution of this paper is the empirical data from four different member states. The focus on member states is

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[2] Article 346 TFEU (ex Article 296 TEC) 1. The provisions of the Treaties shall not preclude the application of the following rules: (a) no Member State shall be obliged to supply information the disclosure of which it considers contrary to the essential interests of its security; (b) any Member State may take such measures as it considers necessary for the protection of the essential interests of its security which are connected with the production of or trade in arms, munitions and war material; such measures shall not adversely affect the conditions of competition in the internal market regarding products which are not intended for specifically military purposes. 2. The Council may, acting unanimously on a proposal from the Commission, make changes to the list, which it drew up on 15 April 1958, of the products to which the provisions of paragraph 1(b) apply.

[3] See also Trybus 2014, p. 13.

significant as we expect the CSDP policy to be in the hands of member states. By using this data from these member states on the acceptance of the Directive, the paper brings new knowledge to the field.

The four member states studied are the Netherlands, France, Sweden and the UK. These member states are selected because the UK and France openly rejected more involvement for the Commission, and both countries have large defence industries, which makes their view on the Directive significant. Sweden is one of the six largest defence producers in Europe and a signatory to the Letter of Intent Framework (Britz 2010). The Dutch defence industry consists mainly of Small and Medium Enterprises (SMEs), dependent on subcontracting, and the acceptance of a Directive would challenge this practice. This paper systematically studies these member states and gives insight in to why these member states decided to accept a policy that challenges their sovereignty. The study clarifies that some member states were well aware of the Commission's initiatives and were at certain stages very much engaged in the process.

The next part of this paper presents a short overview of the creation of the Directive and the responses of the member states. The second part establishes a theoretical framework drawing on two approaches that may account for change in member state position, and the eventual acceptance. In the third part, I examine whether this acceptance was based on cost-benefit calculations. From this perspective, the Directive was expected to enhance the economic position of member states. It is also investigated if member states were led by certain norms, possibly viewed more important than the norm of sovereignty. The fourth and final part discusses the theoretical implications and limitations of these findings, and makes some suggestions as to how the theoretical underpinnings of this analysis might be further strengthened.

The Defence and Security Procurement Directive

Prior to the Directive, the Commission had been very active in promoting further integration of the European defence equipment market (Political Union 1990; Communication 1997, 2003, 2005, 2007). Already in 1990, the Commission, with the goal to eventually bring defence equipment under the common market principles, proposed the removal of article 346 TFEU (at that time article 223) (Political Union 1990). This initiative was followed by two communications, in 1996 and 1997, in which the Commission expressed the aim to

facilitate the development of cooperation in the defence industry sector (Communication 1996, 1997). An Action Plan accompanied the latter communication, which the Commission requested to be discussed by the Council.

Member states were, however, not willing to discuss these proposals and the Council never reviewed the document (Mörth 2003, p. 43; Eisenhut 2009, p. 115). Furthermore, member states claimed that the ideas and initiatives from the Commission were premature (Communication 2003, Mawdsley 2003). A new communication in 2003 introduced the potential added value of a legislative initiative for the first time. It was decided that the decision to implement such a measure should be made after an impact assessment (Communication 2003). This assessment was conducted by means of a Green Paper wherein the Commission asked for feedback on the possible creation of a separate Directive (Green Paper 2004).

The response of the member states to the creation of a Directive is contradictory and puzzling. Since on the one hand, the reply to the Green Paper consisted of the acceptance of an open European Defence Equipment Market (EDEM). This is reflected in the replies by for example Germany (Bundesrepublik Deutschland 2005), France (Représentation Permanente 2005), Britain (MoD 2005), Sweden (Nämden för Offentlig Upphandling 2004) and the Netherlands (Interview Dutch official, 24 February 2015). The French response emphasised that practices of harmonisation, transparency and openness are desirable and congratulates the Commission on the publiccation of the Green Paper (Représentation Permanente 2005). On the other hand: 'France considers the best way to make real progress (in armaments cooperation) would be to focus on an experimental and intergovernmental instrument' (Security and Defence Agenda 2005, Représentation Permanente 2005). Also the UK underlined the fundamental need to improve the transparency and openness of the EDEM (MoD 2005, European Standing Committee B 2005). Therefore, the UK government considered the Green paper an important instrument in the process of improving defence equipment procurement in the EU (European Standing Committee B 2005). At the same time the government argued for alternative (intergovernmental) approaches to create a more open and transparent EDEM through, for example, the creation of the EDA.

Despite increasing positivity towards the Commission's proposal and the development of openness and transparency in the area of defence procurement, the UK and France had their reservations. Therefore, as part of the same response to the Green Paper, these member states remained resolute in favouring intergovernmental solutions (Représentation Permanente 2005, MoD 2005). The results the Commission published gave the impression that most member states had changed their position and welcomed integration (Communication 2005). However, member states' documents indicate that it remained contested whether there should be a role for the Commission and whether this policy belonged under the former First Pillar of the EU. The former defence minister of the UK had underlined this preference for intergovernmental cooperation and insisted that: 'European defence and security should remain the preserve of EU governments alone'; that is to say: without any role for the Commission or the European Parliament (Cornish 1995, p. 73). The same objective is also expressed in the Treaty of Amsterdam (Official Journal of the European Union 1997), where member states stated that 'The progressive framing of a common defence policy will be supported, *as Member States consider appropriate,* by cooperation between them in the field of armaments' (TEU article 17, emphasis added). In the eyes of France and the UK, further integration in this policy area should emerge without a role for the Commission.

With member states welcoming an open defence equipment market in the 2004 Green Paper, a change from the reluctance in the nineties seemed to have taken place. However, both the UK and France did express the preference for intergovernmental solutions in 2004. As the Directive was introduced in the 2004 Green Paper, it is possible to trace the response of the member states from the first introduction until the Directive was proposed and accepted in the Council. The above has also illustrated that between 2004 and 2007 the positions of member states changed and that they came to accept a supranational policy. It was during these years that they agreed to position an issue area defined as part of the national prerogative under the control of a supranational institution.

Moving beyond intergovernmentalism

The move from intergovernmental to supranational integration in the area of defence equipment procurement could be regarded as a case of creeping competences. Previous studies consider that creeping

competence in regulatory policy is caused by a functional spill over (Pollack 1994, Citi 2014). Differently, this paper argues that there was deliberate action from both the Commission and the member states in this move.

In order to account for European integration more generally, that is, why member states have transferred parts of their sovereignty to the European level, research has focused on explanations based on the explanation that such a move is in the self-interest of a state (Lange 1993, Moravcsik 1998). In particular in the area of CSDP, a policy area so closely attached the national sovereignty, and based on inter-governmental cooperation, self-interest is expected to be able to explain cooperation. The starting point in this analysis is therefore a rational choice perspective. A rational choice perspective assumes that preferences remain constant over time. However, to account for the eventual acceptance of the Directive by member states it is expected that preferences have changed between 2004 and 2007. Therefore an alternative perspective is introduced, complimentary to the rational choice perspective. This alternative approach is chosen as studies on the CFSP have suggested that actors in this policy area are also led by norms (Cross 2015, Riddervold 2011, Sjursen 2002). This study, therefore, develops and makes use of the understanding of entrapment: that member states were entrapped in accepting the Directive. The use of such an approach allows for the analysis of the acceptance of the Directive based on the idea of member states as norm (rule) followers. Entrapment was then possible as a consequence of previously made commitments in the context of the European integration.

Cost benefit considerations

A rational choice perspective accounts for political action by supposing that actors are rational and seek to maximise their utility (Elster 1986, Eriksen 2011). Actors make choices that are in their self-interest, based on calculations of expected costs and benefits (Howlett et al. 2009). These costs and benefits can be either economic or social. Furthermore, preferences or self-interest are assumed to remain constant over a period of time. In the context of European integration it is expected that member states will only accept a supranational policy when it is in their self-interest. The DSDP is a supranational legal act that creates an internal market in the area of defence and security procurement; therefore, the focus is here on the economic

benefit. Economic benefits deriving from an open defence equipment market would then be in the self-interest of a member state.

The defence market in Europe consists of a small number of sellers, and an open market would give governments the opportunity to more efficiently buy from a larger number of manufacturers. Concurrently, the aspiration to open the market for defence products and the removal of protectionist policies, would give the possibility for an improved position for national defence equipment manufacturers. Such an improvement is expected to follow from two economic factors in this new open market: economies of scale and increased competition. A first effect of opening up the EU defence equipment market is that the defence contractors benefit from a larger market by economies of scale. Manufacturers are then able to produce quantities at a lower average cost, which increases the supplier's margins. Secondly, on a larger market, free of trade barriers, the increase in competition will reduce product prices. This increase in competition can be expected to be in the interest of all member states studied here. Consequently, both these economic factors are expected to give member states the possibly to make cuts in their defence budgets or sustain the already reduced defence budgets (Blauberger and Weiss 2013, p. 1133).

When applying this approach to this case study, it is important to note that this economic benefit might look different in the four member states studied. The UK, France, Sweden and the Netherlands all have quite a different market shares in Europe, and the world (Mawdsley 2008). Similar, but distinct economic benefits are therefore expected to be found in the analysis. Member states are hypothesised to have changed their position because it was in their interest to have a Directive that was expected to lead to lower prices of defence products due to increased competition and economies of scale. In addition, those economic factors were expected to lead to an improved position of the European defence industry on a global level.

Entrapment

To study the change that occurred in the member states' position, a second perspective is also adopted: entrapment. Entrapment or shaming occurs when actors use norm-based arguments to justify a policy. To apply this perspective to this case study, two basic assumptions are adopted. Firstly, the assumption is that actors

belong to a community with shared norms. In a community certain norms are existent that members agree upon or have created, and therefore make cooperation possible. When using this perspective, it allows hypothesising that member states changed their positon based on a norm. Secondly, the perspective assumes that the collective identity of members within this community is not expected to shape or change preferences (Schimmelfennig 2001, Thomas 2011). Even though actors will conform to what is appropriate in a certain setting, as common norms or previous commitments are a primary concern, they may continue to have different (national) preferences on a policy issue (Thomas 2011, p. 14). The collective is therefore seen as a separate part of an actor's identity, which can be used strategically. In institutional settings, actors are able to shame each other into complying with the obligations they have as a community member, because of adherence to what seems appropriate and legitimate in a certain community (March and Olsen 1998, Schimmelfennig 2001, p. 63; Thomas 2011). Actors can therefore consider to be entrapped into previously made decisions and community norms.

The EU is an international community with certain norms at its core (Schimmelfennig 2001, Thomas 2011, p. 13). From this perspective, it can be expected that member states within the EU will consider the community norms when making collective decisions. Furthermore, in the EU, the internal market has been one of the main drivers for integration and it is expected to be a (legal) norm to be followed by member states. Contravening internal market rules or not acknowledging the competence of the Commission in this policy field would be a high cost. A member in defiance of community norms questions their credibility.

The second assumption states that even though actors concede to the internal market rules, it will not shape their national preferences. Actors will follow community norms, but they might still have a national preference that differs from what is agreed upon in particular setting. In this case study, member states are expected to have changed due to the credibility attached to internal market rules. It is expected that member states acknowledge a cost of contravening this community norm, but continued to dislike the involvement (and increased role for) the Commission.

To consider if there was entrapment at play, the analysis will first establish the framing of the Directive into an internal market issue. Framing, in the analysis, is then not considered to be a separate mechanism, but as a prerequisite for entrapment. To use framing in this way is a means to clarify that the Directive was indeed proposed as an internal market issue. The hypothesis following this perspective is that member states changed their position because it would be a high cost to contravene the internal market rules. In addition, it is expected that member states chose to comply with internal market rules but continued to disapprove of supranational integration in this policy field.

Data and method

The analysis is based on official documents from both the Commission and member states during the period 2004 to 2007. The official documents consist of discussions from the national parliaments on the proposal for a Directive. These include parliamentary reports, studies and reports on the competence of the Commission, and official statements on defence procurement from the national governments. Furthermore, 16 semi-structured interviews were conducted in these four countries with officials who were in office between 2000 and 2007. Similar questions were asked in each country to unveil the national context of each selected state. Consequently, those responses give insight in the informal negotiations between the Commission and member states during this time. The interviews provide, together with secondary literature, the possibility of triangulating the findings of the official documents (Bennett and Checkel 2015, p. 28).

The method that is used for the analysis is process tracing (Bennett and Checkel 2015) Process tracing, gives the possibility to study the change in the position of member states on the Directive in retrospect and to isolate analytical categories that can account for the dependent variable (the member states position on the Directive). Whilst these analytical categories might empirically overlap, these distinctions are based on the analytical framework introduced above and expected to look as follows (Bennett and Checkel 2015, p. 30; Schimmelfennig 2015). The rational choice perspective would be confirmed by a change in the expectation of certain economic advantages over time. For example, from 2004 until 2007, member states officials indicate that either during this period the economic benefit of an open defence market was discovered and that therefore preferences changed. Such

might be expected to have occurred through, for example, studies on the implications of the Directive. Or, it might be that these economic benefits were known, but that the significance of these benefits increased during this period of time. Secondly, entrapment can be confirmed by finding that member states did not change their initial reluctance about the involvement for the Commission, but accepted the proposal because of the validity of previous commitments to the internal market. In order to establish such an argument, it is also significant to find if and when the Directive was framed as an internal market policy. If member state officials indicate a sense of obligation to respect internal market rules, it can be assumed that these rules entrapped member states into changing their position. For the period from 2004 to 2007, both sets of arguments have been traced and analysed.

State sovereignty in the European context

An open European Defence Equipment Market was welcomed by all member states. This is demonstrated by the acceptance and signing of the EDA Code of Conduct on defence procurement (EDA 2005). In this voluntary treaty, all subscribing member states expressed the wish for increased competition, transparency and accountability

(European Union Committee 2004-05). The main objective was to become internationally competitive. The open market was also welcomed in the response of the member states to the Green Paper (Tweede Kamer 2004-2005, European Standing Committee B 2005). However, most member states were against a Directive. Why did member states accept a Directive?

Change based on expected costs and benefits?

The opening up of the EDEM through a Directive could be expected to lead to two economic benefits, namely, an increase in competition and economies of scale. Both these economic effects will then possibly lead to lower prices for defence products. The expected economic benefit for member states would then be lower defence budgets following from cuts in expenses due to lower prices. Not only can these dynamics be expected to lead to more competition and efficiency within Europe, but it would also make the European defence market more competitive on the world market. Such ideas have also been part of the creation of the internal market within the EU (Internal Market Strategy 2003). Through the disappearance of border control

and the creation of the so-called four freedoms, goods are able to flow freely among the different member states, thereby increasing competition not only within the EU, but also making European producers more globally competitive.

By having a larger market to sell defence products to, average productions costs can be expected to decrease. This possibility can also be expected to apply to the defence equipment market. Lower product costs is in the interest of defence ministries as in the last decade there is a stronger wish to stretch their defence budgets as far as possible (Interview British official, 1 May 2015). 'If a member state can buy the cheap and better product from for example Germany, rather than the expensive and ineffective product from a national manufacturer, it will save expenses on the national defence budget' (Interview British official, 1 May 2015). The opening of the market will therefore not only give the national industry an opportunity to do business somewhere else in Europe, but also give European governments the possibility to buy defence material at competitive prices (Interview Swedish official, 14 April 2015, Swedish official, 8 June 2015). In the case of Sweden, the support for a more open market stems from the internal modifications Sweden made in its defence industrial policy, prior to the Directive (Britz 2010). The possibility to contain a reduced defence budget, or to make even deeper cuts, made possible by the Directive, were viewed as a benefit, and perceived similarly by all member states (Interview British official, 1 May 2015).

Furthermore, with the opening of the market it was expected that there would be an improved competitive position for the national defence industry of the countries studied. Here it is important to keep in mind that there are differences among the countries analysed in this paper. The UK and France are main and large producing member states and have a significantly different position on the defence equipment market in Europe and the world. The Dutch industry and the Swedish industry are considerably smaller. Sweden expected that their national defence industry could be kept intact by opening up the market. The risk of losing this national industry would be that a member state becomes more dependent on foreign companies to deliver those goods (Interview Swedish official, 14 April 2015).

As for the Netherlands, the expectations mainly centred on the opportunities the Directive would create for the Dutch defence industry (Interview Dutch official, 18 February 2015, Dutch official, 24 February 2015). Through the establishment of an open defence market, it was expected that Dutch companies would be able to enter the European market more easily. The Dutch defence industry is known for its large amount of SMEs, unlike the French or the British. Those Dutch companies could then benefit from the larger market for with SME. The response of the Dutch government to the Green Paper of the Commission in 2005 was positive (Interview Dutch official, 25 March 2016). In particular, it stressed this expectation that the Directive and the creation of an open defence market were expected to give the SMEs in the Netherlands better market access. The same expectations can be found in documents in the subsequent years (Tweede Kamer 2004-2005, p. 7, Tweede Kamer 2006-2007). These findings illustrate that there was no change in the expectation of an improved position for the national Dutch industry over this period of time.

The UK, as a leading European defence exporter, was a strong advocate for an open defence equipment market (Interview British official, 19 April 2015). Such was to be achieved through the EDA (European Union Committee 2004-05). An open market was expected to bring increased competition for the national defence industry. The UK assumed that the open market would create positive opportunities for the industry (European Standing Committee B 2005, Interview British official, 21 January 2015). A larger market share for British defence companies was furthermore expected to lead to the possibility to generate more employment and secure votes in the long run (Interview British official, 20 January 2015). This view is also reflected in the British response to the Green Paper which stated that the 'measures that help to open up the European defence equipment market, and improve the competitiveness, and efficiency of European defence industry have the potential to bring significant benefit' (MoD 2005). The UK was aware that the inefficiencies and constraints in the European defence equipment market were caused by national policies of protectionism. Yet the government took the view that they could fight their own battles in gaining access to export markets (Interview British official, 20 January 2015). The official position of the British Government was that the potential benefits did not outweigh the drawbacks (European Standing Committee B 2005, European Scrutiny Committee 2006). A Directive would mean a

burden on the already existent structure and not make the defence market more effective and efficient (European Union Committee 2004-05, European Standing Committee B 2005). Different than France, the Netherlands and Sweden, the UK openly addressed the expected costs of new regulations.

The discussions between the French Ministry of Defence and the Commission (DG Enterprise) before 2005 included the possibility of buying goods in an open market (Interview French official, 28 July 2015). Free trade would be good, for both the budget of the Ministry of Defence, and the SMEs in France. For France, the main concerns during these informal meetings with the Commission were the scope of the Directive. French officials had instructions to make sure that the Directive would not unnecessarily touch upon the sovereignty of the state (Interview French official, 28 July 2015).

Finally, member states expected that the Directive would aid in the common goal of being able to compete globally. Through cooperation and integration in the field of defence procurement, European member states would be able to make sure that their defence industry would continue to be competitive on a global level. 'We believe in an open, market liberal and transparent market, because otherwise we cannot have a competitive industry in Europe that actually will be globally competitive and survive in the long run' (Interview Swedish official, 14 April 2015). In order to provide for defence material in the long run, the European defence market needs to be innovative (Interview Swedish official, 8 June 2015). For both innovation and global competitiveness, the national level is too small a market for defence (Interview British official, 1 May 2015, interview Dutch official, 24 February 2015). In the area of defence procurement innovation and competitiveness are important, as Europe aims to keep up with technological developments elsewhere. In addition to the expected lower costs for defence material and an improved competitive position of the national defence industry, member states acknowledged the necessity to be competitive on the global market (Tweede Kamer 2006-2007, Interview Dutch official, 29 May 2015). It was expected that the Directive would aid in this common goal.

Evidently, France, the UK, the Netherlands and Sweden welcomed the expected increased competition and the national defence industry improvements the Directive was expected to create. This improved

position goes together with the expectation of savings on the acquisition of defence material. These savings were welcomed by all member states studied. In addition to these findings, the UK highlighted that the possible economic benefits would not outweigh the expected costs. The country did not expect efficiency and effectiveness from a Directive, due to an increase in regulations and administrative burden. However, this study aims to account for the change in position of member states that took place between 2004 and 2007. The analysis deciphers that expected economic benefit remained constant between 2004 and 2007 and can therefore not explain the eventual acceptance of a supranational policy. This consistency in expectations is most evident in the interviews and documents of the UK and the Netherlands, where similar arguments are used throughout this period of time. These findings of consistency cannot explain the move to supranational integration in this policy field. The perspective in this case study therefore fails to explain the change in the member states' position.

Entrapped?

To consider if member states were entrapped to accept the Directive, this section focuses first on the reframing of the policy. The internal market frame was established by positioning the policy within the DG Internal Market and Financial Services. The analysis then discusses the weighing of costs (or shaming into) with regards to conceding to the internal market rules. And finally, this section sheds light on the change of position, yet the continued unwillingness of member states to let the Commission have a role in this field.

After a Resolution from the European Parliament in 2002, the Commission proposed a plan for placing the defence equipment policy within the Community (Communication 2003). The Communication was produced by the Directorate General External Relations and discussed in the Council under competitiveness; however, the Green Paper (2004) was produced by DG Internal Market and Financial Services. The move of the issue to a different DG can be explained by the inauguration of the first Barroso Commission in 2004. With the start of a new Commission cabinet, a reshuffling in policy issues took place, whereby defence procurement was moved away from External Relations. The move of the policy to DG Internal market and Financial Services is a significant one, as it was the first time the idea for a Directive was introduced which positioned the future Directive

in the field of the internal market, and framed the issue as such. The successful reframing was possible because of internal changes within the Commission and, as others have argued, the development of for example case law in the years leading up to the introduction of the Directive (Blauberger and Weiss 2016).

In the years thereafter, the Commission progressively continued to set the scope for the internal defence market. This was done through the results of the Green Paper consultations, published in 2005, and through an Interpretative Communication, that established the legal boundaries of article 296 TEC (346 TFEU). This communication addressed the specific conditions under which – according to the Commission – member states would be able to make use of this derogation from the Treaty (Interpretative Communication 2006, Interview Swedish official, 14 April 2015). By limiting the different interpretations of article 346, the Commission issued that defence procurement clearly belongs in the internal market and that those legal obligations should be adhered to (Interview Swedish official, 14 April 2015; Interview British official, 21 January 2015).

The placement of the Directive within the area of internal market also made a shift in how member states perceived the proposal. This is evident in a report from the House of Lords where the then Minister for Defence Procurement (2004) stated:

> As far as the legislative competence in the defence and security field is concerned, we do not believe the Commission has, strictly speaking, any competence. This remains within our competence, member states' competence, and we believe the Commission understands that
>
> (European Union Committee, p. 28).

In the field of defence and security policy, the Commission has, strictly speaking, no competence as the British minister would have it. The Commission does, however, have competence in the area of the internal market (article 3 and 4 TFEU).

The position of the UK on the Directive changed after the understanding that this was an internal market issue and the Commission had competence: 'The big legal issue was whether they had competence. And the legal advice was that they had competence

because it is a single market issue' (Interview British official, 20 January 2015). Officials indicate that the delegation became more active in approaching and advising the Commission on the Directive (Interview British official, 20 January 2015). The UK tried to resist the proposal for a Directive as long as they could, but it became inevitable once the proposal was put within the internal market and British officials had to deal with the work provided by the Commission (Interview British official, 19 April 2015). Contravening the rules of the internal market and the legal competence of the Commission in the field would undermine the importance and the credibility of the internal market commitments.

It was not only for the UK but also for other member states that a shift occurred when they became aware and had the confirmation that the Commission had legal competence in the field of defence and security procurement (Interview British official, 20 January 2015). For some member states it was not until after the proposed Directive reached the Council that they requested the Council's legal department to provide a confirmation of the Commission's legal power to propose the extension of internal market rules into the area of defence procurement (Muravska 2014). The Council confirmed that the Commission had that kind of power.

The credibility attached to placing the DSDP within the internal market is emphasised by a Dutch official, who argues that the ambition of the Commission was to treat the defence market as a normal internal market issue. 'And so [the Commission declared], we accept that there are specific issues within that market, and we will put these into the Directive. And that is what eventually happened' (Interview Dutch official, 18 February 2015, author's translation). The Commission was convinced that intergovernmental solutions were not enough to establish the EDEM and perceived defence procurement from the point of view of the internal market (Interview Dutch official, 24 February 2015; Dutch official, 29 May 2015; British official, 21 January 2015).

In arguing that member states had a sense of obligation to respect internal market rules in this particular case, there is an important distinction to be made between member states being coerced into following internal market rules, or voluntarily acknowledging such rules. Even though internal market rules may have entrapped member

states, because of a high cost to contravene, they still had to possibility to voluntarily abide to such norms. The member states could have blocked the proposal at any time, but chose not to do so. An example of such threat could be the case law from the ECJ with regards to article 346 TFEU (Blauberger and Weiss 2013). However, an UK official makes it very clear that this was not a main concern:

> It was a former minister and we wanted to do something uncompetitive with France. And the minister said, 'but we will have trouble with the Commission'. And I suggested to him we should test it. Just to see what happened. Because I was pretty sure, I am still pretty sure we would get away with it. Getting away with it sounds slightly wrong. I think their bark is worse than their bite.
>
> (Interview British official, 20 January 2015)

In addition, a French official stated that France voluntarily entered into the discussions. During the informal discussions between the Commission and the French Defence Ministry, prior to the draft of the Directive, it was clear that France had two choices: either enforcing the use of 346 TFEU and thereby telling the Commission that defence procurement was none of their business; or 'the other option was to accept discussion with the Commission on the basic assumption that there would be at the end a modus vivendi which would limit the scope' (Interview French official, 28 July 2015). Both these findings highlight that member states were not forced to accept the proposal for a Directive. Member states acknowledged the internal market rules and voluntarily entered the discussions with the Commission. In the words of a Dutch official:

> You can ask yourself, is it politically desirable for your country not to comply, because we are of course not against an open and internal market. Even if we are worried if the Directive is the right means to achieve that objective, we will not vote against [such a proposal]. This could possibly give a different signal than what we actually want.
>
> (Interview Dutch official, 18 February 2015, author's translation)

The acknowledgement of the internal market rules had consequences for how member states perceived the policy issue: 'So I mean, we approached it, and the way it was sold to our ministers essentially, opening up the single market is a good thing. That is why we are in the European Union' (Interview British official, 20 January 2015).

In the policy process, the internal market rules were considered decisive and could not be disregarded, yet the Netherlands, UK and France still indicate that their initial preference did not change. A British official explains:

> I cannot remember exactly what sort of regime they constructed, the focus was primarily on things where no one could put up a hand and say there is a real national security interest involved here. So I think to some extent there was a sense of, the way the Commission presented this is very hard to resist this intellectually as you like. But we are not happy that they should be poking around in this area.
>
> (Interview British official, 1 May 2015)

Member states officials acknowledge that a 'complete and total rejection of the idea of a Directive was perceived as undesirable' (Interview British official, 1 May 2015). In particular, as the Directive was created as an extension of the Public Procurement Directive (Interview French official, 5 May 2015; French official, 28 July 2015). Even though member states were not particularly welcoming a role for the Commission, the obligation to internal market rules was seen as undeniable.

> I just know that of all the things that worried the UK at the beginning, continued to worry us at the end. So, our position did not change. Obviously, publicly you say yes we are going along with it. And we did. […] But our concerns never changed.
>
> (Interview British official, 19 January 2015)

To summarise, the use of this second perspective allows us to gain insight into how important it was for member states to adhere to the rules of the internal market in the years that they changed their positions. Member states emphasise that they complied with internal market rules because this is viewed as desirable when being a member

of the EU. The perspective as such answers the questions surrounding why these member states accepted the proposal of a Directive based on a sense of obligation to respect community norms. The analysis has in addition uncovered the paradox of the aspiration to respect internal market rules, yet not fully embracing the involvement of the Commission. The change that took place between 2004 and 2007 inherits, therefore, a contradiction: member states want to have an open market as long as they themselves can decide when and how to use it.

Entrapment revisited

At first sight, the puzzle of this case study can be answered by using the idea of entrapment. However, there are limitations to this perspective. Previous research has dealt with these shortcomings and has suggested that the theory is not specific enough in explaining underlying mechanisms that can capture or explain why actors voluntarily adhere to a certain norm (Sjursen 2002). The entrapment allows for understanding that actors can be led by community norms. In this case, member states acknowledged the validity of internal market rules. However, the perspective does not explain why member states would want to yield to the rules of the internal market if they are not forced to do so. The finding that member states voluntarily accepted the Directive and were not coerced into acceptance has been established above. Furthermore, member states indicate that there is a cost related to non-compliance, that is, losing credibility within the community. If a cost is indicated, it has something to do with the norm itself; the question then is why this norm is so important. The voluntary compliance and the importance of the norm are two specific problems that cannot be resolved when using the understanding of entrapment.

The above limitations ask for a stronger theoretical underpinning in understanding the change studied in this paper. Even though the entrapment may be correct in empirical terms, as it explains that member states followed previous made rules, a theoretical puzzle remains. One way forward in resolving this problem is by drawing on a communicative action perspective. This perspective holds that actors in a free and open debate argue in relation to inter-subjective standards. It is acknowledged that actors do not exist in mere vacuum, but in relationship with other actors. This shapes the actions and arguments of actors. In contrast to the methodological indivi-

dualism of a rational choice perspective, the theory acknowledges that 'the existence and validity of social norms at the inter-subjective level and the ability to reach mutual understanding are the coordinating mechanisms' (Eriksen and Weigård 1997, p. 221). One of these is the principle of consistency between what actors say and do (Eriksen et al. 2005, p. 240). An expectation of consistency has therefore a normative underpinning, because it is based on a common belief that actors ought to respect this principle.

This paper exposes how member states changed their position, that is, the move from mere reluctance towards the Commission proposals to accepting the Directive. In addition, the analysis points to inconsistencies in the position of member states studied. Previous to the Directive member states indicated the preference for intergovernmental solutions and the findings of this paper highlight that even after the acceptance of the Directive, such preferences continued to exist. This kind of preference is expressed in word; however, the move and acceptance of a supranational legal framework is a clear action towards more integration in the field of defence and security. The preference for intergovernmental cooperation is not reflected in the eventual acceptance of the

Directive; therefore, the principle of consistency is violated. In addition, this inconsistency is already found in the response of member states to the Green Paper of 2004. The responses of member states were filled with double messages. In these replies, member states both welcomed the initiatives from the Commission but at the same time highlighted the preference for intergovernmental solutions (Représentation Permanente 2005; MoD 2005).

> You have this paradox when dealing with defence material. Which is very sensitive and you would really like to have, hold close to your body. (…) It is very easy to talk about it, you have nice words, you sing songs together, but when it comes down to it, you are a bit reluctant really to be transparent.
>
> (Interview Swedish official, 16 January 2015)

And, finally, the observation, which goes beyond the scope of the current analysis, that there is the inconsistency to be found in the practice of the Directive. Due to different factors, such as different

cultures, it is hard to integrate the practice of procuring defence (Interview British official, 21 January 2015). Therefore, as the Directive is accepted and sets a standard in the field, the practice of this standard is much more difficult.

> And so what we will do, we will go along with this, we will join their discussion groups, and we will participate in the drafting of the Directive, and have our lawyers be very careful that nothing is done which contradicts the ultimate big bazooka of our national security interest. And then when the Directive finally comes into force we will ignore it.
>
> (Interview British official, 1 May 2015)

Concluding remarks

This article contributes to the growing literature on the influence of the European Commission on the CSDP of the EU. It does so, in particular, by analysing why member states changed their position on the Defence and Security Procurement Directive. The idea for a Directive was rejected in 2004, but a proposal was accepted in the Council in 2007. In order to tease out why member states allowed for a supranational legal framework in a field so closely attached to their sovereignty, the paper moves beyond current findings by providing new data from the UK, France, Sweden and the Netherlands. Using process tracing, the paper finds that a rational choice perspective, often used to explain European integration, fails to account for the acceptance of a Directive. The cost-benefit calculations, based on economic benefits, were not significantly changed during this period of time to explain the outcome and acceptance. After the first introduction of an idea for a Directive in 2004, however, member states' documents highlight the acceptance and discovery of the Defence Directive belonging within the Internal Market policy. By using an understanding of entrapment, which allows for an analytical distinction between interest and norms, the paper finds that the member states studied found it a high cost not to comply with rules existent in the internal market policy. These findings suggest that contravening previously made commitments regarding the internal market of the EU was expected to lead to a loss of credibility as a member of the European community.

The empirical implications of these findings are twofold. On the one hand the acceptance of the proposal for a Defence Directive suggests that member states have possibly come to view the norms existent within the Union more important than the norm of sovereignty. These findings suggest that even in the field of defence and security, member states wish to adhere to these norms, as, for example, internal market rules. In addition, the findings of this paper support studies that have contested our knowledge about the role of the Commission in the defence and security policy, demonstrating that the acceptance of the Directive clearly marks the beginning of the Commission gaining foothold in this policy field.

Theoretically, the findings in this case study resolve why member states changed their position, but also call for the need for alternative explanations that are not based on a rational calculation only. The paper introduces the shortcomings of the use of entrapment and suggests that a way to solve the problems posed by this understanding can be resolved by a communicative perspective. Therefore, the study indicates that it is important to develop and make use of theoretical tools that can explain why integration in this field happened, is possible, or why this particular policy is delegated to the Commission. Further research should explore the continual involvement of the Commission in this field to reveal the extent to which the practice in the field of defence procurement has changed.

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Article 2

Unexpected compliance? The implementation of the Defence and Security Procurement Directive

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Article 3

The Preparatory Action on Defence Research: A new chapter for European defence integration

The article has been submitted to *Journal of Common Market Studies*. It is not available awaiting publication.

Appendix

Interview guides

Below is a short list (examples) of prepared questions for interviews conducted with member state and Commission officials. The questions were used as a guideline: more spontaneous questions were asked as a follow up to issues addressed by interviewees. For interviews conducted in the Netherlands, these questions were translated into Dutch.

Background:
Brief summary of project: overall research project on integration in the Common Security and Defence Policy with a focus on initiatives from the Commission in the CSDP. In this interview specific question will be asked about [*introduce policy based on case studied*].

Questions for member states officials addressing the acceptance of the Defence and Security Procurement Directive and the Preparatory Action on Defence Research:

1) Could you elaborate on your position within the Ministry of [*insert ministry*]? What is your role in relation to the Defence Directive/PADR?
2) 2) When did you learn about the Commissions' initiative for a Directive/PADR?
3) Why, in your opinion, is the Commission taking initiative?
4) What was the positon of your government on this particular policy initiative?
    a. Were there any member states that held a similar position?

5) How was the policy process that led to the acceptance organised from [*insert years*]?
6) Were you partaking in the negotiation process in Brussels? If so, what arguments dominated the negotiations? What characterised these meetings?
    a. How often did the member states meet? And when?
7) In your opinion, what were the main reasons/arguments that led to the acceptance of the [*insert policy*]?
    a. Why did your country accept these initiatives?
    b. What factors made it necessary to accept this policy proposal next to the instruments used through for example the European Defence Agency?
8) Was there bilateral cooperation with the Commission? If so, how and when was this organised?
9) Earlier your country seemed to disfavour of [*insert policy initiative*]. What were major factors that changed the perception in your country?
    a. When, in your opinion, did this change occur?
10) What do you expect to be the outcome of this policy once it is in practice?
11) Has, in your opinion the role of the Commission changed after [*insert year*]? If so, why?
12) Are there any other issues that should be kept in mind in relation to [*insert policy*]?
13) Do you have something you would like to add?

Specific questions on the Preparatory Action on Defence Research:

1) The Group of Personalities presented a report in 2016. What is the status of this report?
    a. Who participated on behalf of your country?
    b. How was this report received by your country?
2) It is suggested that the PADR might lead to the establishment of a full-fledged programme under MFF. How likely is this possibility in your opinion?

Questions for member state officials addressing the implementation of the Defence and Security Procurement Directive:

1) Could you elaborate on your position within the Ministry of [*insert ministry*]? What is your role in relations to the implementation of the Directive?
2) When did you learn about the Commission initiative for a Directive?
3) How has the implementation of the Defence Directive developed in your country?
   a. How is this dealt with in your ministry or different ministries involved?
   b. When was the Directive been transposed?
4) Was there direct cooperation with other MS/the Commission in this part of the process? Who takes the main lead?
   a. What is the role/how should I perceive the Guidance Notes the Commission published?
5) How would you argue do member states deal with the implementation in general?
   a. Is there a difference?
   b. If so, could you think of any reason why there is a difference in implementation between the member states?
6) Do you think that member states were aware of the possible impact of the Directive?
7) Has the practice, three years after the (official) transposition of the Directive, of defence procurement changed for your department?
   a. If so, could you elaborate on what has changed?

Questions for Commission officials on the Preparatory Action on Defence Research:

1) When did you start working on the PADR (defence research) in the Commission?
   a. In what capacity?
2) Where, in your opinion, does the idea for PADR come from?
3) Why, in your opinion, is the Commission taking initiative in this field?
4) How often did you (the Commission) consult with the member states before presenting its proposal?
5) What did these meetings focus on?
   a. Who was heading these meetings?

6) Were there opposing views during these meetings? If so, could you elaborate on why there was disagreement?
7) The Commission convened a Group of Personalities, why was this group of experts asked to give advice on the idea for PADR?
8) What was the role of so-called 'sherpas' in the Group of Personalities?
9) Is there collaboration between the EDA and the Commission on the issue of defence research?
    a. If so, could you elaborate why there is collaboration? And, how this is organised?
10) What next steps are expected after the PADR? Will the PADR lead to a full-fledged programme under the next Multiannual Financial Framework?
11) Are there any other issues you would like to add that have not been addressed today?

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The European Union's defence and security policy has long been understood as being in the hands of sovereign powers. This report challenges this understanding by addressing the role of a supranational institution, the European Commission, in the Common Security and Defence Policy of the EU.

The aim of the report is to answer the following question: Why have EU member states voluntarily accepted policy initiatives from the Commission in the field of defence and security? So far, scholars have understood the increased autonomy of the Commission in other policy fields as driven by the its strategic (enforcement) powers. Moreover, the Commission is known to have influence in EU foreign policy, but its initiatives have not been studied from a member state perspective.

This report analyses six different member states and finds that member state actors have accepted the increased autonomy of the Commission due to a sense of obligation concerning its role as an executive. Thus, the report addresses the role of norms. Furthermore, the findings reveal the role of national civil servants in the policy making process, and the framing of new policies within established norms, such as non-discrimination.

Johanna Strikwerda obtained her PhD in Political Science from the University of Oslo in 2019. She was affiliated with ARENA during her fellowship period.

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