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Recommendations

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TO THE
INCOMING

CZECH PRESIDENCY



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The Trans European Policy Studies Association (TEPSA) has a tradition of formulating recommendations to the incoming Council Presidency. These recommendations are formulated by experts from the TEPSA network, without necessarily representing the views of TEPSA or its Member Institutes. They will be presented to the incoming Czech Council Presidency on the occasion of the TEPSA Pre-Presidency Conference on 23-24 May 2022 in Prague. The conference is organised by the Institute of International Relations Prague (IIR) and TEPSA, with support from the European Commission – namely from the Citizens, Equality, Rights and Values (CERV) and Horizon 2020 programmes (in the framework of the DiCE project).



How to guide the EU through the troubled waters of a '*Zeitenwende*' into the future - A Core Task for the Czech EU Presidency

*FUNDA TEKIN, Institut für Europäische Politik; NICOLETTA PIROZZI,
Istituto Affari Internazionali; ILKE TOYGÜR, German Institute for
International and Security Studies*



In the last few years, the European Union (EU) has faced vast momentum for rethinking its future. The COVID-19 pandemic opened up space for reevaluating institutional dynamics of decision-making, economic governance and health policy, just to name a few areas, while demonstrating the role and power of the EU when it comes to the well-being of its citizens. Now, Russia's unprovoked invasion of Ukraine brought us to a whole new level. The Czech Presidency of the Council of the EU will need to contribute to guiding the EU through the troubled waters of a '*Zeitenwende*' that is on the horizon in so many vital policy areas, while at the same time not losing sight of the EU's institutional reform needs and the results of the Conference on the Future of Europe.



The war in Ukraine represents the greatest geopolitical and systemic challenge the EU has ever faced. Moscow attacked Kiev with explicit imperialistic aims, with a view to restore what it considers its rightful 'sphere of influence' but also to promote an autocratic state model in the European neighbourhood.



This has led the Union to radically rethink its relations with Russia, which have changed from a co-operative approach to a sort of 'containment strategy'. Most fundamentally, the Russian invasion of Ukraine has pushed the EU to exercise an even more proactive role at regional and global levels. The Union has displayed determination to mobilize all the instruments at its disposal, including military assistance to Ukrainian armed forces through the European Peace Facility, activated for the first time with a budget for Ukraine of €2 billion. However, the war in Ukraine has also confirmed the EU's current limits as a geopolitical actor, starting with its defence dimensions.

The Strategic Compass, adopted in March as a plan of action for strengthening the EU's security and defence policy by 2030, emerged already obsolete, since the attack on February 24th led Member States to revise only its narrative, not its substance. It

thus cannot provide the framework for realising what is most needed in the current context: European capacity to project credible military force and enhance deterrence, with a view to offering adequate security guarantees to its citizens and neighbours while exercising more collective weight within the North Atlantic Treaty Organization. Concrete initiatives should be identified to make use in a joint – or at least coordinated – fashion of the additional budgetary resources Member States are currently allocating, thus using increased defence spending to build European capabilities. At the same time, decision-making rules which would allow the deployment of European forces quickly and effectively – such as the recourse to Article 44 of the Treaty on European Union for military operations or the introduction of qualified-majority voting for civilian missions – should be considered further.

The war in Ukraine has painfully disclosed another weak spot of the EU and its individual Member States. The dependence on Russian fossil fuels of some EU countries is substantial and has propelled the issue of energy security high on the EU's agenda. The EU and its Member States need to refocus their energy mixes on alternative energy sources on the one hand and establish common purchase and storage mechanisms on the other. Those actions must be in full compliance and commitment with the aims of the Green Deal. Even though this is rather an asymmetric challenge for EU Member States, due to the differences in national energy



mixes, economic and social costs will be high throughout the EU. Full commitment to energy sanctions is nevertheless of crucial importance. This also includes finding ways of tackling persistent veto-positions of individual Member States such as Hungary and compensating for extreme losses at the EU level.

From search for unity to ambition: What is next for the future?

The initial Member State responses to Russia's war in Ukraine, ranged from rapid economic and financial sanctions to humanitarian and military aid, to activating the Temporary Protection Directive with the aim of mobilizing help for Ukrainians fleeing the war. We witnessed a high level of unity, confirming the EU is capable of multidimensional responses in times of existential crisis. This gave rise to hopes for escaping a slow and rather fragmented EU in the future. One way ahead to preserve unity in spite of increasing diversity could be the creation of 'coalitions of the willing' that reflect the changing alignments between Member States when it comes to areas of reform, from migration to security and defense.

One area where a differentiated approach cannot be accepted and where the EU is fundamentally challenged, however, is the rule of law. Victor Orban and his Fidesz Party have been able to preserve their constitutional majority in the parliamentary elections in Hungary, obliterating any hopes for change regarding rule of law. The EU needs to make sure it is using and implementing the full range of rule of law mechanisms at its disposal in order to realign Hungary with European values. Nevertheless, while Hungary may well be the EU's biggest headache, it is far from being the only one. Poland's judicial imbalances are poorly covered at best and the presidential elections in France are just the latest example of populist pressure across the EU. Continued and enhanced efforts for preserving the future integrity of rule of law in the European continent are required.

Furthermore, the EU membership applications of Ukraine, Moldova and Georgia opened up a whole new discussion on the future of enlargement policy. If our reading of the political impetus is right, there is the possibility that Ukraine will be given candidacy status. This will mark only the beginning of a long process in which not only the Western Balkans and Turkey, but also the Association Trio might be waiting for defining the future of their relations with the EU. This surely opens up the discussion on different models of integration that is required in order to rethink the EU's enlargement policy. French President Emmanuel Macron's idea of a "European Political Community" is an important contribution to revitalizing this debate.

Last but not least, the Russian aggression led to questions on the neighbourhood policy. The EU will need a longer-term Russia policy, a redesigning of the Eastern Partnership, together with a strengthening of its Southern Neighbourhood to face common challenges to come. If we add up the changes in perception when it comes to security, we are entering a new era where both the borders and relations with countries outside the EU will need in-depth rethinking.

May 9th 2022 witnessed the end of the Conference on the Future of Europe. This participative and deliberative exercise of democracy brought together many citizens – not only the usual suspects of the European bubble – to think collectively on the future of this peace project. Today the key issue remains how to channel citizens' ideas and put them to good use. The Czech EU Presidency will host a follow-up meeting with the aim to ensure a structured implementation of the conference's results. The European Parliament proposed the establishment of a Convention for Treaty reform. Emmanuel Macron openly supported this plan and the President of the European Commission Ursula von der Leyen did not exclude the need for a change in the Treaties. Yet, 13 Member States have just clearly stated their opposition in a non-paper. As it will be ultimately in the hands of the Member States to take a final decision, a crucial task for the European Council will be to moderate the settlement of this key question. It surely is time to think about how to create an EU that fits better in the 21st century.

It is our task as scholars to come up with proposals for guaranteeing the EU comes out of this current period much stronger, without wasting the momentum of change that is implicit in the current fundamental challenges to Europe's peace and unity.

Building on this conviction, the detailed recommendations to the incoming Czech EU Presidency deal with four policy areas: (1) Security and Defence (2) Energy (3) Migration (4) Support to Ukraine.



What does the war in Ukraine mean for the development of an EU defence policy, for NATO cooperation and partnership with neighbouring countries?

KRISTI RAIK

Estonian Foreign Policy Institute (EFPI)



The EU's Strategic Compass, adopted soon after Russia's invasion of Ukraine, leaves no doubt about the need for the Union to "make a quantum leap forward" as a security actor. It contains a gloomy and realistic analysis of the global security landscape dominated by the return of power politics and "aggressive and revisionist" efforts by Russia to restore spheres of influence.

As Europe is still adapting to the harsh reality, there is an urgent need to strengthen EU defence in a manner that tackles the threat posed by Russia to European and international security. While the CSPD's focus has thus far been mainly on the South, the acute question to be addressed is: how can the EU enhance its contribution to security in the East and help defend the Union and its Eastern partners against the Russian threat?

In addressing this task, the EU needs to give new substance to complementarity between the EU and NATO. Now that NATO is focusing strongly on its core function of territorial defence, it is clearer than ever that EU defence should indeed be complementary to NATO. (Potential accession of Finland and Sweden to the Alliance will further reinforce this clarity.)

Three priorities deserve special attention. Firstly, now that many Member States are finally getting serious about enhancing their defence expenditure, there is an increased need for **coordination and collaboration in order to reduce fragmentation of European capabilities** and improve efficiency in defence spending. Greater synergy between the EU and NATO processes is required, taking into account that NATO remains the primary framework for national defence planning of many Member States. This synergy can stimulate them to make better use of the EU's cooperative frameworks such as PESCO and the European Defence Fund in a way that will also help them meet their commitments in NATO.

Secondly, the EU needs to continue strengthening its **cyber defence policy**, which is also a major priority in EU-NATO cooperation. In recent years, the EU has rapidly developed its capability to anticipate, prevent and defend Member States from cyber-based security threats. The EU needs to further enhance its ability to respond to malicious cyber activity, building on the introduction of cyber sanctions in 2019. It should also encourage Member States to further develop their cybersecurity capabilities, once again making use of the EU defence cooperation frameworks like PESCO and the EDF. Furthermore, cybersecurity needs to be better integrated into the EU's broader foreign and security policy thinking, taking into account the increased importance of cyber as part of the toolbox of external action as well as the need to secure our increasingly digitalized societies. Thirdly, the war in Ukraine has made the EU adopt overnight a new, bold approach to **helping its Eastern partners defend themselves**. Mobilization of the European Peace Facility to strengthen the Ukrainian army is a prominent example of *Zeitenwende* in EU defence. The Strategic Compass commits the EU to "boost tailored support and capacity building in the area of security and defence" in cooperation with the Eastern partners. Now it should be a priority to move further in extending EU support to the strengthening of defence capabilities and resilience of its European-oriented partners.



Four priorities for the EU's energy security policy

IZABELA SURWILLO

Danish Institute of International Affairs (DIIS)



Russia's military invasion of Ukraine led to a U-turn policy shift in the EU's energy relations with Moscow and aligned the previously divergent views on energy security within the Union. The current reshuffling of the EU's energy security priorities and the rapid drive towards greater (energy) autonomy is a leap in line with the EU's energy transition and security of supply in the long term. However, it comes at a steep price, and is challenging in the near term due to the EU's high dependence on Russian gas (40%), oil (27%), and coal (46%) and the ambitious climate agenda set in the European Green Deal. The recent "[REPowerEU](#)" plan launched by the European Commission has set the general policy direction for diversification from Russian energy sources and further development of domestic low carbon technologies.

Following the embargo on Russian coal, Member States are currently negotiating further sanctions in the oil sector. In the months to come, committing to phase-out deadlines is crucial, particularly so when it comes to gas diversification. It is also paramount to speed up the implementation of the "[Fit for 55](#)" package to offset Russian fossil fuel imports, manage energy demand through decreased energy consumption, as well as proceed with further electrification and interconnectedness of critical energy infrastructure. Progress in the above areas should be a priority of the Czech Presidency.

Firstly, the EU shall prioritize boosting diversification and interconnectedness. The former points to alternative gas supply sources, while the latter calls for investments in gas interconnectors and LNG infrastructure. Interconnectedness projects concerning European gas (and electricity) should be given a priority status (such as connectors adjoining Southern EU's gas networks optimizing the existing capacity utilization). Importantly, the new gas pipelines shall be hydrogen compatible. The Member States should also finalize any outstanding solidarity arrangements (in line with the Gas Security Supply Regulation), as a matter of urgency. Equally crucial is a prompt gas storage preparation before the heating season, where the Commission could aid in coordinating refilling operations (e.g. through joint procurement, collecting orders and matching suppliers).

Secondly, the "Fit for 55" targets for renewables and energy efficiency should be accelerated. The policy focus should be on facilitating regulations for further investment and development of key renewable energy sources, including solar, wind, biomethane and renewable hydrogen. Such projects should also be granted a priority status in order to simplify the administrative procedures, thereby fast-tracking the EU's self-sufficiency. Similarly, the European hydrogen market necessitates further regulatory framework developments as well as increased investments in hydrogen storage facilities.

Thirdly, energy efficiency principles should guide energy policy and investment choices, for example in transport. While demand response measures should be emphasized, there is also a need for greater citizens' awareness and a change in attitudes towards energy consumption across Europe. However, incentives for energy efficiency and savings measures will need to be accompanied by appropriate national schemes for price regulation to counter energy price volatility. Member States can to some extent shield companies, farmers, and vulnerable individual consumers by tapping into EU State aid or the Energy Price Toolbox, which measures should stay in place indefinitely.

Finally, continuous dialogue and cooperation with the EU's neighbours and trading partners should be prioritized. This is a unique opportunity to converge the so far competing outlooks on the security of energy supply between Central and Eastern Europe and Western European states and work on a more grounded common energy policy approach long-term. This also extends to the current discrepancies in payments for Russian gas among Member States. At the same time, further collaboration within the Energy Community should be facilitated in adhering to the low-carbon transition goals, security of supply and tackling price volatility. Emergency support mechanisms for the most vulnerable neighbouring states should



be developed for cases such as, for instance, recent emergency grid synchronization with Ukraine and Moldova. The Czech Presidency should also ensure that the EU maximizes its collective political and market capital through initiatives, like the recently established EU Platform for the common purchase of gas, LNG and hydrogen to secure the best deals with external suppliers, with future extensions into other sectors, such as renewables.



How does the current humanitarian crisis affect the reform of a common EU asylum policy?

MIHAI SEBE

European Institute of Romania (EIR)



Current state of play

Since the European Commission proposal in September 2020 of a [new Pact on Migration and Asylum](#) providing a comprehensive common European framework for migration and asylum management, we have witnessed a series of steps in the right direction, facilitated by the [Covid-19 related travel restrictions](#) and other [related limitations](#), coupled with an increase in the digitalization of asylum procedures.

One of the most important, in this author's opinion, was the Council adoption, in December 2021, of the [regulation establishing the EU asylum agency](#), which emphasized the need for reforming EU asylum rules in order to establish a common framework contributing to the **comprehensive approach to asylum and migration management**; making the system more efficient and more resistant to migratory pressure; eliminating pull factors as well as secondary movements; and fighting abuse as well as better supporting the most affected Member States.

Currently, we are witnessing both an increase in [irregular migration, which has now risen above pre-pandemic levels](#), as well as an unprecedented humanitarian crisis with [over 4.5 million refugees](#) estimated to have fled to neighboring countries since 24 February 2022, when the Russian invasion of Ukraine began, with numbers are still rising. This amount far surpasses the figures of what is known as "[the year of Europe's refugee crisis](#)" [\(2015\)](#). Yet, for the time being, the public opinion's attitude has been very favorable. Moreover, we have witnessed a premiere; [the Temporary Protection Directive, adopted following the conflicts in former Yugoslavia, was triggered for the first time by the Council in response to the unprecedented Russian invasion to offer quick and effective assistance to people fleeing the war in Ukraine](#).

Nevertheless, the main problems continue to exist, such as the lack of a fair and effective system for migrants and asylum seekers to access their rights and the lack of a fair and humane system for allocating responsibility between Member States.

There is still a **conflicting vision between the Western versus the Central and East European** Member States with respect to relocation or the possibility to have a higher financial contribution. A deal could be reached by the end of this year, if we take into account the work of the Conference on the Future of Europe on related topics, the end of the brief respite provided by the pandemic, and the acknowledgement that [migration can also be used as a weapon in a hybrid war](#).

What can be done?

The upcoming Czech presidency may have a window of opportunity in reforming the migration and asylum policy, if the Eastern geopolitical tensions do not abruptly change the agenda.

Thus, given the security aspects and the different visions between East and West, the accent should be put on combating irregular migration, by preventing the root causes of migration in third countries, with a possible focus on the migration of people labelled as risk factors, and also on fighting illegal stay inside the EU and the human trafficking networks. Therefore, further investments in the much-needed human and material resources are required. Additionally, the reform process should be proceeding with the agreement of all the Member States, having also in mind the specificities and the internal context of each and every Member States.



Secondly, another aspect of importance should be the implementation of the new architecture of European intelligence systems for border protection and an increase in interconnectivity between all Member States.

Thirdly, the question of Schengen should be reopened with regard to Romania and Bulgaria. We can no longer have such a strategic dissonance in a time when unity is required. If the technical conditions are fulfilled, then the political will must intervene and allow those who are able and willing to join the Schengen Area.

Fourthly, a stronger partnership with the African states is needed, alongside the implementation of programs designed to reduce the migratory intensity and better fight irregular migration, while concluding efficient migration management agreements with all these states.

Fifth, another point of interest to be considered by the Presidency are the social consequences of the current migratory situation. People from Ukraine need to be integrated into society (schools, language, etc.), knowing also that most Ukrainians are determined to return home. Yet, this would depend on the duration of the conflict and prospects of welfare back home.

At the end of the day, the only solution, in this author's opinion, is to help the states of origin to develop better economies and societies that would provide a local-based future and opportunities for all the potential migrants.



How to step up EU support for Ukraine?

OLEKSIY MELNYK

STEFAN MEISTER

MARIAM KHOTENASHVILI

Razumkov Centre

German Council of Foreign Relations (DGAP)

Trans European Policy Studies Association (TEPSA)

If the June European Council agrees that Ukraine becomes a candidate for EU membership, the Czech Presidency will have the task of organising the first steps in the accession process, ideally achieving an opening of accession negotiations within 2022. Otherwise, the Presidency should work on finding consensus on Ukraine's candidate status by October. Providing a European perspective to Ukraine in the wake of the war is important also for continued relevance of the EU as a political project. At the same time, Moldova and Georgia's membership applications also need responses that will strengthen these countries' integration with the EU.

In the meantime, Ukraine's reconstruction will need to start, framed as a project for building a modern, democratic state – a future EU member. EU support for Ukraine's defence and reconstruction must be timely and its size must correspond to an ambition for a common European future that is secure and prosperous. Beside the long-term investment in the future of Ukraine, there is a need to fill short-term gaps in the Ukrainian budget, due to the economic crisis during the war. The Presidency should counter possible 'fatigue' among EU Member States about the ongoing war. It should help maintain transatlantic unity and involve Ukraine in relevant EU meetings.

What should the rest of Europe do next in order to strengthen Ukraine's defence capacities?

The Czech Presidency should work closely with the High Representative to help make EU support for Ukraine's defence enduring, more systematic, proactive and forward-looking, aiming to ensure that Ukraine prevails in the war as soon as possible. Here a closer coordination between the Member States and with NATO is necessary. Ukrainian forces should be trained on newer and more sophisticated Western weapons. Ukraine should be admitted to relevant PESCO projects. Preparations should start for increasing the volume of the European Peace Facility. In order to make the EU better prepared for future military operations and supporting EU partners, the Czech Presidency should initiate a discussion on creating a 3-months reserve of ammunition and other military supplies.

What is the humanitarian aid challenge until the end of winter 2023?

The World Bank and UNDP estimate that 20% of Ukrainians will live on less than EUR 5 per day, compared to 2% before the war. Many people run out of savings and will depend on social benefits. Internal displacement of 7 million people and departure of 4.5 million of refugees (mostly women and children) means also a workforce deficit in and around warzone areas and high unemployment in others. Russia's conduct of the war results in massive damage to civil infrastructure and production capacities.

Systematic mapping of humanitarian needs and increased infrastructure needs for internally displaced persons (IDPs)(water, heating, medical supplies, etc.) is needed, also for early rebuilding in areas over which Ukraine has regained control. Capacities of the central government, infrastructure companies and local administrations will need to be reinforced to facilitate early rebuilding and enable gradual return of refugees and IDPs. Until Ukraine's output recovers, EU financial support will be needed for social assistance and for





operating costs. Concerning support to civil society, the EU could adapt its rules and procedures in order to provide support in a leaner way during wartime, with reduced administrative requirements for civil society actors inside and outside of Ukraine.

What can be done in preparing post-war reconstruction?

The Czech Presidency should start building consensus on necessary increases in Heading 6 of the EU budget and the creation of a sufficiently powerful instrument for rebuilding Ukraine. This will ultimately require a revision of the Multi-annual Financial Framework 2021-27, on which discussions will need to commence already in 2022. The EU will also need to increase its capacity to borrow, as in the case of NextGenerationEU.

Ukraine currently estimates the cost of full recovery at USD 600 billion. Its reconstruction will require from the EU a combination of: (i) guarantees for private sector investments, (ii) public sector loans (macro-financial assistance, infrastructure investment loans) and (iii) grants. The EU will need to join forces with other international donors. The “Marshall Plan for Ukraine” should be consistent with the objectives of the European Green Deal, aiming to help Ukraine rebuild houses and infrastructure that will be energy efficient, as well as increased capacity to produce renewable energy and green hydrogen for export. Overall, it should aim to advance Ukraine’s European integration.