
EU Foreign and Security Policy: Overview and challenges

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Abstract: *This paper focuses on the European Union Common Foreign and Security Policy (CFSP), its evolution, changes brought about the Treaty of Lisbon and the EU's capacity to act within this area. The report provides an overview of the CFSP and brings out the main internal and external challenges the Common Foreign and Security Policy faces today.*

Keywords: *Common Foreign and Security Policy (CFSP), European integration, the Treaty of Lisbon*

INTRODUCTION

Although the European Union Common Foreign and Security Policy (CFSP) in the context known today was launched by adoption of the Treaty of Maastricht in 1993 and was strengthened through the following treaties, the roots of coordination in the foreign policy areas between the Member States date back already to the 1970s of the European Political Cooperation². What began only as information exchange, has evolved into much broader and closer cooperation between the EU Member States and institutions covering several policies of European Commission such as neighbourhood and development coordination policies, treaties concluded by the European Council and the Council, and foreign policies adopted by the Member States of the Union³. In despite of this, while most policy areas and the EU itself have experienced ever-closer integration and have taken up supranational policy characteristics, it has been claimed that the CFSP is not fully part of this as the EU's capacity to act within this area is rather limited and the necessity of consensus generation has led to a conclusion that the final decision-making power regarding foreign policy issues has remained to rest with the Member States⁴.

The aim of this paper is to give overview of the CFSP of the EU and introduce its relevant challenges. For doing this, the article focuses on the Common Foreign and Security Policy of the EU by first providing the general overview of the emergence of this policy area through relevant treaties and introducing its aims and importance in the Union. After that, the changes brought about by the Treaty of Lisbon will be more closely examined through first examining the alterations in the general governance framework and then the institutional set-up. The final part of the article brings out the main internal and external challenges the Common Foreign and Security Policy faces today.

COMMON FOREIGN AND SECURITY POLICY OF EU

While it is generally understood that the EU Common Foreign and Security Policy covers only the normative policies falling under the legal and institutional framework such as fundamental values and norms of the Union, there is also much broader view incorporating all cross-border

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² <https://www.auswaertiges-amt.de/en/aussenpolitik/europa/aussenpolitik/gasp/-/228306>

³ Annegret Bendiek, „European Realism in the EU's Common Foreign and Security Policy“ Edited by Dr Paul James Cardwell. *EU External Relations Law and Policy in the Post-Lisbon Era*, Hague, T.M.C. Asser Press, 2012, pp. 35-58.

⁴ Uwe Puetter, „The Latest Attempt at Institutional Engineering: The Treaty of Lisbon and Deliberative Intergovernmentalism in EU Foreign and Security Policy Coordination“ Edited by Dr Paul James Cardwell. *EU External Relations Law and Policy in the Post-Lisbon Era*, Hague, T.M.C. Asser Press, 2012, pp. 17-34.

communications of the EU institutions and the Member States between third countries⁵. In spite of the contesting perspectives, it can be agreed that the CFSP relates to Union's core values and aims to improve and promote international peace and security, democracy, rule of law, effective multilateralism, and respect for human rights and fundamental freedoms⁶. The entire external action of the EU however, covers a wider spectrum of areas including the European Neighbourhood Policy (ENP), trade and development policy issues, pre-accession treaties for candidate countries, Common Security and Defence Policy (CSDP), crisis response and prevention, and peacebuilding missions⁷.

In determining the power limits of the European Union, it is clear that the Union can act only within the competences its Member States have conferred upon it as stipulated in the Article 5(2) of the Treaty on the European Union⁸. When it comes to the CFSP, this policy area cannot be distinguished neither as exclusive, nor shared or supportive competences as it falls under a special category with different rules and specific procedures⁹. Due to national security and sovereignty issues, the Member States have been reluctant in terms of giving the EU ultimate decision-making power in the foreign and security policy area. As a consequence of this, the EU lacks legislative competences in CFSP, in most cases there is the unanimity requirement (in very exceptional issues QMV is allowed), decisions are taken through loyalty clause, Member States cannot be sanctioned for non-compliance officially, the flexibility clause of Article 352 of TFEU does not apply, the Court of Justice of the EU does not have jurisdiction and the European Commission and European Parliament powers are very limited¹⁰. In this policy area the main two legislative bodies – the European Parliament and the Commission have been deprived the legislative powers and have some control only through the right to be informed, supportive role and budgetary issues¹¹.

When identifying the greatest players of the EU in the CFSP, it has been claimed that the European Council due to having the power of determining the strategic direction, general guidelines and principles of the policy and ensuring its effective implementation in accordance with Article 22 TEU, is the key institution¹². The logic behind this is that because of the sensitivity of the issues in this area and national interests, only the heads of state and government can agree on common policy and its future direction¹³. The main decision-making body in the EU in this area is the External Relations Council which is composed by the foreign ministers of the Member States chaired by the High Representative and makes its decision on the bases of the guidelines and direction suggestions made by the European Council¹⁴. Other players in the EU's CFSP that should be mentioned are the

⁵ Annegret Bendiek, „European Realism in the EU's Common Foreign and Security Policy“ Edited by Dr Paul James Cardwell. *EU External Relations Law and Policy in the Post-Lisbon Era*, Hague, T.M.C. Asser Press, 2012, pp. 35-58.

⁶ <https://www.europarl.europa.eu/factsheets/en/sheet/158/foreign-policy-aims-instruments-and-achievements>

⁷ <https://www.auswaertiges-amt.de/en/aussenpolitik/europa/aussenpolitik/gasp/-/228304>

⁸ Consolidated versions of the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12016ME%2FTXT>, Accessed: 21.05.2021

⁹ Marise Cremona, *Implementation of the Lisbon, Improving Functioning of the EU: Foreign Affairs, In-depth analysis for the AFCO committee*, Brussels, Publications Office of the European Union, 2015, 34 pages.

¹⁰ Uwe Puetter, „The Latest Attempt at Institutional Engineering: The Treaty of Lisbon and Deliberative Intergovernmentalism in EU Foreign and Security Policy Coordination“, Edited by Dr Paul James Cardwell, *EU External Relations Law and Policy in the Post-Lisbon Era*, Hague, T.M.C. Asser Press, 2012, pp. 17-34.

¹¹ Marise Cremona, *Implementation of the Lisbon, Improving Functioning of the EU: Foreign Affairs, In-depth analysis for the AFCO committee*, Brussels, Publications Office of the European Union, 2015, 34 pages.; Kaniok, P. and Komínková, M., „Parliamentary Questions: Expressions of Opposition(s) within the European Parliament?“ *TalTech Journal of European Studies*, Vol.9 (Issue 1), 2019, pp. 33-56.

¹² Marise Cremona, *Implementation of the Lisbon, Improving Functioning of the EU: Foreign Affairs, In-depth analysis for the AFCO committee*, Brussels, Publications Office of the European Union, 2015, 34 pages.

¹³ Ramiro Troitiño, D; Kerikmäe, T; De la Guardia, R. M; Perez, G. A. (2020). *The EU in the 21st Century. Challenges and Opportunities for the European Integration Process*. Springer.

¹⁴ <https://www.auswaertiges-amt.de/en/aussenpolitik/europa/aussenpolitik/gasp/-/228308>

Permanent Representatives Committee, the Political and Security Committee, the working groups of the Council, the High Representative, and the European External Actions Service (EEAS).

The EU is equipped with several tools and instruments for in the area of foreign and security policy area. One of the most important instruments is decision of the Council which before the Treaty of Lisbon used to be separated into the Joint Action and the Common Position. The European Council decisions require always unanimity and are sent out at this level only in case serious issues and when the message has to be strong. Besides that, there are also restrictive measures – the sanctions, which also adopted unanimously and have to fall under the general objectives of the policy area. Other instruments in the Common Foreign and Security Policy are statements, demarches, political dialogues (between the EU and third countries), and proposals made by special representatives¹⁵.

EMERGENCE OF THE EU'S CFSP

The necessity for acting together at the EU level in the foreign and security policy issues was brought by ever-changing and globalising world and notion that the security problems had become too great, cross-border, and complex for the member states to solve them on their own¹⁶. Besides that, it was understood that only facing collectively the new international challenges and developing common policies can enable the member states to respond to these issues in a stronger and more coherent manner and have a greater say over this area internationally¹⁷.

In the foreign and security policy issues, the cooperation between the EU Members States started in 1970 in the framework of the European Political Cooperation which was mainly about the information exchange and was incorporated into the treaties by the Single European Act I 1986¹⁸. The European Union's Common Foreign and Security Policy in the more current form was established through the adoption of the Maastricht Treaty in 1993 and added into the second pillar. The Treaty of Amsterdam (entered into force in 1997) introduced the new role of High Representative for the Common Foreign and Security Policy and established the possibility for deal with crisis management and humanitarian aid the Western European Union¹⁹. The Treaty of Nice in 2003 brought further changes by establishing the European Security and Defence Policy as an independent policy area and creating Political and Security Committee for better management of civil and military crisis²⁰. The Treaty of Lisbon amongst of other important adjustments outlined the legal basis for the policy area which is covered by Articles 21-46 of TEU and Articles 205-222 of the TFEU and created the External Actions Service.

CHANGES BROUGHT BY THE TREATY OF LISBON

The Treaty of Lisbon, which entered into force in December 2009, led to many rational structure, governance and institutional framework and decision-making process changes, abolished the three-pillar system, codified the case-law of the EU Court of Justice, and gave the EU legal personality and under the Articles 3(5) ad 21(1) TEU external mandate for entering into treaties. In terms of the CFSP, the Lisbon Treaty has some very ambitious targets such as giving the EU single

¹⁵ <https://www.auswaertiges-amt.de/en/aussenpolitik/europa/aussenpolitik/gasp/-/228310>

¹⁶ Javier Solana, "European Foreign Policy and Its Challenges in the Current Context", in *The Search for Europe. Contrasting Approaches (BBVA)*, Madrid, 2015, pp. 422-439.

¹⁷ <https://www.auswaertiges-amt.de/en/aussenpolitik/europa/aussenpolitik/gasp/-/228304>

¹⁸ <https://www.auswaertiges-amt.de/en/aussenpolitik/europa/aussenpolitik/gasp/-/228306>

¹⁹ <https://www.auswaertiges-amt.de/en/aussenpolitik/europa/aussenpolitik/gasp/-/228306>

²⁰ <https://www.europarl.europa.eu/factsheets/en/sheet/158/foreign-policy-aims-instruments-and-achievements>

voice regarding foreign policy, equipping it with necessary tools for implementing more coherent and effective actions, and making it the contact person for the whole Union in this area – some of these achieved today only partially²¹. However, taking into account all the aims the Lisbon Treaty had in general, it is not surprising that not all have been fully achieved²².

CHANGES BROUGHT BY THE TREATY OF LISBON: CHANGES IN GOVERNANCE AND DECISION-MAKING

It has been claimed that in terms of governance and decision-making framework, the Lisbon Treaty brought about fairly little or in partially no changes since the governance architecture and policy processes remained largely the same²³. The Treaty of Lisbon did not change the decentralised decision-making process, requirement of unanimity, also it did not extend the powers of the Commission nor the Parliament and refrained from giving the Court jurisdiction in this area. The CFSP remained the major exception in the EU treaty-making as the Commission has no right to initiative in this area and the European Parliament does not have co-legislative nor consent requirement powers²⁴. In despite of this, it has been stated that the treaty had a positive impact on the negotiation setting improving the consensus seeking and dialogue between the Member States and the EU institutions and made the formation of the external strategy obligatory²⁵. Besides that, according to the Article 24 of TEU, the Member States are bound to support the EU's foreign policies and required not to conclude actions going against its interests²⁶.

CHANGES BROUGHT BY THE TREATY OF LISBON: CHANGES IN INSTITUTIONAL SET-UP

In the level of institutional set-up, the adoption of Treaty of Lisbon increased the importance of the mandate of the High Representative of the Union for Foreign and Security Policy (created by the Treaty of Amsterdam in 1999) and established the European External Action Service (EEAS) with a task of representing the Union abroad²⁷. Previously, the main task of the High Representative had been supporting the Council and its rotational presidency. The Treaty terminated the rotational presidency of the Council in the CFSP area and under the Articles 24(1) and 26(2) of TEU gave the High Representative central role and responsibility together with the Council and the Member States of carrying out CFSP, ensuring compliance in regards of fundamental principles, and securing the effectiveness, coherence and continuity of Union's actions in these issues²⁸. Besides that, the High Representative was granted dual Vice-President role in the Commission, has the right to conduct political dialogue with third partners, make policy proposals to the Council, call extraordinary meetings, and is considered in general the representative of the European Union in the Common

²¹ Annegret Bendiek, „European Realism in the EU's Common Foreign and Security Policy“ Edited by Dr Paul James Cardwell. *EU External Relations Law and Policy in the Post-Lisbon Era*, Hague, T.M.C. Asser Press, 2012, pp. 35-58.

²² Marise Cremona, *Implementation of the Lisbon, Improving Functioning of the EU: Foreign Affairs, In-depth analysis for the AFCO committee*, Brussels, Publications Office of the European Union, 2015, 34 pages.

²³ Uwe Puetter, „The Latest Attempt at Institutional Engineering: The Treaty of Lisbon and Deliberative Intergovernmentalism in EU Foreign and Security Policy Coordination“ Edited by Dr Paul James Cardwell. *EU External Relations Law and Policy in the Post-Lisbon Era*, Hague, T.M.C. Asser Press, 2012, pp. 17-34.

²⁴ Marise Cremona, *Implementation of the Lisbon, Improving Functioning of the EU: Foreign Affairs, In-depth analysis for the AFCO committee*, Brussels, Publications Office of the European Union, 2015, 34 pages.

²⁵ Uwe Puetter, *op. cit.* pp. 17-34.

²⁶ <https://www.auswaertiges-amt.de/en/aussenpolitik/europa/aussenpolitik/gasp/-/228304>

²⁷ Javier Solana, "European Foreign Policy and Its Challenges in the Current Context", in *The Search for Europe. Contrasting Approaches (BBVA)*, Madrid, 2015, pp. 422-439.

²⁸ Uwe Puetter, *op. cit.*, pp. 17-34.

Foreign and Security area²⁹. However, there have been claims that the power of the High Representative is still rather weak as he/she can make suggestions and act on the basis of the policies which have been previously accepted between and by the Member States³⁰.

The Lisbon Treaty also created a new separate European Institution – the External Action Service under the position of High Representative set-up with the Commission and Council's General Secretariat officials and diplomats from the Member States. The tasks of this institution include supporting the High Representative, the Commission and the President of European Council in the issues connected with EU external relations, and cooperating with the Member States' diplomatic services and administrating the EU delegations abroad³¹.

THE MAIN CHALLENGES: INTERNAL CHALLENGES

In terms of internal challenges for the Common Foreign and Security Policy, the decentralised decision-making process requiring in most cases generation of consensus, and veto power of the Member States can be claimed to pose the greatest obstacle for effective policy implementation in this area³². The problem here is that due to different historical, linguistic and cultural backgrounds, geographical location, memberships in international organisations, independent views on possible security threats, and national foreign and security concerns make it very complicated to reach to a common interest and consensus necessary for adoption of EU foreign policy agenda³³. One example of might be the debate between the so-called western and eastern member States as one side sees the biggest threat in the possible actions and policies of Russia and the other the conflicts in the Middle-East and massive influx of refugees in the Mediterranean³⁴. The consensus-based decision making process also complicates adopting the decisions which are inconvenient for some of the Member States (for instance sanctions) or go against their national strategies, and gives the Union very limited tools for achieving its interests abroad³⁵.

THE MAIN CHALLENGES: EXTERNAL CHALLENGES

The external challenges mainly originate from the multi-polar ever-changing globalised world in which many of the threats to the security and sovereignty have transnational nature, and as a result of that, require closer cooperation and cannot be efficiently dealt anymore individually at nation state level³⁶. Javier Solana, the former High Representative for CFSP has divided the external threats into

²⁹ <https://www.auswaertiges-amt.de/en/aussenpolitik/europa/aussenpolitik/gasp/-/228308>

³⁰ Annegret Bendiek, „European Realism in the EU's Common Foreign and Security Policy“ Edited by Dr Paul James Cardwell. *EU External Relations Law and Policy in the Post-Lisbon Era*, Hague, T.M.C. Asser Press, 2012, pp. 35-58.

³¹ <https://www.auswaertiges-amt.de/en/aussenpolitik/europa/aussenpolitik/gasp/-/228308>

³² Uwe Puetter, *op. cit.*, pp. 17-34.; Jakubowski, J., “Euroscepticism in a Pro-European State on the Basis of Media Content Analysis” *TalTech Journal of European Studies*, Vol.9 (Issue 4), 2019, pp. 218-236.

³³ Javier Solana, "European Foreign Policy and Its Challenges in the Current Context", in *The Search for Europe. Contrasting Approaches (BBVA)*, Madrid, 2015, pp. 422-439.

³⁴ Javier Solana, "European Foreign Policy and Its Challenges in the Current Context", in *The Search for Europe. Contrasting Approaches (BBVA)*, Madrid, 2015, pp. 422-439.

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³⁶ See e.g. Siljak, D. and Nagy, S., „Do Transition Countries Converge towards the European Union?“ *TalTech Journal of European Studies*, Vol.9 (Issue 1) 2019, pp. 115-139.; Ramiro Troitiño, D; Kerikmäe, T; Chochia, A, „Foreign Affairs of the European Union: How to Become an Independent and Dominant Power in the International Arena“ In: Ramiro Troitiño, D; Kerikmäe, T; de la Guardia, R.M; Pérez Sánchez, G.A (Ed.), *The EU in the 21st Century Challenges and Opportunities for the European Integration* (209–230), Springer, 2020.

challenges related to foreign policy (such as Russian actions in Georgia³⁷ and Ukraine³⁸ leading to tense EU-Russia relations³⁹, situation in Belarus, and conflicts in the Middle East and North Africa resulting in increased number of asylum seekers and fundamentalist terrorist reaching to Europe), global challenges (mostly linked with climate change, terrorism and cyber threats), and new shift of power from western countries to Asia and possible conflicts around South China Sea⁴⁰.

CONCLUSION

This report focused on the Common Foreign and Security Policy of the European Union, tried to provide general overview of this policy area and introduce the internal and external challenges it faces today. In the first part the concept and powers of the Union in this area was studied. Then the creation of necessity of Member States acting together in foreign policy issues and consequently the emergence of the CFSP was examined. After that the paper brought out the most important changes introduced in the area by the adoption of the Treaty of Lisbon in 2009 and looked into the challenges the EU has in these issues today.

While it was established that the CFSP is an integral part of the EU, it differs from other policy areas due to its non-communitarised nature and decentralised decision-making and governance methods. The Treaty of Lisbon which introduced many rational structure, governance and institutional framework and decision-making process changes, expanded the importance of the role of High Representative and created External Action Service, did not brought about significant adjustments in terms of policy making in the area of CFSP which still falls much under the realm of the Member States. Currently, there are many challenges for the Union's CFSP. When it comes to internal affairs, the main restriction for effective and coherent decision making and policy implementation is the requirement of consensus of the Member States which can be rather difficult to achieve due to different backgrounds, security concerns and national policies. The external challenges are mainly caused by the globalised ever-changing world, threatening behaviour of other countries, crisis situations and shift of power.

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³⁷ For more on Georgia, please see Chochia A. and Kerikmäe T., „Georgia on its path to Europeanisation: Academic Cooperation“, *TalTech Journal of European Studies*, Vol.10 (Issue 2), 2020, pp. 3-6.; And on EaP please see Kerikmäe, T.; Chochia, A. (Eds.), *Political and Legal Perspectives of the EU Eastern Partnership Policy*, Springer International Publishing, 2016

³⁸ For more on Ukraine please see Kerikmäe, T. and Chochia, A., „Ukraine's Endeavour: Drawing Near(er) to the European Union“ *TalTech Journal of European Studies*, Vol.8 (Issue 1), 2018, pp. 1-2.

³⁹ Please see Hoffmann, T.; Chochia, A., „The Institution of Citizenship and Practices of Passportization in Russia's European Neighborhood Policies“ In: A. Makarychev, T. Hoffmann (Ed.). *Russia and the EU Spaces of Interaction* (223–237). Routledge, Taylor&Francis Group., 2018

⁴⁰ Javier Solana, "European Foreign Policy and Its Challenges in the Current Context", in *The Search for Europe. Contrasting Approaches* (BBVA), Madrid, 2015, pp. 422-439.

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