

1 August 2023

MINISTRY OF DEFENCE OF THE FEDERAL REPUBLIC OF GERMANY

Invitation to the Pilot Seminar on *The Legal Framework of Defence-Related EU Policy-Making*

(Activity Number: 23-24/PILOT/8)

Hamburg, 14 to 17 November 2023

The Directorate-General for Legal Affairs of The German Federal Ministry of Defence, the European Security and Defence College and the Helmut Schmidt University of the German Armed Forces have the pleasure of hosting a Pilot Seminar on The Legal Framework of Defence-Related EU Policy-Making to be held in Hamburg from 14 to 17 November 2023.

European initiatives regarding defence and military matters have been surging in recent years. As envisaged by the Lisbon Treaty, the European Union (EU) has made significant steps towards the progressive framing of a Common Union Defence Policy. These developments were accompanied by crucial legislative and law-making initiatives across the entire range of EU policy areas that directly and indirectly concern the armed forces. Most notably, a number of key supranational regulatory packages adopted by the EU have a significant impact on defence. In addition, the 2022 Strategic Compass contains policy guidance concerning important CSDP legal bases. A thorough understanding of this legal background is vital for strengthening defence co-operation, timely decision-making at EU and national level, and the application and implementation of EU law in the Member States.

Against this backdrop, the interactive seminar aims to promote a comprehensive understanding of the legal foundations underpinning the CSDP as well as supranational EU initiatives. It will provide a broad overview of relevant EU law, highlighting cross-cutting issues relevant to participants' day-to-day work.

The ESDC is committed to an inclusive, gender-sensitive and discrimination-free environment. Only in an inclusive environment can all people, and therefore the ESDC

and its partners, realise their true potential. We therefore particularly encourage those applicants who are likely to be underrepresented to apply.

We are pleased to invite you to this pilot seminar. For further information, please refer to the registration details outlined below and the enclosed draft programme.



Holger Osterrieder
Head of ESDC



Dr. Jan Stöß
Head of Legal Department of MoD

Annexes

1. Administrative Note

2. Programme



Federal Ministry
of Defence



1. Administrative Note

- **Target Audience:** The seminar is open to both civilian and military personnel from EU Member States and EU institutions/agencies/bodies. EU Member States and EU institutions/agencies/bodies are invited to nominate one or two participant/s each.
- Preferably, ***nominees should have a background in law*** (ideally a graduate degree) and basic knowledge of EU law. A limited number of places will be offered to participants from other areas of expertise.
- **Format:** The seminar consists of an ***e-Learning and a residential part***, held in Hamburg from 14 to 17 November 2023; ***both parts are compulsory***. Attendance of the seminar is mandatory on all days. A certificate will be awarded to those participants who have completed the full seminar, including the e-Learning modules.
- **Time:** The seminar starts at 09.00 on 14 November and ends at 12.30 on 17 November 2023.
- **Language:** The working language is English. No translations will be provided.
- **Cost:** Costs for traveling, accommodation and catering (except for the official dinner and the reception) will be covered by sending authorities.
- **Application:** EU Member States, EU Institutions and Agencies are invited to nominate their candidates and send their applications (via the ESDC secure internet system ENLIST), by designated nominators at <https://esdc.europa.eu/enlist/login>, ***no later than 3 October 2023***. A list with relevant ENLIST nominators can be retrieved from the ESDC website at <https://esdc.europa.eu/nominators/>
- **Registration:** Registration will not be final until confirmed by the ESDC Secretariat. When the participants' list is finalised, selected participants will be provided with more detailed information on the seminar.
- **Point of contact**

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Course Director

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2. Programme

Seminar “The Legal Framework of Defence Related EU Policy-Making”

Tuesday 14.11	Wednesday 15.11	Thursday 16.11	Friday 17.11
BACKGROUND AND LEGAL STRUCTURES	FINANCIAL RULES AND INSTRUMENTS	OPERATIONAL IMPLEMENTATION	NOVEL THREATS UNDER EU LAW
09.00 – 09.30 Welcome and Introduction	9:00 – 10:30 EU Financial Architecture & Mechanisms supporting the EU's External Action	09:00 – 09:45 EU Legal Bases for Employing Member States’ Armed Forces	09.00 – 09:45 Countering Hybrid Threats and EU law
09.30 – 10.00 Legal History of Defence Cooperation within the EU		09:45 – 10:30 Legal Spotlight on the EU Defence Initiatives: PESCO Case Study	09:45 – 10:30 Defending Cyberspace and EU law
10:00 – 10:30 Coffee Break	10:30 – 11:00 Coffee Break	10:30 – 11:00 Coffee Break	10:30 – 11:00 Coffee Break
10.30 – 11:00 Multi-Layer Lawyering in defence matters:	11:00 – 12:00 Defence-related EU Procurement law	11:00 – 12:00 The jurisdiction of the Court of Justice of the	11:00 – 11:45 Defending Outer Space and EU law

Domestic and EU law 11:00 –12:00 Art. 4(2) TEU revisited: The practitioners’ view		European Union in relation to civilian CSDP missions – recent developments and case-law	
12:15 – 13:15 Lunch	12:15 – 13:15 Lunch	12:15 – 13:15 Lunch	12:00 – 12:30 Closing Ceremony
13:30 – 15:00 EU & NATO Cooperation: Legal Framework Differences and Similarities	13:30 – 15:30 Breakout sessions: Defence ministry advice in EU law-making	13:30 – 14:30 The Impact of Human Rights on CSDP Missions and Operations	
	EU defence-related spending: case study		