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How to cite

VEUTHEY, Alexandre Maxime. The European Union external action: toward a joined-up approach ?
Doctoral Thesis, 2023. doi: [10.13097/archive-ouverte/unige:167658](https://doi.org/10.13097/archive-ouverte/unige:167658)

This publication URL: <https://archive-ouverte.unige.ch/unige:167658>

Publication DOI: [10.13097/archive-ouverte/unige:167658](https://doi.org/10.13097/archive-ouverte/unige:167658)

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The European Union external action: toward a joined-up approach?

THÈSE

présentée à la Faculté des sciences de la société
de l'Université de Genève

par

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sous la direction de la

Professeure Sandra Lavenex

pour l'obtention du grade de

**Docteur ès sciences de la société
mention science politique**

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Thèse n° 224

Genève, 7 février 2023

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List of abbreviations

AA	Association Agreement
AfCFTA	African Continental Free Trade Area
AMU	Arab Maghreb Union
BDS	Boycott, Divestment, and Sanctions
CAA	Common Aviation Area
CAP	Common Agricultural Policy
CAQDAS	Computer-assisted qualitative data analysis software
CERN	European Organization for Nuclear Research
CFSP	Common Foreign and Security Policy
CJEU	Court of Justice of the European Union
COST	European Cooperation in Science and Technology
CSDP	Common Security and Defence Policy
DCFTA	Deep and Comprehensive Free Trade Area
DG	Directorates-General
EC	European Community
EDC	European Defence Community
EEA	European Economic Area
EEAS	European External Action Service
EEC	European Economic Communities
EFTA	European Free Trade Association
EIT	European Institute of Innovation and Technology
EMP	Euro-Mediterranean Partnership
ENP	European Neighborhood Policy
EP	European Parliament
EPC	European Political Cooperation
ERA	European Research Area
ERAC	European Research Area and Innovative Committee
ERC	European Research Council
ETF	European Training Foundation
EU	European Union
FP	Framework Program
GATT	General Agreement on Tariffs and Trade

GDP	Gross domestic product
HRVP	High Representative for Foreign Affairs and Security Policy / Vice-President of the Commission
ICAO	International Civil Aviation Organization
IFA	Institutional Framework Agreement
IIA	Israel Innovation Authority
IO(s)	International Organization(s)
ISP	Integrated Approach for Security and Peace
MEP(s)	Member(s) of the European Parliament
MEPP	Middle East Peace Process
MINURSO	United Nations Mission for the Referendum in Western Sahara
MoU	Memorandum of Understanding
MPE	Market Power Europe
MRA	Mutual Recognition Agreement
MSRG	Member States Representatives Group
NATO	North Atlantic treaty organization
NPE	Normative Power Europe
NSF	US National Science Foundation
OEEC	Organization of European Economic Cooperation
OPEC	Organization of Petroleum Exporting Countries
PLO	Palestine Liberation Organization
SADR	Sahrawi Arab Democratic Republic
SEA	Single European Act
SG	Secretariat-General
SME	Small and medium-sized enterprises
SNSF	Swiss National Science Foundation
TEU	Treaty of the European Union
UK	United Kingdom
UKRI	UK Research and Innovation
UN	United Nations
UNGA	United Nations General Assembly
UNSC	United Nations Security Council
WTO	World Trade Organization

Abstract

In its 2016 Global Strategy, the European Union (EU) pledges to adopt a more joined-up approach in its external action. The development of a joined-up approach across its external policies would mean for the EU to be more coherent and integrate and coordinate better its diverse forms of external relations, i.e., foreign policy and sectoral cooperation, which have so far been addressed separately in the literature. In this thesis, we analyze if, and under what conditions, the European Union adopts a joined-up approach in its relations with three countries that share a close association and are also marked by a diplomatic disagreement with the EU: Israel, Morocco, and Switzerland. To answer this question, we propose an analytical framework addressing the intersection between (diplomatic) foreign policy and sectoral cooperation. The analytical framework starts from the assumption that the drivers of a joined-up approach stem from rational cost-benefit calculations whereby the EU recognizes the potential of its sectoral policies as a resource in foreign policy. Regulatory approximation in sectoral policies may constitute a source of leverage for the EU which, if coordinated with overarching foreign policy goals, enhances its capabilities in external action, and hence its consolidation as a foreign policy actor. Accordingly, we develop a conceptualization of the joined-up approach structured around two dimensions: foreign policy, and sectoral cooperation. Our hypotheses identify two factors that should favor the development of a joined-up approach: the nature of the diplomatic disagreement, and member states' coherence. Moreover, we also expect the sectors with higher economic stakes to be mobilized first in a joined-up approach. To conduct this research, we apply an X-centered co-variational analysis that relies on EU institutional documents and interviews. We apply this method to the three cases of EU external relations selected (Switzerland, Israel, and Morocco) and three sectors (trade, aviation, research and innovation).

Our results demonstrate some variation across the countries and sectors in the development of a joined-up approach by the EU. While our analysis reveals that the EU has developed a strong joined-up approach toward Switzerland regarding the Institutional Framework Agreement issue in the two dimensions analyzed, we did not find any indicator of a joined-up approach toward Morocco. Finally, we found that the EU has made several attempts at developing a joined-up approach toward Israel regarding the Israeli-Palestinian conflict, albeit not in all dimensions of its relations or in a consistent manner. Based on these observations, the central thesis of our research is that there is an evolution in the EU's external action toward a more joined-up approach when it serves the EU's rational interests. Therefore, our research contributes to the emerging EU foreign policy literature that has identified a shift in the EU's logic of external relations from a value-based, normative approach to a more rationalistic, interest-based approach.

Résumé

Dans sa stratégie globale de 2016, l'Union européenne (UE) s'engage à adopter une approche plus conjointe dans son action extérieure. Le développement d'une approche conjointe dans l'ensemble de ses politiques extérieures signifierait pour l'UE d'être plus cohérente et de mieux intégrer et coordonner ses diverses formes de relations extérieures : la politique étrangère et la coopération sectorielle, qui ont jusqu'à présent été traitées séparément dans la littérature. Dans cette thèse, nous analysons si, et sous quelles conditions, l'Union européenne adopte une approche conjointe dans ses relations avec trois pays qui partagent une association étroite avec l'UE et marquées par des désaccords de politique étrangère : Israël, le Maroc, et la Suisse. Pour répondre à cette question, nous proposons un cadre analytique traitant de l'intersection entre la politique étrangère et la coopération sectorielle. Le cadre analytique part de l'hypothèse selon laquelle les moteurs d'une approche conjointe découlent de calculs coûts-bénéfices rationnels par lesquels l'UE reconnaît le potentiel de ses politiques sectorielles en tant que ressource de politique étrangère. Le rapprochement réglementaire des politiques sectorielles peut constituer une source d'influence pour l'UE qui, si elle est coordonnée avec les objectifs généraux de sa politique étrangère, renforce ses capacités en matière d'action extérieure, et donc sa consolidation en tant qu'acteur de la politique étrangère. En conséquence, nous développons une conceptualisation de l'approche conjointe structurée autour de deux dimensions : la politique étrangère, et la coopération sectorielle. Nos hypothèses identifient deux facteurs qui devraient favoriser le développement d'une approche conjointe : la nature du désaccord diplomatique et la cohérence des Etats membres. En outre, nous nous attendons également à ce que les secteurs présentant des enjeux économiques plus importants soient mobilisés en premier dans une approche conjointe. Pour mener cette recherche, nous appliquons une analyse co-variationnelle qui s'appuie sur des documents institutionnels de l'UE et des entretiens. Nous appliquons cette méthode aux trois cas sélectionnés de relations extérieures de l'UE (Suisse, Israël et Maroc) et à trois secteurs (commerce, aviation, recherche et innovation).

Nos résultats montrent une certaine variation entre les pays et les secteurs dans le développement d'une approche conjointe par l'UE. Alors que notre analyse révèle que l'UE a développé une approche conjointe forte envers la Suisse concernant la question de l'accord-cadre institutionnel dans les deux dimensions analysées, nous n'avons trouvé aucun indicateur d'une approche conjointe envers le Maroc. Enfin, nous avons constaté que l'UE a fait plusieurs tentatives pour développer une approche conjointe envers Israël concernant le conflit israélo-palestinien, mais pas dans toutes les dimensions de ses relations ni de manière constante. Sur la base de ces observations, la thèse centrale de notre recherche est qu'il y a une évolution dans l'action extérieure de l'UE vers une approche plus conjointe lorsque cela sert les intérêts rationnels de l'UE. Par conséquent, notre recherche contribue à la littérature émergente sur la politique étrangère de l'UE qui a identifié un changement dans la logique des relations extérieures de l'UE allant d'une approche normative basée sur les valeurs à une approche plus rationaliste basée sur les intérêts.

Acknowledgements

I would like to warmly thank Prof. Sandra Lavenex for her supervision of this thesis and her trust during my years at the University of Geneva. Her availability, benevolence and always very relevant feedback on my work were of great help for the realization of this research. I would also like to thank the jury members Prof. René Schwok, Prof. Pascal Sciarini, and Prof. Chad Damro for their availability and insightful comments on my work.

I am grateful to the Global Studies Institute, the Department of Political Science and International Relations at the University of Geneva, and their administrative staff, for providing excellent working environment that have allowed me to pursue my research in the best conditions possible. I would also like to mention the European University Institute and the London School of Economics and Political Science, particularly Prof. Federica Bicchì, that have welcomed me for research stays. Besides providing excellent work conditions for writing my manuscript, the exchanges with scholars from these universities have helped me broaden my perspectives and improve my thesis. I would also like to thank the Fondation Boninchi, the Fondation Ernst et Lucie Schmidheiny, and the Académie Suisse des sciences humaines et sociales for financially supporting my various trips.

I would like to thank all my colleagues in Geneva, London, and Florence for their continuous moral support and insightful exchange on our work. Being able to share our respective frustrations and successes, as well as non-work-related moments, gave me support and balance for making these five years enjoyable. I want to mention in particular Isabell, Myriam, Stefania, Yuliya, Kari, Asha, Cédric, Jean-Baptiste, Hugo, Paulos, Cenni, Samuel, Bruno, Jonny, and Andy.

To my friends, who have allowed me to escape mentally from my thesis from time to time. To Mimoza for her unconditional encouragement and understanding, especially in the final phase of writing. Finally, to my parents, who have always supported me and without whom none of this would have been possible.

1. Introduction

In its Global Strategy of 2016, the EU pledges to “become more joined up across its external policies, between Member States and EU institutions, and between the internal and external dimensions of its policies” (European External Action Service 2016: 11).

This objective is ambitious for numerous reasons.

Historically, European studies have long sidelined the EU’s foreign policy dimension. After the failure of the European Defence Community (EDC) in the 1950s, politicians and scholars have focused instead on the economics of EU integration. The beginning of the 90s marked the first change in EU foreign policy studies with the end of the Cold War and the signature of the Maastricht Treaty establishing the Common Foreign and Security Policy (CFSP). The evolving EU capacities in foreign policy as well as the tensions between the member state and the supranational EU level gained increasing attention. The second turning point is the 2004/07 enlargement to twelve new countries. Since then, the accession process has been characterized as one of the EU’s most successful foreign policies. However, after this fifth round of enlargement, the EU faced a situation where its neighbors became countries with no membership perspectives in the middle term, except for the Balkan countries. As a result, the EU had to define its relations with its new neighbors, which became a field of interest for EU scholars. Concretely, the EU has developed a new kind of foreign policy presented as the ‘Wider Europe’ strategy in 2003, which aims at bringing security, stability, and prosperity to its new Southern and Eastern neighbors through types of association resembling the politics of EU enlargement (European Commission 2003: 3–4).

The ascent of novel forms of association below the threshold of membership towards new neighboring countries who would not, in the foreseeable future, be given the prospect of EU membership coincided with the necessity to institutionalize relations with deeply interdependent neighbor which, for political reason, refuse EU membership. This is particularly the case for Switzerland which, in a 1992 referendum, refused to join the plurilateral European Economic Area (EEA).

We thus observe the development of two interconnected but institutionally for a long time rather distinct fields of EU external action. In parallel with the development of a common foreign policy focused on crisis intervention and conflict, the externalization of the EU norms and rules through association and sectoral cooperation – external governance – has become an alternative way of external influence for the EU, in particular in dealing with countries in transition. The academic literature on the EU’s external action reflects this duality. It falls in two distinct camps: foreign policy studies addressing more traditional questions of international security and external governance approaches studying processes of norm diffusion. However, from the popular uprisings of the Arab Spring to the invasion of Ukraine by Russia, geopolitics and conflicts have returned to the EU external borders in countries with whom the EU has engaged in sectoral association. This return of geopolitics in Europe has been underlined by the goal announced by the new European Commission President Ursula

von der Leyen when she took office of developing a “geopolitical Commission”.¹ However, developing a joined-up approach to turn the EU into a geopolitical actor is more demanding than for nation-states. Indeed, the separation of competencies between the supranational (European Commission) and the intergovernmental (Council) organs makes it challenging to integrate foreign policy and sectoral cooperation. It is therefore puzzling that the EU should seek to develop such an approach for which its legal/institutional structure is not necessarily adapted. It is worth noting that although the Global Strategy inspires our conceptualization of the joined-up approach, the latter reaches well beyond the geopolitical strategy. We develop a concept that applies not only to conflict resolution but to EU external relations in general. As a result, investigating how the EU mobilizes its two types of external action, i.e., foreign policy and external governance, is an opportune and timely question.

Developing a joined-up approach across its external policies would mean for the EU to integrate and coordinate its diverse forms of external relations, i.e., foreign policy and external governance. Recent books have touched on the nexus between CFSP and external sectoral policies and the potential for a new sectoral diplomacy (Blockmans and Koutrakos 2018; Damro et al. 2018). However, the eventual use of these sectoral ties in a strategic perspective to serve specific European foreign policy objectives has hitherto not been systematically studied. Among the few studies which address that issue, there is the ‘geopoliticization of European trade policy’ (Meunier and Nicolaidis 2019) or Damro’s concept of Market Power Europe (Damro 2012). These studies recognize the growing geopolitical implications of trade agreements, as well as the external influence the EU enjoys through the size of its market. However, they do not address the issue by looking at how the EU could use existing agreements as a foreign policy instrument toward its neighbors. Instead, they are more focused on the global power games between great powers, the implication of new agreements, and the externalization of EU market-related policies.

Moreover, the literature on the EU trade-foreign policy nexus has underlined the difficulty of bringing coherence between one of the most internationalized sectors, trade, and foreign policy relations (Bossuyt et al. 2020). The main reason for this is the institutional structure of the EU, with the high degree of autonomy enjoyed by the Commission and more specifically DG Trade. DG Trade is reluctant to let foreign policy considerations prevent it from pursuing its economic objectives of gaining better access to foreign markets, which significantly reduces the chances of integrating the EU’s foreign policy objectives into its trade policy (Bossuyt et al. 2020: 50; Messerlin 2013: 40). However, developments in the EU’s external relations with some countries seem to contradict these findings. For instance, the EU has recently adopted a tough stance toward Switzerland and has linked the development of all sectoral cooperation, including trade, to the signature of an overarching Institutional Framework Agreement (IFA) (Veuthey 2020). In its relations with Israel, the EU has excluded from its financial support in the research sector organizations or private entities based or working in the settlements to

¹ European Commission, “Speech by President-elect von der Leyen in the European Parliament Plenary on the occasion of the presentation of her College of Commissioners and their programme”, 27.11.2019, https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_19_6408 (Accessed on 14 September 2022).

support its foreign policy position of non-recognition of settlements (European Commission 2013).

Multiple puzzles emerge from this introduction and foster interest in this research. First, the development of separate strands of research addressing the EU's foreign policy and external governance respectively has produced a gap regarding the interaction and integration between these two types of EU external relations. Next to posing an intriguing theoretical and conceptual challenge, this gap is also empirically relevant as it contrasts with the EU's explicit objective to develop a more joined-up approach in its Global Strategy.

This thesis takes its point of departure against this political background and theoretical puzzle. We aim to answer the following main research question: *To what extent does the European Union adopt a joined-up approach in its external relations with associated countries, and if so, why and under what conditions?* We will also investigate whether there is a difference in the development of the joined-up approach across countries, sectors, and over time. With these research questions, we aim to understand better the complex EU's external action nature and the factors that fuel or impede the integration between the EU's two external action types, i.e., foreign policy and external governance. By analyzing the evolution of the EU's external action and the eventual integration of its sectoral and foreign policies, this research tries to explore and fill a gap identified in the literature (Bicchi and Lavenex 2015: 878) but so far left unaddressed.

This thesis is organized around five main chapters. Chapter 2 presents the analytical framework. After a comprehensive literature review structured around the two main strands of literature on the EU's external action, i.e., foreign policy analyses and external governance studies, we present and justify the research questions. Then, we propose an integrated theoretical framework at the intersection of EU foreign policy and external governance theories. We develop a conceptualization of the joined-up approach, its theoretical foundations, and propose hypotheses that identify the factors favoring its development. Chapter 3 presents the methodological approach, a co-variational analysis based on content analysis and interviews, and the operationalization of the variables. We apply this methodology to three case studies which represents countries that share a close association and are also marked by a foreign policy disagreement with the EU: Israel, Morocco, as well as Switzerland. The following three chapters present the results for each case study (Chapter 4: EU-Switzerland relations, Chapter 5: EU-Israel relations, and Chapter 6: EU-Morocco relations). In each of these chapters, we follow the same steps. First, we present a historical overview of the EU relations with these countries, the state of their partnership, and the diplomatic disagreement in their bilateral relations. Second, we analyze the third country's status with regard to the scope conditions that we expect to favor a joined-up approach. Third, we analyze the dependent variable according to the two dimensions of the joined-up approach developed in our conceptualization. Finally, chapter 7 proposes a synthesis and comparative analysis of our results. In this chapter, we recall the main steps that structured the research, present a synthesis of the main results for each of the three case studies, and assess the pertinence of the hypotheses. This chapter closes with a reflection on the research questions and main findings.

2. Analytical framework

This chapter aims to develop the analytical framework of the thesis which seeks to understand to what extent and under what conditions the EU develops a joined-up approach when dealing with associated third countries. In particular, we analyze case studies where bilateral relations between the EU and an associated third country suffer from a diplomatic disagreement over which the EU seeks to get the other country to accept the EU's position. We start with a literature review on the EU's external action and identify two strands of pertinent research, namely literature on EU foreign policy and on external governance. After specifying the research questions in the light of the literature review, we introduce the theoretical framework integrating the foreign policy and external governance perspective into one original approach. We follow with conceptualizing the central concept of the research, the joined-up approach. We base this conceptualization on two dimensions of the joined-up approach: foreign policy, and sectoral cooperation. After that, we introduce the hypotheses.

2.1 State of the art: The duality of the European external action

Since the beginning of the twenty-first century, the EU's external influence has mainly developed along two axes: foreign policy and sectoral policies. Foreign policy encompasses the development of traditional, state-like, diplomatic relations with the creation of the European External Action Service (EEAS) alongside the CFSP. The other source of EU external influence in third countries is cooperation within policy sectors and the diffusion of its sector-specific rules and norms. These two vectors of influence have evolved independently from each other and with varying degrees of success. On the one hand, even though the EU made advances in foreign policy and diplomatic integration, it is still assumed that it remains primarily an economic giant but a political dwarf in international relations. On the other hand, facing the slowdown in the enlargement process and the presence of countries asking for association below the threshold of membership, the EU has started to export its norms and practices to third countries. This 'functionalist extension' (Lavenex 2014) has proved to be an effective vector of influence for the EU beyond its borders. The academic literature reflects this duality in the EU's external relations and remains split between foreign policy analysts and scholars analyzing EU's external relations from the inside-out, i.e., external governance, conditionality and differentiated integration.

In the field of EU foreign policy, we identify three main debates that relate to our research. The oldest and most salient debate concerns the relationship between member states' and EU's capacities in foreign policy. Two concerns stand out in this literature: the remaining concern with a looming "capability-expectations gap" in EU foreign policy (Hill 1993, 1998) and research on the conditions under which the EU and its member states "speak with one voice" in order to mobilize common leverage in foreign relations (Conceição-Heldt and Meunier 2014; Macaj and Nicolaïdis 2014; Meunier 2000; Smith 2006). The actorness debate proposes a

framework which conceptualizes the EU as a *sui-generis* actor and therefore tries to avoid a state-centric perspective when analyzing EU's performance in foreign policy. The second is an ontological debate about the actorness of the European Union and what type of power it represents in international relations. The EU has, non-exhaustively, been labelled as a civilian (Duchêne 1973), normative (Manners 2002), trade (Meunier and Nicolaïdis 2006) or market (Damro 2012) power. Finally, beyond conceptualization, the empirical performance of EU foreign policy has mainly been studied with regard to the EU's role in conflict resolution, which has hinted at the use of association policies (Diez et al. 2008; Tocci 2007) and the ENP (Brsakoska Bazerkoska 2016; Cameron 2006; Crombois 2008; Wolff and Peen Rodt 2010) as tools for conflict resolution.

The development of association policies and in particular of the European Neighborhood Policy (ENP) as a new type of foreign policy has also been studied from an "inside-out" perspective. We identify three main strands of literature that relate to our research. First, scholars have focused on the externalization of EU sectoral rules and policies – seen as alternative ways of integration and vectors of external influence (Bradford 2012; Lavenex 2014; Lavenex and Schimmelfennig 2009: 791). This institutionalist perspective on the external relations of the EU has been widely theorized and labelled as 'external governance' (Lavenex 2004; Lavenex and Schimmelfennig 2009). Second, the use of a leveraging process to achieve an objective is intrinsic to the conditionality literature. Indeed, the external incentives model developed by Schimmelfennig and Sedelmeier explains the Europeanization of candidate countries by a rationalist bargaining model in which "the EU sets its rules as conditions that the Central and Eastern European countries have to fulfil in order to receive EU rewards" (Schimmelfennig and Sedelmeier 2004: 663). The adoption of the *acquis communautaire* by third countries, and, therefore, the externalization of EU rules and policies, is central to this literature. Finally, we will discuss the literature on differentiated integration which also has an external dimension when non-EU states adopt the *acquis communautaire* and participate in a specific EU policy (Leuffen et al. 2013: 17).

In the following literature review, we develop these two fields of literature on EU external action. The analysis of these two strands of the literature is particularly relevant for studying the development of a joined-up approach because they examine its two main components, i.e., sectoral and foreign policies. We argue that these two fields of research have evolved quite independently from each other's and that no study has hitherto looked at how the two types of external action intersect, and under what conditions.

2.1.1 EU external relations as foreign policy

The literature on EU foreign policy has its roots in the developments surrounding the creation of the CFSP in the years 1990s. Before that, the foreign policy dimension was rather absent from the process of European integration, as Keukeleire and Delreux point out: "European integration was assuming a primarily economic path, with no foreign policy, security or defence dimension foreseeable" (Keukeleire and Delreux 2014: 42). As a result of this, the

literature on an eventual European foreign policy was quite scarce in the first decades of integration. The European foreign policies were mainly analyzed through the national foreign policies of the European Community (EC) member states. European cooperation in foreign policy emerged in the 1970s with the creation of the European Political Cooperation (EPC), a network of interaction and discussion for EC members' national diplomats. Its objective was to gradually initiate coordination between member states in the conduct of their respective national foreign policies and marked the slow emergence of literature on European foreign policy. The first empirical analyses of EC foreign policies started to appear (Alting von Geusau 1974; Wallace et al. 1977) with some scholars focusing on this new form of cooperation, the EPC (Allen et al. 1982; Holland 1991; Nuttall 1992; Schoutheete 1980). This nascent actorness of the EC in the international relations has raised an ontological debate, that is still going on today, about the nature of the EC as an international actor (Jørgensen 2015: 19). Questions such as the type of power the EC should aspire to be or the resources it should rely on in its external relations structure this debate.

The start of the 1990's decade marked a significant turning point both for the world and the EU foreign policy. The fall of the Soviet Union, coupled with the reunification of Germany triggered instability and insecurity among Europe. In this context, the member states decided to deepen their integration process and signed the Maastricht treaty in 1992, establishing the European Union. Among the innovations brought by this treaty, the EU member states institutionalized cooperation on foreign policy with the creation of the CFSP. This significant institutional evolution sparked scholars' attention and, as a result, EU foreign policy became a growing strand in the academic literature. However, the first studies on the CFSP pointed to its weaknesses and potential shortcomings (Eliassen 1998; Peterson and Sjørnsen 1998) identifying a "capability-expectations gap" (Hill 1993). The Balkan and Iraq wars rapidly exposed these weaknesses with the EU being unable to respond it collectively. In reaction to these early failures, the EU added a security and defence dimension to the CFSP, the Common Security and Defence Policy (CSDP). These institutional evolutions have reinvigorated studies on the type of power the EU represents. Scholars have analyzed if and how these changes in capabilities have impacted the nature of the EU as an actor in international relations (Smith 2000). The EU foreign policy evolution also brought back to the fore the discussions about the relationships and tensions between the member states and the EU supranational level. The foreign policy has traditionally been the realm of the states. As a result, even though the CFSP remained intergovernmental, it represented quite a unique integration among nation-states in the foreign policy domain. This evolution has generated studies on the relationship between the member states and supranational level.

European member states' efforts to strengthen their foreign policy cooperation were a reaction to their inability to work together during the Balkan wars. As a result, the EU's conflict capabilities were strengthened, including creating the CSDP (Keukeleire and Delreux 2014: 52-3). Despite the EU's willingness to develop its capabilities to be more able to act in conflict situations, studies have pointed out that the EU's capacity to react quickly was still minimal despite the strengthening of its capacities (Bicchi and Lavenex 2015: 874). As a result, states remained the main actors in the conflict management phase. However, the EU could have the

potential to impact conflicts through longer-term policies that attempt to prevent or resolve conflict. Hence, the emergence of literature on the EU and conflict resolution.

Foreign policy literature addresses three aspects that relate to the object of this thesis. The first one is the relationship between member states and the EU in European foreign policy. While the EU has developed instruments to coordinate its member states' foreign policy, this area remains intergovernmental. Therefore, to study the development of a joined-up approach, one must understand the member states' role. Secondly, the joined-up approach aims to strengthen the EU's influence in the international scene by building on existing instruments. One must therefore know what type of power the EU represents and what instruments it can build on. This approach could also change the type of power the EU represents in international relations. Therefore, we will discuss the field of literature on the nature of the EU as a foreign policy actor. Finally, the joined-up approach aims to strengthen the EU's negotiating power in its relations with third countries. As pointed out, the EU has recently tried to be more effective in conflict resolution. This approach could, therefore, be used in these situations. As a result, the literature on the EU's role in conflict resolution is the last area of EU foreign policy literature that is examined.

2.1.1.1 Member states' vs EU foreign policies

In the EU foreign policy literature, one of the oldest and most salient debate concerns the relationship between member states and the EU as well as the resulting tension between national interests and European solidarity. The interplays between these two levels of interest (European and national) have impeded the EU foreign policy development with the member states being reluctant to give up their interest and dominant position (Hill 1983, 1996; Soetendorp 1999). The growing impact of domestic factors in the shaping of national foreign policies has reinforced this tension. While "the constitutional design of member states influences the foreign policy process in the EU" (Keukeleire and Delreux 2014: 116-7; Manners and Whitman 2000: 252-7), member states are also facing domestic pressures as they need to "demonstrate how collective policies and positions provide specific advantages (and minimal costs) to the participating states" (Allen 1996: 300) which jeopardizes, even more, the search of a common European position. Another source of tension between member states and the EU lies in the growing external dimensions to policies coupled with the uneven distribution of competencies across different areas (Hadfield et al. 2017: 6). This illustrates the tensions that can occur between the EU and member states in shared competences areas where national interests make coherence hard to achieve (Bretherton and Vogler 2013: 382-3).

The 21st century EU foreign policy developments and practices have pointed towards an increasing role of the EU in the leading of foreign policy and "a move away from formal intergovernmentalism" (Sjursen 2011; Tonra 2003: 733). In this perspective, the Europeanization of members states' foreign policy literature has developed a middle path in the member states/EU debate, stressing the influence of the supranational structures "while at the same time recognizing that the member states are actively involved in creating/shaping

these structures" (Gross 2009; Wong 2017: 157; Wong and Hill 2011). This growing role of the EU has also had an impact on the focal of EU foreign policy studies slowly dragging scholars away from member states' national foreign policies to the supranational level of action. This has led to the emergence of two debates that still stand out in the literature: the remaining concern with a looming 'capability-expectations gap' in EU foreign policy and research on the conditions under which the EU and its member states 'speak with one voice' to mobilize common leverage in foreign relations.

Evaluating the EC cooperation under the EPC, Christopher Hill concluded that the EU foreign policy suffered from a 'capability-expectations gap' (Hill 1993). The author sees his contribution as "a yardstick by which the process of change in European foreign policy might be measured" (Hill 1998: 19). The gap results from the fact that "the Community has been talked up (...) to a point where it is not capable of fulfilling the new expectations already (and often irrationally) held of it" (Hill 1993: 315).

Hill's conceptualization relies on two main dimensions: capabilities and expectations. On the one hand, expectations refer to what role the EU is expected to perform in the international system (Hill 1993: 310). In his original 1993 article, the expectations ranged from being a stabilizing force in Western Europe, providing a second western voice in international diplomacy to being a regional pacifier or a global intervenor, among other considerations. Expectations can vary depending on the past actions. Indeed, disappointment with EU actions will lead to lower expectations and vice versa (Hill 1998: 30). On the other hand, the capability dimension is broken down into three main components: ability to agree, resources and instruments. Ability to agree is understood as "the capacity to reach a collective decision and to stick to it" (Hill 1998: 24). This can be enhanced through new treaties and rules, although it seems that the formalization of practices is "far from ensuring a greater degree of cohesion" (Hill 1998: 28). Greater cohesion can be reached through gaining mutual trust by working together as well as the 'Brusselization' of some processes. Fundamental resources such as population, wealth, technology, human capital and political stability constitute the resources component (Hill 1998: 24). Enlargement can improve these resources as it will increase the EU's population, size, human capital, and wealth. It can also strengthen its geo-political position as new borders can bring the EU closer to big powers, such as Russia. Enlargement is not the only source of EU resources increase. Development of new technologies or a stronger allocation of financial resources to foreign policies, for instance, can also improve EU resources. However, developing new policies or making new legal provisions is not sufficient if member states are reluctant to use them or fail to find a common position. Therefore, to have an impact on EU foreign policy capabilities, these resources need to be "translated into useable power" (Hill 1998: 26). Finally, instruments encompass practices such as "the use and threat of force, diplomacy, economic carrots and sticks, cultural influence" (Hill 1998: 24). Two of the main instruments identified by Hill are the use of conditionality and sanctions, both institutionalized in the treaties.

In a reassessment of its concept in 1998, Christopher Hill found no evidence of a potential disappearance of the capability-expectations gap but admitted that it had narrowed a bit (Hill

1998). However, this was more due to the lowering of the expectations towards the EU's role in foreign policy rather than the improvement of its capabilities. The introduction of the CSDP in 1999 was seen as a considerable improvement in EU capabilities with the potential of taking over the North Atlantic treaty organization (NATO) in providing military security in Europe (Karp and Karp 2013: 350). This development of a military dimension enhancing EU foreign policy capabilities has attracted the attention of scholars and professionals generating "a modest but specialized literature on capability issues" (Biscop and Whitman 2013; Blockmans 2008; Duke 2018: 180; Ginsberg and Penksa 2012; Grevi et al. 2009; Rehrl 2017). According to this literature, the EU has made some progress and today "possesses the necessary capabilities and institutions" for having an effective foreign policy (Portela and Ruffa 2015: 548; Toje 2008, 2010: 115). However, the impact of the CSDP on EU foreign policy capabilities seems to have fallen short of expectations and EU capabilities remain insufficient to fulfil its ambition to act as a 'strategic global actor' and 'security provider' (Shepherd 2015: 65). The incapacity of member states to agree and cooperate is recognized as undermining EU foreign policy capabilities (Blockmans and Koutrakos 2018: 497; Duke 2018: 159; Shepherd 2015: 80; Toje 2010: 115-35). In Asle Toje's view, "the EU members do not share sufficient foreign policy interests, traditions, goals and outlooks to automatically generate substantive common policies" (Toje 2011: 52). The member states' inability to regularly find a common position on significant foreign policy issues and the absence of institutional mechanisms to overcome these dissensions refers directly to one of Hill's components, the ability to agree, and therefore prevent the eventual closing of the capability-expectations gap.

The eventual ability of EU member states to agree on common foreign policy positions is at the core of the EU 'speaking with one voice' strand of literature. Studies within this strand are looking at the conditions under which the EU and its member states support a common position, and therefore 'speak with one voice', to mobilize common leverage in foreign relations. One of the main areas where the EU's cohesiveness and capacity of influence have been studied is in the context of its actions in the international institutions' fora (Jørgensen 2009; Jørgensen and Laatikainen 2013). The Lisbon Treaty has brought innovations regarding the EU's competences in international institutions, notably the coordination and representation responsibility now delegated to the EU's representative (Article 34 Treaty of the European Union (TEU)). These institutional innovations mainly target EU's action at the United Nations (UN) which generated additional studies to an already lively literature on the EU at the UN (Bouchard and Drieskens 2013: 116; Degrand-Guillaud 2009; Drieskens 2012; Laatikainen 2015; Laatikainen and Degrand-Guillaud 2010; Laatikainen and Smith 2006; Panke 2014; Smith 2006). Studies of EU member states' cohesiveness on other foreign policy areas such as the ENP (Börzel and Van Hüllen 2014) or migration (Hampshire 2016) have also been conducted. The underlying assumption behind the 'speaking with one voice' debate is that if member states can coordinate and adopt a single position, the EU would be more efficient. They assume a "direct and positive correlation between the degree of internal cohesiveness and the EU's ability to be effective in its external actions" (Conceição-Heldt and Meunier 2014: 962). This positive correlation assumption structured the early studies on the EU's external action effectiveness (Laatikainen and Smith 2006; Meunier 2000; Taylor 1979, 2006). However, this direct and positive link between cohesiveness and effectiveness is being questioned.

Studies on specific issues have found that even if the EU achieve to 'speak with one voice' this can sometimes be insufficient (Conceição-Heldt 2014; Kissack 2010; Niemann and Bretherton 2013; Smith 2010; Thomas 2012) or even counterproductive in some cases (Clapham 1999: 649; Macaj 2012; Macaj and Nicolaïdis 2014; Smith 2006). In their criticism of the 'one voice mantra', Macaj and Nicolaïdis (2014) argue that "the EU needs to own up to its own diversity on the external front as well as internally" (Macaj and Nicolaïdis 2014: 1081). In their opinion, situations in which there is a lack of consensus among member states or when the issue at stake require less aggregative and more diffuse power, it is in the EU member states' best interest to not speak with one voice and instead take advantage of their diversity.

Finally, the actorness debate builds on the assumption that scholars need to recognize that states are not the only actors in international relations and that EU institutions have a growing influence (Drieskens 2015, 2017: 1535). Therefore, when evaluating the EU's role or influence in world politics, one needs to adopt a different analysis grid focusing more on the actual EU policies and outcomes and should stop adopting a 'state-centric worldview' (Bretherton and Vogler 2006: 11). The first introduction of the actorness concept to evaluate the EU's role in world politics has been developed by Cosgrove and Twitchett (1970). Their study looked at the growing influence of the UN and the European Economic Communities (EEC) in international relations. In their studies, actorness relies on the international organizations' "autonomous decision-making power, impact in international relations and the significance attached to it by its members" (Cosgrove and Twitchett 1970: 12-4; Drieskens 2017: 1536). However, the most-cited definition of actorness is not Cosgrove and Twitchett's but rather the one developed by Sjöstedt. In his assessment of the ECC's external role, he defined an actor capability as its "capacity to behave actively and deliberately in relation to other actors in the international system" (Sjöstedt 1977: 16). This definition has since been widely used to refer to actorness.

Building on these definitions, scholars have since developed various conceptualizations of actorness. The two main definitions have been brought by Bretherton and Vogler (1999, 2006, 2013) and Jupille and Caporaso (1998). For our framework we have decided to focus on Bretherton and Vogler's definition because their work is more focus on the EU and conceptualize it as a *sui generis actor* (Drieskens 2017: 1536).

Bretherton and Vogler's conceptualization of EU actorness is based upon three notions: presence, opportunity, and capability. Presence refers to the EU's structural power. It is defined as "the ability of the EU, by virtue of its existence, to exert influence beyond its borders" (Bretherton and Vogler 2006: 22). It is factors such as the perception of unity or effectiveness that will reinforce the EU's presence. Internal developments will have an impact on how third countries perceive EU actorness. For instance, the establishment of the single market is at the core of EU presence in world politics (Bretherton and Vogler 2013: 377). Inversely, if the EU shows signs of division or weakness in a particular area, this will undermine third countries' evaluation of EU actorness. In this respect, Bretherton and Vogler give examples such as the difficulties around the signing of the Lisbon Treaty, or the divisions between member states following the eurozone crisis to illustrate situations were EU's

actorness has been undermined. (Bretherton and Vogler 2013: 378). It is important to note that “presence does not denote purposive external action, rather it is a consequence of being” (Bretherton and Vogler 2006: 26).

The opportunity notion “denotes factors in the external environment of ideas and events which constrain or enable actorness” (Bretherton and Vogler 2006: 22). Like presence, opportunity refers to structural conditions. However, these conditions should not be seen as static and immune to the EU’s influence. It is rather dynamic conditions where the EU is an actor and, through its actions, participates in the shaping of the international environment (Bretherton and Vogler 2006: 23). Authors argue that the collapse of the Bretton Woods system coupled with the end of the Cold War have produced favorable opportunities for the EU external action. However, recent changes in the international system, such as the rise of China or the re-emergence of Russia, are undermining EU presence and external action opportunities (Bretherton and Vogler 2013: 378–9). It is also worth noting that the rise of other powers is not the only source negatively affecting EU opportunities. As mentioned before, EU actions and responses to international events can also enhance or undermine its opportunities to act externally. The incapacity of the EU to respond to the Balkans wars in the 1990s have, for instance, severely undermined the credibility of the EU as an international actor. This opportunity was not only a matter of external factor but was also discursively constructed with European politicians declaring: “This is the hour of Europe” (Bretherton and Vogler 2006: 24). The EU’s missed opportunity in the Balkans showed that “while opportunity may be discursively constructed, the processes of construction cannot be divorced from material conditions” (Bretherton and Vogler 2006: 24).

Finally, capability is defined as “the internal context of EU external action (or inaction)” (Bretherton and Vogler 2013: 381). In their 2013 article, Bretherton and Vogler identify two indicators as being the most important for capability : the ability to formulate priorities and develop policies ; the availability of and capacity to utilize policy instruments (Bretherton and Vogler 2013: 381). The EU multilevel governance and inherent nature can cause some coherence problems. The authors identify three different forms of potential coherence problems that can challenge the making of common external policies. The first is vertical coherence and refers to the consistency between member states bilateral external policies and their complementarity to the EU’s common ones. “Hence, it is a measure of member state political commitment to common policies” (Bretherton and Vogler 2013: 382). It is worth noting that even when a common position is found, this is not necessarily a sign of a strong EU external policy as the search of a common position might result in a “relatively weak position” (Bretherton and Vogler 2013: 382). Vertical coherence does not impact all external policies in the same way and is highly related to the type of competences the EU enjoys in a specific sector. Cooperation in fields where the EU enjoys exclusive competences, such as trade, is not really subject to vertical coherence problem. However, in areas where there are shared competences, there might be competing views or policies between member states and the EU. This discordance can undermine EU external action and weaken its credibility as an international actor. This is even more true in areas such as the CFSP and CSDP where unanimity is required to find a common position and where member states pursue parallel

independent policies (Bretherton and Vogler 2013: 383). Other coherence problems can come from the coordination, or lack of in this case, of different external policies. It can happen that tensions exist between two different policies' objectives such as trade and environment for instance (Bretherton and Vogler 2013: 383). If they are not coordinated it can undermine the overall EU external action objectives. This is labeled by the authors as horizontal coherence. The final coherence dimension comes from the coordination between the different EU institutions. The authors recognize that strengthening the role of the High Representative for Foreign Affairs and Security Policy / Vice-President of the Commission (HRVP), its inclusion in the Commission as well as the creation of the EEAS might improve coordination between EU institutions. However, they recognize that "they still suffer from a number of shortcomings" (Bretherton and Vogler 2013: 384) such as the complexity caused by the important and competing role of the Commission President, the rotating presidency and the HRVP different institution affiliations.

To sum up, whereas it has been acknowledged that the supranational level has improved its capacities and institutional resources in foreign policy, it is still undermined by the member states' inability to agree on common positions and policies. The literature on the capability-expectation gap and the EU speaking with one voice underline the importance of reaching a common position among member states to have an effective European foreign policy. The debate on the EU actorness has proposed a non-state-centric framework that analyses the EU's foreign policy performance by presenting other elements that influence the EU's ability to act. The 'practice turn' in the study of EU foreign policy proposes an approach that builds on the interactions between diplomats in the field. These interactions give rise to a community of practice that transcends national borders and thus bypasses the role of member states (Bicchi 2011, 2021; Bicchi and Bremberg 2016). Nevertheless, since the EU's foreign policy remains strictly intergovernmental, one must consider the member states' role. Even if the joined-up approach's sectoral part could be decided without the member states' support in areas of exclusive competences, the EU remains dependent on the member states for the foreign policy component. Therefore, this thesis will examine member states' role in developing a joined-up approach, mainly through their foreign policies' cohesion towards the third countries studied.

2.1.1.2 The nature of the EU as a foreign policy actor

The 1970s represent an important period in the evolution of the EU and especially its external dimension. The introduction of the EPC in 1970, as well as the first enlargement of 1973, constituted a significative turn towards a slowly more outward-looking EU which could cooperate in political issues and go beyond the common market. In parallel, the détente era in the Cold War coupled with uncertainties about the ambitions of the two superpowers, the US and the Soviet Union, paved the way for an eventual power Europe in international relations. As a result, scholars started to discuss the potential growing external presence of the EU which led to the emergence of ontological debates on the type of power the EU represented or should aspire to be (Duchêne 1973; Galtung 1973). In its famous essay calling for a 'civilian power Europe', Duchêne stated that the development of a military superpower Europe was not likely

to happen anytime soon (Duchêne 1973: 9–10). Instead, he argued that if the EU wanted to exert influence on the international stage, it should act collectively and make the most of international cooperation. This influence would rely primarily “on civilian forms of action (...) the most important one being economics” and should pursue civilian objectives like democratic standards (Duchêne 1973: 19–20). Even though he slightly mentioned the civilian means the EU should adopt to pursue civilian ends, Duchêne has never clearly conceptualized its ‘civilian power Europe’ (Orbie 2006: 123; Zielonka 1998: 226). Nevertheless, the civilian conception of the EU power has ever since become central in the relevant literature.

Since Duchêne’s civilian power Europe, a multitude of other scholars have joined the debate and tried to conceptualize the kind of power the EU represents in international relations. As a result, the EU has successively been labelled as a normative (Manners 2002), soft (Nye 2004: 75–83), trade (Meunier and Nicolaïdis 2006), ethical (Aggestam 2008), transformative (Börzel and Risse 2009), small (Toje 2010, 2011), risk-averse (Laïdi 2010), market (Damro 2012) or smart (Akcadag 2014) power Europe. In an attempt to move away from agency-based conceptualizations of the EU external action, Ian Manners defends the thesis of a Normative Power Europe (NPE) (Manners 2002). Manners’ definition describes NPE as being “the ability to define what passes for ‘normal’ in world politics” (Manners 2002: 236). The normative dimension of EU power stems from the basis and principles it has been created upon. According to Manners, the EU’s normative basis is composed of core norms such as democracy, the rule of law or human rights, which “predisposes it to act in a normative way in world politics” (Manners 2002: 242, 252).

The NPE concept and the idea of an EU civilian-type of power are central in the EU power literature. It has indeed been widely used in other academic researches (Bicchi 2006; Nunes 2011; Tocci et al. 2008; Whitman 2011) as well as by politicians when defining the role and objectives of the EU in international relations (Forsberg 2011: 1186; Manners 2008: 59). However, scholars have also criticized these notions (Forsberg 2011). Pace (2007: 1043) argues that NPE is a poorly problematized and not clearly defined concept. Sjursen (2006) echoes these criticisms adding that conceptualizing the EU as a normative power could reflect the scholars’ sympathy towards their object of study which would obstruct their critical analysis (Sjursen 2006: 170).

Market Power Europe (MPE) is another concept that looks at the EU core identity to define the type of power it represents in international relations. According to Damro, “the single market provides the material existence of the EU as an MPE that externalizes its economic and social market-related policies and regulatory measures” (Damro 2012: 683). MPE’s source of influence comes from three main EU identity’s characteristics: the large size of its single market, its regulatory capacities as well as the pressure from interest groups. Externalization of EU market-related policies and regulatory measures can be intentional, relying on persuasive and coercive means mainly through the use of positive or negative conditionality (Damro 2012: 690–1). However, externalization can also occur when third states or actors voluntarily adopt EU rules because they want to keep their access to the single market.

A case of intentional externalization is the EU's pivotal role in the development of the International Civil Aviation Organization's (ICAO) 2013 resolution committing 191 signatory governments to develop a global market-based measure to limit carbon pollution from international aviation (Birchfield 2015). After including aviation in its emissions trading system, the EU threatened to apply it to all international flights arriving or departing from EU airports if a multilateral solution could not be reached in the frame of the ICAO. The EU effectively used its market power to put pressure on non-EU countries by threatening to increase the costs borne by their companies to put the issue on the ICAO agenda, resulting in a multilateral resolution to deal with aviation emissions (Birchfield 2015).

The 'Brussels Effect', developed by Bradford (2012, 2015, 2020), presents a case of unintentional externalization of EU rules through its market power. The EU market is highly regulated and standardized. Foreign companies have to adjust their production system to meet EU standards and regulations if they want to trade with the EU. Due to the large size of the EU market, most foreign companies adopt EU rules and standards, which result in the externalization of some part of the *acquis communautaire*. This externalization is so widespread that EU standards become global standards (Bradford 2015). A key aspect of this 'Brussels Effect' is that "the EU does not need to impose its standards coercively on anyone – market forces alone are often sufficient to convert the EU standard into the global standards as companies voluntarily extend the EU rule to govern their worldwide operations" (Bradford 2020: xiv).

These different conceptualizations of EU power are, however, not mutually exclusive. The EU's role in the ICAO resolution to limit aviation emissions shows that the EU can use its market power to pursue normative ends (Birchfield 2015: 1291). This literature review on the EU's nature as a foreign policy actor also underlines the EU's significant leverage through its market power. It also emphasizes the distinctive character of the EU in international relations (Schwok 2013; Smith 2003). When studying the external dimensions of the EU, one needs to keep in mind its 'sui generis' character and develop an adequate analytical framework. Even if its foreign policy remains intergovernmental, the EU can mobilize alternative channels to exert its influence, which lie within its competences. The leverage of its market power is an example of this. Therefore, to study the EU's external action, it is necessary to develop an analytical framework that focuses not only on the traditional areas of foreign policy, e.g., the CFSP, but also on the external dimensions of the internal policies where the EU enjoys significant leverage, such as the single market.

2.1.1.3 The EU's role in conflict resolution

Beyond conceptualization, the empirical performance of EU foreign policy has mainly been studied with regard to the EU's role in conflict resolution. Conflict resolution has been at the core of the foundation of the European project. Indeed, after two world wars, integration between European countries was seen as a way to prevent and omit further conflicts by creating a 'security community' (Deutsch et al. 1957). For a long time, the role of the EU in conflict resolution was seen as limited to the inward-looking European peace project. It was

based on a gradual economic integration, between democracies, following a functionalist approach. The EU was thus constituted of democracies, economically interdependent with each other under a supranational organization. This structure represented an illustration of the 'liberal peace' approach (Russett and Oneal 2001). The literature on the EU's role in conflicts started to become outward-looking in the 90s with the first European interventions in wars as well as the 2004 enlargement that brought the EU closer to zones of tensions (Ginsberg 2001; Hill 2001; Kintis 1997; Pentland 2003). Christopher Hill (2001: 330) established a typology to distinguish the different phases of intervention on a chronological basis: conflict prevention, conflict management and conflict resolution. Scholars used this distinction and were quick to point at the EU's 'limited intervention and crisis management capabilities in the short term' and advocated for an approach more long-term oriented with capacities in conflict resolution and prevention (Bicchi and Lavenex 2015; Hill 2001: 330).

The literature on conflict resolution has echoed the broader debate on the EU's institutional capabilities and their evolution (Whitman and Wolff 2012a: 9). Even though the majority of scholars recognize an evolution in the European capabilities and efficiency (Whitman and Wolff 2012b), its limited ambitions (Menon 2009), as well as the doubtful improvement in practice (Blockmans and Wessel 2009; Cornish and Edwards 2005; Gross and Juncos 2011), have also been pointed out. Besides these capabilities focused research, Tocci (2005) argues that a gap between the EU rhetoric and its practice undermines its action as a peace broker in the Middle East – although it has since been argued that this gap has narrowed (Bicchi and Voltolini 2018). Lacking military capabilities, the EU has used the promotion of norms as a tool for conflict resolution. Indeed, the promotion of human rights, democracy and the rule of law can be seen as mid-term instruments to achieve conflict resolution (Tocci 2007: 7). These norms are well embedded in the EU *acquis communautaire* and are central to the different association partnerships the EU establishes with third countries. Therefore, an association based on the differential integration of third countries into EU norms and its *acquis communautaire* could be paths to conflict resolution. As a result, from the point of view of IR theory the EU has been interpreted as being a foreign policy entity 'sui generis', acting more through international 'presence' (Bretherton and Vogler 1999) than targeted foreign policy, and exerting 'normative power' (Manners 2002) rather than interest-maximization.

Regional integration has been seen as a potential system of conflict resolution (Khan 2009; Stefanova 2006). Different studies have analyzed the effects of EU integration on conflicts in its neighborhood (Coppieters et al. 2004; Diez et al. 2006, 2008; Tocci 2004). Because the EU enjoys higher leverage, through conditionality, towards neighboring countries wanting to deepen their ties, it is believed that EU interventions are more efficient if they take place closer to its borders (Bicchi and Lavenex 2015: 874). However, studies have found that this is not always the case (Tocci 2007). Moreover, conflicts closer to home can sometimes make it even harder for member states to agree on a joint action as they may have stronger bilateral links with one of the belligerents (Caplan 2005; Menon 2011).

After the 2004 round of enlargement, the EU developed bilateral relations with its neighbors, mainly in the framework of the ENP. The Union saw this new policy as a way of bringing

stability to the new neighbors (Prodi 2002). As a result, scholars have studied the ENP as a policy of conflict resolution and assessed its effectiveness (Brsakoska Bazerkoska 2016; Cameron 2006; Crombois 2008; Wolff and Peen Rodt 2010). To deepen these analyses, more specific case studies have mainly been conducted on the ENP impact on the Israeli-Palestinian (Del Sarto 2006a, 2014; Müller 2017; Müller and Pardo 2018; Yacobi and Newman 2008), South Caucasus (Freizer 2017; Simão 2018; Whitman and Wolff 2010) or Ukraine (Natorski 2017; Wolczuk 2018) conflicts. Overall, the ENP is seen as having mixed effects on conflict resolution and remains highly dependent on the willingness of the third parties to cooperate with the EU, as well as on the role of other foreign powers such as, for instance, Russia in the Eastern neighborhood. The EU has also promoted regional integration as a conflict resolution policy outside its territory (Diez and Tocci 2017). These various studies all underline the mixed impact of integration on conflicts. Accordingly, whereas increasing interdependence and relations can have a positive effect on conflicts, the opposite might also be true (Diez et al. 2008: 220).

Following the authoritarian turn in its neighborhood, and in reaction to global power shifts as well as internal crisis and centrifugal tendencies (most notably Brexit), the EU profoundly revised its external relations as expressed in the 2015 reform of the ENP and the 2016 Global Strategy. These two documents give stronger priority to the short-term interests and security of the EU member states, and put the stability of neighboring countries at the center of their concerns, to the detriment of their further integration into the EU (European Commission 2015a; European External Action Service 2016: 23). This new rationalist strategy for the conduct of the EU external action is defined in the Global Strategy as “principled pragmatism”. Studies on the evolution of EU foreign policy have provided evidences of this shift in the EU’s logic of external relations from a value-based approach to a more rationalistic, interest-based, approach (Mac Ginty et al. 2021; Pomorska and Noutcheva 2017). These changes in the EU’s external relations environment, coupled with a more general context of a global power shift, have made it necessary for the EU to emancipate itself in its foreign policy and assert itself as a full-fledged actor in international relations. To do so, the EU seems to be opting for a more rationalist approach defending its own interests at the expense of the normative approach that was developed at the beginning of the 21st century.

The EU conflict resolution literature has hinted at using association policies and the ENP as tools for conflict resolution. These policies are modelled upon EU enlargement policy and therefore hinge primarily on sectoral policies. The EU has basically started to use what it knows best in external relations – its enlargement policies – towards third countries without membership perspective, and often in times of conflicts. Although these studies analyze the diverse forms of association as conflict resolution tools, they do not go down to the level of concrete sectoral policies and their possible contribution to this field. This question and the analysis of whether and how far sectoral policies have been systematically coordinated and integrated into EU foreign policy instruments in the sense of a ‘joined-up approach’ is the topic of our research.

2.1.2 EU external relations from the inside-out

The development of association policies and, particularly, of the ENP as a new type of foreign policy has also been studied from an “inside-out” perspective by scholars focusing on the externalization of EU sectoral rules and policies – seen as alternative ways of integration and vectors of external influence. We identify three main literatures in this field related to our research: external governance, conditionality and differentiated integration. The external governance literature (Lavenex 2004; Lavenex and Schimmelfennig 2009), argues that the externalization of EU rules and practices as well as technocratic cooperation with third countries represent a source of influence for the EU. The conditionality literature (Schimmelfennig and Sedelmeier 2004), and the external incentives model analyze the use of the membership perspective as a leverage for the democratization, and the adoption of the *acquis communautaire* by third countries. Finally, the differentiated integration literature (Leuffen et al. 2013) is also discussed. External differentiated integration occurs when non-EU states adopt the *acquis communautaire* or participate in a specific EU policy. These three approaches distinguish themselves from other literature strands as they address specifically sectoral policies and their external dimensions.

2.1.2.1 External governance

In its sectoral relations, the EU authority is disaggregated in loosely coupled sectoral cooperation relations following a functional logic of organization. The interactions with third countries taking place in this context are mainly technocratic, decentered and pursued through administrative structures (Lavenex 2014: 888). Sectoral relations are generally framed within wider foreign policy structures. However, the link between sectoral and diplomatic relations with third countries is believed to be weak. Indeed, it has been recognized that the expansion of EU norms and policies to third countries functions quite independently from foreign policy structures such as the ENP or the EEA. Instead, it follows “sectoral dynamics, which are astonishingly stable across countries” (Lavenex et al. 2009: 830).

Depending on the nature of the relations between the actors involved, the level of institutionalization, as well as the mechanisms that lead to the expansion of EU rules, three modes of external governance have been identified: hierarchy, networks and markets (Lavenex and Schimmelfennig 2009). Hierarchy relies on the relation of subordination between the EU and a third country. In its political relations with its neighbors, EU’s hierarchical model has been studied through the prism of ‘conditionality’ (Schimmelfennig and Scholtz 2010). However, since the Eurozone crisis, enlargement has been put on pause. This phenomenon is mainly due to enlargement fatigue in EU capitals but also a weakening of the EU’s membership attractiveness for third countries (Whitman and Juncos 2012). Therefore, as conditionality relies mainly on the prospect of adherence, the hierarchical model of governance is ill-suited and has limited effects nowadays with no credible new adhesions on the short term (Del Sarto and Schumacher 2011; Magen 2006; Sasse 2008a; Schimmelfennig and Scholtz 2010). Instead, it seems that network governance has become the main path of influence for EU rules

expansion in its neighborhood. In this mode of governance, rules are exported through the interactions taking place at the transgovernmental level between technocrats or sector-specific experts (Lavenex and Schimmelfennig 2009: 798). The literature has identified an increasing role of network governance in areas where the EU is the *demandeur* and try to “achieve its own internal policy goals (...) where it cannot directly capitalize on market access” (Lavenex 2014: 895). These sectors are mainly migration (Lavenex and Wichmann 2009), environment (Knill and Tosun 2009), energy (Padgett 2011) as well as the promotion of democratic governance (Freyburg 2015; Freyburg et al. 2011; Youngs 2009).

External governance has thus been conceptualized as a form of EU external influence on neighboring third countries. In its external relations, there are three main structures of policy integration without membership for neighboring countries where external governance takes place: the EEA, EU-Switzerland bilateralism and the ENP (Gstöhl 2015; Lavenex 2011).

The EEA consists of the externalization of single market-related rules to partner countries. It is often described as a two-pillar system with similar institutions on both the EU and European Free Trade Association (EFTA) countries’ sides (Frommelt 2019). Single market-related rules’ externalization is consequent in EEA EFTA countries as they have to adapt dynamically to the EU *acquis* evolution. The supranational dimension, institutionalized through the EFTA surveillance authority and the EFTA court, strengthens the externalization of EU rules. Some scholars also noted that, in the case of the EEA, externalization could also encompass non single market-related rules as the “EEA internal market legislation is often blurred with other policies that fall outside the scope of the EEA Agreement” (Gstöhl 2015: 859; Tobler et al. 2010: 7). Some authors have labelled this model of integration with non-EU member states as “the most prominent case of *acquis* export outside the enlargement paradigm” (Magen 2007: 377).

The Swiss people refused EEA membership in a popular vote in 1992. Since then, the EU and Switzerland have developed a unique kind of partnership governed by ways of sectoral bilateral agreements, which are mainly single market access-related (Dupont and Sciarini 2007; Oesch 2018). The lack of an institutional structure, at this time, encompassing these bilateral agreements means that it is the sectoral DGs who have the lead in the conduct of these bilateral relations (Lavenex 2011: 379). EU-Switzerland relations have historically lacked a political leadership. This situation has led some scholars to state that “there is less institutionalized political dialogue between the EU and Switzerland than between the EU and most other third countries” (Grolimund and Vahl 2006: 112). The externalization of EU rules to Switzerland is more complex due to the static nature of the bilateral agreements. Indeed, the static nature may lead “the EU-Swiss legal framework to comprise secondary EU legislation which is no longer in force in the EU while missing out on new legal acts in relevant fields” (Gstöhl 2015: 860). Moreover, there is no judicial enforcement mechanism with the eventual disputes being settled through diplomatic, consensus-based, discussions in joint-committees. This structure limits the externalization of new EU rules. However, even though these agreements are static, Switzerland voluntarily adapts its new legislation to be euro-compatible, which results in a ‘Europeanization’ of Swiss laws. This practice of ‘autonomous adaptation’ and its impact on Swiss legislation has been widely discussed and analyzed (Gava et al. 2014; Gava and Varone

2012, 2014; Jenni 2014; Maiani 2013; Sciarini et al. 2004). The EU and Switzerland have negotiated an Institutional Framework Agreement which would have included, among other things, dynamic adaptation to EU laws in the sectors covered by the agreement (free movement of persons, overland transport, air transport, mutual recognition in relation to conformity assessment and agriculture) (Kaddous 2019; Schwok 2020). The adoption of dynamic adaptation would have had consequences on the externalization of EU rules to Switzerland. However, the Federal Council has decided to terminate the negotiations on this agreement in May 2021. This issue will be developed further below in the analysis of EU-Switzerland relations.

The ENP is the association framework that has the most caught the eye of external governance scholars. This is no surprise as the externalization of the *acquis communautaire* is at the heart of this framework for relations with the EU's Eastern and Southern neighbors (European Commission 2003: 4). The relevant economic and political reforms that need to be implemented by the neighboring countries are defined in the Action Plans. Their implementation are monitored by joint bodies and progress reports issued by the European Commission and the EEAS (Gstöhl 2015: 863). This process is supposed to rely on positive conditionality with incentives like financial aid or preferential market access for the neighboring countries to progressively adopt the EU *acquis*. This framework was modelled on the EU enlargement process (Cremona and Hillion 2006; Kelley 2006). In practice, however, this model has proven to be quite ineffective for EU rules' externalization. Various arguments have been put forward to explain the ineffectiveness of the conditionality instrument in the context of the ENP. The main ones aim at the lack of commitment and seriousness from the EU (Del Sarto and Schumacher 2011) as well as the absence of the membership perspective (Schimmelfennig and Scholtz 2010). This explains why the EU has relied more on network forms of governance, as mentioned before. The limits of external governance within ENP countries are not only due to the weakening of conditionality effectiveness but also have external sources. Scholars have found that even though third countries may adopt the EU *acquis* in their legislation, its application remains very limited (Buzogany 2013; Costa 2010; Freyburg et al. 2011). Moreover, other external actors can also have an impact and restrain EU external governance. Dimitrova and Dragneva (2009) show that interdependence between Ukraine and Russia in specific areas have constrained EU external governance. Finally, it has also been argued that the EU *acquis* is not suited to the different characteristics and needs of the recipient countries. Coupled with a lack of consideration for geopolitics issues, this has had a negative and destabilizing impact on the EU's neighbors (Lavenex 2017).

According to this literature, the externalization of its rules and practices as well as technocratic cooperation with third countries represent a consequent source of influence for the EU. However, the literature also acknowledges that these relations follow logics of functional interdependence and that, even though they might take place in broader foreign policy structure, they function quite independently from them. Our research contributes to the external governance literature by arguing that if these sectoral ties are used more strategically by the EU, they have the potential to sustain its foreign policy objectives efficiently.

2.1.2.2 Conditionality

The use of a leveraging process to achieve an objective is intrinsic to the conditionality literature. This literature emerged following the 2004 EU's enlargement wave. In the process of preparing for the accession of new member states, the EU enacted in 1993 a list of criteria to determine whether a country can join the EU – the Copenhagen criteria. The conditions cover political aspects – such as the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities – economic ones – ensuring that the candidate country has a functioning market economy and the capacity to cope with competition and market forces – and, finally, administrative and institutional conditions – such as the capacity to implement the *acquis* and the ability to take on the obligations of membership.² These criteria are an example of conditionality, whereby candidate countries must meet specific requirements in order to obtain a reward, i.e., EU membership. The Copenhagen criteria were applied during the Central and Eastern European countries' accession process, which led to the largest wave of EU enlargement in 2004.

Scholars began to study this conditionality mechanism and its effectiveness in terms of the adoption of EU rules and practices, i.e., Europeanization, by Central and Eastern European candidate countries. While studying the transfer of EU rules to candidate countries, Schimmelfennig and Sedelmeier have developed the external incentives model, which explains the Europeanization of candidate countries by a rationalist bargaining model in which “the EU sets its rules as conditions that the Central and Eastern European countries have to fulfil in order to receive EU rewards” (Schimmelfennig and Sedelmeier 2004: 663). They argue that the EU's influence depends on the context in which the conditionality is applied (Schimmelfennig and Sedelmeier 2005: 210). They distinguish between two contexts: *acquis* and democratic conditionality. Their findings provide empirical evidence of the conditionality's effectiveness concerning the candidate countries' adoption of the *acquis*. The success of *acquis* conditionality depends on whether the EU “sets the adoption of its rules as conditions for the accession of countries with a credible membership perspective” (Schimmelfennig and Sedelmeier 2005: 210). However, the conditionality's effectiveness for the democratization of Central and Eastern European countries was dependent on the initial conditions in those countries. While the use of conditionality was quite unnecessary for countries already in the process of democratization, it was ineffective in countries with an authoritarian government, as the domestic adoption costs have proven to be too high for the governments in place (Schimmelfennig and Sedelmeier 2004: 669–70). As a result, conditionality's effectiveness for candidate countries' democratization in Central and Eastern Europe was limited to unstable and fragile democracies. To sum up, according to Schimmelfennig and Sedelmeier's model, conditionality's effectiveness “depends on the size and credibility of the EU's rewards, the determinacy of its conditions and the extent of domestic adoption costs” (Schimmelfennig 2021: 122; Schimmelfennig and Sedelmeier 2005: 12–7).

² European Commission, European Neighbourhood Policy and Enlargement Negotiations, *Accession criteria*, https://ec.europa.eu/neighbourhood-enlargement/policy/glossary/terms/accession-criteria_en, (Accessed on 22 March 2021).

In order to theoretically classify the different forms of influence that the EU exerts on the candidate countries, Vachudova (2005) has developed two concepts: passive and active leverage. Passive leverage refers to the unintentional influence the EU enjoys towards candidate countries through the attraction of EU membership, while active leverage applies to the deliberate conditionality exercised in the EU's pre-accession process (Vachudova 2005: 63). Vachudova's research focuses on six Eastern European states, which she divides into two categories – liberal and illiberal democracies – based on the characteristics of the governments elected after the collapse of communism. Similar to Schimmelfennig and Sedelmeier, Vachudova found that passive leverage was only effective in liberal states, as the governments in charge in those countries took the necessary steps to comply with the EU's requirements (Vachudova 2005: 64). The non-compliance of illiberal states with the EU's requirements is also due to the domestic costs of adaptation. The governments of the illiberal states decided not to implement the EU's demands, as this would have weakened their domestic power base (Vachudova 2005: 64). However, in the late 90's, pro-EU governments were elected in the illiberal states and undertook liberal reforms. Vachudova (2005: 106) argues that these changes occurred thanks to the EU's active leverage in the pre-accession process as governments had to reform to move forward in the EU's pre-accession process. Thus, the benefits of membership outweighed the costs of political and economic reform for national governments. The deliberate conditionality exercised by the EU with the benefit of membership was thus the decisive factor in explaining the political changes and reforms in the previously so-called liberal and illiberal states.

Early research on Central and Eastern European countries has therefore highlighted the clarity and credibility of EU rewards as well as adoption costs as key factors in explaining the EU conditionality's effectiveness (Grabbe 2006; Kelley 2004; Schimmelfennig and Sedelmeier 2004, 2005; Vachudova 2005). However, even though conditionality seems to have proved its effectiveness in Central and Eastern European countries during their accession process, scholars also pointed out its potential limits. According to them, the short term effectiveness of EU conditionality might come with some longer-term problems (Epstein and Sedelmeier 2008). Schimmelfennig and Sedelmeier had already discussed some issues that could arise once the candidate countries join the EU. They drew attention to the fact that rule adoption during the accession process was limited to formal transposition into the national legislation, and the implementation and enforcement risked lagging behind (Schimmelfennig and Sedelmeier 2004: 676). They also raised some concerns regarding the rise of adoption costs in the absence of the main external benefit, i.e., EU membership, the lack of EU affairs' expertise in the new members if their experts move to Brussels, and the possible reluctance of new members to abide by the rules of the enlargement *acquis* once they have joined the EU (Schimmelfennig and Sedelmeier 2004: 676). Batory's research on anti-corruption policies in Hungary after its accession provides some pieces of evidence that the EU's conditionality had only translated into "adopting pieces of legislation (...) rather than into the development and consistent implementation of a long-term, sustainable strategy that would be capable of tackling more impervious structures of corruption" (Batory 2010: 176). Similar outcomes have been observed in other areas where the EU applied conditionality such as minority rights

(Sasse 2008b) and political party agendas, some of which reverted to nationalist and conservative positions after accession (Vachudova 2008).

Studies have also analyzed the conditionality's effectiveness on candidate countries from a temporal perspective. Studying how this effectiveness evolved during the different phases of the pre-accession process, they found that while candidate countries complied with the EU's requirements at the start of the process to secure their membership status, this compliance decreased in parallel with the increasing likelihood of their adhesion to the EU (Böhmelet and Freyburg 2012). Therefore, to get around this shortcoming of the conditionality policy, some have underlined the EU's choice to not commit with a 'hard' date for accession in order to keep the pressure on candidate countries to comply with the EU's requirements (Steunenberg and Dimitrova 2007). These studies corroborate previous research on the EU's conditionality and underline the credibility of the reward, or the threat to withhold it, as an essential determinant for conditionality's effectiveness.

After the accession of the Central and Eastern European countries to the EU in 2004, other countries started the pre-accession process, namely the Western Balkan countries. These new Europeanization processes have thus provided new empirical evidence for analyses of the EU's conditionality policy and its effectiveness. Overall, scholars found that Europeanization in the Western Balkans has been slower than in Central and Eastern European countries. The main reasons for this slower Europeanization seem to be the lower membership credibility, the stricter accession criteria, the weaker administrative capacities in the Western Balkans countries and the fact that they face higher domestic political costs than their counterparts in the Central and Eastern European countries (Zhelyazkova et al. 2019: 17). Dzihic and Wieser (2011) demonstrate that the EU's policy of conditionality regarding democratization in ethnically divided countries such as Bosnia and Herzegovina has been largely ineffective. Their analysis underlines that even though the political elites rhetorically commit to European demands, the domestic costs have proven to be too high for the elites who benefit more from "blocking reforms with ethno-nationalist arguments than they gain by complying with the conditions set by the EU" (Dzihic and Wieser 2011: 1822).

However, studies on the use of conditionality in the Western Balkans have also highlighted that while the credibility of EU membership for these candidate countries remains low and their domestic adoption costs are higher than in the Central and Eastern European countries, an alternative tactic deployed by the EU has nonetheless induced some level of Europeanization in these countries. Indeed the EU has started to offer intermediate rewards for candidates countries' compliance with specific EU policies (Trauner 2009). This tactic allowed the EU to circumvent the shortcomings of its conditionality policy related to the absence of credible membership and provided the EU with an "additional avenue of external leverage" (Zhelyazkova et al. 2019: 32). Zhelyazkova *et al.* (2019: 31) also underline other tactics at the disposal of the EU, which is capacity building and transnational coalition-building. By improving administrative capacities and expertise in candidate countries, as well as socializing veto players through their participation in transnational coalitions, the EU could reduce the adoption costs of candidate countries. According to the external incentives model, a reduction

in adoption costs would change the cost-benefit assessments of the candidate countries and, therefore, make compliance with EU requirements more likely (Zhelyazkova et al. 2019: 32).

The conditionality literature has shown that using a leveraging process can help the EU enforce compliance in third countries. The external incentives model has specified specific conditions that “influence the target government’s cost-benefit calculations and hence when conditionality is more or less likely to be effective: the size and distance of the EU’s rewards, the determinacy of the conditions it sets to obtain the reward, the credibility of the conditionality, and the size of the adoption costs for the target government” (Schimmelfennig and Sedelmeier 2004, 2005, 2020: 817). While revising the external incentives model, Schimmelfennig and Sedelmeier have underlined the centrality of the credibility component in the effectiveness of the EU’s conditionality (Schimmelfennig and Sedelmeier 2020). As a result, if the EU develops a joined-up approach, we can expect that it will target first the areas of cooperation that would influence the most the third countries government’s cost-benefit calculation. Our research contributes to the conditionality literature by introducing a new form of conditionality. Even though previous studies have acknowledged that the external incentives model has served EU foreign policy interests by trying to create a ‘ring of friend’ among its neighbors, the joined-up approach would pursue more specific foreign policy objectives. Indeed, instead of focusing on changing the governance of third countries, the EU would use its leverage as a bargaining instrument in diplomatic negotiations and conflicts.

2.1.2.3 Differentiated integration

The literature on differentiated integration emerged in the mid-1980s (Ehlermann 1984; Grabitz 1984; Wallace and Ridley 1985). It then gained momentum in the 1990s following the opt-outs granted to the UK and Denmark from the Maastricht Treaty, the prospect of a large wave of enlargement after the end of the Cold War and the potential diversification of national interests that this would entail, as well as the institutionalization of enhanced cooperation in the Amsterdam Treaty (Leruth et al. 2019a: 1016). Early studies on differentiated integration were characterized by an excessive number of terms used to define this phenomenon such as: multi-speed, variable speed, variable integration, concentric circles, pick-and-choose, opt-in, opt-out, etc. To address this semantic disarray, Stubb (1996) developed one of the first conceptualizations of differentiated integration, which is based on three categories to classify the different forms of differentiated integration: time, space and matter. Time-differentiated integration, which corresponds to the concept of *multi-speed*, occurs when a core group of member states pursue further integration in a specific policy area (Stubb 1996: 287). However, this vision does not imply permanent differentiation between the member states as the other states are expected to follow suit when they are ready. The second category of Stubb’s conceptualization is integration differentiated by space, which corresponds to the concept of *variable geometry*. In this case, differentiated integration allows a group of member states to integrate further in a policy area in an irreversible way, hence creating different circles of integration (Stubb 1996: 287). Finally, the last category corresponds to integration differentiated by matter, i.e., *à la carte*. This is the lowest form of integration between member

states, as they can choose the policy they wish to participate in “while at the same time maintaining a minimum number of common objectives” (Stubb 1996: 288).

Stubb’s conceptualization has been criticized by Holzinger and Schimmelfennig (2012). They argue that while the temporal distinction makes sense, the space and matter ones are not analytically distinct because differentiation always has a territorial and a sectoral aspect (Holzinger and Schimmelfennig 2012: 296). They also underline that Stubb’s classification fails to include the purely functional conceptions. Instead, they suggest a classification of differentiated integration alongside six dimensions: (1) permanent v. temporary differentiation; (2) territorial v. purely functional differentiation; (3) Differentiation across nation-states vs. multi-level differentiation; (4) Differentiation takes place within the EU treaties vs. outside the EU treaties; (5) Decision-making at EU level vs. regime level; (6) Only for member states vs. also for non-member states/areas outside the EU territory (Holzinger and Schimmelfennig 2012: 297).

Another attempt at defining and conceptualizing differentiated integration was made by Leuffen et al. (2013). They define the EU as a ‘system of differentiated integration’ consisting of “an organizational and member state core but with a level of centralization and territorial extension that vary by function” (Leuffen et al. 2013: 10). Accordingly, they define two main dimensions to capture the variation in the level of integration: vertical and horizontal. While vertical integration “refers to the centralization of EU decision-making in different policy areas”, horizontal integration “captures the territorial extension of the EU’s jurisdiction in each policy area” (Leuffen et al. 2013: 12). Leuffen et al. further distinguish horizontal integration, i.e., the territorial extension of the EU’s jurisdiction, by introducing two other dimensions: internal and external differentiation. On the one hand, internal differentiation occurs when one or more member states decide not to participate in a specific EU policy. Therefore, the rules cease to apply uniformly to all member states. On the other hand, it can also happen that non-EU member states participate in a specific EU policy and adopt its rules. This is defined as external differentiation (Leuffen et al. 2013: 17). Internal and external differentiation can be combined if some EU member states opt-out from an EU policy while non-EU member states participate in that policy. The Schengen border regime is a prime example of such a situation (Leuffen et al. 2013: 18).

This non-exhaustive review of the different attempts to conceptualize differentiated integration demonstrates that the external dimension, and thus the integration of non-EU countries into specific EU policies, has been introduced over time. While Stubb’s (1996) conceptualization was limited to the internal aspect of differentiated integration, i.e. differentiation between member states in their level of integration into the EU, the contributions of Holzinger and Schimmelfennig (2012) as well as Leuffen et al. (2013) introduce an external dimension to the concept, i.e., participation of non-EU member states to EU policies. This development in the theoretical field of differentiated integration reflects a shift in EU practice towards the externalization of its *acquis communautaire* and the gradual participation of non-EU states in some of its policies.

Differentiated integration has also given rise to an extensive literature of empirical analyses. Schimmelfennig and Winzen (2014) produced one of the first large-n study on differentiated integration providing systematic empirical evidence of variation across countries and policies in European Union treaty law. Duttie et al. (2017) have also provided another data set which covers all instances of differentiated integration in EU secondary law since the foundation of the EU. Besides these studies providing data set on EU differentiated integration, other research have analyzed differentiation in specific sectoral cases. Some books cover several sectors where the phenomenon of differentiated integration occurs (Kölliker 2006; Leuffen et al. 2013), notably through the use of enhanced cooperation (Kroll and Leuffen 2015). Other research focus on a specific sector such as: Justice and Home Affairs (Adler-Nissen 2009, 2011; Balzacq and Hadfield 2012; Comte and Lavenex 2021), migration (Chebel d'Appollonia 2019; Okay et al. 2020), European macro-economic governance (Dyson and Marcussen 2010) with policies such as the Economic and monetary union as well as the Euro (Marcussen 2009; Miles 2005) and the Single Market (Howarth and Sadeh 2010). Aside from these sector-specific studies, other scholars have also analyzed the link between Euroscepticism and differentiated integration (Leruth 2015; Winzen 2020) as well as the effects of differentiated integration (Burk and Leuffen 2019; Leruth et al. 2019b). In this context, the Brexit referendum in 2016 has contributed to the further development of the literature on differentiated integration (Bickerton 2019; Chopin and Lequesne 2016; Gänzle et al. 2020) or even disintegration of the EU (Glencross 2021; Schimmelfennig and Winzen 2020a; Vollaard 2018).

To conclude this state of the art on differentiated integration, we focus on external differentiation. Indeed, as the joined-up approach is about integrating sectoral and foreign relations with a third country, understanding the involvement of a third country in an EU sectoral policy is crucial for this research. As we have seen above, external differentiation occurs when one or more non-EU member states adopt EU rules. Schimmelfennig and Wizen (2020b) use the logic of constitutional differentiation to explain why a state does not join the EU. On the one hand, they argue that states that perform better in terms of governance than the core EU and have an exclusive national identity refuse integration, and hence become 'the refusers', because they fear that this would lower the quality of their governance. On the other hand, states that underperform the core EU in terms of quality of governance or regulatory standards will be denied integration, and become 'the refused', because member states will see them as a liability (Schimmelfennig and Winzen 2020b).

The logic of constitutional differentiation explains why some states remain on the fringes of EU integration, either because they refuse to take part or because they are refused membership. Nevertheless, external differentiation takes place with the vast majority of EU neighboring countries. Lavenex (2011) provides a typology of the extent of externalization of EU rules to four different cases (EEA, Swiss-EU bilateralism, the candidate countries of the Western Balkans and the European Neighborhood Policy). This typology is based on two dimensions: regulatory boundary, i.e., "the degree to which EU rules are extended to the third countries in question", and organizational boundary, i.e., "how far this regulatory extension is accompanied by organizational inclusion" (Lavenex 2011: 373). Lavenex notes that while the scope of regulatory inclusion is quite broad, it is not accompanied by an organizational

inclusion of third countries in EU structures. Also, the regulatory and organizational ties follow a territorial logic as they seem to diminish with the greater geographic distance of the third countries (Lavenex 2011: 387).

Scholars have also studied the mechanisms that explain external forms of differentiated integration. Schimmelfennig et al. (2015) argue that external differentiation occurs in sectors which are characterized by high interdependence and low politicization. Indeed, high interdependence with the EU in a sector creates externalities for third countries, which fosters the demand for external differentiation (Schimmelfennig et al. 2015: 780). At the same time, the low level of politicization of a policy ensures that external differentiation does not encounter domestic contestation. These assumptions are illustrated by the participation of Norway and Switzerland in the single market through the EEA for the former and a complex set of bilateral agreements for the latter. Both countries are highly dependent on trade with the EU. However, while the politicization of EU membership is high in both countries, illustrated by negative referenda on EU or EEA membership, selective participation in the single market does not meet the same level of internal opposition and is possible.

Besides these instances of third countries' differentiated integration under EU primary and secondary law, i.e., regulatory dimension, Lavenex and Križić (2019) argue that another dimension of external differentiation should be taken into account when conceptualizing external differentiated integration: the organizational dimension. The organizational dimension refers to "member states' and third countries' participation in the political process from decision shaping to decision-making and implementation/enforcement" (Lavenex and Križić 2019: 5). Such differentiation takes place through soft governance, such as transgovernmental cooperation, in "primary and secondary EU bodies, such as committees, EU agencies, policy networks or programmes" (Lavenex and Križić 2019: 5). In one of the first analysis on the organizational dimension, Lavenex (2015) presents two logics which can explain third countries' participation in EU secondary bodies and agencies. According to the first logic, foreign policy, external differentiation serves a political goal for the EU. Indeed, at the core of the foreign policy logic lies the EU's objective to create a ring of stability, democracy, and economic developments in its neighborhood through the externalization of its *acquis communautaire*. Hence, external differentiation can help those countries familiarize with the *acquis* and prepare for future EU accession (Lavenex 2015: 837–40). Contrary to the political 'top-down' process at play in the foreign policy logic, the second logic, functionalist, relies on a 'bottom-up' process. Here, external forms of differentiated integration will "reflect patterns of sectoral interdependence and bureaucratic affinity rather than overarching association relations" (Lavenex 2015: 837). Applying this analytical framework to the analysis of EU agencies relations with third countries, Lavenex finds evidence that the functionalist logic dominates. Indeed, it is the transgovernmental bodies that are competent to engage in cooperation with third countries, and they are only weakly bound by foreign policy prerogatives. In addition, cooperation agreements are particularly developed with countries with which the EU has a strong interdependence in the sector in question (Lavenex 2015: 850). Recent research has shown that this functionalist logic persists in the case of the external

relations of EU agencies, however, under stronger control of the central EU institutions (Lavenex et al. 2021).

The findings of Lavenex et al. (2021) echo the conclusions of other research on the future of external differentiation. In 2015, Gstöhl (2015) had indeed identified an emerging strategy from the EU regarding third countries' participation in the internal market. She found that the EU "increasingly attempts to ensure market homogeneity by concluding agreements with a dynamic adaptation to the *acquis*, its uniform interpretation, as well as an independent surveillance and judicial enforcement" (Gstöhl 2015: 866). In other words, the EU has increasingly made market access dependent on the signing of an overarching institutional framework introducing elements of supranationality for third countries. This emerging strategy was corroborated by the EU's behavior in its negotiations with the UK after the Brexit vote (Wachowiak and Zuleeg 2021). Indeed, the EU made clear that "there can be no cherry-picked access to the single market, the four freedoms are indivisible and relations should be governed by an overarching institutional framework" (Wachowiak and Zuleeg 2021: 16). This behavior in the Brexit negotiations indicates a harder line towards third countries' participation in the internal market in order to value membership.

In sum, mobilizing Lavenex and Krizič's (2019) conceptualization of differentiated external integration, recent research have highlighted a hardening of the European position in both dimensions. In the regulatory dimension, the EU imposes an institutional framework to third countries in order to protect the market homogeneity (Gstöhl 2015; Wachowiak and Zuleeg 2021). In the organizational dimension, the EU institutions have gradually developed greater control over the external relations of its primary and secondary bodies, such as the EU agencies (Lavenex et al. 2021).

This state of the art on the differentiated integration literature has highlighted the extent of third countries' participation in EU policies over the years. This process has created opportunities for participation in EU policies below the membership level for countries not able or not willing to join the EU. In the context of this research, one of the main takeaways from this literature review is that third countries' sectoral cooperation with the EU does not only take place in the regulatory dimension but also has an organizational dimension through their participation in EU primary and secondary bodies such as committees or agencies. Therefore, this aspect should be included in the research design, along with legal agreements providing for sectoral differentiated external integration. Finally, even though recent research has highlighted the harder line taken by the EU regarding external differentiation, they analyze this EU strategy from an internal incentive, i.e., protecting the homogeneity of the single market and valuing EU membership in the context of Brexit. However, there has been no research that discuss the potential of limiting external differentiation in response to foreign policy incentives such as a diplomatic conflict with a third country. With our research we aim to contribute to the differentiated integration literature by analyzing this last point.

2.1.3 Conclusion

This state of the art has highlighted the duality of the literature on EU external action. On the one hand, the literature focusing on EU foreign policy, e.g., the development of the CFSP and the different modes of conflict resolution, has underlined the relative weakness in the EU's capacity. Even though the supranational level has improved its capacities and institutional resources in foreign policy, it is still undermined by the member states' inability to agree on common positions and policies. On the other hand, scholars studying EU external action from the inside-out have underscored the influence the EU enjoys in third countries through the externalization of its norms and rules through the participation of third countries to EU policies. However, these two strands of literature remain rather isolated from each other. Even though the foreign policy literature has hinted at the potential use of sectoral policies to serve foreign policy objectives, it does not look at the explicit instrumentalization by the EU of its sectoral policies in a foreign policy perspective. Similarly, although the literature on EU external action from the inside out recognizes the EU's potential external influence through its sectoral policies, it is only loosely coupled to foreign policy structures and objectives. Therefore, building on previous findings from these two fields of literature, our research aims to contribute to both areas by developing an approach that integrates these two levels of EU external action.

2.2 Towards an integrated theoretical framework

Our theoretical framework draws on findings from two literatures that are at the heart of the joined-up approach: research on the EU's foreign policy strategy and, for the sectoral aspect of the joined-up approach, external governance. Our literature review has shown that these two strands of scholarship remain rather isolated from each other. Even though the foreign policy literature has hinted at the potential use of sectoral policies to serve foreign policy objectives, it does not look at the explicit instrumentalization by the EU of its sectoral policies in a foreign policy perspective. Similarly, although the literature on EU external action from the inside out recognizes the EU's potential external influence through its sectoral policies, it is only loosely coupled to foreign policy structures and objectives. The literature review has also acknowledged similar trends in the EU's foreign policy and external differentiation strategies. On the foreign policy front, the EU has adopted a more rationalistic approach that places its interests and those of its member states at the center of its concerns, to the detriment of the normative approach that aimed to export European regulations, norms, and values to neighboring countries through progressive integration. Regarding sectoral cooperation with third countries, the EU has gradually restricted external differentiation by conditioning the participation of third countries to an EU sectoral policy to a set of stricter conditions, seemingly fearing too much diversity. Therefore, both literatures point to similar trends, namely a more rationalist approach adopted by the EU in its external relations based on the pursuit of its own interests. We argue that this rationalist turn paves the way for the development of a joined-up approach, which is an instrument to serve the EU's interests. In this section, we develop a

framework that integrates these two levels of EU external action and constitutes the theoretical foundation of the joined-up approach.

Regarding the theoretical foundations, we start from the assumption that the EU's stated aim for a joined-up approach stems from a rational cost-benefit calculation whereby the EU has recognized the potential of its sectoral policies as resources in foreign policy. We argue that there are two instruments theorized in the literature that can contribute to the implementation of the joined-up approach: the use of conditionality and the bargaining strategy of issue-linkage.

The literature on conditionality emphasizes the EU's foreign policy capacity based on external incentives. Research on the Europeanization of Central and Eastern European countries highlight that the credibility of EU rewards as well as adoption costs are key factors in explaining the EU conditionality's effectiveness (Grabbe 2006; Kelley 2004; Schimmelfennig and Sedelmeier 2004, 2005; Vachudova 2005). The democratization as well as the adoption of the *acquis communautaire* by post-communist candidate countries are best explained by the external incentives model (Schimmelfennig and Sedelmeier 2004). This model explains the Europeanization of candidate countries by a rationalist bargaining model in which "the EU sets its rules as conditions that the Central and Eastern European countries have to fulfil in order to receive EU rewards" (Schimmelfennig and Sedelmeier 2004: 663). This deliberate conditionality applied by the EU with the benefit of membership has been identified as the decisive factor in explaining political changes and reforms in the liberal and illiberal states of Central and Eastern Europe (Vachudova 2005).

The other instrument that can contribute to the implementation of the joined-up approach comes from the issue linkage literature (Axelrod and Keohane 1985; Oye 1985; Poast 2013; Tollison and Willett 1979). Issue linkage is defined as a negotiating strategy which "involves attempts to gain additional bargaining leverage by making one's own behavior on a given issue contingent on others' actions toward other issues" (Axelrod and Keohane 1985: 240). This bargaining strategy increases cooperation and decreases mutual defection in bilateral conflicts (Ert et al. 2019).

On the one hand, the conditionality literature emphasizes the EU's foreign policy capacity based on external incentives. On the other hand, the issue-linkage literature underlines that linking two issues in the same negotiations can increase one's bargaining power. Both instruments are rooted in a rationalist logic which explains the success of a negotiation by the way one party affects the cost-benefit's calculation of the other party and are two relevant tools that can contribute to put the joined-up approach in practice.

Finally, to explain why the EU would choose to mobilize the sectoral cooperation in a joined-up approach, we argue that these external sectoral links have been identified by the EU as available instruments which contribute to the EU's 'capabilities' in its external action (Bretherton and Vogler 2006; Conceição-Heldt and Meunier 2014). The foreign policy literature has previously underlined the limits of EU actorness and the lack of capabilities has been

identified as the main reason for this. Realist scholars operating within a statist paradigm maintain that the EU's capacity to evolve into a state-like unit is indispensable for it to become a credible international actor (Collard-Wexler 2006: 423). Therefore, they suggest that in order to narrow the capability-expectation gap, the EU should develop its military capabilities (Bull 1982). However, the literature review on EU conflict resolution has shown that the military capacities remain limited and impede the development of a quick common foreign policy response. Yet theories of power show that there are other sources of influence, while it is generally assumed that "the most meaningful and significant resources (to exercise power) are material" (Barnett and Finnemore 2005: 175). Therefore, from a rational actor perspective, sectoral policies can thus represent foreign policy resources that, if well-coordinated, may narrow down the 'capability-expectations gap'.

Moreover, within the different conceptualizations of EU external action effectiveness, some of the components (Bretherton and Vogler's presence and opportunity as well as Hill's expectations) are mainly structural and external conditions. Even though they are not immune to the EU's influence, they are strongly determined by external factors. Furthermore, the incapacity of member states to agree and cooperate has been recognized as undermining EU foreign policy capabilities (Blockmans and Koutrakos 2018: 497; Duke 2018: 159; Shepherd 2015: 80; Toje 2010: 115–35). Inversely, capabilities represent "the internal context of EU external action (or inaction)" (Bretherton and Vogler 2013: 381). As a result, we identify capability as the component where the EU can have the most direct and important impact to improve its credibility as an international actor. The external governance literature has highlighted the potential of external influence that the EU enjoys towards third countries through the externalization of its regulations and governance norms through various mechanisms (Lavenex 2014: 889). Even though sectoral policies have mainly been used at technocratic and depoliticized levels of interaction, it represents an important source of external influence. In particular, sectors related to the single market have proved to exert significant leverage on non-member states seeking market access (Damro 2012; Macaj and Nicolaïdis 2014: 1076). Also, sectoral policies where the EU enjoys exclusive or shared competences will ensure more internal coherence and thus more effectiveness for EU external action (Conceição-Heldt and Meunier 2014: 975).

As a result, this thesis proposes an innovative approach in which we argue that sectoral policies can be seen as potential resources that are already at the EU's disposal. The EU can therefore mobilize them in order to enhance its capabilities in its external relations, and hence promote its consolidation as a foreign policy actor.

2.2.1 Research question

The state of the art has highlighted the dual nature of EU external relations, which has been addressed in two separate academic strands of literature: foreign policy and external action from the inside-out. These two strands of the EU external action literature have evolved largely in isolation from each other. Indeed, even though the EU has developed a strong influence in

its neighborhood through the externalization of its *acquis*, the potential of these sectoral ties with third countries as a foreign policy tool has barely been studied. Recent books have touched on the nexus between CFSP and external sectoral policies and the potential for a new *sectoral diplomacy* (Blockmans and Koutrakos 2018; Damro et al. 2018). However, the eventual use of these sectoral ties in a strategic perspective to serve specific European foreign policy objectives remains mostly unaddressed. Among the few studies which address that issue, there is the literature looking at the ‘geopoliticization of European trade policy’ (Meunier and Nicolaïdis 2019) or Damro’s concept of Market Power Europe (Damro 2012). These studies recognize the growing geopolitical implications of trade agreements, as well as the external influence the EU enjoys through the size of its market. However, it does not address the issue by looking at how the EU could use existing agreements as a foreign policy instrument towards its neighbors. It is more focused on the global power games between big countries and the implication of new agreements for the former, and the externalization of EU market-related policies for the latter. Another exception are studies looking at how far the EU mobilizes rules of origins for goods produced in disputed territories in its foreign policy relations with Israel and Morocco – regarding Israeli Occupied Territories and Western Sahara respectively (Gordon and Pardo 2015; Harpaz 2004; Harpaz and Rubinson 2010; Hirsch 2011; Kassoti 2017; Nikolov 2014; Rubinson 2010). However, these studies have mainly adopted a legal perspective on the subject and their scope is limited to one specific practice in one sector. Even though they sometimes compare between the two countries, they lack a more general comparison between different sectors as well as different countries in order to identify whether there actually is a new dynamic in the EU external action.

Considering these observations, we have developed the following research questions:

- (Q1) *To what extent does the European Union adopt a joined-up approach in its external relations with associated countries, and if so, why and under what conditions?*
- (Q1a) *How does this differ across countries and why?*
- (Q1b) *How does this differ across sectors and why?*
- (Q2) *To what extent is there an evolution overtime towards a more joined-up approach in the European Union external action and why?*

These research questions aim at generating a more complete understanding of the complex EU external action nature and of the factors that fuel or impede the integration between the EU’s two external action types. Indeed, while the first question touches on the eventual interaction between sectoral ties and foreign policy in a general way (Q1), the subsequent two add a comparative dimension between different countries with different characteristics (Q1a) and different sectors (Q1b).

As the literature has underlined, the EU enjoys different degrees of influence towards each third countries. The literature on the EU’s foreign policy has underlined that the EU’s capacity to act externally was still dependent on the member states’ ability to agree. The literature on the EU’s external action from the inside-out has emphasized the variation in the extent of sectoral cooperation with third countries. As a result, the comparison between different countries would allow us to identify if there are certain conditions like the member states’

positions or strong sectoral ties that make it more conducive for the EU to use a joined-up approach. The comparison between different sectors would also show us if factors such as the EU competences (exclusive, shared, supporting) or the level of interdependence regarding the cooperation between the EU and a third country in a sector influence the mobilization of that sector in a joined-up approach by the EU. Moreover, the few studies on the subject have quasi exclusively focused on the trade sector, and even more specifically on the rules of origins as a foreign policy instrument. Therefore, it is relevant to analyze whether this practice extends to other sectors and which ones are more likely to be mobilized. We also try to understand the dynamics that lie behind the evolution of EU foreign policy (Q2). In particular we seek to understand how far changes in the member states' positions or in the sectoral cooperation with a third country spur a greater junction between foreign and sectoral policies.

Herewith we seek to make an innovative contribution to the field of EU foreign policy studies. Indeed, as our state of the art as well as some scholars have highlighted, "whereas the CFSP is widely documented, the literature on the 'external dimensions of EU internal policies' remains comparatively scarce and dispersed" (Damro et al. 2018: 8). The same can be said for the field of external governance. Whereas the external dimension of EU sectoral policies is obviously at the heart of this literature, their eventual integration with the EU foreign policy has not really been addressed. As a result, our research contributes to these two fields of study by integrating them into a common analytical framework highlighting their interaction. To sum up, by analyzing the evolution of the EU external action and the eventual integration of its sectoral and foreign policies, this research tries to explore and fill a gap identified in the literature (Bicchi and Lavenex 2015: 878) but so-far left unaddressed.

2.2.2 Conceptualization: The Joined-up Approach

The dual dimension of EU external relations, e.g., foreign policy and sectoral cooperation, can also be discussed in theoretical terms. Our conceptualization of the foreign policy and sectoral cooperation dimensions in EU external relations is built upon Hooghe and Marks' (2003) typology of multi-level governance. They define two types of multi-level governance, namely, Type I and Type II. On the one hand, Type I refers to a territorially organized governance where jurisdictions are limited and general-purpose (Hooghe and Marks 2003: 236). Due to the territorial logic of organization, each jurisdiction is in charge of a variety of sectors and the "unit of analysis is the individual government, rather than the individual policy" (Hooghe and Marks 2003: 236). This type follows the logic of federalism. On the other hand, Type II governance is organized following a functionalist logic. Therefore, jurisdictions are fragmented and assigned to a specific sector. This logic of organization may result in a potentially huge number of task-specific jurisdictions, which does not follow a territorial logic and might overlap (Hooghe and Marks 2003: 238).

This dual conceptualization of multi-level governance has been adapted by Sandra Lavenex to conceptualize EU external relations. Drawing on Hooghe and Marks' work, Lavenex distinguishes between two types of EU external relations: foreign policy and functionalist

extension (Lavenex 2014). Foreign policy, which would reflect Hooghe and Marks' Type I, refers to EU diplomatic relations. The main actors are officials from EU institutions such as the EEAS or the Council, and it follows a territorial logic of interaction. EU action is coordinated between the different bodies to act as a unitary actor (Lavenex 2014: 888). Relations following a Type II logic, functionalist extension, take place at a transgovernmental and technocratic level. In this situation, actions respond to a functional logic and are sectors specific. As a result, the different governance units are "only loosely coupled to the broader political unit" (Lavenex 2014: 888) and lack coordination. The main actors involved in this type of external relations are sectoral bureaucracies in the Commission, members of governments' administration or regulatory agencies staff.

For this thesis, we draw on these two contributions to conceptualize the two different levels of EU interaction with third countries. In the literature, EU foreign policy conceptualization can vary a lot whether we adopt a restrictive or a broader definition. As Keukeleire and Delreux (2014) have pointed out, there can be two main understandings of EU foreign policy. The first one is quite restrictive and limits EU foreign policy to the actions taken in the frame of the CFSP and the CSDP. In contrast, the broader one considers external civilian action in the framework of trade, development, or enlargement policy "as an inherent part of foreign policy" (Keukeleire and Delreux 2014: 1).

For this research, we define EU foreign policy as actions taken at the diplomatic level and following a centralized and territorialized logic of action. Our understanding of EU foreign policy is broader than the restrictive definition mentioned above by Keukeleire and Delreux. Indeed, in addition to the actions taken in the frame of the CFSP and CSDP, we also include the general foreign policy relations between the EU and a third country, comprising overarching market access agreements setting the framework for the cooperation between the EU and a third country. The main actors leading the EU external relations are the Head of the Commission and its Secretariat-General (SG), the EEAS or the Council on the side of the EU and foreign ministries, government representatives and diplomatic actors on the side of the third country. Coordination takes place between the different institutions and actors involved in foreign policy relations as this follows a centralized logic of action. In this logic, the EU differentiates between countries, not sectors, in its external relations.

On the other hand, external sectoral cooperation is defined as EU cooperation with third countries in sectoral policies. This definition encompasses all non-diplomatic relations with third countries in sectors with external dimensions such as trade, transport, environment, research, energy, etc. Sectoral cooperation is therefore conducted by technocrats from the various Directorates-General (DG) on the EU side and from sector national ministries on the third countries' side. These definitions follow Hooghe and Marks' as well as Lavenex's conceptualization of the two different types of governance.

For conceptualizing the joined-up approach, we differentiate between the two dimensions of the EU's relations with a third country: foreign policy, and sectoral cooperation. To analyze these dimensions, we also differentiate between two levels of analysis: legal level, and

interactional level. The former covers legal agreements, EU Council conclusions, and official statements, while the latter focuses on the interaction between the different institutional actors. Table 1 summarizes our conceptualization.

The foreign policy dimension of the joined-up approach covers the general foreign policy relations between the EU and a third country. These relations are generally politicized and led by high-level political officials such as heads of governments or diplomats. The legal level of analysis covers overarching market access agreements, setting the framework for the cooperation between the EU and a third country, which often provides the third countries access to the internal market. Such agreements can be an Association Agreement (AA) or an overarching agreement providing an institutional framework for third country access to the internal market. These agreements are usually very broad and reflect the general foreign policy relations between the EU and a third country. We also analyze the European Council and Foreign Affairs Council conclusions – as they gather foreign policy officials from the member states – as well as the general foreign policy documents presenting the EU’s foreign policy position towards a third country. For the interactional level, our research focuses on the high-level political dialogue between the EU and a third country. This dialogue can be meetings of the Commission President or Vice-President with a third country’s head of the executive or Foreign Affairs Minister. This dialogue can also take place in the Association Council with countries that have signed an AA with the EU.

The sectoral cooperation dimension covers the relations between the EU and a third country at the sectoral level. These relations are generally depoliticized and led by technocrats. The legal level of analysis includes sectors specific agreements, participation in EU programs, and the conclusions of the Council of the EU formations dealing with sectoral issues, e.g., Trade, Transport, Competitiveness. The sectoral agreements and the participation of a third country in EU programs differ from the more overarching agreements included in the foreign policy aspect as they provide for specific technical cooperation. Agreements on rules of origin, cabotage rights in the aviation sectors, and participation of a third country in the EU Research and Innovation Framework Program are examples of such sectoral cooperation. For the interactional level of analysis, we analyze the third country’s access to EU informal ministers’ meetings, expert groups, and agencies. We also cover the joint committees between the EU and a third country. The joint committees and the expert groups are venues of sectoral cooperation where an agreement is already in force. The joint committees gather officials from the EU and a third country and are responsible for the implementation and adaptation of the sectoral cooperation. The EU expert groups assist the Commission in the preparation and implementation of EU legislation and can be opened to the participation of third countries’ officials. For third countries participation in the EU’s governance instances (EU agencies, joint committees, expert groups, etc.), we look at both formal and informal forms of governance. Formal governance signifies that third countries “participation is based on a formal mandate” (Eckert 2022: 3), while informal governance implies that “participation in the decision-making process is not yet or cannot be codified and publicly enforced” (Christiansen and Piattoni 2004: 6) and “is based on the possession of resources” (Christiansen 2012: 221; Eckert 2022: 3). We also analyze the EU’s internal organization in the sectoral cooperation dimension. Here we

investigate whether the DGs are free in their daily business with their third country counterparts or whether they have a strict line to take imposed by the leading institutions.

Dimensions of the Joined-up approach	Legal level of analysis	Interactional level of analysis
<i>Foreign policy</i>	Overarching market access agreements, European Council conclusions, Foreign Affairs Council conclusion, EU's foreign policy position (conclusions on relations with a third country and/or EU statement at the Association Council)	Political dialogue: high-level meetings
<i>Sectoral cooperation</i>	Sectors specific agreements, EU programmes, Sectoral Council of the EU conclusions (Trade, Transport, Competitiveness)	Access to informal ministers' meetings, EU agencies, Joint Committees, EU expert groups (formal and informal governance), EU's internal organization

Table 1: Conceptualization of the joined-up approach

In addition to the joined-up approach, there are already various concepts that the EU has developed to define its approach in response to external crises: the comprehensive and integrated approaches. However, we argue that the joined-up approach differs from these other concepts. The comprehensive approach, presented by the HRVP in 2013, introduced a strategy to respond to external conflicts and crises. This approach aimed to cover all stages of a conflict or an external crisis, requiring a shared responsibility between all EU actors and member states, as well as the mobilization of the various resources and capabilities available to the EU (European Commission and HRVP 2013). The comprehensive approach was expanded further in 2016 with the EU Global Strategy introducing the integrated approach. The integrated approach is multi-dimensional: using all available policies and instruments aimed at conflict prevention, management and resolution; multi-phased: acting at all stages of the conflict cycle; multi-level: operating at local, national, regional and global levels; multi-lateral: engaging all the players present in a conflict and partnering with regional and international organizations as well as bilateral donors and civil society (European External Action Service 2016: 28–9).

In comparison with the comprehensive approach, the integrated approach “increases the level of ambition of EU interventions (...) by going beyond operational crisis response” and incorporating better sequencing of the different dimensions of crisis response to address the root causes of conflict (Debuysere and Blockmans 2021: 90). Moreover, whereas the comprehensive approach was confined to horizontal coordination, the integrated approach is more inclusive. It introduces a single authority responsible for putting the approach into practice – the Integrated Approach for Security and Peace (ISP) Directorate (Debuysere and Blockmans 2021: 90–1; Tardy 2017: 3).

Although the comprehensive and integrated approaches call for greater coordination between EU institutions and member states as well as the mobilization of all available EU resources

and capabilities to respond to an external crisis, which seems familiar with our definition of a joined-up approach, we argue that they differ sufficiently from the joined-up approach on two main aspects to require a separate conceptualization. The first difference is that the comprehensive and integrated approaches target the EU's response to external crises threatening its interests. Inversely, as we conceptualize it, the joined-up approach has a broader scope of application. It can be deployed to respond to an external crisis. Still, it can also be mobilized in a diplomatic disagreement with a third country that does not necessarily involve violent conflict. The joined-up approach is a bargaining strategy that can be applied in every negotiation between the EU and a third country. The second difference is that although the comprehensive and integrated approaches call for the mobilization of all EU policies and instruments in its external action as well as the coordination of internal policies which have an external dimension, these two approaches only refer to policies with a security dimension such as energy security, migration, or counterterrorism. They do not mention the possibility to link other traditionally depoliticized sectors with external dimensions such as aviation or research and innovation with its foreign policy, which is at the core of our understanding of the joined-up approach. Hence, the need for a separate conceptualization of the joined-up approach.

2.2.3 Hypotheses

Our research investigates to what extent the European Union adopts a joined-up approach in its external relations with associated countries and if so, why and under what conditions. We also seek to identify if there is a variation in the development of this approach across different countries and sectors as well as overtime. As a result, we develop three hypotheses. The first two hypotheses aim at predicting the conditions under which a joined-up approach is more likely to develop, while the third hypothesis predicts which sectors will be mobilized first by the EU.

As underlined in the theoretical framework, this research seeks to make an innovative contribution to the field of EU foreign policy studies by developing a theoretical framework integrating two strands of the EU's external action literature. Thus, it corresponds to exploratory research which aims at increasing "the knowledge of a topic that is little known but needs to be better known" (Swedberg 2020: 28). To proceed with this exploratory research, and drawing on the theoretical framework and literature review, the first two hypotheses identify scope conditions that should foster the development of a joined-up approach. These two hypotheses are interlinked in the sense that, when conducting a case study, both values for the scope conditions must be considered to determine the theoretically expected outcome.

The theoretical justifications of the hypotheses will be developed below but the two scope conditions identified as favoring the development of a joined-up approach are: the nature of the diplomatic disagreement and the member states' coherence. These two hypotheses draw on the coherence literature. Scholars have underlined that "the functional fragmentation of the EU's institutional structures has kept it from performing unitarily on the global scene"

(Gebhard 2017: 125; Niemann and Bretherton 2013). Therefore, developing a joined-up approach would require a significant level of coherence across the different actors and areas of the EU's external relations. The hypotheses reflect this link between coherence and the joined-up approach. The first hypothesis identifies a scope condition that should favor horizontal coherence between the EU institutions, and the likelihood of the EU implementing a joined-up approach – the nature of the diplomatic disagreement – while the second hypothesis explicitly identifies vertical coherence – i.e., member states' coherence – as a scope condition fostering the development of the joined-up approach.

We argue that these two scope conditions determine to a large extent whether the EU is likely to develop a joined-up approach toward this country, and the intensity of this approach. Regarding the intensity, we distinguish between a strong, a soft, and no joined-up approach. A strong joined-up approach means that the EU is instrumentalizing uniformly and consistently its sectoral ties with a third country to sustain its foreign policy objectives. A soft joined-up approach is observed when the EU is attempting to instrumentalize its sectoral ties with a third country to sustain its foreign policy objectives, however, not in a consistent manner nor uniformly across all sectors. Finally, no joined-up approach is observed when sectoral cooperation between the EU and a third country takes place independently of the potential disagreements at the foreign policy level.

We now present the theoretical underpinnings of the first two hypotheses before elaborating on how they are related and how the possible combinations of scope conditions connect to the expected outcomes.

The first hypothesis focuses on a factor which should foster horizontal coherence between the EU institutions: the nature of the diplomatic disagreement. We argue that a diplomatic disagreement between the EU and a third country represents a scope condition for the development of a joined-up approach because this approach is a strategy which aims to improve the EU's bargaining power in negotiations with a third country. Therefore, we expect this approach to be deployed in cases when there is a disagreement between the EU and a third country. However, we argue that the likelihood of the EU developing a joined-up approach will vary depending on the nature of the diplomatic disagreement. To identify which types of disagreements are more likely to trigger a joined-up approach by the EU, we draw on the literature on EU foreign policy and a strand of the coherence literature that studies the trade-foreign policy nexus.

The literature review has highlighted the rationalist turn in the conduct of EU's foreign policy. Indeed, studies on the evolution of EU foreign policy document a shift in the EU's logic of external relations from a value-based to a more rationalistic, interest-based, approach (Mac Ginty et al. 2021; Pomorska and Noutcheva 2017). Changes in the EU's external relations environment (authoritarian turn in its neighborhood, internal crisis, and centrifugal tendencies such as Brexit), coupled with a more general context of global power shifts, have motivated the EU to strive towards full-fledged actorness in international relations. In doing so, the EU has moved towards a greater assertion of its strategic interests, sometimes at the

expense of the normative approach that tended to characterize its external action at the beginning of the 21st century. Because the joined-up approach is costly in terms of internal coordination and potentially also in diplomatic relations we expect it to be pursued only when the expected benefits outweigh the costs, that is in cases of diplomatic disagreement which directly affect the EU's interests. Inversely, the joined-up approach is less likely to be invoked when the EU's foreign policy consists of defending a normative position which has no tangible strategic benefits for the EU. We develop further below how this applies concretely to our analysis.

To complement the theoretical background of the first hypothesis, we focus on the trade-foreign policy nexus literature. Developing a joined-up approach requires a significant level of horizontal coherence, i.e., between the supranational and the intergovernmental spheres at the Union level (Gebhard 2017: 129–30), by the EU. The trade-foreign policy nexus literature has underlined “the powerful position the EU's trade policy machinery has acquired in the EU's institutional architecture *meaning* that it acts fairly independently and that its activities cannot be easily influenced by other parts of the EU's external relations policy structure, including the CFSP” (Bossuyt et al. 2020: 60). This strong position of EU trade policy stems from the institutional structure of the EU, which, according to the literature, is still fragmented between areas subject to supranational logic and those subject to intergovernmental logic (Stetter 2004). Moreover, it is also argued that the ‘agent’ in charge of the EU trade policy, i.e., the Commission and DG Trade, “has acquired considerable power *vis-à-vis* its ‘principals’, i.e., the member states” (Bossuyt et al. 2020: 48–9; Elsig 2007; Meunier and Nicolaïdis 2011; Peterson 2007; Vanhoonacker 2011: 96). As a result, the *sui generis* institutional structure of the EU offers trade policy makers a significant degree of independence in the conduct of their policy, which makes coherence with foreign policy objectives more difficult. The difficulties of developing a coordinated approach between the EU's trade policy and foreign policy caused by the institutional structure are reinforced by the differences of views between the officials of the two policies as to their perception of the objectives that European trade policy should pursue (Gebhard and Norheim-Martinsen 2011). On the one hand, trade purists think that the EU's trade policy should only serve to defend European economic interests and that using it to pursue foreign policy objectives would be counterproductive (Peterson 2007). On the other hand, foreign policy experts see trade as a powerful instrument that can help the EU achieve its foreign policy objectives if it is well coordinated (Peterson 2007).

These difficulties in coordinating the EU's trade and foreign policy due to the EU's institutional structure, as well as differences of opinion among officials, led scholars to conclude “that the EU's ‘power through trade’ is both harder to deploy and less effective when it is than is commonly assumed” (Young and Peterson 2014: 206). The evolution of the EU's external trade relations confirms these difficulties in coordinating with the EU's foreign policy. While foreign policy considerations previously inspired trade relations by developing preferential relations through *sui generis* agreements with close neighbors, they have gradually evolved to pursue economic objectives based on competitiveness criteria and on a global basis, without focusing solely on the immediate neighborhood, and shifting from *sui generis* agreements to World Trade Organization (WTO) compatibility (Bossuyt et al. 2020: 49).

Drawing on the theoretical findings of the trade-foreign policy nexus literature, we can conclude that the development of a joined-up approach is challenging for the EU, mainly due to its institutional structure and the reluctance of officials working on EU external trade relations to politicize their sectoral relations with third countries. However, we argue that these findings focus solely on the coordination between the sectoral policies – trade in this case – and the CFSP. Our definition of the EU foreign policy is broader than just the CFSP and encompasses the general foreign policy relations between the EU and a third country which can include, for instance, overarching market access agreements setting the framework for the cooperation between the EU and a third country. In such cases of overarching market access agreements, we argue that coordination between the sectoral and the foreign policy part of the EU's external relations is easier to achieve. Indeed, such agreements will serve the interests of the sectoral DGs as it provides for deeper integration and international cooperation. Therefore, we can expect that the priorities of the officials dealing with these sectoral policies will align with the broader foreign policy objectives of the EU and that the tensions such as the ones presented in the literature between trade purists and foreign policy specialists will not happen.

To sum up, the literature on the EU's foreign policy indicates that the EU is increasingly pursuing its own interests in foreign policy rather than altruistic normative objectives. The trade-foreign policy nexus literature underlines that horizontal coherence is difficult to achieve when the EU's foreign policy objectives get in the way of the DGs' interests. As a result, combining these findings from these two strands of literature, we can expect the EU to develop a joined-up approach in cases where the diplomatic disagreement with a third country directly affects its own interests and where the EU foreign policy position regarding this disagreement aligns with the interests of the DGs. In practical terms, this type of disagreement corresponds to negotiations concerning the single market. We argue that a joined-up approach is more likely to be developed in such a situation which directly affects the EU's policy core, the single market, than a disagreement on an external CFSP issue which concerns first and foremost a third country. Diplomatic disagreement about principles of the single market not only affects genuine material interests in the EU, it also necessarily triggers the interests of sectoral DGs and herewith engenders greater horizontal coherence which is required for a joined-up approach. In contrast diplomatic disagreement concerning principled normative questions in a third country remains a genuine CSDP question and would necessitate greater political intervention to mobilize sectoral DGs. Therefore, our first hypothesis:

H1: The more the nature of a diplomatic disagreement with a third country concerns the single market, the more likely the EU is to develop a joined-up approach.

For the second hypothesis we draw on the literature on EU foreign policy, and more specifically on another aspect of EU's coherence: vertical coherence, i.e., the member states vs the EU supranational level in the conduct of foreign policy. Previous research highlighted in our literature review have underlined that despite the evolution of capacities and the emergence of new practices transcending national borders, the member states still play a key role in the conduct of EU foreign policy mainly due to its intergovernmental structure. The joined-up approach combines EU external relations on both the foreign policy and the sectoral

level. Therefore, even if the sectoral part could be decided without the member states' support in areas of exclusive competences, the EU remains dependent on the member states for the foreign policy component.

The joined-up approach is a call for greater coherence in the EU external action. The literature has identified different levels of coherence (Gebhard 2017; Nuttall 2005; Portela 2021). One of these aspects is the coherence between member states and the EU, namely vertical coherence. Coherence among member states is particularly important for the eventual development of a joined-up approach, since one of its components, i.e., foreign policy, is governed by intergovernmental procedures. As a result, for the EU to adopt a common foreign policy position towards a third country, the unanimity between the member states is required. Vertical coherence echoes the 'speaking with one voice literature' covered in the literature review. Early studies from this field have highlighted the positive link between internal cohesiveness and the effectiveness of EU external action (Laatikainen and Smith 2006; Meunier 2000; Taylor 1979, 2006). Recent studies have questioned this assumption and showed that disunity could help the EU's effectiveness in specific cases (Macaj and Nicolaïdis 2014). However, this argument is not generalized to all situations. Indeed, Macaj and Nicolaïdis argue that internal coherence will still result in external effectiveness in cases where "the kind of power that matters is aggregative, i.e., overall power resources (such as military capabilities and market power)" (Macaj and Nicolaïdis 2014: 1075). In our framework, the source of influence of the EU in its sectoral relations with third countries relies primarily on the size and attractiveness of its single market. We argue that a joined-up approach would represent a case where the relevant power is aggregative according to Macaj and Nicolaïdis' analytical framework, and therefore member states' unity should pay off. Drawing on these theoretical foundations, we formulate our second hypothesis:

H2: The more coherent the foreign policy positions of EU member states towards a third country, the more likely the EU is to develop a joined-up approach.

The first two hypotheses identifying the factors that should favor the development of a joined-up approach are interlinked and cumulative. This means that to theoretically predict whether the EU will develop a joined-up approach toward a third country, and its intensity, the value of the two scope conditions must be aggregated, not assessed separately.

As stated above, the joined-up approach can take three intensities: strong, soft, and no joined-up approach. We also have two hypotheses with dichotomous scope conditions: nature of the diplomatic disagreement (single market related or CFSP issue), and member states' coherence (coherent or not coherent). As a result, when applying this analytical framework to a case study, we have four possible combinations of values regarding the scope conditions. Here is how we expect the different combinations of values for the two scope conditions to result for the joined-up approach, which is also illustrated below in a tree diagram (Figure 1):

- When the nature of a diplomatic disagreement with a third country concerns the single market, and when there is coherence among the member states in their foreign policy

position toward a third country, we expect the EU to develop a strong joined-up approach.

- When the nature of a diplomatic disagreement with a third country concerns the single market, and when there is no coherence among the member states in their foreign policy position toward a third country, we expect the EU to develop a soft joined-up approach.
- When the nature of a diplomatic disagreement with a third country concerns a CFSP issue, and when there is coherence among the member states in their foreign policy position toward a third country, we expect the EU to develop a soft joined-up approach.
- When the nature of a diplomatic disagreement with a third country concerns a CFSP issue, and when there is no coherence among the member states in their foreign policy position toward a third country, we do not expect the EU to develop a joined-up approach.

As we can see from these assumptions, we assume that the nature of the diplomatic disagreement plays a bigger role than member states' coherence in the development of the joined-up approach. Indeed, when the nature of the diplomatic disagreement concerns a single market issue, we expect the EU to develop a joined-up approach, either strong or soft depending on the member states' coherence. Whereas when the disagreement concerns a CFSP issue, we expect the EU to develop either a soft or no joined-up approach depending on the member states' coherence. This is because, as developed in the theoretical background of the hypotheses, when the nature of the disagreement concerns a single market related issue, not only does it affect genuine material interests in the EU, it also necessarily triggers the interests of sectoral DGs implicated in the governance of the single market and herewith engenders greater horizontal coherence. As a result, member states' coherence will only influence the intensity of the joined-up approach implemented. Inversely, diplomatic disagreement concerning principled normative questions in a third country remains a genuine CFSP/CSDP question, it is less directly connected to the EU's material basis and would necessitate purposeful political intervention to mobilize sectoral DGs. As a result, member states' coherence could trigger partial and inconsistent instrumentalization of the sectoral cooperation to pursue foreign policy objectives, i.e., soft joined-up approach, but not a comprehensive and coherent instrumentalization across all sectors and DGs.

With these two hypotheses, all the possible theoretical outcomes regarding the development of a joined-up approach (strong, soft, or no joined-up approach) correspond to a specific combination of values regarding the scope conditions (Single market related disagreement/strong member states' coherence; Single market related disagreement/low member states' coherence, etc.). We herewith propose an innovative theoretical approach to the study of EU external action that shall be tested in an exploratory manner via a comparative qualitative case study design covering the relevant variation across the postulated scope conditions. We will start with the most likely case, Switzerland, that combines positive values on both dimensions, arguing that if we don't find a joined-up approach here, we should not find it anywhere (Eckstein 1975). After validating the Swiss case we proceed to explore the

validity of our framework with two case studies presenting constellations suggesting a soft joined-up approach (Israel) and no joined-up approach (Morocco).

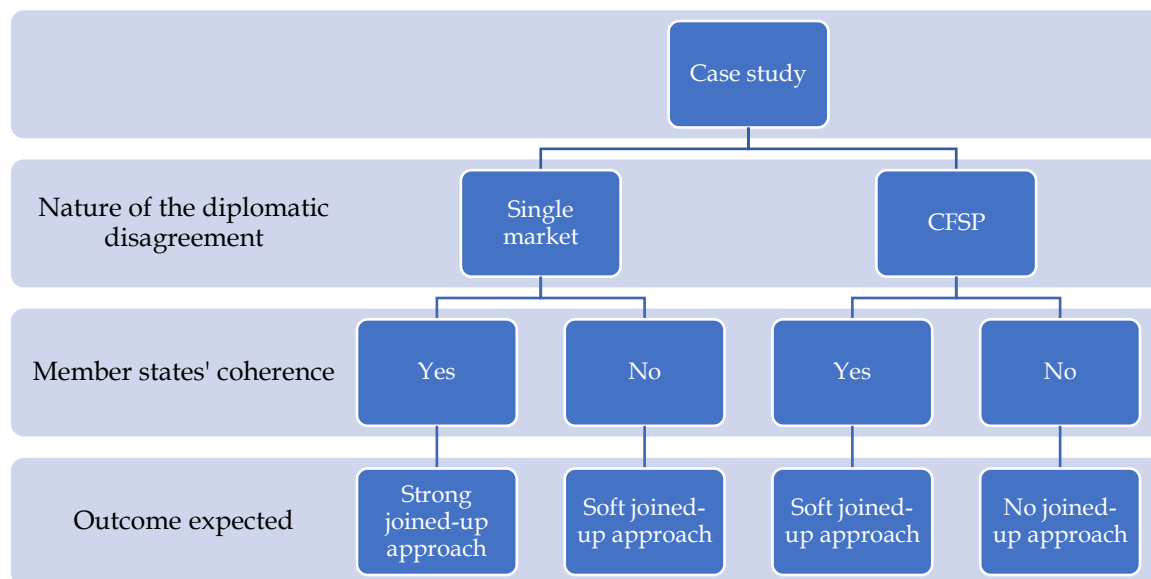


Figure 1: Tree diagram of the possible combinations of values for the hypotheses and the theoretically expected outcome

Finally, we also formulate a sector-specific hypothesis to understand how the EU will implement a joined-up approach, and which sectors will be mobilized in priority. If one looks at the potential instrumentalization of sectoral cooperation to sustain foreign policy objectives, not all sectoral policies have the same leverage towards third countries. For this hypothesis, we draw on the conclusions of the external governance, the power and interdependence, and the MPE literatures.

The literature on external governance emphasizes the significant source of influence that the EU enjoys outside its borders through the externalization of its rules and practices as well as through technocratic cooperation. Therefore, if coordinated with the EU's foreign policy objectives in a joined-up approach, external sectoral cooperation represents a potential tool for the EU to increase its bargaining power in its relations with a third country. The literature on external governance thus allows us to identify external sectoral cooperation as a potential instrument available to the EU to support its foreign policy objectives.

As to how this potential instrument can be mobilized, we draw on the literature on power and interdependence in international relations. First, we follow Barnett and Finnemore's (2005: 175-6) argument that International Organizations (IOs), such as the EU, can exercise power. Indeed, even though "IOs never have the material might to coerce the strongest states into actions they actively oppose, IOs do have material means to shape the behavior of many states on many occasions" (Barnett and Finnemore 2005: 176). Building on this assumption, we draw on the power and interdependence literature which states that "power will reflect asymmetrical interdependence" (Keohane and Victor 2010: 3). Indeed, "asymmetrical interdependence can be a source of power (...) as control over resources, or the *potential* to

affect outcomes” (Keohane and Nye 2012: 10). This theoretical argument is based on two dimensions of interdependence: sensitivity and vulnerability. On the one hand, sensitivity refers to the extent to which changes in one country will result in costly changes in another (Keohane and Nye 2012: 10). This dimension is more short term in the sense that it refers to the costly effects imposed on a country from outside before it reacts and tries to change its policies to cope with the new situation (Keohane and Nye 2012: 11). On the other hand, vulnerability refers to the availability or absence of alternative solutions for the actors and the relative costs that these alternatives represent (Keohane and Nye 2012: 11). This dimension is more medium/long-term as it reflects the costs imposed on an actor even after it was able to make adjustments and find alternative solutions (Keohane and Nye 2012: 11).

This strand of literature thus emphasizes the power that one entity, i.e., a state or an IO such as the EU, can have over another if the two are in an interdependent relationship. Indeed, interdependent relations offer the possibility for one entity to raise the costs of its partner by limiting or withdrawing access to certain resources, and thus increase its power vis-à-vis that country. A high level of interdependence characterizes the EU’s relations with third countries due to the progressive involvement of these neighboring countries in specific EU policies and programs, i.e., differentiated integration. Consequently, when negotiating with a third country, the EU can increase the costs on that country in case of non-compliance with the EU position by limiting or withdrawing its access to EU resources. Such a negotiating strategy is at the heart of the joined-up approach. However, we do not expect the EU to directly instrumentalize all areas of cooperation with a third country, besides exceptional situations. Instead, the EU will probably first try to instrumentalize cooperation in those sectors where the costs are highest for the third country. Indeed, the utility of a joined-up approach depends on the extent to which sectoral ties are expected to affect the rational calculations of third-country political elites in favor of EU influence.

The primary source of EU external influence relies on its economic strength. The attraction of the single market access for third countries has provided the EU with a significant source of power and bargaining instrument in external relations (Damro 2012; Damro and Ibáñez 2018). In practice, “Europe does not hesitate to exploit its preeminent economic position” (Moravcsik 2017) through diverse instruments such as conditionality in the enlargement process and the ENP or the use of economic sanctions for instance. EU trade policy, which effectively negotiates third countries access to parts of the Single Market, has thus been identified by some as the “core instrument of the EU’s (...) political influence on the rest of the world” (Meunier and Nicolaïdis 2019: 105). The EU’s influence therefore relies mainly on its economic power and the attractiveness of its single market for third countries. As a result, we can expect that when seeking a joined-up approach, the EU will particularly capitalize on these sectoral ties that have high economic stakes for the third country in question. Hence, our third hypothesis:

H3: The higher the economic stakes of cooperation with the EU in a specific sector for a third country, the more likely the EU is to develop a joined-up approach with this sector.

This analytical framework is designed to allow comparisons across associated third countries and policy sectors. Drawing on the coherence literature, the first two hypotheses attempt to identify the conditions under which a joined-up approach is more likely to be developed by the EU. The third hypothesis tries to understand how the EU will develop this joined-up approach by identifying the sectors which the EU will mobilize first. Returning to the research questions, the first two hypotheses will allow us to answer Q1a. Indeed, the nature of the diplomatic disagreement and the member states' coherence will vary depending on the third country. Therefore, if we also observe variation in the development of the joined-up approach, our first two hypotheses will help us to identify how and why this joined-up approach differs across countries (Q1a). The link between our third hypothesis and our research questions is straightforward. It aims to answer question Q1b by determining how the development of the joined-up approach differs across sectors and why. We do not have a hypothesis that aims to directly answer the evolution overtime of the joined-up approach (Q2). However, we argue that if a variation is observed overtime regarding the development of the joined-up approach towards one country, we expect this variation to be explained by changes in the first two scope conditions.

3. Research design

The hypotheses indicate that our research is interested in the effects of our independent variables or, in more qualitative terms, scope conditions (X-centered design). To conduct this research, we adopt a research design that is a X-centered co-variational analysis. This approach is embedded in a comparative case study design which vary with regard to the scope conditions. Case studies are “not only able to take more theoretical frameworks into account, but can also take very diverse theoretical frameworks into account” (Blatter and Haverland 2012: 7). As a result, a comparative case study research design is best suited to our eclectic analytical framework that combines insights from different theoretical perspectives to study the joined-up approach (Friedrichs and Kratochwil 2009; Sil and Katzenstein 2010). In this research, we develop a comparative analysis with three case studies which aim to identify variations in the eventual development of the joined-up approach between countries (Q1a, H1 and H2) and sectors (Q1b and H3). The comparison will help us to understand better under what conditions the EU develops a joined-up approach and eventually identify a pattern of action (Vigour 2005).

Co-variational analysis is a methodological approach that is “interested in finding out whether specific features of the social reality make a difference” (Blatter and Haverland 2012: 35). To do so, it compares if the variation of the scope condition produces variation of the dependent variable. The co-variational analysis is done in two steps (Blatter and Haverland 2012: 55). First, researcher needs to collect information and aggregate it into scores/values for the variables. Therefore, one needs to operationalize the independent and dependent variables to identify the data which will be used to determine the value of the variables. Second, the values of the variables are analyzed to identify whether there is co-variation between the independent and dependent variables. To sum up, co-variational analysis attempts to “present empirical evidence of the existence of co-variation between an independent variable X and a dependent variable Y to infer causality” (Blatter and Haverland 2012: 33). This approach is perfectly suited to our research which investigates what are the conditions under which the EU develops a joined-up approach. Our hypotheses have identified scope conditions that should favor the development of a joined-up approach. Therefore, in our research we collect information to obtain a value for the independent and dependent variables and analyze whether there is causal inference and variation between them.

In the following sections we present the operationalization of scope conditions and the dependent variable. This operationalization presents the indicators that we will look for in each of our case study to determine the value of the variables. Once the data are gathered and the results presented, we will therefore be able to identify whether there is co-variation between the variables. We also introduce the sources we will use to observe these factors. Throughout this section, we also continuously address our methodological approach. Finally, we present the cases we analyze for our comparative study and the reasoning behind their selection.

3.1 Methodology

The aim of our research is to identify whether the EU develops a joined-up approach in its relations with third countries. We have conceptualized the joined-up approach earlier in this chapter (see Table 1). Our conceptualization distinguishes two different dimensions of this concept: foreign policy, and sectoral cooperation. For each dimension we differentiate between two levels of analysis: the legal level and the interactional level. The legal level is analyzed via a content analysis of official documents produced by the EU. These documents are agreements between the EU and a third country, the Council conclusions, or any other relevant documents. The documents mobilized in this research are presented below. The interactional level focuses rather on the interactions between the different institutional actors, i.e., how does the EU organize its relations with third countries in practice. In analyzing this level, we use both a content analysis and interviews.

Therefore, the methods used in this research are content analysis and interviews. We use these two methods because we argue that focusing exclusively on document analysis is not sufficient to gain a satisfactory understanding of our object of study. Indeed, “by presenting the official version of events, documents often conceal the informal processes and considerations that preceded decision making” (George and Bennett 2005: 103; Tansey 2007: 767). Moreover, documents can be incomplete, might focus on the administrative process at the expense of the causes and effects of a policy, tend to have a self-justificatory element, and might not reflect possible disagreements or alternative decisions that might have been considered, giving the impression of a consensus instead (Davies 2001: 74; Glynn and Booth 1979: 315; Tansey 2007: 767). Therefore, it is necessary to adopt a multi-methodological ‘triangulation’ approach to confront, and eventually confirm or invalidate, the results obtained by the content analysis (Davies 2001). As Webb et al. (2000: 176) argue, “the most fertile search for validity comes from a combined series of different measures, each with its idiosyncratic weaknesses, each pointed to a single hypothesis”. Indeed, “once a proposition has been confirmed by two or more independent measurement processes, the uncertainty of its interpretation is greatly reduced” (Webb et al. 2000: 3). Therefore, in order to complete this content analysis, we also conduct semi-structured interviews.

Regarding the content analysis, we use a computer-assisted qualitative data analysis software (CAQDAS): Atlas.ti. This software enables the researcher to upload a large number of documents. It also contains many tools for conducting a qualitative analysis. For example, a researcher can develop codes, code groups, and create and assign document groups. At the analysis level, this software allows to explore the co-occurrences between codes (Co-Oc explorer and table) and produce a cross-table highlighting the number of codes per document or groups of documents (Code-document table). All these functionalities of CAQDAS enable us to gain in efficiency. Indeed, it “provides for more rapid and rigorous qualitative data analysis” (Carcary 2011: 14; Rambaree 2007) and helps us to organize a large volume of unstructured evidence systematically (Carcary 2011: 14). Moreover, “CAQDAS enables the researcher to build more easily on his/her existing analysis, through for example adding a new code, or combining codes to create a new category, while still maintaining the

“organizational system’s integrity” (Carcary 2011: 15; Seror 2005). By going back and forth between the different levels of analysis and using codes as building blocks for conceptual categories, the software helps to support the development of new theoretical thinking (Fielding and Lee 1998: 10). In this research, we use this software to code the documents collected (Council’s conclusions) and the interviews. We present code-document tables in the empirical chapters that have been constituted with the help of the software. We will develop how we proceed with the analysis of the documents in the next section on the operationalization of the variables.

To proceed with the content analysis, we gather the overarching market access agreements between the EU and a third country for the foreign policy aspect. For our research which focuses on three cases (Switzerland, Israel, and Morocco), this corresponds to: for Switzerland, the negotiated Institutional Framework Agreement (IFA); for Israel, the Association Agreement, and the ENP Action Plan; for Morocco, the Association agreement, the ENP Action Plan, the 2008 advanced status, and the ‘Euro-Moroccan partnership for shared prosperity’. We also gather all the conclusions between 2000 and 2021 from the different council formations that deal with foreign policy. This corresponds to all the conclusions of the European Council (N=110) and the EU Foreign Affairs Council (N=309). Furthermore, we gather the relevant sectors-specific agreements between the EU and a third country for the sectoral cooperation aspect. In our research, we focus on three sectors: trade, aviation, as well as research and innovation. We also analyze the involvement of third countries in EU programs that provide for cooperation in the relevant sectors we study. For our three sectors, the only relevant program is third countries’ participation in the EU Framework Programs for Research and Technological Development. As our study covers the period between 2000 and 2021, we will analyze third countries’ participation in the FP6 (2002-2006), FP7 (2007-2013), Horizon 2020 (2014-2020), and Horizon Europe (2021-2027). Finally, we gather all the conclusions between 2000 and 2021 from the different council formations dealing with sectoral policies. This corresponds to all the conclusions from the Trade Council (N=18), the Transport Council (N=90), and the Competitiveness Council (N=91).

To conduct our content analysis using CAQDAS, we upload into the software all these documents. In a first step, we assign each document to a previously created document group. For this research, we have created eight document groups (Table 2). The ‘source’ document groups reports where the data is taken from. Therefore, it consists of descriptive information about the data gathered. The ‘actor’ document group adds a first layer of analysis. It is composed of two different sub-groups: foreign policy and sectoral policy actors. Foreign policy actors include the conclusions from the Foreign Affairs Council, the European Council, and the foreign policy documents which consist of conclusions on relations with a third country and/or EU statement at the Association Council. The Foreign Affairs and the European Council’s conclusions are meetings of foreign policy officials, respectively the foreign affairs ministers of the member states and the heads of governments of member states. Therefore, according to our conceptualization, they correspond to the actors responsible for conducting the EU’s foreign policy relations. Sectoral policy actors consist of the conclusions from the Competitiveness, the Trade, and the Transport councils. These council formations are

meeting of representatives of member states' governments who are coming from sectoral ministries, i.e., trade, research and transport ministries. Therefore, they correspond to our conceptualization for the actors responsible for conducting EU's external sectoral cooperation.

Document Group	Number of documents
<i>Source</i>	
European Council	110
Foreign Affairs council	309
Competitiveness council	91
Trade council	18
Transport council	90
Foreign policy documents	31
<i>Actor</i>	
Actor: Foreign policy	450
Actor: Sectoral policy	199

Table 2: Document groups

After sorting the documents into groups, we proceed with the analysis of their content. We proceed in three steps. First, we identify the paragraphs mentioning one of the three countries under study. Using a "text search" tool, we look for documents that mention Switzerland, Israel, or Morocco. Each quotation mentioning one of these three countries will be assigned the code of the country in question. For instance, a quotation mentioning Israel will be given the code: Country: Israel.

Second, for every paragraph mentioning one of the three third country that we study, we give a code to the quotation reporting the type of issue covered. There are three types of issue: diplomatic disagreement, foreign policy, and sectoral. Diplomatic disagreement corresponds to every quotation mentioning the diplomatic disagreement between the EU and Switzerland, Israel, or Morocco. The aim of our analysis is to understand whether the EU develops a joined-up approach toward these third countries in the context of a disagreement. Therefore, this first code will give us information on the salience of the diplomatic disagreement in these documents. The diplomatic disagreements are with Switzerland the IFA, with Israel the Israeli-Palestinian conflict, and with Morocco the Western Sahara issue. We will present these disagreements in the chapters on each of these countries. The next type of issue code is foreign policy. This code is composed of every quotation that deal with foreign policy issues that are not the diplomatic disagreement. For instance, this can include cooperation in the frame of the CSDP or other diplomatic, high-level issues. Finally, quotations that mention sectoral cooperation are coded as sectoral.

In the third step, we try to identify whether there are instances of joined-up approach in these quotations. To do so, we have two different codes regarding the joined-up approach: soft and strong. Quotations where we observe a threat of linking the development of sectoral cooperation to a foreign policy issue, or a diplomatic disagreement, are coded as soft joined-

up approach. Quotations when the EU does it and expressly links sectoral cooperation development to a foreign policy issue, or a diplomatic disagreement, the quotation is coded as strong joined-up approach. In these documents, the difference between the soft and strong joined-up approach codes therefore lies in the enforcement by the EU. When the EU threatens to implement a joined-up approach but does not yet do so, it is qualified as a soft joined-up approach. In contrast, when the EU does so and actually condition the development of sectoral cooperation on a foreign policy issue, or a diplomatic disagreement, then we code this as a strong joined up approach. When a quotation does not link a foreign policy issue, or a diplomatic disagreement, to the development of sectoral cooperation, we do not code it under the joined-up approach code. Indeed, creating a no joined-up approach code for all other quotations would not add anything analytically to our research.

Table 3 below provides an overview of each code with a definition and examples of citations that would be assigned to each code.

We use these codes and document groups for each of our case studies to obtain descriptive and analytical statistics for within and across case analyses. The code joined-up approach represents our basis of analysis for our dependent variable. We regroup the quotations for one specific country and build code-document tables crossing the joined-up approach code with all the document groups for within-cases analysis. These tables give us information on which EU actors are the more active in the attempt to deploy a joined-up approach towards a specific third country. We build a co-occurrence table for across-case analysis crossing the code joined-up approach with the code country. This table, therefore, pictures how many attempts at the joined-up approach the EU has developed for each country.

For the codes country and type of issue, we build code-document tables. By crossing the code country with all the document groups, we obtain descriptive statistics on how often EU institutions mention a specific country in their conclusions or documents. From these statistics, we can observe whether a country is, for example, firmly on the EU's foreign policy agenda, in a case where the majority of its mentions are grouped in the conclusions of the EU's Foreign Affairs Council or the European Council. Conversely, we could also have a country where most of its mentions come from sectoral actors, i.e., Trade, Transport or Competitiveness Council conclusions. Similar information on where the relations with a third country are situated in the EU's agenda, i.e., more foreign policy or sectoral, can be obtained by building a co-occurrence table crossing the codes type of issue (diplomatic disagreement, foreign policy, or sectoral) with the code country. Finally, we build a code-document table crossing the codes type of issue with the document groups foreign policy actors and sectoral policy actors. This table, therefore, shows, for example, the number of occurrences of the code foreign policy issue in the documents belonging to the groups foreign policy actors and sectoral policy actors. The same is done for the codes diplomatic disagreement and sectoral issue.

Code	Definition	Example
Type of issue: diplomatic disagreement	Mention of the disagreement issue (CH: IFA; IL: Israeli-Palestinian conflict; MO: Western Sahara)	Middle East Peace Process Council conclusions
Type of issue: foreign policy	Mention of a foreign policy issue that is not the disagreement	"The Council approved the signing and conclusion of an agreement on the participation of the Swiss Confederation in the EU Integrated Border Management Assistance Mission in Libya."
Type of issue: sectoral	Mention of sectoral cooperation	"The Council adopted a Decision approving the signing and provisional application of the Euro-Mediterranean aviation agreement with Morocco."
Joined-up approach: soft	Threat of conditioning the development of sectoral cooperation to a foreign policy issue	"In assessing the balance of interests in concluding additional agreements, the Council will have in mind the need to ensure parallel progress in all areas of cooperation."
Joined-up approach: strong	Implementation of conditioning the development of sectoral cooperation to a foreign policy issue	"The Council emphasizes that the conclusion of the IFA on the basis of the present text is a precondition for the conclusion of future agreements on Swiss participation in the EU's internal market (...)."

Table 3: Codebook

The other method used in this research is the semi-structured interviews. These interviews will be mobilized in the analysis of the interactional level of our dependent variable in addition to content analysis. Other than confirming what has been found in the analysis of documents, conducting interviews also provides new information for our research that may not be available in the document analysis. Tansey (2007: 766) identifies two uses of interviews relevant to our research: to establish what a set of people think and to help reconstruct an event or set of events. By conducting interviews, we will be able to talk with EU actors directly involved in the practice of EU external action and gather their thoughts and gain insights on the joined-up approach issue. Moreover, these interviews might help us better understand what are the mechanisms behind the eventual development or absence of development of a joined-up approach by shedding light "on the hidden elements of political action that are not clear from an analysis of political outcomes or other primary sources" (Tansey 2007: 767). Finally, conducting interviews also help us to refine our research as "interviewees can often help the researcher cut through *the* surplus of data since respondents can distinguish the most significant or accurate documents from those that may be marginal or may present a selective account of events" (Seldon and Pappworth 1983; Tansey 2007: 767).

We adopt a semi-structured form of interview. If one imagines "a continuum ranging from relatively structured to relatively unstructured formats" of interviews, the semi-structured one lies in the middle of it (Brinkmann 2014: 285). While conducting a semi-structured interview, a researcher has "guiding questions that are relatively open-ended and for which it is imperative to receive answers" (Quivy and Van Campenhoudt 2006: 174). However, he/she will not necessarily ask the questions in order but rather try to get the respondent to come up

with these topics on their own. In this way, the interviewee will express himself more freely and according to his own words and interpretations. "The researcher will simply try to refocus the interview on the objectives whenever it deviates from them and to ask the questions that the interviewee does not come to on his or her own, at the most appropriate time and as naturally as possible" (Quivy and Van Campenhoudt 2006: 174). Therefore, this method of conducting interviews is the most suitable for our research. Indeed, the joined-up approach is a constructed concept that can manifest itself in different ways in reality. Therefore, it is essential to give much leeway to the interviewee as he/she may bring to the discussion examples or information that we might not have anticipated and that we would therefore have missed during a structured interview.

According to Brinkmann (2014: 287–8), there are four vital aspects to semi-structured interviews: purpose, descriptions, life world phenomena, and interpretation. In a nutshell, the four aspects of the definition mean that: interviews are conducted with the objective of producing knowledge (purpose); their goal is "to obtain the interviewee's descriptions rather than reflections or theorizations" (description); they seek first-order, pretheorized, description and understanding of the world (life word); interviewers must understand and interpret people's descriptions (interpretation) (Brinkmann 2014: 287–8). Based on these constituent elements, our interviews try to orient the respondents in order to obtain as much detail as possible about their experiences, while remaining as descriptive as possible without entering into their interpretations of events. It will then be our role to analyze the responses in light of our theoretical conception of the joined-up approach and to interpret their answers.

The use of interviews in our research has two main purposes. First, the interviews serve to confirm what we found in our content analysis, which corresponds to the 'triangulation' process we mentioned earlier. Secondly, the interviews will also serve to possibly obtain new information that might not be present in the documents. In order to obtain this information, it is therefore essential to talk to the actors involved in the bilateral relations between the EU and the three third countries we are studying. Therefore, the interviews carried out in the framework of this research were conducted with EU, Swiss, Israeli, and Moroccan officials or diplomats. Due to the nature of our research, we are not confronted to the problems of sampling when choosing our interviewees. Indeed, within the four entities we study (the EU and the three third countries), there are only a few people who hold positions relevant to our research. Therefore, we contacted all the people whose positions were interesting for us and interviewed the majority of them. As our research is interested in the interaction between EU foreign policy and sectoral cooperation with third countries, we contacted the following institutions: EEAS, DG TRADE, DG MOVE, DG RTD, EU Delegations in Bern, Rabat, and Tel Aviv, the Swiss, Israeli, and Moroccan missions to the EU in Brussels, as well as the departments responsible for cooperation with the EU in the Swiss, Israeli, and Moroccan ministries of foreign affairs, trade, transport, and research.

In terms of our technique for contacting and selecting interviewees, we used the EU WhoisWho website to find names and contacts of European officials. For Swiss, Israeli, and Moroccan officials we also used the websites of the different ministries. However, the

information was not always available there. When this was the case, we asked the people with whom we were able to connect if they could give us contacts that might be relevant for our research. In each of our interviews, we also used the 'snowball' technique. This means that we asked the interviewee each time if there was a person who came to mind with whom it would be relevant for our research to talk. These different techniques allowed us to conduct 41 interviews with almost all of the people we had targeted, at the exception of the Israeli Foreign Affairs Ministry, the Moroccan mission to the EU, and Morocco's civil aviation entity.

The question guide for our interview seeks to cover the two dimensions of our dependent variable - the joined-up approach - as well our three scope conditions - the nature of the diplomatic disagreement, member states' coherence, and the economic stakes of sectoral cooperation. We follow the same question guide for EU and third countries officials. The difference is that for third countries' officials, the questions are formulated on how they perceive the EU action or organization. We always begin the interview with a general question about the respondent's tasks and responsibilities. Then we follow with questions related to our variables, but not necessarily in order, as we adapt to the interviewee's answers.

These elite interviews with EU and third countries officials are helpful to gather new information that might not be available in the documents or verifying the information found in the content analysis. However, we are conscious that interviews have their limits and weaknesses and that we need to be aware of certain aspects while analyzing the interviewees' responses. As a result, we apply the criteria developed by Davies: "the information has to be first-hand reporting; the level of access - a head of station reporting his unit's organization would, for the most part, be viewed as more reliable than a junior officer who was doing the station legwork at the time; and the informant's 'track record', their overall displayed reliability where the informant's recollections appear generally sound when checked against other available sources" (Davies 2001: 77-8). In addition to these three criteria, we will also apply the approach of Nicholas Eftimiades, who established that to treat information with confidence, it should be corroborated by at least two independent interview sources (Eftimiades 1994: 11).

Given the nature of our study, the interviews were conducted anonymously and were not recorded. Indeed, almost all the people contacted refused to allow their identity to be revealed. In addition, after the first series of interviews, it became clear that the interviewees spoke more freely when their words were not recorded. Therefore, the names and positions of the interviewees are not disclosed in this research, and we do not provide transcripts of the interviews. An anonymized list of the interviews conducted in this research can be found in the appendix (Annex 1). We limit ourselves to mentioning the date and place of the interview and the institution these people belong to without specifying their position.

3.2 Operationalization and sources

From our set of hypotheses, we have four factors that need to be operationalized. We have our dependent variable: the joined-up approach. And we have three scope conditions: the nature of the diplomatic disagreement, member states' coherence, and the economic stakes of sectoral cooperation.

3.2.1 Operationalization, sources, and methodology for the dependent variable

According to our conceptualization of the joined-up approach, there are two dimensions to it: foreign policy, and sectoral cooperation. We will now present how we proceed for the study of the two dimensions addressing the legal and interactional levels of analysis.

Regarding foreign policy, the analysis of the legal level focuses on the general market access agreements signed between the EU and a third country, the conclusions of the European Council and the Foreign Affairs Council, as well as the foreign policy documents. For the general agreements, we search if the diplomatic disagreement between the EU and the third country with whom the agreement is signed is mentioned. If the disagreement is not mentioned, we conclude that there is no joined-up approach developed by the EU in this aspect. However, if the disagreement is mentioned, we analyze if the agreement specifically links the implementation or development of the agreement to the resolution of the disagreement. For instance, if the agreement states that further development of integration of the third country in the EU market depends on the resolution of the diplomatic disagreement, we conclude that the EU develops a joined-up approach toward the third country in this aspect.

For the analysis of the Council conclusions, and the foreign policy documents, we apply the methodology presented in the previous methods section. Namely, identifying what issues are covered in these conclusions and identifying whether there are any instances of a joined-up approach. With these statistics, we will then be able to observe the salience of each of the three issues in these conclusions, and especially whether the diplomatic disagreement is high on the EU's foreign policy agenda. If we observe instances of a joined-up approach, we will also analyze which actor is responsible for developing such an approach.

Finally, for the interactional level of the foreign policy aspect, we study the high-level political dialogue between the EU and a third country. The high-level political dialogue consists of meetings between the Commission President or Vice-President and the third country chief of the executive or Foreign Affairs Ministers. For third countries that have signed an Association Agreement with the EU, this high-level political dialogue is the Association Council. For this aspect of the analysis, a joined-up approach is observed if the political dialogue is suspended because of tensions over the diplomatic disagreement. For instance, if the EU suspends the Association Council annual meeting with a third country because of tensions regarding the diplomatic disagreement, this constitutes a joined-up approach. However, if the high-level

political dialogue between the EU and a third country is not affected by the diplomatic disagreement, we will conclude that there is no joined-up approach in this aspect.

For the sectoral cooperation dimension of the joined-up approach, we focus our legal level analysis on the sectoral agreements, participation in EU programs, and the conclusions of the sectoral formations of the Council. Regarding the sectoral agreements, we analyze whether the EU has suspended the negotiation or signing of sectoral agreements with a third country because of the diplomatic disagreement. For instance, if the EU states that an aviation agreement with a third country cannot be signed as long as there is no progress on the diplomatic disagreement side, this constitutes a joined-up approach. On the other hand, if despite the tensions surrounding the diplomatic disagreement, the EU proceeds to sign sectoral agreements with a third country, no joined-up approach is observed. Participation in EU programs is analyzed along the same logic. If the status of a third country in the EU research framework programs depends on its position on the diplomatic disagreement, we consider this as a joined-up approach. Finally, the Council conclusions are analyzed according to the methodology presented in the previous methods section. We will pay particular attention to whether these formations of the Council mention the diplomatic disagreement. Indeed, if the sectoral formations of the Council mention it, this would indicate a strong joined-up approach developed by the EU.

For the interactional level of the sectoral cooperation dimension, we investigate whether a third country's access to EU informal ministers' meetings, expert groups, and agencies has been restricted due to the diplomatic disagreement. A joined-up approach would be observed if a third country loses its access to one of these sectoral bodies because it does not comply with the EU's position on the diplomatic disagreement issue. Regarding the EU informal ministers' meetings, we find this information on the Council presidency website where they list the participants at these meetings, including the non-member states. Information on the EU expert groups can be found on the European Commission's "Register of Commission Expert Groups and Other Similar Entities".³ For the agencies, we base our analysis on the regulations governing these agencies and the bilateral agreements providing for cooperation between the third countries and the agencies. This information is found on a database of the bilateral agreements between every EU agency and a third country. It provides for the third country's access to the main and secondary bodies of the agency, as well as other information.⁴ In addition to the third countries' access to these sectoral bodies, we also analyze whether the joint-committees have been affected by the diplomatic disagreement. This research focuses on the EU's relations with associated countries. Therefore, each of these countries have signed comprehensive market access agreements with the EU. Each of these agreements establish sectoral joint-committees to oversee the implementation of the agreement and deal with potential disputes. These committees are supposed to meet whenever it is deemed necessary

³ European Commission, "Register of Commission Expert Groups and Other Similar Entities", <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups?lang=en> (Accessed on 22 August 2022).

⁴ Database created by Sandra Lavenex in the framework of a H2020 funded project "EU Integration and Differentiation for Effectiveness and Accountability" (EU-IDEA).

and at least once a year. As a result, if the EU cancels a joint-committee with a third country because of political tensions, this will constitute an instance of joined-up approach. This information can be found on the website of the third countries or raised during the interviews with DG officials and representative from sectoral ministers of the third countries. Finally, we investigate how the EU is organized internally. More precisely, we analyze whether the EU's relations with a third country are centralized and coordinated. In a first step, we build a code-document table crossing the codes type of issue with the document groups foreign policy actors and sectoral policy actors. This table, therefore, shows, for example, the number of occurrences of the code foreign policy issue in the documents belonging to the groups foreign policy actors and sectoral policy actors. The same is done for the codes diplomatic disagreement and sectoral issue. We use this table to understand if there is greater centralization on a specific issue in the conduct of the EU's external relations. Indeed, in the case of a joined-up approach, we should expect greater centralization which is observed if the majority of the diplomatic disagreement mentions are concentrated in one actor. Another indicator of centralization would be if foreign policy actors deal with all three types of issues. We could also observe if the sectoral policy actors are reluctant or not to politicize their technical cooperation with a third country depending on the frequency to which they mention a diplomatic disagreement or foreign policy issues. In a second step, we try to picture the EU's internal organization to understand if it is centralized and coordinated. A centralized organization is observed if one institution has the lead and oversees all aspects of the relations with a third country. This would be the strongest form of a joined-up approach. Indicators of a centralized approach would be if DG officials have a strict line to adopt in their relations with their counterparts from the third countries. Also, if they must report to one institution everything that happens in their relations and if they need to receive a green light before proceeding on any form of cooperation, this will represent indicators of a centralized approach. Regarding coordination, we are looking for meetings of all the EU services involved in a relation with a third country.

In this research, we restrict ourselves to the use of a joined-up approach as a "stick", i.e., cases in which the EU instrumentalizes sectoral cooperation to put pressure on a third country to comply with the EU position by rendering other options more costly. Theoretically, one can also conceive of a joined-up approach in which the EU uses sectoral ties as an incentive in the pursuit of foreign policy objectives – i.e., promising deeper cooperation in exchange for compliance. This is an interesting variant of the concept that could be addressed in future studies.

3.2.2 Operationalization, sources, and methods for the scope conditions

In this section, we present the operationalization, sources, and data collection method for our three scope conditions: the nature of the diplomatic disagreement, member states' coherence, and the economic stakes of sectoral cooperation. Our data collection method is similar to the one we apply to our dependent variable, namely a combination of content analysis and interviews. Table 4 gives an overview of our operationalization.

To operationalize our first scope condition – the nature of the diplomatic disagreement – we first identify what the disagreement is between the EU and Switzerland, Israel, and Morocco. To do so, we analyze the relations between the EU and these three countries since the early 2000s based on official publications of the EU and these three countries as well as independent sources such as scientific or journalistic articles. Once the disagreement has been identified, we determine whether it is a disagreement concerning the single market or a CSFP issue. A single market issue can e.g., concern the terms of market access. A market access agreement could take the form of an Association Agreement, that the EU signs with countries taking part in the ENP, or of an overarching institutional framework agreement as identified by Gstöhl that “attempts to ensure market homogeneity by concluding agreements with a dynamic adaptation to the *acquis*, its uniform interpretation, as well as an independent surveillance and judicial enforcement” (Gstöhl 2015: 866). On the other hand, a CFSP issue would be a policy aimed at conflict resolution, application of international law, or respect of human rights on the territory of the third country.

Member states’ coherence is analyzed at the member states as well as at the EU level. At the member states level, we examine the official positions of individual member states towards Switzerland, Israel, and Morocco. To do so, we focus on official statements or positions issued by the governments of the EU member states. When the disagreement with the third country is dealt with by other international bodies, such as the UN, we look for the official positions of the EU member states to see if they can ‘speak with one voice’ or if their position, or their vote if applicable, is different. By collecting this information, we will be able to map the individual positions of EU member states toward a third country. The objective is to find out whether EU member states support or undermine the position of the EU or other member states toward a third country. In this situation, we distinguish two possible outcomes for this scope condition. Suppose a member state does not take an official position regarding a foreign policy issue with a third country and officially states that the issue should be dealt with at the EU level or remains completely silent. In that case, we do not yet conclude that there is a lack of coherence. Indeed, the member state may prefer that the issue be dealt with collectively at the EU level, which does not undermine the coherence of the member states. However, in a situation where an EU member state abstains from voting on a resolution in another international body, such as the UN, while other EU countries take a position, we consider that this undermines the coherence of member states.

At the EU level, we investigate whether the EU is able to adopt a common position toward Switzerland, Israel, and Morocco. For this aspect, we analyze the EU’s statements toward a third country. If the EU takes an official position, this indicates coherence among its member states, as foreign policy is governed by intergovernmentalism and therefore requires unanimity among member states. Conversely, suppose the EU is unable to reach a common position and does not make a statement or declare its support for another actor to act toward a third country. In that case, this indicates that coherence has not been achieved. A more precise indicator of member states’ coherence at the EU level is whether the EU is able to issue a high-level statement on a specific issue with a third country on its own behalf or whether the statement is on behalf of the HRVP. Indeed, when consistency is not achieved between

member states, the HRVP can issue a statement. Therefore, an HRVP statement indicates a lack of coherence among member states, as opposed to a joint high-level statement between the EU and member states, which rather indicates a greater level of coherence.

Member states' coherence may vary over time. Indeed, member states may be able to agree for some time but then disagree. Our assessment of member states' coherence accounts for these possible variations. Finally, as with our dependent variable, we also use interviews to collect data on member states' coherence. We have explained our methodology for interviews above. For this specific scope condition, we ask interviewees about the role of EU member states in conducting the EU's external relations toward the third country for which they are responsible and whether they have noticed any change during their time in charge.

Finally, for our third scope condition – the economic stakes of sectoral cooperation – our research focuses on three sectors: trade, research and innovation, as well as aviation. For each of these sectors, we develop indicators for the intensity of cooperation between the EU and a third country and the degree of dependency of a third country on its sectoral cooperation with the EU. The intensity of cooperation tells us about the state of relations in that sector and the level of exchange. However, the economic stakes of sectoral cooperation are not limited to actual cooperation but must also include the potential effects of limiting or withdrawing this cooperation, i.e., degree of dependence. Indeed, the objective of the joined-up approach is to instrumentalize sectoral cooperation to pursue foreign policy objectives in an issue-linkage strategy. Therefore, in order to assess the economic stakes of sectoral cooperation, we also need to examine the dependency of a third country on its cooperation with the EU in our three specific sectors. Our definition of dependency draws on the work of Keohane and Nye (2012), which we referenced in our theoretical reasoning to formulate our third hypothesis, which identifies two dimensions in the interdependence relationships between two entities: sensitivity and vulnerability. While sensitivity is more short term and refers to the extent to which changes in one country will result in costly changes in another, vulnerability is more medium/long-term and refers to the availability or absence of alternative solutions for the actors and the relative costs that these alternatives represent (Keohane and Nye 2012: 11). As a result, we develop indicators that consider the short-term effects of the EU limiting or withdrawing sectoral cooperation in a specific area and examine the medium/long-term effects by assessing whether the country under study has alternative solutions to compensate for this limitation imposed by the EU.

The intensity of cooperation will be evaluated thanks to Eurostat data. The data for the level of dependency will be drawn from the publications of the ministries in the three third countries and Eurostat. For each of the three sectors, we use statistics from 2000 to 2021.

Regarding the intensity of cooperation in trade, we focus on import and export statistics between the EU and each country. To assess the degree of dependency, we examine the range of trading partners of the three third countries and the importance of the EU in this constellation of international trade relations. For example, suppose a third country does not have a variety of trading partners of equal importance, and instead, the EU represents its

primary trading partner by some margin. This indicates a higher dependency of the third country on its trade relations with the EU. Indeed, in such a situation, a third country would be sensitive and vulnerable, as a change in its trade relations with the EU would have adverse effects in the short term, as well as negative effects in the long term, as the lack of diversity in its international trade strategy would imply that it would take some time to find alternatives to the EU market for its international trade. As a result, the third country's heavy dependency on access to the EU market will give the EU more leverage than if it had diversified trading partners.

For research and innovation, we first look at the status of the three countries in the various EU Framework Programs for Research and Technological Development. This information can be found in the regulations of each of these programs. Second, we collect statistics on the number of EU-funded projects in which researchers from each country were able to participate and the amount of EU funding received by the third-country institutions. To assess the degree of dependency, we examine the national research and innovation strategies of the countries studied to understand the extent to which they are dependent on cooperation with the EU. This will help us to assess the vulnerability of third countries in their relations with the EU. When available, we will also look at the share of the EU contribution to the third country overall budget for research.

Finally, the EU-third country's intensity of cooperation in the aviation sector will be evaluated through the number of passengers carried between the EU and the third country per year. These data are drawn from Eurostat. For the level of dependency, we compare the share of passengers carried from and to the EU to the total number of passengers arriving in or departing from the third country. We draw these data from national sources in the third countries.

Scope condition		Indicators
Member states' coherence	MS level	<ul style="list-style-type: none"> - Official positions - Votes in other international bodies, like the UN
	EU level	<ul style="list-style-type: none"> - Official position - Capacity to issue joint statement or if statements by the HRVP
Nature of the diplomatic disagreement		<ul style="list-style-type: none"> - Nature of the disagreement: Single market or CFSP
Economic stakes of sectoral cooperation	Trade	Intensity of cooperation
		<ul style="list-style-type: none"> - Imports - Exports
	Research	Level of dependency
		<ul style="list-style-type: none"> - Range of trading partners for the third countries - Importance of the EU as a trade partner in comparison to other partners
	Aviation	Intensity of cooperation
		<ul style="list-style-type: none"> - Status in the EU FP for research - Number of participations in EU funded projects - Amount of money received by the EU
	Level of dependency	
	<ul style="list-style-type: none"> - Share of the amount obtained from the EU in the funding of national research institutions - Financial dependency on grants obtained from the EU - Alternative research and innovation partnerships 	
	Intensity of cooperation	
	<ul style="list-style-type: none"> - Number of passengers 	
	Level of dependency	
	<ul style="list-style-type: none"> - Share of passengers to and from the EU in comparison to the total number of passengers annually 	

Table 4: Operationalization of the scope conditions

3.3 Case selection

As stated in the hypotheses section, the objective of this research is to explore the innovative concept of a joined-up approach and refine the theory on the EU's external action. To do so, we have formulated two hypotheses (H1 and H2) which try to theoretically predict whether the EU will develop a joined-up approach toward a third country and its intensity (soft, strong or no joined-up approach) depending on the country's value in the two scope conditions of these hypotheses. Because this is an exploratory research, we propose to select three case studies that, according to their values for the first two scope conditions differ in their expected outcome regarding the dependent variable. This will allow us to assess whether the analytical framework is relevant for predicting whether the EU will develop a joined-up approach.

Recalling Figure 1, we have four possible combinations of the first two scope conditions and three potential outcomes for the dependent variable. To assess the three possible outcomes of

the joined-up approach, we need to select a case study with a single market related disagreement and member states' coherence, a case with a CFSP disagreement and member states' coherence, and a case with a CFSP disagreement with no member states' coherence. We omit a case study with a combination of a single market related disagreement and no member states' coherence for two reasons. First, such case is difficult to find in the history of EU external relations. Second, the expected outcome of this combination is a soft joined-up approach, similar to the CFSP disagreement and member states' coherence combination. Therefore, the soft joined-up approach will already be assessed and the missing combination for the scope conditions could be analyzed in future research when such a case study emerges.

To select the case studies, we seek variation across our first two scope conditions. Based on these variables we have chosen Switzerland, Israel, and Morocco. Table 5 illustrates the variation across our scope conditions for each case study, as well as the expected outcome regarding the development of a joined-up approach. Switzerland represents the most likely case to observe a joined-up approach. Indeed, the diplomatic disagreement between the EU and Switzerland concerns the single market and there is coherence between the member states. As a result, based on the theoretical framework, we expect the EU to develop a strong joined-up approach toward this country. Israel represents a case where we expect to observe a soft joined-up approach. The disagreement concerns a CFSP issue and there has been member states' coherence in their foreign position toward this country. However, this coherence is not always present, this is why we have noted "variation" in Table 5. Nevertheless, there have been longer periods when member states' coherence can be observed. As a result, these specific periods will allow us to evaluate whether the EU indeed develop a soft joined-up approach as predicted. Moreover, the variation in the member states' coherence will allow us to evaluate the effect within this case study of variation in this scope condition. Finally, Morocco represents the least likely case study to observe a joined-up approach by the EU. Indeed, the disagreement concerns a CFSP issue and there is no coherence among member states regarding this issue. The arguments and the data justifying this classification of our two scope conditions are presented in the introductory sections of three case study chapters.

Scope conditions	Switzerland	Israel	Morocco
Nature of the disagreement	Single market	CFSP	CFSP
MS coherence	Strong	Variation	Weak
Expected outcome	Strong joined-up approach	Soft joined-up approach	No joined-up approach

Table 5: Case studies values for the scope conditions I and II

Finally, we choose the following three sectors for our analysis: trade, aviation, as well as research and innovation. We choose the sectors from a set of most likely cases. As a result, they must be characterized by a high level of international cooperation. At the same time, the intensity of cooperation between the EU and the three countries in the sectors must vary according to the methodological criteria of the case selection. We first present the international dimension of each sector to justify their selection. Then, we present the values for each countries' intensity of cooperation with the EU in the sectors.

Trade represents one of the oldest and most attractive sectors of cooperation for third countries. It is also one of the few sectors where the EU enjoys exclusive competencies.⁵ In international comparison, the EU is “one of the three largest global players for international trade” alongside China and the United States, accounting for around 14% of the world’s trade in goods.⁶ By 2022, the EU had concluded trade agreements with 78 countries,⁷ while negotiations for agreements with 24 countries have been concluded but are awaiting signature or ratification.⁸ In addition, five more agreements are under negotiation,⁹ while negotiations for agreements with 24 countries are currently on hold.¹⁰ These trade agreements have been concluded or are being negotiated with countries all over the world, demonstrating the diversification and scope of European trade policy.

The aviation sector is inherently external. In 2020, the extra-EU air transport accounted for around 45% of the total air passenger transport from/in EU member states, ahead of intra-EU transport and domestic transport.¹¹ The EU external aviation policy is based on three pillars: horizontal agreements, a Common Aviation Area (CAA), and comprehensive agreements. The horizontal agreements aim “to bring all existing bilateral air services agreements between EU Member States and a given third country in line with EU law”,¹² while the comprehensive agreements’ goal is “to set up open aviation areas with global partners”.¹³ The CAA allows “gradual market opening between the EU and its neighbors linked with regulatory convergence through the gradual implementation of EU aviation rules”.¹⁴ The EU has been particularly active in developing its external aviation policy. It has signed horizontal agreements with 42 countries, and two more are pending signatures, while comprehensive agreements have been signed with 19 countries, and another 12 are either under negotiations,

⁵ See Article 3 TFEU for the list of the EU exclusive competences

⁶ Eurostat, International trade in goods: Statistics Explained, https://ec.europa.eu/eurostat/statistics-explained/index.php?title=International_trade_in_goods (Accessed on 1st April 2022).

⁷ European Commission, Trade Policy, Current state of play: Agreements in place, https://ec.europa.eu/trade/policy/countries-and-regions/negotiations-and-agreements/#_in-place (Accessed 1st April 2022).

⁸ European Commission, Trade Policy, Current state of play: Agreements being adopted or ratified, https://ec.europa.eu/trade/policy/countries-and-regions/negotiations-and-agreements/#_under-adoption (Accessed on 1st April 2022).

⁹ European Commission, Trade Policy, Current state of play: Agreements being negotiated, https://ec.europa.eu/trade/policy/countries-and-regions/negotiations-and-agreements/#_being-negotiated (Accessed on 1st April 2022).

¹⁰ European Commission, Trade Policy, Current state of play: Agreements on hold, https://ec.europa.eu/trade/policy/countries-and-regions/negotiations-and-agreements/#_on-hold (Accessed on 1st April 2022).

¹¹ Eurostat, Air transport statistics, https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Air_transport_statistics#Total_passenger_transport_to_2Ffrom_extra-EU_represented_almost_half_of_the_total_air_passenger_transport_in_2020 (Accessed on 1st April 2022).

¹² European Commission, Mobility and Transport, Horizontal agreements, https://transport.ec.europa.eu/transport-modes/air/international-aviation/external-aviation-policy/horizontal-agreements_en (Accessed on 1st April 2022).

¹³ Arab air carriers’ organization, EU External Aviation Policy, <https://www.aaco.org/policy/eu-external-aviation-policy> (Accessed on 1st April 2022).

¹⁴ European Commission, Mobility and Transport, A Common Aviation Area with the EU’s neighbours, https://transport.ec.europa.eu/transport-modes/air/international-aviation/external-aviation-policy/common-aviation-area-eus-neighbours_en (Accessed on 1st April 2022).

pending signature, or the negotiations have not begun or are suspended.¹⁵ In 2022, the CAA covers relations with 14 countries with the objective of further expanding its scope in the future.¹⁶

Finally, the research and innovation sector also has external ramifications, and its potential impact on EU international relations has attracted scholars' attention (Prange-Gstöhl 2018). The central aspect of international cooperation in this sector is the participation of third countries in the various European Framework Programs for research and innovation. Through a series of multi-annual Framework Programs, the EU has supported research and technological development activities since 1984.¹⁷ These programs are significant funding sources for eligible research institutions. The last program, Horizon 2020, had a budget of nearly €80 billion,¹⁸ while the new program, Horizon Europe, has a budget of €95.5 billion.¹⁹ Access to these funding opportunities is open to third countries that qualify as associated countries. The status of associated country allows entities of these countries "to participate in program actions on equal terms with entities of EU countries".²⁰ 16 third countries were associated to Horizon 2020, while negotiations have not been finished for Horizon Europe, but 18 countries have either already signed the agreement or are in the negotiation process.²¹

By selecting these sectors for our analysis, we obtain a variation regarding the intensity of cooperation in the sectors between the EU and the three countries (Table 6). Switzerland represents a case of high intensity of cooperation in every sectors. Israel is a case of medium-high intensity of cooperation, while Morocco is a case of medium-low intensity of cooperation. There is also variation between the sectors. Although trade and aviation have the same values for each country, we argue that the nature of sectoral cooperation in the aviation sector is different to the trade and research sectors. Indeed, the aviation sector can be distinguished in two different dimensions. On the one part, there is the liberalization of the markets between two partners. On the other part, there is cooperation regarding aviation safety. Therefore, we might also see variation within the aviation sector between the liberalization of markets which

¹⁵ European Commission, Atlas of the sky, https://ec.europa.eu/transport/modes/air/aos/aos_public.html (Accessed on 1st April 2022).

¹⁶ European Commission, Mobility and Transport, A Common Aviation Area with the EU's neighbours, https://transport.ec.europa.eu/transport-modes/air/international-aviation/external-aviation-policy/common-aviation-area-eus-neighbours_en (Accessed on 1st April 2022).

¹⁷ European Commission, Collaboration in Research and Methodology for Official Statistics, Research projects under Framework Programmes, https://ec.europa.eu/eurostat/cros/content/research-projects-under-framework-programmes-0_en (Accessed on 1st April 2022).

¹⁸ European Commission, Horizon 2020, https://ec.europa.eu/info/research-and-innovation/funding/funding-opportunities/funding-programmes-and-open-calls/horizon-2020_en#what-was-horizon-2020 (Accessed on 1st April 2022).

¹⁹ European Commission, Horizon Europe, https://ec.europa.eu/info/research-and-innovation/funding/funding-opportunities/funding-programmes-and-open-calls/horizon-europe_en (Accessed on 1st April 2022).

²⁰ European Commission, Horizon Europe, International cooperation, https://ec.europa.eu/info/research-and-innovation/strategy/strategy-2020-2024/europe-world/international-cooperation_en#Horizon-Europe (Accessed on 1st April 2022).

²¹ *Ibid.*

involve economic stakes, and cooperation regarding aviation safety that does not involve economic interests and aims at protecting the customers.

	Trade	Aviation	Research
Switzerland	High	High	High
Israel	Medium	Medium	High
Morocco	Medium	Medium	Low

Table 6: Countries and sectors

4. EU-Switzerland

In this chapter, we present the first case study: EU-Switzerland relations. According to the case selection rationale, Switzerland represents the most likely case to observe a joined-up approach on the part of the EU. This chapter begins with a historical overview of the bilateral relationship between the EU and Switzerland. This overview is meant to identify the historical dynamics in the bilateral relations. In this section, we therefore review key events in the evolution of the relationship between the two entities and present its current state, as well as the diplomatic disagreement: the IFA. We introduce the existing agreements between the EU and Switzerland and what they provide for, as well as Switzerland's participation in specific EU policies, i.e., Switzerland's differentiated integration into the EU. The following sections consist of the analysis of the data. We begin by analyzing Switzerland's status in the three scope conditions. This means that we identify the nature of the diplomatic disagreement between the EU and Switzerland, and assess the member states' coherence towards Switzerland and. Finally, we evaluate the intensity of cooperation between the EU and Switzerland in each of the three sectors, as well as the level of dependency of Switzerland on collaboration with the EU. After examining the scope conditions, we analyze the dependent variable according to the two dimensions we developed in the conceptualization: foreign policy, and sectoral cooperation. Before concluding the chapter, we propose a synthesis of the results and try to identify the causal links between the scope conditions and the results for the object of inquiry, i.e., the joined-up approach.

4.1 Historical relations

This section provides the historical context of EU-Switzerland relations and herewith introduces the issues the EU might be trying to settle via a joined-up approach.

Geographically located in the middle of the European continent and sharing borders with three of the six founding members of the EEC, Switzerland has always maintained relations with the European construction process. Switzerland's position toward European integration is characterized by a trade-off between the desire to maximize the gains of economic integration while minimizing the loss of sovereignty (Dardanelli and Mazzoleni 2021). This policy line adopted by Switzerland with regard to its European policy has gradually led to a unique form of partnership in the EU's external relations: the bilateral way. In this section, we introduce the historical evolution of relations between Switzerland and the EEC, and then the EU, since their creation. We also present the structure of the agreements currently in force as well as their institutional setting and expose the diplomatic disagreement that has arisen between Switzerland and the EU in recent years: the Institutional Framework Agreement.

We distinguish four main periods in the evolution of Swiss-EU relations. In the first period, the Swiss policy of maximizing its economic integration while limiting any loss of sovereignty led to Switzerland's participation in an economic association, parallel to the EEC, based on

free trade agreements: the EFTA. The second period of relations between Switzerland and the EU is characterized by a membership application submitted in 1992, followed by the rejection of membership in the EEA by popular vote the same year. This failure to join the EEA led to the search for an alternative path to European integration: the bilateral way. The creation and development of the bilateral way constitutes the third period of Swiss-EU relations. Finally, since the 2010s, we have witnessed a greater politicization and the emergence of tensions in Switzerland-EU relations. It is in this context that the diplomatic disagreement between the EU and Switzerland arose: the IFA.

4.1.1 First period: Multiple failures of multilateral initiatives and the free trade agreement (1957-1972)

The first period of relations between Switzerland and the EEC covers the years between 1957 and 1972. 1957 is the starting point for our historical overview of the relationship between Switzerland and the EU. Indeed, it was the year that the EEC was created by the signing of the Treaty of Rome by the six founding members. The objective of the EEC was to create a customs union and a common market between its members. This meant the establishment of a common external tariff among the member countries and the unification of their trade policy toward the rest of the world. Switzerland ruled out membership in the EEC for both economic and political reasons. On the economic side, the Swiss Federal Council was reluctant to give up its autonomy in foreign trade policy and agricultural policy (Federal Council 1960: 888-90). It was also averse to adopting the common external tariff as it argued that the tariff would weaken Switzerland's position as a global trading country and would oblige it to apply to the rest of Europe, with which it has collaborated within the framework of the Organization of European Economic Cooperation (OEEC), a less favorable customs and commercial treatment (Federal Council 1960: 888-90). Other European countries joined Switzerland in their opposition to adhering to the political EEC organization (Schwok 2015: 13). However, although these countries were reluctant to join, they also realized that it was not in their economic interest to remain isolated on the margins of the integration process initiated by the founding countries of the EEC and that they risked discrimination in accessing the European market (Kaiser 1997: 8). This was particularly true for Switzerland, whose economy was heavily dependent on exports and imports with the six founding members of the EEC (Kaiser 1997: 11-2).

As a result, Switzerland, and the other non-EEC European countries, sought alternative solutions that would secure access to European markets without the political dimension of the EEC. Switzerland's preferred solution was the creation of "a large multilateral free-trade accord with the Organization of European Economic Cooperation that would include both the pro-integration and the free-trade camps" (Dupont and Sciarini 2001: 215). For Switzerland, this solution "provided the best balance between the preferences of the government and the domestic and external environments" (Dupont and Sciarini 2001: 216). However, this multilateral initiative was highly dependent on the capacity of the United Kingdom and France to agree. This initiative collapsed in 1958 when the French government decided to withdraw from the negotiation process.

Despite the failure of the multilateral initiative, it was essential for the Swiss government to find an alternative solution to the EEC to protect its economy and secure its market access. In 1960, the Swiss government emphasized that “by remaining outside the European Economic Community, Switzerland will feel the consequences of discrimination mainly where it meets competition from goods produced in the Community and where the common external tariff will have a significant influence on the conditions of competition” (Federal Council 1960: 878). A solution envisaged by the Swiss government was the signature of a free-trade agreement with the EEC. As Dupont and Sciarini argue, this solution was the most beneficial for Switzerland as “it could bring large economic gains without the political costs linked to more ambitious solutions” (Dupont and Sciarini 2001: 216). However, this solution was not chosen by Switzerland. Because of the size of its economy compared to the EEC countries, it would not be in a strong position during the negotiations (Federal Council 1960: 890). Moreover, the General Agreement on Tariffs and Trade (GATT) rules that Switzerland and the EEC countries had to respect limited the field of possibilities, and the possible solutions respecting these rules were not opportune for Switzerland (Federal Council 1960: 890). Finally, uncertainty about the behavior of other states was high, and there was a chance that the preferred options for Switzerland would face rejection by the EEC (Dupont and Sciarini 2001: 217).

The third option, alongside adhesion to the EEC and bilateral agreement, was the creation of a multilateral association creating a free trade area among European countries not taking part in the EEC. The Swiss government opted for this solution. One of the arguments of the Swiss government in support of the creation of a multilateral association based on the principle of free trade was that such an association would allow for deeper economic integration while maintaining independence (Federal Council 1960: 892). As a result, Switzerland, along with the United Kingdom, Sweden, Norway, Austria, and Portugal, participated in the discussions and the creation in 1959 of the EFTA. However, EFTA’s objectives were more limited in terms of integration than the EEC. Whereas the EEC aimed to create a customs union and a common market, the EFTA agreement was limited to abolishing customs duties and quotas on industrial products (Schwok 2015: 14).

However, the EFTA was soon undermined by the policy reversal of some of its members, notably the UK. Motivated by the rapid economic growth of the EEC countries, the UK applied for EEC membership in 1961, closely followed by Denmark. These turnarounds by two EFTA’s founding members weakened the ability of the nascent association “to create a credible ‘antipole’ to the EEC” (Kriesi and Trechsel 2008: 173). As a result, Switzerland, alongside Austria and Sweden, the two other EFTA neutral countries, submitted a request in December 1961 to open negotiations for an association with the EEC. This association project was very ambitious and marked a significant change in Switzerland’s European policy. It was not based on a simple removal of obstacles but instead on an active approach to creating an integrated European market (Zbinden 1992: 229). The project went as far as suggesting that Switzerland could apply the common external tariff, with some exceptions, and thus join the customs union (Dupont and Sciarini 2001: 218; Zbinden 1992: 236). Discussions on this association project were suddenly aborted in 1963 after French President De Gaulle vetoed the British application for membership.

In 1967, three EFTA states (the UK, Denmark, and Norway) as well as Ireland re-applied to join the EEC. Their membership prospects became more evident in 1969 following the resignation of President De Gaulle and the election of his successor, Pompidou, who declared himself in favor of the enlargement of the EEC. The future accession of three EFTA states (Norway eventually did not join after its people refused membership in a referendum) to the EEC impacted the remaining EFTA members and prompted them to start a new process of reflection on their relationship with the EEC. Indeed, the imminent accession of the UK and Denmark meant that either tariffs would have to be reintroduced between the EFTA states and their former members, or the EEC and the remaining EFTA states would have to abolish customs duties between themselves (Schwok 2015: 15). The second option was chosen, and a free-trade agreement was concluded in 1972 between Switzerland and the EEC, which provided for the abolition of customs duties on industrial goods and certain processed agricultural products. This is a classic trade agreement providing for market access without any form of political integration. It is also static, meaning it “does not require periodical updates to ensure its proper functioning” (Oesch 2018: 24).

This first period of relations between Switzerland and the EEC is characterized by multiple failures of multilateral initiatives. The Swiss government rejected the idea of accession because it involved too great a political cost. Instead, it gave priority to economic integration. The failure of the multilateral initiative within the OEEC, and the weakening of the EFTA following the UK and Denmark accession to the EEC, thus led to the signing of a free trade agreement between Switzerland and the EEC.

The first period of relations between the EU and Switzerland is therefore illustrative of the long-standing Switzerland’s approach towards European integration, namely reluctance to develop political ties with the EU, and instead prioritizing economic and depoliticized relations.

4.1.2 Second period: From the negotiation to the rejection of the European Economic Area (1986-1992)

After the signature of the free trade agreement in 1972, Switzerland-EU relations were characterized by a period of stagnation, which was linked to a stagnation of the European integration process itself (Kriesi and Trechsel 2008: 174). As a result, it was not until the mid-1980s and the adoption of the Single European Act (SEA) that the European integration process was relaunched and, with it, relations between Switzerland and the EU. In a report on Switzerland’s position in the process of European integration, the Federal Council underlined in 1986 that “as new specific sectors become the subject of Community activity and as the economic potential of the EEC grows and becomes more important than that of the EFTA states, the environment for European cooperation may become less favorable for Western European states outside the European Community” (Federal Council 1988: 319). However, despite these evolutions in the European integration process, the Swiss government concluded that it was not necessary to change its European policy radically and that cooperation should

be developed in a pragmatic way (Federal Council 1988: 364). As a result, the Federal Council still considered the median way of integration, i.e., selective economic agreements without adherence and political commitment, as the best solution.

However, in 1989, Jacques Delors proposed to relaunch the prospect of closer cooperation with the EFTA countries, which had been initiated in the Luxembourg Declaration of 1984. In addition to the possibility of continuing cooperation in its then-current form of bilateral relations aimed at the creation of a free trade area between the European Community and EFTA, Delors proposed a second solution which consisted of a “more structured partnership with common decision-making and administrative institutions” (Delors 1989: 14). This second option was to create the EEA. Switzerland and the EFTA countries well-received Delor’s proposal. The Swiss government saw the EEA as the best solution to pursue its economic integration with the EEC without the political costs of membership. The Swiss government’s positive reception of the EEA proposal is also explained by the fact that “the Federal Council was confident that the EEA would grant co-decision powers to EFTA members over the evolution of the economic area” (Dupont and Sciarini 2001: 222). However, the negotiations soon raised several issues for Switzerland. The EEC made it clear that no specific derogation likely to threaten the homogeneity of the European market would be granted to any EFTA country and that relations would move from a bilateral negotiating logic to a multilateral one that would prevent any country from requesting specific requirements (Dupont and Sciarini 2001: 222–3; Kriesi and Trechsel 2008: 175). Moreover, the Swiss government had been confident that a co-decision right could be obtained (Blankart 1989), which raised unrealistic expectations among the Swiss people for the final text of the EEA (Dupont and Sciarini 2001: 223). The co-decision right was finally not granted, and the EEC and its member states dominated the new EEA institutions.

The final text of the EEA Treaty did not please the EFTA countries. Although this treaty allowed the EFTA States a stronger integration into the European market by aiming at eliminating technical barriers to trade without having to join the EEC, it also included some concessions of influence and even sovereignty for the EFTA States, notably at the level of its institutional structure. Indeed, this treaty implied that the EFTA States would have to take over the *acquis communautaire* in the fields covered by the agreement as well as the interpretations made by the European Court of Justice. As regards the future development of the *acquis communautaire*, there was an obligation for the EEC to consult the EFTA countries, but without the right to vote, and therefore without the right of co-decision (*decision shaping*, not *decision-making*) (Schwok 2015: 18–9).

Because they were dissatisfied with the final text of the EEA, five EFTA states, including Switzerland, asked to start accession negotiations with the EEC (Austria in 1989, Sweden in 1991, Finland, Norway, and Switzerland in 1992) (Kriesi and Trechsel 2008: 175). This reversal by the Federal Council radically altered its credibility and support for the EEA treaty. Indeed, although a majority of the Swiss population and the Swiss Assembly were in favor of EEA membership when the treaty was signed in May 1992 (Dupont and Sciarini 2001: 224; Kriesi et al. 1993), various actions of the Federal Council have led to confusion and ultimately

undermined the popular support for the EEA. On the one hand, Switzerland publicly acknowledged that the EEA agreement had shortcomings, mainly at the institutional level, as it “did not respect in all its elements the principle of reciprocal rights and obligations of the contracting parties, and in particular did not provide for any co-decision” (Federal Council 1992a: 46; Kriesi and Trechsel 2008: 176). On the other hand, the Federal Council made a striking change in its European strategy by announcing at the press conference following the conclusion of the EEA negotiations on October 21, 1991, at 3 a.m. that EEA membership was only one step in Switzerland’s integration process and that the ultimate goal was membership of the EEC (Miéville 2013: 44). An official report later confirmed this new two-stage European strategy stating that full membership of the EEC was the ultimate goal of the Swiss government (Federal Council 1992b). These political miscalculations of the Swiss government had a significant impact on the vote of December 6, 1992, on the EEA membership (Miéville 2013).

The political campaign on the EEA vote also played a crucial role in the result of December 1992. The campaign leading up to the vote has been described as the most intense and passionate in Swiss politics to date (Miéville 2013: 70). Although the main political parties were all in favor of the EEA agreement, the Zurich section of the Swiss People’s Party, under the leadership of Christoph Blocher, took everyone by surprise by announcing in July 1992, before the deliberations of the Federal Assembly and the party’s own national bodies, that it opposed the EEA Treaty (Kriesi and Trechsel 2008: 176; Schneider and Hess 1995: 102). This surprise announcement, which came even before the campaign was officially launched, meant that the opponents of the EEA occupied the field first and developed a monopoly of arguments on attractive topics (Schneider and Hess 1995: 102). Moreover, this had the effect of putting the opposite camp, i.e., the supporters of the EEA, on the defensive by forcing them first to have to refute the arguments of the Zurich Swiss People’s Party before developing their own (Miéville 2013: 62–3). Finally, the main political parties were slow to take a position and launch their campaign. While the campaign was already very intense since the beginning of September, it was only in October that the parties proceeded to the vote to officialize their position (Miéville 2013: 74–6). Although three of the four government parties voted overwhelmingly in favor of the EEA treaty - the Swiss People’s Party being the only one to vote against it by a narrow margin - it was already too late. Finally, the EEA Treaty was rejected in December 1992 by the Swiss people and cantons. In reaction to the vote, the Federal Council announced in February 1993 its intention to freeze the opening of accession negotiations (Federal Council 1993: 768–9).

The second period of the relations between Switzerland and the EEC is defined by hesitations and political reversals of the Federal Council. While after the signature of the SEA, it pronounced itself in favor of the continuity of its European strategy, namely a selective economic integration “à la carte” without political commitment; its position changed drastically with the EEA project proposed by the EEC. Indeed, the Swiss government favored the EEA and saw it as an intermediate step before accession, the new final goal of Swiss European policy. This was the first and only time that the Swiss government envisaged political cooperation with the EEC and no longer a purely sectoral approach. However,

political miscalculations by the Federal Council coupled with a poor political campaign led to the Swiss people's rejection of EEA membership in December 1992. The Federal Council then returned to its original position of developing sectoral and economic cooperation with the EEC without the political dimension of membership.

4.1.3 Third period: The development of the bilateral way (1993-2014)

After the disappointment of December 1992, the Federal Council had four options for its European strategy: adherence to the EEC, new negotiation and vote on the EEA, bilateral agreements, or the status quo (Dupont and Sciarini 2001: 225). Following the Swiss people's opposition to joining the EEA, the first two options were not feasible for the Federal Council if they wanted to respect the popular will. The fourth option, the status quo, was also not considered a viable option as Switzerland needed to secure access to the European market for its economy. Indeed, the *Alleingang* "would run counter to the efforts for stability, solidarity and common prosperity that have been made, and would be contrary to the objectives of the integration policy pursued since the last world war" (Federal Council 1993: 767). As a result, the negotiation of bilateral agreements seemed the only credible option that would allow Switzerland to pursue its economic integration with the EEC. However, the talks were not going to be easy. Indeed, the Swiss demand for bilateral negotiations on specific sectors was very similar to the type of relationship that the EEC had wanted to avoid with the EEA proposal. Under the EEA, the EFTA states had to speak with one voice, an institutional framework was implemented, and national exceptions were not allowed. Moreover, Switzerland was clearly in a position of demand in these negotiations (Miéville 2013: 110), which strengthened the EEC and could announce tough negotiations.

In February 1993, the Federal Council proposed opening negotiations for bilateral agreements covering fifteen sectors (Federal Council 1999: 5449). In November 1993, the General Affairs Council of the EU (which replaced the EEC with the entry into force of the Maastricht Treaty) accepted the opening of negotiations in seven sectors. Among these seven sectors, five of them were part of the fifteen sectors requested by Switzerland: land transport, air transport, research, technical barriers to trade, and public procurement. The EU also added two domains not included in the Swiss request: the free movement of persons and agriculture. Furthermore, "the EC insisted on the 'parallelism of the talks', that is that any agreement on a given topic was dependent on the acceptance of an agreement in another issue area" (Dupont and Sciarini 2001: 225). Finally, the EU also required that not only should the negotiations be conducted in parallel but also that a *guillotine clause* should be included, meaning that if one of the agreements were to be terminated at some point, so would the other six. This clause was intended to protect the agreement on the free movement of persons, which the Federal Council hoped to be able to terminate seven years after it entered into force while retaining the other six agreements (Schwok 2015: 29).

Just as negotiations were about to begin in early 1994, a new popular vote in Switzerland complicated its relations with the EU again. On February 20, 1994, the Swiss people accepted

the “Alpine initiative”, which aimed to impose that goods transiting through the Alps should be transported by rail.²² The text of this initiative seemed incompatible with a bilateral transit agreement concluded with the EU in 1992. The EU’s immediate reaction was to suspend its preparations for the opening of negotiations on the bilateral agreements. It was not until nine months later that the talks on the bilateral agreements could finally begin after the Swiss government assured the EU that the implementation of the initiative would not discriminate against European partners (Kriesi and Trechsel 2008: 178). Once the negotiations began, they proved to be challenging. Indeed, two issues appeared to be particularly sensitive: free movement of persons and road transport (Dupont and Sciarini 2001: 225–6). In addition, Swiss direct democracy meant that a referendum on certain aspects constantly threatened the negotiations. As the negotiations were conducted according to the principle of parallelism, and the *guillotine clause* conditioned their implementation, if a referendum against one of the agreements succeeded, the other six agreements could not enter into force. Therefore, the Swiss government decided to involve all the interest groups affected by these agreements and guarantee them compromises and compensatory measures (Kriesi and Trechsel 2008: 179; Oberer 2001: 56). In this way, the Federal Council secured support within the country and increased the likelihood that the negotiated agreements, once signed, would be approved (Oberer 2001: 56). This tactic proved successful as the seven bilateral agreements (the bilateral agreements I) signed in June 1999 were accepted in May 2000 by 67.2 percent of the Swiss population. They came into force on June 1, 2002.

In the final act of the bilateral agreements I, Switzerland and the European Union had issued a joint declaration on future additional negotiations. They had then declared “their intention to enter into negotiations with a view to concluding agreements in areas of common interest such as the updating of Protocol 2 of the 1972 Free Trade Agreement, Swiss participation in certain Community programs for training, youth, media, statistics and the environment” (Council of the European Union 1999: 10). Switzerland also unilaterally underlined its interest in intensifying cooperation in migration and asylum policy, which corresponds to the Schengen and Dublin agreements (Federal Council 2004: 5594). Although the EU was initially skeptical about holding new negotiations, it finally kicked off this latest round of talks on a new package of bilateral agreements in June 2001. This was because the EU itself was interested in deepening cooperation with Switzerland in two areas: Swiss participation in the planned system of cross-border taxation and collaboration in the fight against fraud in indirect taxation (Federal Council 2004: 5594; Kriesi and Trechsel 2008: 180). Switzerland agreed to enter into negotiations on the basis of the EU’s requests, but with three conditions: the interests of the Swiss financial center, and in particular the guarantee of banking secrecy, had to be safeguarded; the negotiations also had to cover the issues identified in the declarations of intent issued at the time of the signing of the first package of bilateral agreements; the negotiations had to be conducted following the principle of parallelism, according to which only the parallel conclusion of all the dossiers could be envisaged, a principle that had already been applied at the request of the EU this time in the negotiations on the bilateral agreements I (Federal Council 2004: 5594; 5597; Kriesi and Trechsel 2008: 180).

²² Admin, « Initiative populaire fédérale pour la protection des régions alpines contre le trafic de transit », <https://www.bk.admin.ch/ch/f/pore/vi/vis204t.html>, (Accessed on 13 April 2022).

Switzerland and the EU opened discussions on ten domains in June 2002: taxation on savings, combating fraud, Schengen/Dublin, processed agricultural products, environment, statistics, media, education, pensions, and services. Whereas the negotiations were quick on six agreements, four other files were challenging for the negotiators: Schengen/Dublin, taxation on savings, combating fraud, and services. In March 2003, both sides agreed to withdraw the liberalization of services from the negotiations because of too many obstacles (Federal Council 2004: 5594). The sensitive issues in the other areas mainly concerned the exchange of information in connection with tax offenses in the context of mutual legal assistance and administrative assistance (Federal Council 2004: 5594). Finally, both sides reached a political agreement on all outstanding issues in May 2004, and the nine agreements, the bilateral agreements II, were signed in Luxembourg on October 26, 2004. Overall, Switzerland succeeded in obtaining what it wanted, namely a new global package of agreements covering areas of interest to Switzerland, especially Schengen/Dublin, while ensuring the protection of the Swiss financial center and especially the safeguarding of its banking secrecy (Kriesi and Trechsel 2008: 180).

The bilateral agreements II differed from their predecessors as a *guillotine clause* did not link them. As a result, they were submitted individually to the Swiss Parliament, and a referendum against one of the agreements would not threaten the eight others. In fact, only one referendum was launched: against the agreement associating Switzerland to the Schengen and Dublin areas. The campaign against this agreement was principally led by the Swiss People's Party and the Association for an Independent and Neutral Switzerland. They argued that this agreement would imply a loss of sovereignty for Switzerland, the submission to foreign judges, a risk of Switzerland moving towards EU membership and that the disappearance of border controls would lead to an invasion of foreigners and the unrestricted immigration of criminals (Schwok 2015: 61-2). On the other hand, the rest of the Swiss political class was united, as rarely in history, to defend this agreement, putting forward arguments such as the improvement of living conditions for Swiss citizens and Switzerland's security (Schwok 2015: 62). The referendum on Schengen/Dublin took place on June 5, 2005, and 54.6% of voters voted in favor of the agreement.

The scope and institutional setting of the bilateral agreements (I and II) are much more developed than the 1972 free-trade agreement. In various respects, they also differ from other forms of deep association and the EEA (Church 2007; Gstöhl 2002; Lavenex 2011; Lavenex and Schwok 2015). First, bilateral agreements have only been concluded in areas where both parties share an interest in cooperation. Second, and contrary to the EEA, commitments under the bilateral agreements are, with the exception of the air transport and Schengen/Dublin agreement, static as they lay down the scope of necessary regulatory adaptation at the time of their conclusion (Lazowski 2006: 168, 172).

Most bilateral agreements are based on the mutual recognition of the 'equivalence of legislation'. This means that the 'equivalent' Swiss laws are explicitly listed in the annexes to the sectoral agreements. In the case of legislative revisions, equivalence must be reassessed. In practice, however, Switzerland has been assessing the 'euro-compatibility' of each legislative

act prior to adoption since 1992; which constitutes a kind of voluntary adaptation to the *acquis* (dubbed 'autonomer Nachvollzug') (Church 2000; Gava et al. 2014; Gava and Varone 2012, 2014; Honegger 2004: 43–4; Jenni 2014; Maiani 2013).

Under the bilateral agreements, the contracting parties are responsible for ensuring implementation in their respective territories, except for the air transport case, which recognizes the jurisprudence of the Court of Justice of the European Union (CJEU) and provides for dynamic legislative alignment with the EU *acquis*. In essence, the implementation of the bilateral agreements is based on the international law principle of 'good faith'. In order to deal with potential challenges arising in implementation, joint committees have been set up under each agreement. These committees are composed of experts from the responsible DGs and the Swiss administration. They deal with potential disputes and can incorporate new EU legislation into the bilateral agreements, subject to the prior consent of the Swiss Federal Council. The agreements on air transport and free movement of persons also include a reference to relevant CJEU Case Law, and the respective joint committees can decide on the inclusion of subsequent case law (Lazowski 2006: 168). Meanwhile, Swiss Courts still diverge on whether they are under an obligation to take over further developments of the EU *acquis* or not (Tobler 2021).

At least formally, the political monitoring procedure respects Switzerland's sovereignty as it avoids subjugation under a supranational jurisdiction. The only exception is the agreement on air transport, which is a partial integration agreement. It is, as noted above, dynamic because it provides for the steady incorporation of new EU legislative acts, and it is subject to the monitoring and control functions of the European Commission and the CJEU.

In sum, EU-Switzerland relations have evolved along a functionalist, expert-based interaction 'from below' in a fragmented set of sectoral agreements. This fragmentation comes with a particular degree of complexity and a lack of political leadership, which has posed challenges to overall strategic action, prompting the European Commission to seek a more centralized institutional relationship (see below).

The bilateral agreements also foresee Switzerland's participation in the decision-shaping process, but in a more restricted manner than for the EEA EFTA states for instance. The formal rules are contained in a declaration on participation in the committees annexed to the bilateral agreements, which stipulates that Switzerland has the right to participate as an 'active observer' with a right to speak, but not to vote, in the areas of research, air transport, social security and the recognition of diplomas (Grolimund and Vahl 2006: 47; Honegger 2004: 45). Association with the Schengen and Dublin Agreements involves the most far-reaching participation rights as Swiss officials have direct access to all relevant Council working parties, yet without the right to vote (Lavenex 2015). In all other areas, the Commission has to consult with Switzerland on legislative proposals that further develop the *acquis* in areas in which legislation is equivalent. Once the legislation has passed the pre-pipeline stage, the possibilities to influence it decrease markedly, in contrast to the arrangement found under the EEA (Grolimund and Vahl 2006). This holds in particular for the elaboration of the implementing

legislation in the comitology committees. The Commission has to consult Swiss experts when drafting legislation in the areas relevant to the bilateral agreements, and it mentions the Swiss positions in the pursuant Committee discussions. However, in contrast to the EEA EFTA states, the informal practice allowing EEA EFTA experts to assist comitology meetings as observers has not been extended in a general manner to Switzerland. Whereas the sectoral DGs have often been in favor of this informal practice and have repeatedly allowed Swiss participation on an ad hoc and informal basis, the Legal Service of the Commission and DG Relex/the EEAS have been increasingly disinclined to accept these special solutions for non-members (Honegger 2004: 88). As we argue further below, tensions resulting from negotiations on an overarching institutional framework agreement and the Brexit process have reinforced these tendencies.

Swiss presence in EU agencies is also significantly more limited than EEA EFTA states. Switzerland participates in the Agency for Air Transport Security and the European Environmental Agency. Association with the Schengen and Dublin Agreements in Justice and Home Affairs has also implied the conclusion of cooperation agreements with Europol, the European Police College CEPOL, the prosecution agency Eurojust and the borders agency Frontex. With the progressive implementation of the bilateral agreements, Switzerland has expressed interest in joining more EU agencies, for instance, in the fields of medicines or energy regulation (Schweizerische Eidgenossenschaft 2010). However, in the absence of agreement on a central institutional treaty (see below), the European Commission has refused to formalize Swiss access to other decentralized agencies.

After the refusal of the EEA, Switzerland successfully developed an alternative path of integration into the EU market through bilateral agreements. Whereas the EU insisted in the EEA framework on the multilateral dimension of the negotiations and excluded national exceptions, the two packages of agreements signed in 1999 and 2004 allowed Switzerland to negotiate bilaterally and with a solely sectoral approach without any political dimension. From the Swiss perspective, this model has provided the Swiss economy with satisfactory access to the single market. In addition, the negotiated issue-specificity of the bilateral agreements, their mainly static nature as well as the lack of supranational enforcement mechanisms promised stronger preservation of Swiss sovereignty vis-à-vis the EU than existing alternatives such as the EEA, even if, in reality, sovereignty has been compromised by the practice of autonomous adaptation to the *acquis*. Relations between Switzerland and the EU at the beginning of the 21st century were therefore led by technocrats and concerned very specific technical issues. However, over the last decade, this delicate compromise has increasingly come under pressure from domestic politicization and the EU's demands to conclude an overarching institutional framework agreement.

4.1.4 Fourth period: Politicization, tensions, and the emergence of the diplomatic disagreement (2014-...)

While the bilateral way has served Switzerland's objectives of pursuing economic integration with the EU without political and supranational components, it has come under increasing pressure in Switzerland and the EU. In Switzerland, five popular votes threatening the bilateral agreements have occurred since 2014. In the EU, Brussels has also expressed growing dissatisfaction with the structure of the bilateral agreements, calling for a new institutional framework for Switzerland-EU relations. In this section, we cover the contestation and politicization of the bilateral agreements in Switzerland. We also address the issue of the institutional framework and the EU's challenge to the current structure of the bilateral agreements which constitutes the diplomatic disagreement between the EU and Switzerland identified.

In February 2014, a popular initiative 'against mass migration' submitted by the Swiss People's Party was accepted by 50.3% of Swiss voters. The text of this initiative provided that quotas and annual caps should limit all immigration to Switzerland.²³ These provisions had an impact mainly on EU and EFTA nationals, as non-EU citizens were already subject to strict quotas and faced discrimination through the principle of national preference in hiring (Schwok 2015: 46). As a result, the text of this initiative was incompatible with the agreement on the free movement of persons. If the Swiss government implemented the initiative *stricto sensu*, it would have had to revoke the agreement on the free movement of persons. Since the bilateral agreements I, of which the agreement on the free movement of persons is a part, are linked by the *guillotine clause*, the revocation of this agreement would have led to the termination of the other six agreements that are part of the first package. Moreover, the initiative also prevented Switzerland from signing any new international agreement contrary to the new articles.²⁴ This clause had a straightforward implication for the bilateral relations as Switzerland was, at the time, expected to sign the protocol extending the EU-Swiss agreement on the free movement of persons to Croatia. Because of the aforementioned clause, the Swiss government could not sign the protocol. The EU conditioned the signature of this Protocol to Switzerland's participation in Erasmus + and Horizon 2020 (European Commission 2014: 27:30). As a result, Switzerland was excluded by the EU from participation in the Erasmus + program and was only partially associated to Horizon 2020.²⁵

The acceptance of this initiative by the Swiss citizens created tensions in EU-Switzerland relations and threatened the bilateral way. Therefore, the Federal Council had to find a solution so that the implementation of the initiative approved by the Swiss people would be compatible with the agreement on the free movement of persons. After almost three years of difficult internal discussions, the Federal Council found a solution in December 2016 to

²³ Initiative populaire fédérale 'Contre l'immigration de masse', <https://www.bk.admin.ch/ch/f/pore/vi/vis413t.html> (Accessed on 10 January 2022).

²⁴ *Ibid.*

²⁵ Initially, Switzerland was supposed to be excluded. Much negotiation was needed to reintegrate Switzerland partially.

implement the initiative without revoking the agreement on the free movement of persons.²⁶ The implementation law stipulated that in sectors where the unemployment rate of the Swiss population exceeds a certain threshold, employers are obliged to communicate vacancies first to Swiss residents. However, it did not contain an obligation to favor Swiss applicants. As a result, this implementation law did not impose any quotas on EU/EFTA workers and was compatible with the agreement on the free movement of persons. With this balancing act, the Federal Council was able to save the bilateral agreements I and sign the protocol concerning Croatia in order to return to a full association status in Horizon 2020.

However, the respite for the bilateral agreements was short-lived. Indeed, four other votes, more or less directly threatening certain aspects of Switzerland-EU relations, took place between 2018 and 2022. In 2018, the Swiss people's Party filed an initiative 'for self-determination'. The text of this initiative provided that the Swiss Constitution takes precedence over international law. In the event of a conflict between Swiss and international law, the authorities shall ensure that the obligations under international law are brought into line with the Constitution. If negotiations with other parties fail, the treaty shall be 'if necessary' terminated (Federal Council 2018a: 20). Although the initiative was aimed at the European Court of Human Rights, its acceptance would also have had repercussions on Swiss-EU relations and the bilateral agreements. Indeed, giving priority to the Swiss Constitution over international law could have the effect of abrogating the arrangements that Switzerland and the EU have been able to reach after Swiss initiatives threatened certain bilateral agreements, e.g., the Alpine initiative (Kammermann et al. 2018: 3-4). The initiative was rejected by 66.3% of voters.

In May 2019, a referendum was launched against Switzerland's implementation of an amendment to the EU firearms directive. This referendum directly threatened the Schengen/Dublin agreements of the bilateral agreements II. Indeed, this amendment to the firearms directive was made following the terrorist attacks in Europe and aimed to tighten access to firearms for individuals (Federal Council 2019a: 40). All the states belonging to the Schengen area were obliged to implement this directive because it was part of the cooperation in the field of information exchange for security within the Schengen area. If the Swiss people rejected the implementation of the amendments to the EU directive, then Switzerland's participation in the Schengen/Dublin system would be terminated unless the joint committee decided otherwise within 90 days.²⁷ However, the Swiss people accepted the implementation of the amendment to the EU firearms directive by 63.7%, and, as a result, Switzerland's participation in the Schengen/Dublin area was maintained.

The Swiss People's Party filed a new initiative in August 2018 that sought to end the free movement of people. Unlike the 2014 initiative, which was only indirectly aimed at this

²⁶ See Implementation of Art. 121a Cst. Federal Council adopts ordinance amendments <https://www.sem.admin.ch/ejpd/fr/home/actualite/news/2017/2017-12-081.html> (Accessed on 10 January 2022).

²⁷ Art.7, Accord entre la Confédération suisse, l'Union européenne et la Communauté européenne sur l'association de la Confédération suisse à la mise en œuvre, à l'application et au développement de l'acquis de Schengen, RS 0.362.31, <https://www.fedlex.admin.ch/eli/cc/2008/113/fr>, (Accessed on 16 April 2022).

agreement with the EU, and which allowed the Federal Council to implement the initiative while saving the agreement, the objective of this new initiative was clearer. Indeed, the text provided that “in case of acceptance, the Federal Council must conduct negotiations with the EU so that the agreement on the free movement of persons ceases to be in force within twelve months and if this objective is not achieved, the Federal Council must denounce the agreement within an additional period of thirty days” (Federal Council 2020: 24–5). As a result, this initiative directly threatened the seven agreements included in the bilateral agreements I, because of the *guillotine clause*. In case of acceptance, Switzerland should have gone back to a model of a sovereign country that regulates immigration autonomously and would have lost its privileged access to the European market obtained through the six other agreements of the first bilateral package. Swiss voters rejected this initiative in September 2020 by 61.7% thus reaffirming their commitment to the bilateral way.

Finally, in May 2022, a referendum was launched against a project to enlarge Frontex.²⁸ The EU project to enlarge Frontex aimed to strengthen its agency in terms of funding and personnel. As a member of Schengen/Dublin, Switzerland had to take over the new EU regulation which put this reinforcement into practice. If Switzerland’s adoption of the regulation had been rejected in a referendum, Switzerland would have risked being excluded from Schengen/Dublin. On May 15, 2022, the Swiss people accepted to take over the EU regulation by 71.5% of the votes.

As a result, multiple initiatives and referenda increased pressure on the bilateral way in Switzerland. However, this dissatisfaction with the bilateral way was not limited to Switzerland but could also be observed on the EU side. The first signs that the Swiss model of bilateral agreements would not hold for long can be traced back already to the year 2008, four years after the conclusion of the second package of bilateral agreements. In its biennial conclusions on the EU’s relations with Switzerland, the Council stated that “taking part in the internal market requires a homogenous and simultaneous application and interpretation of the constantly evolving *acquis*” (Council of the European Union 2008a: 31). In 2010, the Council went one step further and explicitly declared its dissatisfaction with the bilateral agreements: while the “system of bilateral agreements has worked well in the past, the key challenge for the coming years will be to go beyond that system, which has become complex and unwieldy to manage and has clearly reached its limits” (Council of the European Union 2010a: 48). The Council insisted that dynamic adaptation to the evolving *acquis*, homogeneous interpretation, surveillance and judicial enforcement mechanisms, as well as a dispute settlement mechanism, should be incorporated into the EU-Switzerland agreements (Council of the European Union 2010a). The Council reaffirmed its previous conclusions in 2012. It concluded that “the approach taken by Switzerland to participate in EU policies and programs through sectoral agreements in more and more areas in the absence of any horizontal institutional framework, has reached its limits” (Council of the European Union 2012a: 31).

²⁸ Confédération Suisse, Département fédéral des finances, “Reprise du règlement de l’UE relatif au corps européen de garde-frontières et de garde-côtes (Participation de la Suisse à l’élargissement de Frontex)”, <https://www.efd.admin.ch/efd/fr/home/le-dff/votations/frontex.html> (Accessed on 13 December 2022).

When domestic political actors in Switzerland started to question commitments made under the bilateral agreements, the European partners were thus already challenging the sustainability of the Swiss model. Therefore, EU pressure for the negotiation of an overarching institutional framework agreement unfolded in parallel to the political tensions caused by the success in 2014 of the initiative against mass migration. As indicated above, Switzerland does not have to adopt the new EU *acquis* or follow the CJEU jurisprudence under the bilateral agreements, and there is no supervisory authority nor a judicial dispute settlement mechanism. In the eyes of the EU, this legal framework threatens to undermine the homogeneity of the single market.

The negotiations toward such an institutional framework agreement started in 2014 and lasted until the end of 2018²⁹ with the publication of a draft agreement. The draft agreement applied to five current market access agreements: the free movement of persons, land transport, air transport, technical trade barriers, and agriculture – as well as all future market access agreements.³⁰ The proposal reflected a delicate balance between the EU’s request for stronger enforcement mechanisms and Switzerland’s opposition to “foreign judges”. It proposed a “two-pillar model” whereby Switzerland remained responsible for the proper implementation of the agreements on its territory without supranational supervision authority but provided for a dispute settlement mechanism, which could be triggered by the Commission. The dispute settlement mechanism would come into play when the joint committees could not find a compromise and would be conducted by an arbitration tribunal composed of one judge appointed by Switzerland, one appointed by the EU, and a third selected by the two judges. Only when the interpretation or application of EU law was in doubt would the tribunal refer cases to the CJEU, whose judgment would then be binding. The draft agreement also took a dynamic approach, ensuring that relevant developments in EU law would be continuously incorporated.

In a surprising move, once the draft agreement was published, the Federal Council did not formally endorse it but decided to conduct consultations with the relevant stakeholders such as cantonal governments, political parties, and interest groups (Federal Council 2018b) – arguably to address widespread discontent with specific provisions, notably concerning state subsidies, flanking measures for posted workers and the EU citizens’ rights directive (Schwok 2020). These concerns put socio-economic issues at the center of the debate, notably the protection of wage levels and concerns about possible negative consequences for the Swiss social security system.

Following these consultations, the Swiss government requested clarifications and eventual amendments to ensure sufficient support among the Swiss population, who would eventually

²⁹ Timeline of Swiss-EU relations since 2013 (aspects related to the institutional agreement): https://www.eda.admin.ch/dam/europa/en/documents/abkommen/20210526-mm-europapolitik_beilage-8-2_chronologie_EN.pdf, (Accessed on 28 July 2021).

³⁰ Agreement facilitating bilateral relations between the European Union and the Swiss Confederation in the parts of the internal market in which Switzerland participates (final version): https://www.eda.admin.ch/dam/europa/fr/documents/abkommen/accord-inst-Projet-de-texte_fr.pdf, (Accessed on 5 July 2021).

have to endorse the agreement in a popular referendum (Federal Council 2019b). Then-President of the EU Commission Jean-Claude Juncker stated that clarifications could be undertaken but that the agreement would not be re-negotiated (Juncker 2019). Despite several rounds of discussions between EU and Swiss negotiators, no compromise could be found on the Swiss concerns. In a sudden and widely unexpected move, the Swiss Federal Council in May 2021 announced one-sidedly – apparently without consultation with its EU counterparts – that it had decided not to sign the agreement and withdrew from the negotiations (European Commission 2021a; Parmelin 2021).³¹

This fourth period of relations between the EU and Switzerland is thus characterized by an increasing pressure on the bilateral way coming from Switzerland, but also from the EU. During the first years of implementation of the bilateral agreements, the EU soon became dissatisfied and demanded reforms that would bring the Swiss model closer to the one of the EEA. By the time the parties started the negotiation on the IFA, existing commitments, particularly regarding freedom of movement, had become increasingly contested in Swiss domestic politics – showing the potential vulnerability of an association based on the principle of “good faith”. The draft IFA paraphrased in 2018 proposed introducing, for five current and all future agreements, dynamic legal approximation and a “two-pillar” supervisory mechanism involving a judicial dispute settlement system. Avoiding a direct implication for the CJEU, this system only acknowledged an indirect role for the court – thus minimizing one of the key arguments of Eurosceptic parties in Switzerland. Nevertheless, socio-economic concerns regarding wage protection and social security systems dominated the debate. This mobilized political groups who had traditionally taken a rather pro-European stance, particularly the Socialist Party and trade unions. Whereas a solution to the EU’s demands for a new institutional arrangement guaranteeing the continuation of the Swiss model seemed in sight, domestic politicization in Switzerland and the limited flexibility of the EU have effectively turned the bilateral agreements from a “side-street” to a “dead-end” (Lavenex and Veuthey 2023).

4.1.5 Conclusion

Relations between the EU and Switzerland have been characterized by a high level of sectoral cooperation with few foreign policy-type relations. Indeed, in the first period of relations, Switzerland’s position regarding the European integration process was to maximize the economic benefits while minimizing the political costs. Consequently, it gave priority to economic integration based on free trade areas and refused the prospect of membership. The multiple failures of multilateral initiatives (OEEC and a weakened EFTA) led Switzerland to sign a free trade agreement with the EU.

³¹ Federal Department of Foreign Affairs, “No signing of Swiss-EU institutional agreement”, Press release, 26.05.2021. <https://www.fdfa.admin.ch/eda/en/fdfa/fdfa/aktuell/news.html/content/eda/de/meta/news/2021/5/26/83705>, (Accessed on 28 July 2021); For an analysis of the reasons for the Federal Council’s decision to reject the IFA see: (Schwok 2022)

The second period of EU-Swiss relations saw an intensification of foreign policy relations. Indeed, Switzerland applied for membership in the EEA and even opened the door to EU membership. This was the first time Switzerland approached political cooperation with the EU from a multilateral perspective, whether through EEA or EU membership, and not just bilateral sectoral collaboration. However, the rejection of EEA membership in a popular vote in 1992 brought these foreign policy developments to a halt.

In response to this defeat, the Federal Council called for opening negotiations on sectoral bilateral agreements. The bilateral way developed by the EU and Switzerland between the 1990s and the early 2000s is based on sectoral cooperation without real foreign policy relations. Indeed, the agreements are sectoral, do not provide for an institutional framework, and the people involved in these relations are officials from sectoral ministries or DGs. This third period of relations therefore illustrates the EU's global approach in its external relations at the end of the twentieth and start of the twenty-first century, which is to act more through international 'presence' than targeted foreign policy and to seek the expansion of its norms rather than pursuing interest-maximization. The depoliticized structure of the bilateral agreements was indeed thought to act as a vehicle for the expansion of EU standards and practices into Switzerland. In the long run, this could bring Switzerland closer to the EU and lead to its membership once internal dissensions are resolved.

Finally, the bilateral way has been progressively politicized and has experienced tensions in the 2010s. In Switzerland, multiple initiatives and referenda have threatened the bilateral agreements. Even if the Swiss people either supported the bilateral agreements in a vote or when this was not the case, the Federal Council found satisfactory solutions to the EU; relations became increasingly politicized. This growing pressure on the bilateral agreements was not limited to Switzerland. The EU also expressed its dissatisfaction with the Swiss model and called for negotiations on an institutional framework agreement. This change in Brussels' position is also illustrative of more global trends in the EU's foreign policy. Indeed, in the global context of a shift in EU's foreign policy towards more interest-maximization, the structure of the bilateral agreements with Switzerland was perceived as threatening the EU's internal market. The fact that the EU has insisted on the conclusion of the IFA can therefore be interpreted as a protection of its interests.

In sum, sectoral relations between the EU and Switzerland have been very intense since the beginning of European integration. In contrast, foreign policy relations have been almost absent, apart from the prospects of EEA and EU membership in 1992. However, the recent politicization of the bilateral way has reinvigorated political relations between the two partners and placed Switzerland on the EU's foreign policy agenda.

4.2 Nature of the disagreement, EU coherence, and stakes vis-à-vis Switzerland

In this section, we evaluate Switzerland's status according to the three scope conditions identified in the analytical framework: nature of the diplomatic disagreement, member states' coherence, and the economic stakes of cooperation. We find that the core disagreement over the IFA concerns the terms for market access and that member states' coherence is significant. According to our first two hypotheses, this means that the EU is likely to develop a strong joined-up approach toward Switzerland. Regarding the economic stakes of sectoral cooperation, we find that Switzerland's cooperation with the EU has a high level of intensity in the three sectors under study. Switzerland is also highly dependent on its cooperation with the EU. However, cooperation in the aviation sector includes market liberalization agreements as well as aviation safety. Therefore, we expect the EU to use trade, research, and aviation market liberalization agreements in a joined-up approach, but not the cooperation regarding aviation safety.

4.2.1 Nature of the diplomatic disagreement

We identify the IFA issue as the diplomatic disagreement between the EU and Switzerland. As reported in the historical relations section, the EU has insisted since 2010 on the incorporation into EU-Switzerland agreements of several elements, namely dynamic adaptation to the evolving *acquis*, homogeneous interpretation, surveillance and judicial enforcement mechanisms, as well as a dispute settlement mechanism (Council of the European Union 2010a). In 2012, the EU explicitly stated that the bilateral way had reached its limits and that the conclusion of a horizontal institutional framework, which would contain the above-mentioned elements, was necessary to further deepen the partnership with Switzerland (Council of the European Union 2012a: 31).

As a result, both parties started negotiations on such an institutional framework agreement. These negotiations started in 2014 and lasted until the end of 2018³² with the publication of a draft agreement. The draft agreement applied to five current market access agreements: the free movement of persons, land transport, air transport, technical trade barriers, and agriculture – as well as all future market access agreements.³³ The draft agreement introduced a dynamic adoption by Switzerland of relevant EU laws. This means that in the sectors covered by the agreement, Switzerland was to adopt the EU's legal developments into its national legislation within two to three years.³⁴ The draft agreement also provided for a dispute

³² Timeline of Swiss-EU relations since 2013 (aspects related to the institutional agreement): https://www.eda.admin.ch/dam/europa/en/documents/abkommen/20210526-mm-europapolitik_beilage-8-2_chronologie_EN.pdf, (Accessed on 28 July 2021).

³³ Agreement facilitating bilateral relations between the European Union and the Swiss Confederation in the parts of the internal market in which Switzerland participates (final version): https://www.eda.admin.ch/dam/europa/fr/documents/abkommen/accord-inst-projet-de-texte_fr.pdf, (Accessed on 5 July 2021), Art. 2.

³⁴ *Ibid.*, Art. 14.

settlement mechanism.³⁵ The dispute settlement mechanism would come into play when the joint committees could not find a compromise and would be conducted by an arbitration tribunal composed of one judge appointed by Switzerland, one appointed by the EU, and a third selected by the two judges mentioned above. Only when the interpretation or application of EU law was in doubt would the tribunal refer cases to the CJEU, whose judgment would then be binding. Finally, regarding the monitoring of the agreements, the draft IFA proposed a “two-pillar model” whereby Switzerland remained responsible for the proper implementation of the agreements on its territory without supranational supervision authority.³⁶

Within the framework of the IFA negotiations, three dossiers were the most problematic and motivated the Federal Council’s rejection of the agreement: protection of wages in relation to posted workers; the EU Citizens’ Rights Directive; and, to a lesser extent, state aid (Schwok 2022: 11-2).

The issue of posted workers between Switzerland and the EU has always been a thorny issue because of the risks of ‘social dumping’. When the Agreement on the free movement of persons was ratified, Switzerland managed to negotiate flanking measures. These measures require EU companies to give notice at least eight days before posting workers to Switzerland so that prior checks can be carried out. In addition, Switzerland also requires EU companies posting workers to Switzerland to pay a deposit. The EU has always considered these accompanying measures as discriminatory and contrary to the principles of free movement (Schwok 2022: 15-6). Although the EU initially wanted these accompanying measures to be abolished, the IFA draft provided for a compromise, i.e., a four-day notification period, and a financial guarantee only for companies that had already been convicted of failing to meet their financial obligations.³⁷

The EU Citizens’ Rights Directive is not mentioned in the draft IFA. However, Switzerland would have liked it to be explicitly excluded from the scope of the agreement. The EU opposed to the exclusion of this directive as, from its point of view, it is part of the Agreement on the free movement of persons and, therefore, should be applied by Switzerland (Schwok 2022: 16). The main issue for Switzerland regarding this directive is that it fears it would restrict the possibilities of deportation for foreign criminals, give all EU citizens the possibility to obtain a permanent right of residence after five years in Switzerland and would also place an additional burden on Swiss social welfare.

Finally, it was intended that the EU guidelines regarding state aid would only be applied to the air transport Agreement,³⁸ as well as to future agreements (Schwok 2022: 17). These state aid provisions were received in Switzerland with a certain amount of fear, in particular that

³⁵ *Ibid.*, Art. 10.

³⁶ *Ibid.*, Art. 6-7.

³⁷ *Ibid.*, Protocol 1.

³⁸ Agreement facilitating bilateral relations between the European Union and the Swiss Confederation in the parts of the internal market in which Switzerland participates (final version), *Op. Cit.*, Annex X Art.8.

Swiss Cantons would no longer be able to grant tax benefits. Schwok (2022: 32–3) argues that the risks to the Swiss economy from state aid have been exaggerated and distorted.

To conclude, the diplomatic disagreement between the EU and Switzerland, i.e., the IFA issue, constitute a disagreement about the single market. Indeed, the draft IFA published at the end of 2018 provided for the establishment of a horizontal framework governing five EU-Switzerland existing agreements and all future market access agreements. It would have introduced dynamic adoption by Switzerland of relevant EU laws, a dispute settlement mechanism, and addressed the issue of monitoring the application of agreements. The three main concerns expressed by Switzerland to the EU and that explain the Federal Council's decision to terminate the negotiations in 2021, i.e., protection of wages in relation to posted workers, the EU Citizens' Rights Directive, and state aid, were all directly related to Switzerland's market access. As a result, and according to the first hypothesis, it is likely that the EU will develop a joined-up approach toward Switzerland according to this scope condition.

4.2.2 Member states' coherence

The coherence of EU member states towards Switzerland is challenging to assess. Indeed, the IFA issue is not a disagreement dealt with in traditional foreign policy fora like the CSDP or the UN. As a result, and in comparison with the other case studies, we cannot use the vote of EU member states at the UN nor the EU's capacity to issue a foreign policy declaration requiring the member states' unanimity to quantify member states' coherence. Moreover, the diplomatic disagreement being a single market related issue, this falls in an area of competence of the Commission. As a result, the impact of member states' coherence on this case study must not be overstated.

Nevertheless, relying on interviews and statements by EU member states', we find that there is coherence towards Switzerland on the IFA issue. External events, i.e., Brexit, have brought member states together behind the idea of defending the homogeneity of the internal market by ensuring that third countries willing to access the market must meet a certain level of obligations. We also note that France is a leading country in supporting the EU's hardline toward Switzerland, which is explained by its defense of the EU's strategic autonomy and by a bilateral issue with Switzerland on the purchase of military aircraft. Although some countries have raised their voice in support of Switzerland and even criticized the Commission's behavior toward Switzerland in the case of Hungary, the unity of the member states remains strong in support of the Commission.

Historically, the EU has been united towards Switzerland during the negotiations on the bilateral agreements I & II as well as in its response after the 2014 initiative against mass migration. For instance, the biennial Council conclusions on the EU relations with Switzerland published

since 2008 have always been adopted without any debate.³⁹ However, correlation should not be confused with causation. Indeed, this period of depoliticized relations that characterizes the relations between Switzerland and the EU during the first decade of the twenty-first century was because Switzerland did not represent a priority in the EU agenda instead of a strong coherence of the member states. Indeed, geopolitical developments with the Eastern wave of enlargement, the Arab Spring, and the development of the ENP have “simply absorbed the EU’s attention”, which was, therefore, “forced to pay less attention to the wishes and sensitivities of an individual small partner” (Gstühl 2007: 234). According to Georg Riekeles, former diplomatic adviser to Brexit EU chief negotiator Michel Barnier, Switzerland acted smartly by taking advantage of the fact that it was not important enough for the EU to get what it wanted (Schmutz 2021).

However, external events to the EU-Switzerland relations brought the Swiss case further up the EU’s agenda. Indeed, in 2016, the British people voted to exit the EU. Sharing similar economic structures and interests in their relations with Brussels, namely maximizing their economic benefits while minimizing their sovereignty losses, the British and Swiss cases became intimately linked (Lavenex and Veuthey 2023). In the UK, the ‘Swiss model’ was put forward as an example of successful economic integration into the EU market without the sovereignty costs of membership (Becket 2017; Campbell Bannerman 2013; Connelly 2020; Hannan 2012; Swissinfo 2020). However, the EU quickly dashed British hopes for a sector-by-sector withdrawal agreement with the argument that this would undermine the integrity of the single market (Tobler 2021: 124). In 2017, the European Commission clearly stated that “preserving the integrity of the Single Market excludes participation based on a sector-by-sector approach” (European Commission 2017: 9). This position was reaffirmed in February 2018 by the Commission’s Brexit chief negotiator Michel Barnier who stated that the EU “can’t possibly imagine a situation in which it would accept cherry-picking” as the EU is “responsible for guaranteeing the integrity of the single market” (Barnier 2018).

As a result, the Brexit vote and the following negotiations on the withdrawal agreement have had a significant impact on EU-Switzerland relations. Indeed, the departure of a member state risked threatening the European integration process as such. Therefore, the EU’s relations with European non-member states have become a high priority for Brussels and the member states. Moreover, Switzerland, a non-EU European country with deep access to the single market, represented a potential alternative path of integration for countries pursuing similar objectives. The UK’s hopes for a ‘cherry-picking’ style agreement at the beginning of the negotiations with the EU illustrate the attraction that the Swiss model of sectoral bilateral agreement represented for non-EU countries. As a result, the context of Brexit has made Switzerland one of the EU’s priorities despite itself.

³⁹ See: <https://www.consilium.europa.eu/fr/meetings/gac/2019/02/19/>;
<https://www.consilium.europa.eu/media/22210/st06768fr17-vf.pdf>;
<https://www.consilium.europa.eu/media/24763/146348.pdf>;
<https://data.consilium.europa.eu/doc/document/ST-17591-2012-INIT/en/pdf> (All accessed on 27 June 2022).

This had significant consequences on the member states' coherence towards Switzerland. During the negotiations with the United Kingdom on the withdrawal agreement, Michel Barnier structured the EU's approach in these talks around four points: there can be no negotiations without the notification of the British government; the negotiations can only be successful by building a very strong unity of the 27 member states; no EU country can be in a less favorable situation than a third country; and no third country should be given a right of veto or even the right to intervene in the decision-making process of the 27 (Barnier 2021: 47–8). These guidelines established for the Brexit negotiations had direct and significant consequences for Switzerland. Indeed, it implied that a firm unity and coherence of the member states would be created against the principle of cherry-picking and selective integration into the EU market. Furthermore, the third point implied that the structure of bilateral relations between Switzerland and the EU, where Switzerland enjoys considerable and almost similar benefits as the EU states without the same obligations, was not satisfactory for the EU. Finally, the last point called into question the informal decision-shaping that Switzerland enjoyed through non-legalized access to specific Council meetings, e.g., informal meetings of EU ministers in the research and environment sectors, based on its expertise and the interdependence of the two markets. These guidelines established in the context of the Brexit negotiations have therefore had direct consequences on the coherence of the member states vis-à-vis Switzerland by unifying them around the notion of preserving the homogeneity of the internal market.

The consequence of these external developments and the influence of Brexit is that the coherence between the member states regarding Switzerland on the issue of the IFA is strong, as confirmed during interviews with officials.⁴⁰ Among the member states, despite some declarations or gestures of certain countries in favor of Switzerland, they remain united on the IFA issue.

Swiss officials have underlined during the interviews that France is at the forefront of this unity among the member states and their support for the uncompromising approach of the EU towards Switzerland in the IFA file.⁴¹ There are two explanations for France's position towards Switzerland. On the one hand, since taking office as President of the Republic, Emmanuel Macron has defended the idea of a "strategic autonomy" of the EU, which he outlined in his speech at the Sorbonne in 2017 (Macron 2017). Since then, the French President has called for unity and solidarity among European states in order to strengthen the sovereignty of the EU. On the other hand, in June 2021, just one month after unilaterally terminating the negotiations on the IFA, the Swiss government decided to buy American F-35 planes instead of the French Rafale.⁴² As French Ambassador Frédéric Journès pointed out in an interview with a Swiss media, the purchase of these aircraft was not only a "major stake for the industry" but also contained a strategic partnership agreement with "exceptionally close

⁴⁰ Interviews 14, 28, 29, 32 and 41.

⁴¹ Interviews 14, 28 and 32.

⁴² Swiss Federal Council, "Air2030: Federal Council decides to procure 36 F-35A fighter aircraft", <https://www.admin.ch/gov/en/start/documentation/media-releases.msg-id-84275.html> (Accessed on 28 June 2022).

military and technological cooperation” (Journès 2021). In reaction to the Swiss’ decision to buy American instead of French planes and to the Federal Council’s decision to withdraw from the IFA negotiations, Clément Beaune, the French Secretary of State for European Affairs, stated that “Switzerland chose to turn its back on Europe” (Rebetez 2021).

Following these developments, the French Ambassador to Switzerland stated: “Switzerland must be aware that we have a problem” (Journès 2021), i.e., a problem with the EU. The political calendar also gave France a platform to express its dissatisfaction with Switzerland. In January 2022, France took over the presidency of the EU Council. However, the French ambassador stated that the Swiss file would not be a priority and that France “did not plan to thematize Switzerland in the EU Council” (Journès 2021). In addition to this agenda-setting power provided by the Council presidency, France also used its ability to limit Switzerland’s involvement in the EU decision-shaping process. Indeed, in January 2022, an informal Council of Ministers of Education, Research, and Innovation was held in Paris. Usually welcomed, the Swiss Secretary of State was not invited to this meeting (Gafner and Israel 2022). The French government took this decision as the presiding state is free to ask ministers from third countries to join, in addition to ministers from EU member states. Switzerland had always received this invitation “as a country active in the European Research Area” (Gafner and Israel 2022). This non-invitation to the informal Research Council is not the only case where France snubbed Switzerland. Indeed, Switzerland was also ignored for a meeting of EU environment ministers in Amiens, where it would usually participate (Gafner and Israel 2022).

These events confirm what was said to the author during interviews with Swiss officials. Indeed, it emerged from these discussions that France defended a very pro-EU and hardline toward Switzerland. Anxious to protect European sovereignty, France supports protectionist measures regarding the integration of third countries in specific sectors of international cooperation, such as research, especially when these third countries refuse to accept the obligations required by the EU, such as the IFA.⁴³

Despite the hardline toward Switzerland defended by the European Commission and supported by France, some member states have shown a more friendly attitude towards Switzerland. This is the case of Austria, a historical ally of Switzerland. Indeed, in an interview on Swiss television, Austrian Chancellor Sebastian Kurz said that “Austria, as a neighboring country, would do everything in its power to keep relations between Switzerland and the EU as close as possible” (SRF 2021). He also criticized the position of the European Commission, adding that he did not believe that “Switzerland’s current cooperation with the EU, such as the HORIZON research program, should be terminated, as Switzerland is an important partner for the EU” and that “the disappointment of the failure of closer cooperation should not trigger a negative spiral” (SRF 2021). These words of the Austrian chancellor were translated into action in June 2021. After the Swiss Federal Council abandoned the IFA negotiations, Austria pushed for the IFA to be included in the agenda of the General Affairs Council meeting (Israel 2021). However, despite Austria’s efforts, the debate on the Swiss

⁴³ Interviews 14, 28 and 32.

dossier lasted only ten minutes (Israel 2021). In addition to Austria, Hungary has also expressed its support to Switzerland on the IFA issue. In an interview with a Swiss media, Hungarian Foreign Affairs Minister Peter Szijjarto stated that the EU should be more flexible with Switzerland and sign an agreement that would satisfy Switzerland's interests (Szijjarto 2021).

Support has also come from Switzerland's biggest historical ally⁴⁴ inside the EU: Germany. Even though Germany did not go as far as Austria and Hungary in officially criticizing the European Commission, the German government "encouraged Switzerland to resume efforts to end a deadlock with Brussels" (Swissinfo 2022a). Two German ministers even advocated directly to the European Commission for Switzerland's association in Horizon Europe (Bilan 2022). Berlin is also committed to finding a solution in the field of medical technology, which is blocked by the IFA (Bilan 2022). The German industry is also putting pressure on the European Commission to find a solution with Switzerland. In January 2022, the German trade association Bundesverband der Deutschen Industrie (BDI) published a position paper on EU relations with Switzerland. Whereas the paper backed the Commission's position by stating that "the same rules have to apply to all members of the EU" and that "piecemeal agreements cannot meet this objective" (BDI 2022: 1), the paper called for the association of Switzerland to Horizon Europe "irrespective of the overall relations between the EU and Switzerland" (BDI 2022: 3). The association of Switzerland to Horizon Europe independently of the conclusion of the IFA has been a position advocated by many academics in the EU member states and is illustrated by the "Stick to Science" initiative of which a large number of professors from the member states are signatories.⁴⁵

Nevertheless, these declarations by some member states' governments have not eroded their coherence. An interview with an EU official revealed that what some capitals said in favor of Switzerland elsewhere was not reflected in the official meetings organized by the EU institutions with member state representatives in Brussels. Indeed, although some capitals had expressed their understanding for the Swiss concerns, in meetings with member states' representatives in Brussels the line was very clearly to defend the EU position. The European institutions have not shown great difficulty in maintaining this clear and coherent line, despite the words of some capitals.⁴⁶

In conclusion, even though the IFA is an issue that falls under the leadership of the Commission, and therefore member states' coherence might be of less importance, interviews with officials revealed that member states' coherence towards Switzerland regarding the IFA issue is strong. Brexit has united member states around the principle that third countries should not be able to enjoy the same benefits as EU members without the same obligations. This directly affected EU-Switzerland relations as it rallied member states behind the Commission's stance that relations with Switzerland could not continue to be governed solely

⁴⁴ Interview 28.

⁴⁵ Stick to Science, "Listing of the first signatories", <https://stick-to-science.eu/signatories/> (Accessed on 28 June 2022).

⁴⁶ Interview 41.

by sectoral bilateral agreements and needed an institutional framework. Among the member states, France has taken the lead in defending the interests of the EU. It has supported the Commission's position and its hardline toward Switzerland on the IFA issue, not hesitating to ignore the Swiss government representatives when sending invites to informal Council meetings. On the other hand, some member states, such as Austria, Hungary, and Germany, have taken a more friendly attitude towards Switzerland. However, despite their calls to restart the negotiations and some criticisms of the Commission's position, they still officially support Brussels' position. Moreover, as revealed by interviews, these public positions in favor of Switzerland did not translate in an erosion of member states' coherence in the EU's meetings. The line was still very clear in backing the EU's policy. As a result, according to the second hypothesis, this strong coherence of the EU member states should favor the development of a joined-up approach.

4.2.3 Economic stakes of cooperation

As explained in the analytical framework, for the economic stakes of cooperation we present the intensity of cooperation between the EU and Switzerland in the three sectors, as well as the degree of dependence of Switzerland on its sectoral cooperation with the EU. Therefore, we take into account the short-term (intensity of cooperation) as well as the medium- and long-term (degree of dependence) effects that limiting or ending cooperation could have on Switzerland.

4.2.3.1 Trade

Trade relations between the EU and Switzerland have a high level of intensity. Indeed, in 2021, commercial exchanges between the two partners reached 280 billion euros.⁴⁷ Switzerland imported 156 billion euros worth of goods from the EU while exporting 124 billion euros to the internal market. Trade between the EU and Switzerland has constantly increased since 2002, except in 2009 due to the financial crisis and 2013 and 2014. Figure 2 shows the evolution of trade between the EU and Switzerland. This figure is constructed from the Swiss perspective, meaning that the export and import lines correspond to what Switzerland exports or imports to the EU.

⁴⁷ Eurostat, "Extra-EU trade by partner (EXT_LT_MAINEU)", https://ec.europa.eu/eurostat/databrowser/view/ext_lt_maineu/default/table (Accessed on 6 July 2022).

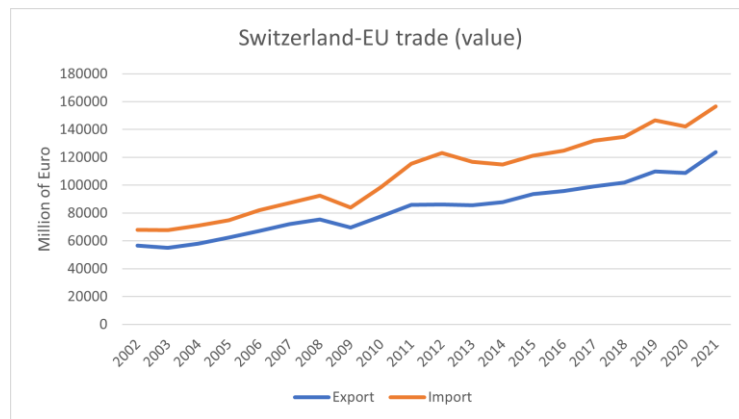


Figure 2: Switzerland-EU trade (value)

Source: Eurostat, "Extra-EU trade by partner (EXT_LT_MAINEU)"

With regard to the degree of Swiss dependence on cooperation with the EU in the trade sector, we examine the proportion of trade with the EU in comparison with Switzerland's other trading partners. For Switzerland, the EU is by far its primary trade partner. On average, since 2000, 70% of Switzerland's imports have come from the EU, while 54% of Swiss exports go to the EU (Figures 3 and 4).⁴⁸ These figures also highlight that the EU's part in Switzerland's international trade has gradually declined since 2011. Indeed, Swiss exports to the EU represent less than 50% of Switzerland's total exports, and the imports from the EU have decreased from 80 to 50% in recent years.

These data show that while the EU remains by far Switzerland's largest trading partner, Swiss international trade has become increasingly diversified since 2011. Figures 3 and 4 illustrate the progressive diversification of Switzerland's international trade. They show the percentage of Switzerland's international trade that its three principal partners represent. In the imports table, trade diversification seems to be more diffuse, as the percentage of Switzerland's second (USA) and third (China) most important partners has increased slightly compared to the decline in the EU's share. There is a clearer reorientation in Switzerland's trade toward one partner on the export side. Indeed, Swiss exports to its second most important partner, the United States, have risen sharply since 2012, reaching over 20% of total exports in 2020.

⁴⁸ Swiss-Impex, "Foreign Trade statistics: database", <https://www.gate.ezv.admin.ch/swissimpex/> (Accessed on 5 July 2022).

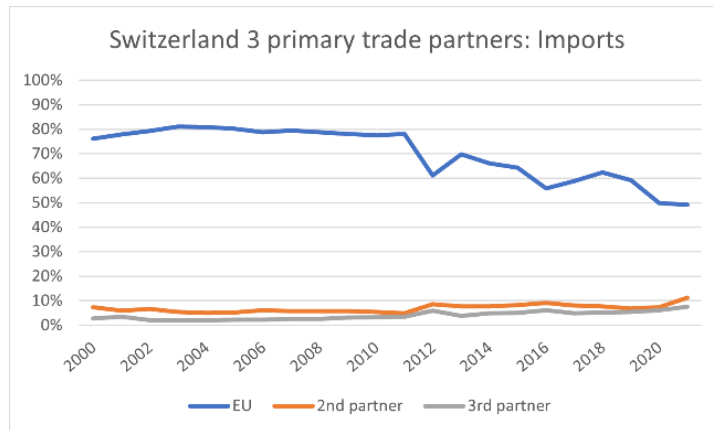


Figure 3: Switzerland 3 primary trade partners: Imports
Source: Swiss-Impex, "Foreign Trade statistics: database"

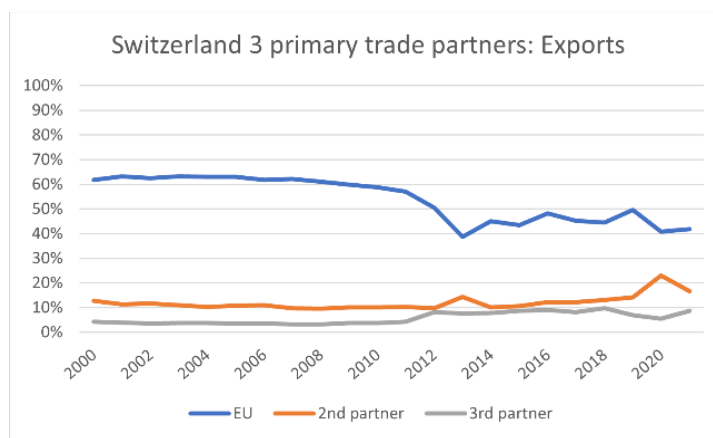


Figure 4: Switzerland 3 primary trade partners: Exports
Source: Swiss-Impex, "Foreign Trade statistics: database"

This increasing diversification of Switzerland's international trade can be seen as the result of Switzerland's active policy of signing free trade agreements. Traditionally, Switzerland has negotiated and signed free trade agreements with its EFTA partners Norway, Iceland, and Liechtenstein.⁴⁹ However, Switzerland has also been active recently in signing free trade agreements bilaterally, which has been the case for agreements with the two biggest Asian economies, Japan and China. As of 2022, Switzerland has 33 free trade agreements with 43 partners.⁵⁰ In addition to the agreements that guarantee free trade between Switzerland and most of Europe, except Russia, Switzerland has a network of agreements covering most of the world's developed countries. For example, Switzerland has been more active than the EU in signing agreements with Japan and China. Indeed, a bilateral free trade agreement with Japan entered into force in 2009, and a similar agreement with China entered into force in 2014.⁵¹ Following Brexit, Switzerland and the UK have also signed multiple agreements as part of the

⁴⁹ State Secretariat for Economic Affairs SECO, "Free Trade Agreements", https://www.seco.admin.ch/seco/en/home/Aussenwirtschaftspolitik_Wirtschaftliche_Zusammenarbeit/Wirtschaftsbeziehungen/Freihandelsabkommen.html (Accessed on 7 July 2022).

⁵⁰ State Secretariat for Economic Affairs SECO, "Free Trade Agreements", *Op. Cit.*

⁵¹ State Secretariat for Economic Affairs SECO, "Free trade partner of Switzerland", https://www.seco.admin.ch/seco/en/home/Aussenwirtschaftspolitik_Wirtschaftliche_Zusammenarbeit/Wirtschaftsbeziehungen/Freihandelsabkommen/partner_fha.html (Accessed on 7 July 2022).

‘Mind the gap’ strategy. These agreements ensure that most of the rights and obligations between the UK and Switzerland will continue to apply after the former withdrawal from the EU.⁵² To sum up, Switzerland has an active economic policy to diversify its trade with other non-EU partners. This policy explains the downward trend in the EU’s share of Switzerland international trade.

On the side of the EU, Switzerland is also an important trade partner. Indeed, it is the EU’s fourth-largest trading partner in the 21st century, behind the US, China, and Russia (Figures 5 and 6).⁵³ For EU exports, it has surpassed Russia since 2014 as the EU’s third destination. However, even though, in terms of ranks, Switzerland is one of the EU’s four main trade partners, the EU is less dependent on its trade with Switzerland than the opposite. Indeed, on average, since 2002, imports from Switzerland represent 5.5% of the EU’s total imports, whereas the average for the EU exports to Switzerland is 6.8%.⁵⁴

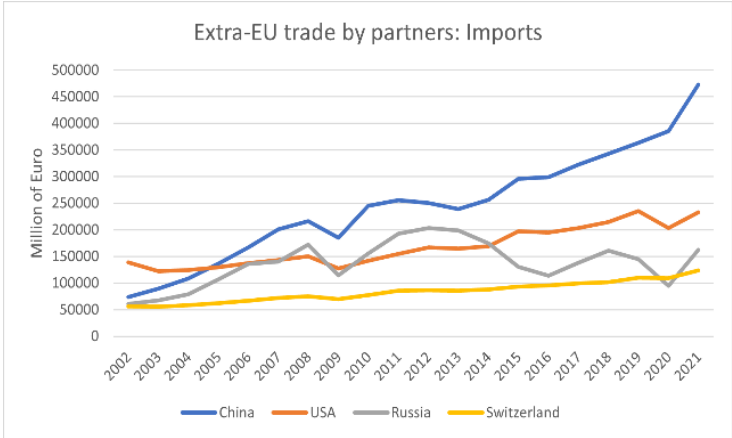


Figure 5: Extra-EU trade by partners: Imports (CH)
 Source: Eurostat, “Extra-EU trade by partner (EXT_LT_MAINEU)”

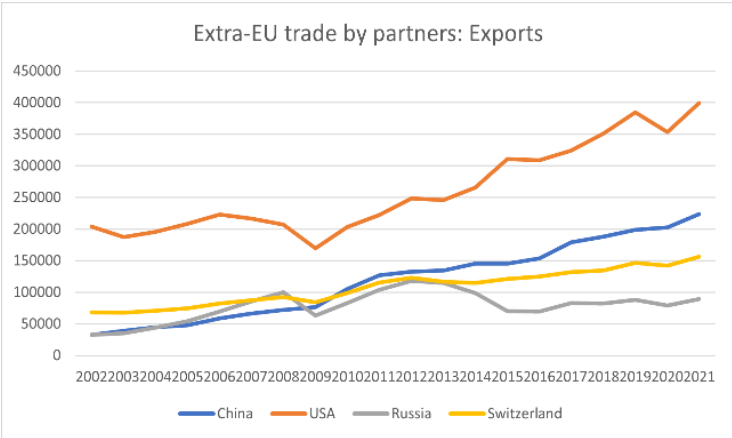


Figure 6: Extra-EU trade by partners: Exports (CH)
 Source: Eurostat, “Extra-EU trade by partner (EXT_LT_MAINEU)”

⁵² Mission of Switzerland to the European Union, “The United Kingdom’s exit from the European Union (Brexit) and the Federal Council’s ‘Mind the gap’ strategy”, <https://www.eda.admin.ch/missions/mission-eu-brussels/en/home/key-issues/brexit.html> (Accessed on 7 July 2022).

⁵³ Eurostat, “Extra-EU trade by partner (EXT_LT_MAINEU)”, https://ec.europa.eu/eurostat/databrowser/view/ext_lt_maineu/default/table (Accessed on 6 July 2022).

⁵⁴ *Ibid.*

In conclusion, the intensity of cooperation between the EU and Switzerland in trade is very high. Their exchange in 2021 reached 280 billion euros. Switzerland's degree of dependence on the EU in trade is also high. Even though the proportion of trade with the EU in comparison with other partners has declined since 2011, it remains around 50% for imports and between 40% and 50% for exports. The progressive diversification of Swiss trade since 2011 with an active economic policy illustrated by the signing of multiple free trade agreements with non-European partners and the increase of exports to the US has led to a decline in the EU's share of trade with Switzerland. However, this is not enough to conclude that Switzerland is not dependent on its trading with the EU anymore, as the EU remains by far Switzerland's primary trade partner.

4.2.3.2 Research and innovation

For research and innovation, we analyze Switzerland's status in the 6th, 7th, and 8th EU Framework Programs for Research and Technological Development which correspond to Framework Program (FP) 6, FP7, and Horizon 2020. For each of these programs, we then report the main statistics regarding Switzerland's participation (number of participations, net EU contribution) and how Switzerland compares to EU member states and other third countries. We also look at the status of Switzerland in the new EU program: Horizon Europe. Finally, we analyze Switzerland's national research and innovation strategy and if it has partnerships with non-EU countries to understand the extent to which it is dependent on grants obtained through EU research and innovation programs.

Under the first EU programs, Switzerland's participation was limited. Indeed, Swiss research institutions had a third-country status which limited their opportunities (State Secretariat for Education, Research and Innovation 2019: 9). However, since 2014 and the signing of a follow-up agreement to the research agreement in bilateral agreements I, Switzerland has been able to participate to the EU framework programs as an associated country (State Secretariat for Education, Research and Innovation 2019: 9). As a result, Switzerland has been associated to the FP6 (2003-2006), FP7 (2007-2013), and Horizon 2020 (2014-2020) programs. This association status grants Swiss institutions the right to coordinate projects and to sit "on the management committees of the specific programs (program committees), as well as on various steering committees" (State Secretariat for Education, Research and Innovation 2019: 9).

As we saw earlier in the history of EU-Swiss relations, Switzerland's associated status in Horizon 2020 was called into question by the Swiss people's acceptance in 2014 of the initiative 'against mass immigration'. In addition to potentially contradicting the EU-Swiss agreement on the free movement of persons, this initiative also prevented Switzerland from signing a protocol extending the EU-Swiss agreement on the free movement of persons to Croatia. As a result, the EU decided to grant Switzerland only a partial associated status until Switzerland would sign the protocol. This partially associated status meant that Switzerland could only participate in a third of the Horizon 2020 program as an associated country and participated as a third country for the rest of the program (State Secretariat for Education, Research and

Innovation 2019: 9). This third-country status meant that Swiss institutions could submit proposals and participate in the program, but without receiving any funds from the EU (State Secretariat for Education, Research and Innovation 2019: 9). Finally, the Federal Council found a solution to implement the initiative without contradicting the EU-Switzerland free movement of person agreement, which enabled Switzerland to regain its fully associated status in 2017.

Due to tensions around the IFA issue, Switzerland has not been granted the associated country status in the new EU framework program: Horizon Europe.⁵⁵ This means that Swiss research institutions can only participate in a consortium of at least three institutions from three different member states or associated countries⁵⁶ and have to participate at their own costs (European Commission 2022: 12–3). In order to remedy the loss of the status of an associated country in Horizon Europe, the Swiss Confederation finances researchers from Switzerland participating in EU projects.⁵⁷ Thus, a budget of 1.2 billion francs has been set aside for the years 2021 and 2022.

Regarding statistics, Switzerland has been a very successful participant in FP6, FP7, and Horizon 2020. Table 7⁵⁸ contains the statistics for Switzerland's participation in the three programs. It includes the number of projects in which Swiss institutions have participated, as well as the amount of funding received from the EU. For both Switzerland's participation and funding received, it also contains the ranking of Switzerland in comparison with every country participating in these programs, including EU member states, and among third countries, thus excluding EU member states. These rankings are good indicators for analyzing Swiss institutions' performance.

The main takeaway from Table 7 is that Switzerland has been the most successful third country in the last three EU framework programs. Indeed, in terms of participation and EU funding received, it ranks first among third countries, even ahead of Norway, an EEA country. The funding received from the EU has substantially increased in terms of value. However, this is because the EU budget for these programs has also increased with each new program. Looking at the EU's total contribution, Switzerland accounted for 3.1% of the overall EU financial contribution in FP6, 4.5% in FP7, and 3.5% in Horizon 2020. The decrease between FP7 and Horizon 2020 in Switzerland's share of EU funding is due to Switzerland's partial association

⁵⁵ European Commission, "List of Participating Countries in Horizon Europe", https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/common/guidance/list-3rd-country-participation_horizon- Euratom_en.pdf (Accessed on 8 July 2022).

⁵⁶ Art. 22 Regulation (EU) 2021/695.

⁵⁷ The Federal Council, "Federal Council adopts measures on Horizon Europe and strengthens international space cooperation", *EAER Information Service*, https://www.wbf.admin.ch/wbf/en/home/dokumentation/nsb-news_list.msg-id-88644.html (Accessed on 9 July 2022).

⁵⁸ Statistics for this table are taken from: (State Secretariat for Education, Research and Innovation 2008) for FP6; European Commission, "Dashboard: FP7 Participation Details", <https://webgate.ec.europa.eu/dashboard/sense/app/eaf1621c-67ce-4972-a07b-dddba31815c1/sheet/3d13a5cb-1ef0-4c26-ac4d-51346b7b3f2d/state/analysis> (Accessed on 8 July 2022) for FP7; European Commission, "Dashboard: H2020 Participations", <https://webgate.ec.europa.eu/dashboard/sense/app/93297a69-09fd-4ef5-889f-b83c4e21d33e/sheet/PbZJnb/state/analysis> (Accessed on 8 July 2022) for Horizon 2020.

between 2014 and 2016. Swiss institutions have also been successful in obtaining project coordination roles. Swiss coordination accounted for 1.9% of projects in FP6, 4.1% in FP7, and 4.2% in Horizon 2020, which makes Switzerland the most successful third country in terms of participation in a coordination role.

	FP6	FP7	Horizon 2020
Participation	1'900	4'582	5'129
Rank (total)	11	9	10
Rank (third countries)	1	1	1
Net EU contribution (EUR)	~793'000'000	2'057'332'536	2'396'625'674
Rank (total)	9	7	8
Rank (third countries)	1	1	1

Table 7: Switzerland's participation to EU framework programs (2003-2020)

Sources: European Commission, Swiss State Secretariat for Education, Research and Innovation

To evaluate Switzerland's degree of dependence on its cooperation with the EU in the research sector, we analyze Switzerland's national policy in research and innovation as well as its international cooperation outside of its participation in the EU framework programs. The EU framework programs represent 29% of Swiss research funding, and 67% of Swiss funds invested internationally in this sector are for framework programs.⁵⁹ These framework programs are the primary source of public funding for research and innovation for Swiss companies and, in particular, for small and medium-sized enterprises (SME) (State Secretariat for Education, Research and Innovation 2020: 77). Research in Switzerland is primarily financed by the private sector, which accounts for more than 70% of investments in the Swiss' research sector. The Swiss Confederation is the second investor and accounts for 13% of the funding. The main recipients of these funds for the execution of research are private companies, which collect 51% of the funds, followed by the academic sector (Federal Institutes of Technology, universities, and HES schools), whose funding represents 20% of the total funds (State Secretariat for Education, Research and Innovation 2020: 43). The main source of financing for the research sector is the Swiss National Science Foundation (SNSF), which has a private foundation status. This foundation has an annual budget of 1.2 billion Swiss francs financed by the Confederation, which corresponds to about 4% of the total investment in research in Switzerland, which it distributes on a competitive basis (State Secretariat for Education, Research and Innovation 2020: 44). Innosuisse is another foundation which finances research and innovation. It is a public foundation with an annual budget of 200 million Swiss francs (State Secretariat for Education, Research and Innovation 2020: 45-6).

Regarding its international cooperation in research and innovation, Switzerland is firmly anchored in the European research network. Indeed, besides participating in the EU framework programs, it is a founding member of COST (European Cooperation in Science and Technology) and EUREKA. These two networks promote the coordination of activities in

⁵⁹ Interview 28.

research and innovation.⁶⁰ It is also a member, and the host country, of the European Organization for Nuclear Research (CERN). Besides this cooperation with European countries, Switzerland is also developing a network of collaboration with the rest of the world. In this perspective, it has created Swissnex, an instrument that promotes the integration of Switzerland into the international research and innovation network. Swissnex has six main offices in the most innovative regions of the world, as well as twenty others in strategic locations.⁶¹ The aim of Swissnex is “to connect Switzerland to the world in education, research, and innovation” by connecting, advising, promoting, and inspiring Swiss institutions within the international network.⁶² Switzerland has also developed Joint Research Projects which promote the cooperation between Swiss scholars and their counterparts in Argentina, Brazil, China, India, Japan, Russia, South Africa, South Korea, and Vietnam.⁶³ Finally, Switzerland has also created “Leading House pilot activities”. This model of cooperation seeks to develop “scientific cooperation between Switzerland and countries with high potential in the designated region”.⁶⁴ For the period 2021-2024, it has commissioned several Swiss institutes of higher education to run projects in North Africa and the Middle East, Sub-Saharan Africa, Latin America, East and Southern Asia, South Asia, and Iran.⁶⁵

Since its loss of the associated status in Horizon Europe, Switzerland has been very active in developing cooperation in the research sectors with partners outside of the EU. For example, in November 2021, the SNSF and the US National Science Foundation (NSF) signed a memorandum of understanding “to further intensify and expand their bilateral cooperation in future”.⁶⁶ A similar memorandum of understanding was signed between the SNSF and the UK Research and Innovation (UKRI) in February 2022.⁶⁷ Canada has also been another country with whom Switzerland wishes to strengthen cooperation in research and innovation. In this respect, a Swiss-Canadian Cleantech Innovation Summit took place in March 2022.⁶⁸ Switzerland also enjoys excellent collaboration in this field with Brazil. During the fifth Switzerland-Brazil Joint Committee on Science, Technology, and Innovation in March 2022,

⁶⁰ State Secretariat for Education, Research and Innovation SERI, “International Cooperation in Research and Innovation”, <https://www.sbfi.admin.ch/sbfi/en/home/research-and-innovation/international-cooperation-r-and-i.html> (Accessed on 9 July 2022).

⁶¹ State Secretariat for Education, Research and Innovation SERI, “Swissnex”, <https://www.sbfi.admin.ch/sbfi/en/home/research-and-innovation/international-cooperation-r-and-i/swissnex.html> (Accessed on 9 July 2022).

⁶² Swissnex, “Our mission”, <https://swissnex.org/about-us/mission> (Accessed on 9 July 2022).

⁶³ State Secretariat for Education, Research and Innovation SERI, “Bilateral Cooperation Programmes”, <https://www.sbfi.admin.ch/sbfi/en/home/research-and-innovation/international-cooperation-r-and-i/bilateral-programmes.html> (Accessed on 9 July 2022).

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*

⁶⁶ Federal Department of Economic Affairs, Education and Research, “Switzerland and the USA reaffirm their collaboration to promote research”, <https://www.admin.ch/gov/en/start/documentation/media-releases.msg-id-85975.html> (Accessed on 9 July 2022).

⁶⁷ Swiss National Science Foundation, “New Opportunities for research partnerships between the UK and Switzerland”, <https://www.snf.ch/en/URLuRZPb0rEbBl1/news/new-opportunities-for-research-partnerships-between-the-uk-and-switzerland> (Accessed on 9 July 2022).

⁶⁸ Federal Department of Economic Affairs, Education and Research, “Switzerland and Canada launch first Cleantech Innovation Summit”, https://www.innosuisse.ch/inno/en/home/media-and-events/media/nsb-news_list.msg-id-87608.html (Accessed on 9 July 2022).

both partners committed to intensifying and expanding their cooperation in research and innovation.⁶⁹ Swiss Federal Councilor Guy Parmelin, head of the Federal Department of Economic Affairs, Education and Research, has also been active recently in promoting Switzerland's international cooperation in the field of research and innovation. Indeed, he visited South Africa,⁷⁰ Israel,⁷¹ and Japan⁷² and received representatives of the governments of Vietnam⁷³ and the United Arab Emirates⁷⁴ to strengthen scientific cooperation between Switzerland and each of these countries.

To conclude, the intensity of cooperation between Switzerland and the EU is high. Under the associated-country status in the framework programs FP7 and Horizon 2020, Switzerland has been in the top ten performing countries regarding project participation, funds received from the EU, and coordination role. In addition, Switzerland has consistently been the most performing non-EU country in these programs. Switzerland is also highly dependent on its cooperation with the EU and especially on obtaining an associated-country status in the framework programs. Indeed, the EU framework programs are the main source of public funding for research and innovation for Swiss companies. Moreover, Switzerland is firmly anchored in the European research network. Since the EU's decision not to grant Switzerland an associated status in Horizon Europe, the Swiss' government and its national research foundation have been active in building and strengthening ties with the rest of the world. This is illustrated by the signature of two memoranda of understanding with the US and the UK science foundations, the holding of a research conference with Canada, as well the meetings of the Swiss Federal Councilor for research and innovation with several partners. However, despite these efforts by Switzerland to diversify its international cooperation in research, it remains highly dependent on its collaboration with European partners and EU funding through the framework program.

⁶⁹ Federal Department of Economic Affairs, Education and Research, "Switzerland and Brazil hold talks on research and innovation", <https://www.admin.ch/gov/en/start/documentation/media-releases.msg-id-87603.html> (Accessed on 9 July 2022).

⁷⁰ Federal Department of Economic Affairs, Education and Research, "Federal Councillor Guy Parmelin heads economic and scientific mission to South Africa", https://www.wbf.admin.ch/wbf/en/home/dokumentation/nsb-news_list.msg-id-89614.html (Accessed on 9 July 2022).

⁷¹ Federal Department of Economic Affairs, Education and Research, "President Parmelin visits Israel and the occupied Palestinian territory", https://www.wbf.admin.ch/wbf/en/home/dokumentation/nsb-news_list.msg-id-85638.html (Accessed on 9 July 2022).

⁷² Federal Department of Economic Affairs, Education and Research, "Swiss President Guy Parmelin meets Japanese Prime Minister Suga", https://www.wbf.admin.ch/wbf/en/home/dokumentation/nsb-news_list.msg-id-84530.html (Accessed on 9 July 2022).

⁷³ Federal Department of Economic Affairs, Education and Research, "Switzerland and Vietnam to further deepen relations", https://www.wbf.admin.ch/wbf/en/home/dokumentation/nsb-news_list.msg-id-86125.html (Accessed on 9 July 2022).

⁷⁴ Federal Department of Economic Affairs, Education and Research, "Emirati Minister of Education visits Bern", https://www.wbf.admin.ch/wbf/en/home/dokumentation/nsb-news_list.msg-id-85097.html (Accessed on 9 July 2022).

4.2.3.3 Aviation

Due to its geographical position in the middle of Europe and thanks to the air transport agreement signed between the EU and Switzerland as part of the Bilateral Agreements I, air traffic between the EU and Switzerland has a high level of intensity. The air transport agreement between the EU and Switzerland⁷⁵ covers all the freedoms of the aviation market except for internal cabotage and triangular traffic.⁷⁶ Statistics for EU-Switzerland air passengers are available since 2007.⁷⁷ Between 2007 and 2019, before the COVID crisis, the average number of annual passengers on a flight between an EU country and Switzerland was 30'892'138. In proportion, this number means that Switzerland represented the origin or destination of 7% of all passengers on a flight between the EU and a third country.

For Switzerland, the EU is its most important partner in aviation. Figure 7⁷⁸ illustrates the share of the EU in the total number of passengers arriving or departing from Switzerland. On average, since 2007, 65% of air passengers arriving or departing from Switzerland are coming from or going to the EU.



Figure 7: Number of passengers by destination (Switzerland)
Source: Eurostat, Federal Statistical Office

⁷⁵ Agreement between the European Community and the Swiss Confederation on Air Transport, L 114, 30.04.2002, [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02002A0430\(02\)-20220201&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02002A0430(02)-20220201&from=EN) (Accessed on 12 July 2022).

⁷⁶ Interview 5.

⁷⁷ Eurostat, "International extra-EU air passenger transport by reporting country and partner world regions and countries (AVIA_PAEXCC)", https://ec.europa.eu/eurostat/databrowser/view/AVIA_PAEXCC/default/table?lang=en&category=avia.avia_pa.avia_pae (Accessed on 12 July 2022).

⁷⁸ Statistics for this table is taken from: Eurostat, "International extra-EU air passenger transport by reporting country and partner world regions and countries (AVIA_PAEXCC)", https://ec.europa.eu/eurostat/databrowser/view/AVIA_PAEXCC/default/table?lang=en&category=avia.avia_pa.avia_pae (Accessed on 12 July 2022) for EU-CH data; Federal Statistical Office, "Aviation civile - vue d'ensemble", <https://www.bfs.admin.ch/bfs/en/home/statistics/mobility-transport/cross-sectional-topics/civil-aviation.assetdetail.21124577.html> (Accessed on 12 July 2022), and Federal Statistical Office, "Annual Data", <https://www.bfs.admin.ch/bfs/fr/home/statistiques/mobilite-transports/themes-transversaux/aviation-civile/trafic-lignes-charter.html#:~:text=Le%20nombre%20de%20mouvements%20a%C3%A9riens,de%20moins%20qu'en%202019.> (Accessed on 12 July 2022) for Switzerland total data in air transport.

In addition to its air transport agreement with the EU, Switzerland has signed over 150 bilateral agreements with other countries.⁷⁹ These agreements allow Swiss airlines to operate flights on international air routes and have traffic and landing rights in the partner country.⁸⁰

Relations in air transport between Switzerland and the EU have a high level of intensity. Indeed, since 2007, around 30 million passengers have traveled between the two destinations per year on average. Switzerland is also highly dependent on its access to the EU air transport market as 65% of passengers arriving to or departing from Switzerland have an EU country as their origin or destination.

4.2.3.4 Conclusion

In summary, sectoral cooperation between the EU and Switzerland in trade, research and aviation has a high level of intensity and a high degree of dependence of Switzerland in all three sectors. As a result, according to our third hypothesis, we can expect the three sectors to be mobilized by the EU in a joined-up approach.

However, the nature of sectoral cooperation in the aviation sector is different to the trade and research sectors. Indeed, the aviation sector can be distinguished in two different dimensions. On the one part, there is the liberalization of the markets between two partners. On the other part, there is cooperation regarding aviation safety. We argue that the economic stakes of cooperation are limited to the liberalization of markets. Indeed, the cooperation regarding aviation safety does not involve economic interests and aims at protecting the customers. As a result, for the aviation sector, we expect the EU to use the market liberalization agreements in a joined-up approach, but not the cooperation on aviation safety.

Sector	Intensity of cooperation	Degree of dependence
Trade	High	High
Research	High	High
Aviation	High	High

Table 8: Summary of the economic stakes of cooperation for Switzerland in the three sectors

⁷⁹ Office federal de l’aviation civile OFAC, “Autres accord bilatéraux”, <https://www.bazl.admin.ch/bazl/fr/home/themen/bases-legales/affaires-internationales/accords-aeriens/autres-accords-bilateraux.html> (Accessed on 12 July 2022).

⁸⁰ Federal Department of Foreign Affairs DFA, “Air Transport”, <https://www.eda.admin.ch/eda/en/fdfa/foreign-policy/cross-departmental-themes/transports/air-transport.html> (Accessed on 12 July 2022).

4.3 EU-Switzerland relations and the joined-up approach

In this section, we analyze EU-Switzerland relations according to the two dimensions of the conceptualization of the joined-up approach: foreign policy, and sectoral cooperation. We find that the EU has developed a strong joined-up approach toward Switzerland. This approach is observed in all dimensions analyzed. In foreign policy, it is illustrated by the Council conclusions on relations with Switzerland, which have conditioned since 2012 the signature of any market access agreements to the conclusion of the IFA. In the sectoral cooperation aspect, the strong joined-up approach is particularly noticeable in the sectoral agreements, Switzerland's participation in EU programs, and the EU's internal organization that reveals that the EU's external relations are coordinated and highly centralized under the leadership of the SG.

4.3.1 Foreign Policy

4.3.1.1 Legal level

Relations between the EU and Switzerland are not governed by a general agreement setting the framework for their cooperation, such as an AA. In fact, the IFA, rejected by the Swiss government, would have followed such a logic of providing an institutional framework for Switzerland's access to the internal market. Moreover, the IFA is the diplomatic disagreement studied in our research. As a result, for the legal level, we focus our analysis on the European Council and Foreign Affairs Council conclusions, as well as the general foreign policy documents presenting the EU's foreign policy position towards Switzerland.

European Council and Foreign Affairs Council conclusions

A first observation is that Switzerland is not on the EU's foreign policy agenda. Indeed, out of the 419 conclusions of the European Council and the Foreign Affairs Council since 2000, only 20 mention Switzerland. Moreover, the mentions in the Foreign Affairs Council are relatively short and deal with issues such as the opening of negotiations (Council of the European Union 2018a: 12), the EU's position in these negotiations (Council of the European Union 2020a: 15, 2021a: 10) or the authorization to sign new agreements (Council of the European Union 2015a: 14, 2020b: 8). The Foreign Affairs Council has also addressed the diplomatic tensions between Switzerland and Libya in 2010 (Council of the European Union 2010b: 9, 2010c: 13) as well as the participation of Switzerland in CSDP missions in Mali (Council of the European Union 2014a: 25, 2014b: 22) and Libya (Council of the European Union 2014c: 19). The few mentions in the European Council are also limited to statements on the negotiations on the taxation of savings (European Council 2002: 15, 2013a: 7, 2014a: 3) and to welcoming the entry into force of the Schengen agreement (European Council 2008: 4).

As a result, EU relations with Switzerland are not really dealt with in the Foreign Affairs and the European councils. Moreover, these two council formations have not developed a joined-

up approach toward Switzerland. The few occasions when these councils mention Switzerland are topics such as the opening of negotiations on a sectoral aspect of their relations or Switzerland's occasional participation in CSDP missions. However, these negotiations or Switzerland's involvement in the CSDP missions are not linked to any other issue, indicating an absence of a joined-up approach by these two institutions. Crucially, these two foreign policy formations of the EU have not mentioned once the IFA.

Council's conclusions on relations with Switzerland

The only foreign policy documents that discuss the IFA are the Council's conclusions on relations with Switzerland. The Council's conclusions on relations with Switzerland address a variety of issues. Table 9 shows the number of paragraphs dealing with the three types of issues (diplomatic disagreement, foreign policy, and sectoral) in every Council's conclusions on relations with Switzerland.

Type of issue/Source	Source: Foreign policy documents (Council conclusions on relations with Switzerland)
Type of issue: diplomatic disagreement (IFA)	21
Type of issue: foreign policy	25
Type of issue: sectoral	29

Table 9: Code-Document Table: Type of issue/Source Foreign policy documents

The 25 paragraphs mentioning a foreign policy issue are composed of: 8 general paragraphs about the overall state of EU-Switzerland relations, 5 paragraphs that address the 2014 initiative 'against mass migration', 6 which refer to Switzerland's financial contribution, and 6 regarding CFSP/CSDP cooperation. The paragraphs on the overall state of EU-Switzerland relations underline the close ties between the two partners and are positive about the state of the relations. The ones that address EU-Switzerland cooperation on CFSP/CSDP issues are also positive and welcome Switzerland's involvement. However, there are two exceptions to this positive assessment. Indeed, the EU regrets that Switzerland has not fully aligned on the EU sanction regimes against Iran (Council of the European Union 2012a: 7) and Russia (Council of the European Union 2014d: 8). Nevertheless, there are no signs of a joined-up approach as the conclusions only invite Switzerland to take the necessary steps to prevent circumvention of the EU sanction regimes.

The success in 2014 of the initiative 'against mass migration' is one of the two foreign policy issues in which the EU has developed a joined-up approach toward Switzerland. In 2014, the EU reacted to the popular initiative's success by first underlining that the implementation of the initiative would threaten "to undermine the core of EU-Switzerland relations, (...) the Bilateral Agreements I", and that Brussels refused to renegotiate the agreement on the free movement of persons (Council of the European Union 2014d: 7). The EU then declared that in case Switzerland was unable to find a solution to implement the initiative without honoring its obligations under the agreement on the free movement of persons, "the Council reserves its right to put an end to the abovementioned institutional negotiations and other internal

market related negotiation” (Council of the European Union 2014d: 7). This statement is a case of ‘soft joined-up approach’ by the EU. Indeed, the EU links the ongoing negotiations on the IFA, as well as other market access negotiations, to Switzerland’s capacity to find a solution to implement the initiative that would be compatible with the agreement on the free movement of persons. This is a ‘soft’ and not ‘strong’ joined-up approach as this constitutes a threat of linking the issues without going as far as terminating the other negotiations in retaliation. Finally, the EU did not have to implement this joined-up approach, as Switzerland found a solution compatible with the agreement on the free movement of persons to implement the initiative, which the EU welcomed in its following conclusions (Council of the European Union 2017a: 1, 2019a: 2).

The other foreign policy issue where the EU has developed a joined-up approach toward Switzerland is the latter financial contribution. Switzerland approved a financial contribution of CHF 1 billion over ten years in 2007 for the then member states that joined the EU in 2004. This contribution was then increased to 1.3 billion following the accession of three new members in 2007 and 2013. This contribution aims to strengthen cohesion within the Member States and reduce economic and social disparities within the enlarged EU. In the first conclusions, the EU stated its satisfaction with Switzerland’s contribution, the fact that it contributed to enriching overall relations between the two partners, and expressed its confidence that this contribution would be renewed in the future (Council of the European Union 2008a: 8, 2010a: 6). In 2012, following the first five years of implementation of the contribution mechanism, Switzerland had to renew its contribution. In its conclusions, the EU stated that it expected that “this expression of solidarity, which underpins the relations between the EU and Switzerland, will be extended, in parallel to the continued access to the enlarged internal market” (Council of the European Union 2012a: 7). In 2014, the EU recalled that this contribution “was part of a broader agreement leading to the conclusion of nine sectoral agreements with Switzerland” and that it “urged Switzerland to engage in negotiations on its renewal in line with the EU principles and benefits Switzerland draws from its participation in the internal market” (Council of the European Union 2014d: 8). Even though the EU did not explicitly link Switzerland’s contribution renewal to other issues, it implied that this was one of the conditions for market access. In the 2012 conclusions, the EU clearly stated that there was a parallel between the contribution and Switzerland’s continued access to the internal market. As a result, even though the EU did not condition the negotiations of other agreements to the financial contribution, it has created a link between the contribution and Switzerland’s access to the market, which indicates a ‘soft joined-up approach’.

Regarding the paragraphs dealing with sectoral issues, 12 of them mention agreements signed between the EU and Switzerland, while 7 highlight the good cooperation between the two partners, essentially regarding migration. The remaining 10 paragraphs address issues where the EU is dissatisfied with Switzerland. There are two issues where the EU has expressed its dissatisfaction toward Switzerland: the application of the free movement of person agreement and Switzerland’s tax regime. Regarding the free movement of persons agreement, the EU has repeatedly expressed its frustration regarding Switzerland’s national legislation (Council of

the European Union 2008a: 7, 2010a: 7, 2012a: 6, 2019a: 3). The EU has denounced Switzerland's flanking measures on posted workers and the obligation for EU's companies to provide prior notification with an 8-day waiting period as restricting and "jeopardizing the proper functioning of *the* agreement to the detriment of EU citizens and companies" (Council of the European Union 2008a: 7). The EU has expressed similar frustration regarding Switzerland's tax regimes (Council of the European Union 2008a: 7, 2010a: 7, 2012a: 7, 2014d: 8, 2017a: 2). In substance, the EU has expressed its concerns about "certain cantonal tax regimes applied by Switzerland to its companies, which are considered by the EU to constitute state aid incompatible with the 1972 free trade agreement" (Council of the European Union 2008a: 7). However, even though these conclusions clearly express an EU dissatisfaction regarding these two issues, there is no attempt at a joined-up approach. Indeed, although the EU has repeatedly asked Switzerland to repeal these measures, it has not made future agreements or cooperation conditional on Switzerland's compliance with these requests.

Finally, the last issue addressed by these Council conclusions is the IFA. In the six Council conclusions on its relations with Switzerland (2008, 2010, 2012, 2014, 2017, and 2019), the EU has developed a joined-up approach regarding the IFA issue. In 2008, the Council deployed a soft joined-up approach by stating that "in assessing the balance of interests in concluding additional agreements, the Council will have in mind the need to ensure parallel progress in all areas of cooperation" (Council of the European Union 2008a: 8). The Council recalled that the deepening of the EU partnership with Switzerland required "a homogenous and simultaneous application and interpretation of the constantly evolving *acquis*" which should be reflected "in all the agreements currently being negotiated with Switzerland" (Council of the European Union 2008a: 8). The Council recalled these conditions in 2010 and reaffirmed its soft joined-up approach. It also added that "supervision, enforcement and conflict resolution mechanisms" should be incorporated in any agreements with Switzerland in addition to the dynamic adaptation to the *acquis* mentioned in 2008 (Council of the European Union 2010a: 7-8).

In the following conclusions on its relations with Switzerland, the EU adopted a 'strong joined-up approach' rhetoric. Indeed, it stated that "the conclusion of any negotiation regarding the participation of Switzerland in the internal market is, in particular, dependent on solving the institutional issues" (Council of the European Union 2012a: 5, 2014d: 7, 2017a: 1-2). Furthermore, the 2014 conclusions made clear that "without such a framework (*IFA*) no further agreements on Swiss participation in the internal market will be concluded" (Council of the European Union 2014d: 7). After the Swiss Federal Council's decision not to endorse the text of the IFA in 2018, the EU maintained its strong joined-up approach in its following conclusions in 2019 and reinforced it even more by insisting on the indefectible link between the IFA and the signature of any market access agreement: "The Council emphasizes that the conclusion of the Institutional Framework Agreement on the basis of the present text is a precondition for the EU for the conclusion of future agreements on Swiss participation in the EU's internal market and also an essential element for deciding upon further progress towards mutually beneficial market access" (Council of the European Union 2019a: 2).

Table 10 summarizes our findings of the joined-up approach in the Council’s conclusions on relations with Switzerland. The table indicates the elements linked by the EU in the joined-up approach, the number of times the EU has applied this linkage, the references where these instances of a joined-up approach have been found, and the intensity of the joined-up approach (soft or strong).

Elements	Recurrence	References	Intensity
Implementation of the initiative “against mass migration” – Negotiations on the IFA and other market access agreements	1	(Council of the European Union 2014d)	Soft
Financial contribution – Switzerland’s access to the internal market	2	(Council of the European Union 2012a, 2014d)	Soft
IFA negotiations – Every negotiation on market access agreements	2	(Council of the European Union 2008a, 2010a)	Soft
	4	(Council of the European Union 2012a, 2014d, 2017a, 2019a)	Strong

Table 10: Summary of the Joined-up approach instances in the Council's conclusions on relations with Switzerland

4.3.1.2 Interactional level

Moving to the interactional level of the foreign policy dimension, we analyze the high-level political dialogue between the EU and Switzerland. A first observation is that there is no institutionalized political dialogue between the two parties like an Association Council that would meet every year or two years. Indeed, the relations are governed by more than 120 bilateral sectoral agreements with no institutional framework. As a result, the dialogue between the EU and Switzerland primarily takes place at a sectoral technocratic level. Nevertheless, a high-level political dialogue still exists between the two parties, with occasional meetings of the European Commission representatives and their counterparts from the Swiss Federal Council. As a result, in our institutional analysis of the foreign policy dimension of the joined-up approach, we assess whether the EU has instrumentalized the political dialogue with Switzerland concerning the IFA. If the EU were to develop a joined-up approach toward Switzerland in this dimension, we would expect Brussels to suspend the political dialogue with Bern to express its disagreement over the Federal Council’s position on the IFA.

Following the Swiss Federal Council’s decision to terminate the negotiations on the IFA in May 2021, the EU expressed its regrets about the Swiss’ decision and maintained that without the institutional agreement, the “modernization of our relationship will not be possible and our bilateral agreements will inevitably age” (European Commission 2021a). While the EU’s statement confirmed that without the IFA, no new agreement could be signed, it did not mention the impact that the Federal Council’s decision might have on political dialogue and relations with Switzerland. In October 2021, Swiss President Guy Parmelin declared that Switzerland “wishes to have a high-level political dialogue” with the EU (Bilan 2021). This high-level political dialogue would allow Switzerland and the EU to discuss their

disagreements over the nature of their relationship. Furthermore, the Swiss President noted that: “If we have problems when we negotiate something, we have to solve it at the political level” (Bilan 2021). One month later, Switzerland’s Minister of Foreign Affairs, Ignazio Cassis, met in Brussels with its interlocutor at the European Commission, Maros Šefčovič. During the press conference following their meeting, Šefčovič stated that the EU had “agreed to intensify our political dialogue” with Switzerland (Šefčovič 2021). However, this dialogue “must be focused and substantial”, and should address the structural issues of EU-Swiss relations, namely the dynamic alignment with EU law, a level playing field, a dispute settlement mechanism, and Switzerland’s regular financial contribution (Šefčovič 2021). In addition, the Commissioner noted that this political dialogue should begin quickly and could not wait until 2024 and the Swiss federal elections of 2023 to begin (Le Temps 2021).

The Federal Council presented in February 2022 its guidelines for a negotiation package with the EU (Federal Council 2022). Following this announcement, Switzerland’s Secretary of State, Livia Leu, met on two occasions her counterpart from Commissioner Šefčovič’s cabinet, Juraj Nociar, for exploratory talks on potential future negotiations between the EU and Switzerland in March and April 2022. These exploratory talks led to an exchange of letters between the two negotiators in which the EU asked Switzerland to clarify its position on ten points (Leu 2022; Nociar 2022). Therefore, even though the EU has continuously expressed its disagreements with Switzerland over the IFA issue and the nature of the future of EU-Switzerland relations, it has not used the high-level political dialogue in a joined-up approach. Indeed, the dialogue has continued, and the EU has even accepted Switzerland’s proposal to establish a high-level political dialogue under certain conditions.

4.3.1.3 Conclusion

The foreign policy dimension of the joined-up approach reveals that Switzerland is not on the EU’s foreign policy agenda. Indeed, our legal level analysis shows that the foreign policy actors of the EU barely mention Switzerland in their conclusions. The IFA, which represents the most critical diplomatic disagreement between the EU and Switzerland since the refusal of the EEA, is not mentioned in any European or Foreign Affairs councils conclusions. As a result, the European Council and the Foreign Affairs Council do not develop a joined-up approach toward Switzerland.

The foreign policy documents in which we have identified instances of a joined-up approach are the Council conclusions on relations with Switzerland. These conclusions cover the IFA, as well as foreign policy and sectoral issues. We have identified instances of a ‘soft joined-up approach’ by the EU toward Switzerland concerning the initiative ‘against mass migration’, and Switzerland’s financial contribution to the new EU member states. Regarding the sectoral issues addressed by these conclusions, we have not observed any signs of a joined-up approach despite some disagreements over Switzerland’s application of the agreement on the free movement of persons as well as its tax regime. Concerning the IFA, we have observed instances of a joined-up approach in all six of the Council conclusions on relations with Switzerland. We have seen a gradual development of the joined-up approach in these

conclusions, starting with a soft joined-up approach in the 2008 and 2010 conclusions before moving to stronger forms of the joined-up approach. Since 2012, the EU has made the signing of any market access agreement conditional on the resolution of the institutional issues.

Finally, we have not observed a joined-up approach at the level of interactions in the foreign policy dimension. Indeed, the political dialogue between the two parties has not been suspended by the EU in reaction to the Federal Council's decision to terminate the negotiations on the IFA. On the contrary, the European Commission has even welcomed Switzerland's request for a political dialogue. As a result, even though both parties still disagree on the nature of EU-Swiss relations, there has been no joined-up approach developed by the EU in the institutional dimension.

4.3.2 Sectoral cooperation

4.3.2.1 Legal level

According to our conceptualization, the legal level of analysis covers the sectoral agreements, the participation in EU programs, and the conclusions of the Council formations dealing with sectoral issues, namely the Trade, the Transport, and the Competitiveness councils.

Sectoral agreements

Regarding the sectoral agreements, the EU has developed a strong joined-up approach toward Switzerland. Indeed, we have seen in the last section that the EU has decided since 2012 to condition the signature of market access agreements with Switzerland to the conclusion of the IFA. As a result, the EU has frozen the negotiations on new market access agreements and the update of existing ones.

Among the sectors studied in this research; the joined-up approach has impacted EU-Switzerland negotiations on cabotage rights in the aviation sector. Cabotage rights are the right to operate a flight between two airports in the same country. Therefore, an agreement on cabotage rights would allow Swiss airlines to operate flights between two airports in an EU member state and vice versa for the EU in Switzerland. For instance, a Swiss company could operate a flight between Frankfurt and Berlin. The Air Transport agreement between the EU and Switzerland provided for the opening of negotiations on cabotage rights five years after the entry into force of the agreement.⁸¹ As the agreement entered into force in 2002, Switzerland officially asked for the opening of negotiations on cabotage rights during the 2007 joint-committee.⁸² Negotiations on the extension of the air transport agreement between

⁸¹ Agreement between the European Community and the Swiss Confederation on Air Transport, L 114, *Op. Cit.*, Art. 15.3

⁸² Federal Office of Civil Aviation FOCA, "Accord bilatéral : Suisse et UE entament des travaux préparatoires en vue de négociations sur les vols intérieurs", 05.12.2007, <https://www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-16090.html> (Accessed on 21 July 2022).

Switzerland and the EU to cabotage rights were finally opened in 2011.⁸³ However, during the 2012 joint-committee, the EU informed Switzerland that an agreement can only be reached after the institutional issues have been resolved.⁸⁴ The timing of this announcement by the EU, just one year after agreeing to open the negotiations, is explained by the 2012 Council conclusions on relation with Switzerland which provided that: “the conclusion of any negotiation regarding the participation of Switzerland in the internal market is, in particular, dependent on solving the institutional issues” (Council of the European Union 2012a: 5). As a result, the negotiations on the extension of the Air Transport agreement between the EU and Switzerland to cabotage rights have been suspended until the institutional issues between the two parties are resolved.

In the development of a joined-up approach toward Switzerland in the aviation sector, the EU has distinguished between market access agreements and cooperation on safety and security issues. Indeed, whereas the negotiations on the cabotage rights have been suspended until the institutional problems are resolved, the annexes of the Air Transport agreement have been continuously updated since 2012 to incorporate new legislation on safety and security issues.⁸⁵ This is because the EU considers that cabotage rights constitute a market access agreement, and therefore cannot be signed per the 2012 Council conclusions, while cooperation on safety and security can be pursued to protect consumers.⁸⁶

In addition to freezing negotiations on new market access agreements, the EU has also suspended the talks on updating existing agreements. This has a significant impact on the Mutual Recognition Agreements (MRA), which is part of the first bilateral agreements package.⁸⁷ Indeed, similar to most of the bilateral agreements between the EU and Switzerland, the MRA is of a static nature. This means that the agreement determines the scope of the

⁸³ Federal Office of Civil Aviation FOCA, “La Suisse et l’UE entament des négociations sur les vols intérieurs”, 25.11.2011, <https://www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-42392.html> (Accessed on 21 July 2022).

⁸⁴ Federal Council, “La Suisse reprend de nouveaux règlements de l’UE dans le domaine de l’aviation civile”, 30.11.2012, <https://www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-46953.html> (Accessed on 21 July 2022).

⁸⁵ See the Swiss press releases following the joint committees with the EU in 2013, 2015, 2016, 2017, 2018, 2019, 2020, and 2021: <https://www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-51203.html>; <https://www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-58379.html>; <https://www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-61650.html>; <https://www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-64753.html>; <https://www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-69019.html>; <https://www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-73276.html>; <https://www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-76136.html>; <https://www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-77462.html>; <https://www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-79460.html>; <https://www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-81426.html>; <https://www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-84481.html>; <https://www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-86324.html> (all accessed on 21 July 2022).

⁸⁶ Interviews 3, 5, and 27.

⁸⁷ Official Journal of the European Communities, “Agreement between the European Community and the Swiss Confederation on mutual recognition in relation to conformity assessment”, L 114/369, 30.04.2002, https://eur-lex.europa.eu/resource.html?uri=cellar:8a1bf0c0-105d-4a28-a506-463683863068.0004.02/DOC_1&format=PDF (Accessed on 21 July 2022).

necessary regulatory adaptation at the time of its conclusion. Therefore, the MRA, which aims at removing technical barriers to trade between the EU and Switzerland by ensuring mutual recognition of conformity assessment, needs to be updated regularly to include the new norms of conformity assessment. Without these updates, the new norms of conformity assessment will not be recognized as equivalent in the EU and Switzerland. As a result, Swiss companies will have to do a double conformity assessment if they want to export their products in the EU: one in Switzerland and one in the EU. This double conformity assessment represents a considerable cost in terms of time, administrative tasks, and money. Therefore, when new conformity assessment norms are introduced in the EU and are not integrated into the MRA with Switzerland, new technical barriers are introduced. As a result, the non-updating of the MRA will progressively erode Switzerland's access to the internal market, as more and more technical barriers will be introduced in several sectors whenever new European standards are not transposed into the annex of the agreement.

The first sector impacted by the non-update of the MRA is medical devices. Although the medical devices sector is not part of our case selection, the non-update of the MRA constitutes technical barriers to trade which is therefore linked to the trade sector. A new EU Medical Devices Regulation⁸⁸ became fully applicable on May 26, 2021. Because the MRA with Switzerland cannot be updated, since May 26, 2021, the mutual recognition of conformity assessment for the medical devices has ceased to apply (European Commission 2021b). Therefore, if a Swiss company wishes to export medical devices to the EU, the products must be certified by a conformity assessment body established in the EU. This must be done in addition to the certification already performed by a Swiss body, as these certifications are no longer recognized as equivalent in the EU. Moreover, Swiss manufacturers who wish to export their products to the EU must have an authorized representative established in the EU (European Commission 2021b). In addition, a new EU regulation on in vitro diagnostic medical devices⁸⁹ entered into force on May 26, 2022. Although Switzerland adopted a new regulation aligning with the new EU rules that came into force on the same day,⁹⁰ the mutual recognition of conformity assessment of in vitro diagnostic medical devices also ceased to apply in May 2022 as the EU does not legally recognize this alignment without an update of the MRA.

The consequences of not updating the MRA for the medical device and in vitro diagnostic medical device sectors are already being felt (Hug Alonso et al. 2022: 25–6). Indeed, access to

⁸⁸ Official Journal of the European Union, "Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC", L 117/1, 05.05.2017, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017R0745> (Accessed on 22 July 2022).

⁸⁹ Official Journal of the European Union, "Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU", L 117/176, 05.05.2017, <https://eur-lex.europa.eu/eli/reg/2017/746/oj> (Accessed on 22 July 2022).

⁹⁰ Federal Council, "Le Conseil fédéral renforce la sécurité des dispositifs médicaux de diagnostic in vitro", 04.05.2022, <https://www.seco.admin.ch/seco/fr/home/seco/nsb-news/medienmitteilungen-2022.msg-id-88630.html> (Accessed on 22 July 2022).

the EU market is crucial for Swiss companies operating in these sectors. The EU accounted for 46% of the Swiss medical technology industry's exports, while 54% of the imports into Switzerland came from the EU.⁹¹ For the *in vitro* diagnostic medical device sector, the dependence on imports and exports is even higher. Indeed, more than 90% of *in vitro* diagnostic medical devices used in Switzerland are imported from abroad (Swissinfo 2022b). The association Swiss Medtech has estimated the administrative costs of complying with the requirements for third countries to be CHF 114 million initially and CHF 75 million annually, which corresponds to 2 % and 1.4 % of total export volume (CHF 5.2 billion) from Switzerland to the EU, respectively.⁹²

The medical devices sector is the first one that the non-update of the MRA has impacted. However, other sectors will also gradually be affected whenever there is a new EU regulation that is not transposed in the MRA. The construction sector will most likely be impacted in the following years (Hug Alonso et al. 2022: 34). Indeed, the European Commission presented in March 2022 a new regulation on construction products,⁹³ which will harmonize the legislation for putting construction products on the EU market, and introduce new requirements related to environment protection, health, security (Hug Alonso et al. 2022: 34).⁹⁴ If the new EU regulation is adopted in the EU, the certificates for Swiss construction products would no longer be recognized as equivalent in the future. This would introduce new barriers to trade similar to the medical devices sector. The Swiss machinery sector is also under the threat of a new EU regulation. In April 2021, the European Commission published a proposal for a new regulation on machinery products.⁹⁵ Even though the companies will benefit from a 30 months transitional period once the directive enters into force, the annual adaptation costs for Swiss companies could be between 250 and 500 million Swiss francs (Hug Alonso et al. 2022: 34). Finally, the pharmaceutical sector, which is one of the most exporting industries in Switzerland, could also be affected by the non-updating of the MRA. If a new EU regulation was to come into force in the future and could not be transposed into the MRA, the costs for the pharmaceutical industry could amount to approximately 500 million Swiss francs per year (Wanner 2022).

In addition to the MRA, other bilateral agreements are also impacted by the EU non-update policy. Although these agreements are not part of our case selection, it is relevant to mention them to picture the extent of the joined-up approach developed by the EU. In agriculture, there has been an erosion of the agreement regarding animal health, animal food and feed control, and plant health. The veterinary agreement has not been updated either (Hug Alonso et al.

⁹¹ Swiss Medtech, "Medtech Sector Study 2020", 09.09.2020, <https://www.swiss-medtech.ch/en/news/medtech-sector-study-2020> (Accessed on 22 July 2022).

⁹² Swiss Medtech, "Swiss Medtech downgraded to "third country" status today", 26.05.2021, <https://www.swiss-medtech.ch/en/news/swiss-medtech-downgraded-third-country-status-today> (Accessed on 22 July 2022).

⁹³ European Commission, "Proposal for a Regulation laying down harmonised conditions for the marketing of construction products, amending Regulation (EU) 2019/1020 and repealing Regulation (EU) 305/2011", 30.03.2022, <https://ec.europa.eu/docsroom/documents/49315> (Accessed on 22 July 2022).

⁹⁴ European Commission, "Questions & Answers: Revision of the Construction Products Regulation", 30.03.2022, https://ec.europa.eu/commission/presscorner/detail/en/QANDA_22_2121 (Accessed on 22 July 2022).

⁹⁵ European Commission, "Proposal for a Regulation of the European Parliament and of the Council on machinery products", 21.04.2021, <https://ec.europa.eu/docsroom/documents/45508> (Accessed on 22 July 2022).

2022: 27), and the EU has also made the signing of a public health agreement, which is ready to be signed since 2015, conditional on the conclusion of the IFA.⁹⁶ Negotiations in the field of electricity have also been affected. In this sector, the Swiss energy system is closely interconnected with those of its neighbors. However, “electricity relations between Switzerland and the EU remain largely unstructured and often depend on informal cooperation” (Thaler 2020), and the regulatory gap between Switzerland and the EU widens in this sector. To address this issue, Switzerland and the EU started negotiations on a bilateral agreement in the electricity sector in 2007. This bilateral agreement aimed to regulate cross-border electricity trading and secure Switzerland’s access to the European electricity market.⁹⁷ However, because of the EU’s previous decision to condition the signing of any market access agreement with Switzerland to the conclusion of the IFA, the electricity agreement has not been signed, although the negotiations are completed.

Finally, one of the first sector in which the EU has taken direct retaliatory measures in response to the Federal Council’s initial hesitations regarding the IFA, and that has created public attention, is the financial market. In the wake of the financial crisis, the EU has revised its regulation of financial markets to improve the transparency and stability of these markets and the protection of investors (Hug Alonso et al. 2022: 28). As a result, the EU adopted a new legislative framework (MiFID II and MiFIR) in 2014, which entered into force in 2018.⁹⁸ These regulations imply that EU actors can only trade shares on EU platforms, or a platform of a third country deemed equivalent. As a result, Switzerland had to obtain the stock exchange equivalence so that EU investment firms could trade shares on Swiss stock exchanges. In December 2017, whereas the negotiations on the IFA were still taking place, the European Commission granted Switzerland the equivalence, however, only for one year.⁹⁹ In its decision, the European Commission stated that: “when deciding on whether to extend the applicability of this decision, the Commission should in particular consider progress made towards the signature of an Agreement establishing that common institutional framework”.¹⁰⁰ Therefore, although Switzerland fulfilled the technical requirements to obtain the equivalence, the EU explicitly conditioned the extension of the equivalence to the progress made in the IFA negotiations. Before the equivalence expired in December 2018, the IFA negotiations between Switzerland and the EU came to an end a draft text was published. However, as we have seen above, the Federal Council refused to sign the draft agreement and decided to hold domestic consultations. As a result, the European Commission agreed to extend the equivalence. Still,

⁹⁶ Federal Office of Public Health FOPH, “Cooperation with the European Union (EU)”, <https://www.bag.admin.ch/bag/en/home/strategie-und-politik/internationale-beziehungen/zusammenarbeit-mit-der-europaischen-union.html> (Accessed on 27 July 2022).

⁹⁷ Swiss Federal Office of Energy, Energy negotiations between Switzerland and the EU: <https://www.bfe.admin.ch/bfe/en/home/supply/electricity-supply/energy-negotiations-between-switzerland-and-eu.html> (Accessed on 26 January 2022).

⁹⁸ ESMA, “MIFID II”, <https://www.esma.europa.eu/policy-rules/mifid-ii-and-mifir> (Accessed on 22 July 2022).

⁹⁹ Official Journal of the European Union, “Commission Implementing Decision (EU) 2017/2441 of 21 December 2017 on the equivalence of the legal and supervisory framework applicable to stock exchanges in Switzerland in accordance with Directive 2014/65/EU of the European Parliament and of the Council”, Art. 2, L 344/52, 23.12.2017, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017D2441&from=EN> (Accessed on 22 July 2022).

¹⁰⁰ *Ibid.*, paragraph 30.

only for six months and, again, subject to progress on the IFA.¹⁰¹ In June 2019, given the lack of progress in Switzerland on the IFA, the EU decided to let the equivalence expire.

This issue illustrates the strong joined-up approach developed by the EU toward Switzerland. Indeed, even though Switzerland fulfilled the technical requirements to obtain the equivalence, the EU decided to establish a link between the equivalence and the IFA files to put pressure on the Federal Council. The EU's position is clearly stated in a letter from EU Commissioner Johannes Hahn to Jean-Claude Juncker in June 2019 before a General Affairs Council meeting during which the Swiss equivalence was on the agenda. Commissioner Hahn stated that the limited extensions of the equivalence were "meant to provide an additional, visible and highly symbolic incentive for Berne to conduct their consultations swiftly and rally behind the draft Agreement" (Hahn 2019). As a result, taking into account that "the steps taken by Switzerland over the last months are clearly insufficient", Hahn did "not see satisfactory ground for the College to propose a further extension" (Hahn 2019). He concluded that "an expiry of the 'equivalence' may be just the warning shot across the bow they need" and that the EU had "no choice but to pass this crystal-clear message that the IFA as it stands is as good as it gets" (Hahn 2019).

To sum up, the EU has developed a strong joined-up approach toward Switzerland regarding the sectoral agreements. Indeed, it has decided to freeze the current negotiations on new market access agreements but also the updates of the existing ones. Because these agreements are static, new technical barriers to trade have already arisen in several sectors, and Switzerland's access to the EU market will gradually erode over time. Finally, stock market equivalence is a clear illustration of how the EU has decided to link two issues (equivalence and IFA), which are not legally related, to increase the pressure on the Federal Council to sign the IFA. An EU official said to the author that "only a politicization of the sectoral agreements will give the expected result for the EU" because "if we do not politicize, it will be cherry picking".¹⁰²

Participation in EU programs

The next aspect of our legal level analysis is Switzerland's participation in EU programs. Our analysis reveals that the EU has also developed a strong joined-up approach toward Switzerland regarding its involvement in EU programs. The main sector affected is research and innovation. As reported in the historical relations section, the EU had already instrumentalized Switzerland's participation in the EU research framework program following the success of the initiative 'against mass migration' in 2014. Indeed, because the initiative prevented Switzerland from signing the protocol extending the EU-Swiss agreement on the free movement of persons to Croatia, the EU excluded Switzerland from participation

¹⁰¹ Official Journal of the European Union, "Commission Implementing Decision (EU) 2018/2047 of 20 December 2018 on the equivalence of the legal and supervisory framework applicable to stock exchanges in Switzerland in accordance with Directive 2014/65/EU of the European Parliament and of the Council", Art. 2 and para. 32, L 327/82, 21.12.2018, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018D2047> (Accessed on 22 July 2022).

¹⁰² Interview 24.

in the Erasmus + program and only partially associated it to Horizon 2020. Finally, the Federal Council found a solution to implement the initiative that was compatible with the agreement on the free movement of persons and was thus able to sign the protocol. As a result, Switzerland was fully reintegrated into Horizon 2020 as an associated country.

The EU also used Switzerland's participation in the EU research framework program in the context of the IFA. In June 2018, before the end of the IFA negotiations, the European Commission published its proposal for a regulation establishing 'Horizon Europe'. In this proposal, the article regulating third countries' association with the program brings a significant change for Switzerland. Indeed, under the Horizon 2020 regulation, association with the program was open to "EFTA members".¹⁰³ However, the 2018 European Commission proposal for the Horizon Europe regulation opened association to "EFTA members which are members of the EEA" (European Commission 2018: 34). This distinction introduced between the EFTA-EEA members and Switzerland de facto relegated the latter to a third country status. The third country status implied that to be associated with Horizon Europe, Switzerland would have to negotiate an agreement with the EU that "ensured a fair balance as regards the contribution and benefits of the third country participating in the Union programmes" (European Commission 2018: 34). Whereas Switzerland was previously associated based on Gross domestic product (GDP) percentage, the third country status introduced a 'pay as you go' model to limit the financial benefits of Switzerland's participation to Horizon Europe projects. After the publication of this proposal, Switzerland lobbied the EP to regain its EFTA status and obtain similar association conditions to EEA members.¹⁰⁴ However, whereas the EP was prepared to introduce an amendment that would see Switzerland reintegrating the EEA-EFTA category, the European Commission briefed the Members of the European Parliament (MEPs) telling them that Switzerland's status in Horizon Europe was linked with the IFA and that as long as Bern did not sign the IFA, Switzerland would remain in the third country category.¹⁰⁵

Switzerland's third country status was confirmed by the adoption of the final Horizon Europe regulation in 2021¹⁰⁶ and the program guides published by the European Commission (2021c, 2022). Because of this third country status, Swiss research institutions can only participate in a consortium of at least three institutions from three different member states or associated countries¹⁰⁷ and have to participate at their own costs (European Commission 2022: 13). Moreover, Switzerland's institutions can no longer assume a coordinating role in a project,

¹⁰³ Official Journal of the European Union, "Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC", Art. 7, L 347/104, 20.12.2013, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013R1291> (Accessed on 25 July 2022).

¹⁰⁴ Interview 14.

¹⁰⁵ *Ibid.*

¹⁰⁶ Official Journal of the European Union, "Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe - the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013", Art. 16, L 170/1, 12.05.2021, <https://eur-lex.europa.eu/eli/reg/2021/695/oj> (Accessed on 25 July 2022).

¹⁰⁷ *Ibid.*, Art. 22.

and individual researchers based in Switzerland are excluded from the calls for individual fellowships such as the Marie Skłodowska-Curie fellowships and Cofund programs, as well as the European Research Council (ERC) grants (Hug Alonso et al. 2022: 22).

These new limitations to Switzerland's participation in the EU framework program have a significant impact on Switzerland's research and innovation sector. Regarding the financial aspect, Switzerland's participation in Horizon Europe projects is no longer financed by the European Commission but by the Swiss Confederation, which has already set aside a budget of 1.2 billion francs for the years 2021 and 2022.¹⁰⁸ The exclusion of researchers based in Switzerland from ERC grants is also a significant loss. Indeed, these grants represented 40% of the total European funding granted to Switzerland, i.e., more than one billion Swiss francs.¹⁰⁹ In addition to these financial repercussions, the exclusion of Switzerland from Horizon Europe also signifies a loss of attractiveness for Swiss research institutions. Indeed, researchers must choose between obtaining the prestigious Marie Skłodowska-Curie or ERC grants and leaving Switzerland or staying in the country and renouncing these grants. Some EU member states, like Sweden, have already approached recipients of these scholarships based in Switzerland to attract them to their own universities (RTS 2022). Moreover, Switzerland's third country status also signifies that Swiss institutions can no longer assume a coordination role in Horizon Europe projects. Under Horizon 2020, Switzerland took a coordination role in 4.2% of the projects. This role not only benefits the researchers themselves but also allows Swiss institutions to participate in the definition of the next priorities of European research and thus in the evolution of the research and innovation space on the scale of the continent (Hug Alonso et al. 2022: 23; Walser and Häfliger 2021).

The EU has therefore developed a strong joined-up approach toward Switzerland regarding its participation in the EU research framework program. Because the Federal Council decided to terminate the negotiations on the IFA, Switzerland has been granted a third country status in Horizon Europe. This status has a significant impact on both the financial aspect of Switzerland's participation, as well as on the attractiveness of the Swiss research community. Although the joined-up approach developed by the EU did not lead to a change in the Federal Council's position regarding the IFA, it sparked internal debates in Switzerland. Indeed, before the Federal Council decided to terminate the negotiations, Swiss universities, the umbrella organization of the Swiss universities, made a statement calling for the Federal Council to pursue talks on the IFA.¹¹⁰ Swiss universities considered the IFA as a "generally balanced draft agreement" and encouraged the Federal Council to sign it to "avoid by all

¹⁰⁸ The Federal Council, "Federal Council adopts measures on Horizon Europe and strengthens international space cooperation", *EAER Information Service*, https://www.wbf.admin.ch/wbf/en/home/dokumentation/nsb-news_list.msg-id-88644.html (Accessed on 9 July 2022).

¹⁰⁹ Swissuniversities, "Pour une association rapide de la Suisse à Horizon Europe", 30.06.2021, <https://www.swissuniversities.ch/fr/actualite/pour-une-association-rapide-de-la-suisse-a-horizon-europe> (Accessed on 25 July 2022).

¹¹⁰ Swissuniversities, "Institutional Framework Agreement with the EU: swissuniversities calls for the continuation of talks to ensure Switzerland's participation in EU research and education programmes", 17.05.2021, <https://www.swissuniversities.ch/en/news/institutional-framework-agreement-with-the-eu-swissuniversities-calls-for-the-continuation-of-talks-to-ensure-switzerlands-participation-in-eu-research-and-education-programmes> (Accessed on 25 July 2022).

means the exclusion of Swiss researchers and students from the research and education programs".¹¹¹ However, these calls by the Swiss' research institutions were not enough to alter the Federal Council's decision to terminate the negotiations. Nevertheless, it illustrates how the joined-up approach, by increasing costs in specific sectors, can encourage domestic actors in the affected sectors to put pressure on their governments to align with the European position.

Formations of the Council dealing with sectoral issues

Regarding the last aspect of the legal level analysis, the mentions of Switzerland in the Council of the EU formations dealing with sectoral issues are sporadic and very limited (Table 11). Since 2000, among the 199 conclusions from the Competitiveness, Trade, and Transport councils, we find only twenty mentions of Switzerland and no joined-up approach. Eight of the ten mentions in the Competitiveness Council conclusions deal with sectoral issues. There are two decisions approving the signature of agreements associating Switzerland to the EU's framework programs for research and innovation (Council of the European Union 2007a: 15, 2014e: 19), and four decisions regarding cooperation with Switzerland in other areas of research and innovation, such as: audiovisual field and Switzerland's participation in the MEDIA program (Council of the European Union 2007b: 16), the accession of Switzerland to the International Science and Technology Centre (Council of the European Union 2007c: 58), research and development (Council of the European Union 2008b: 14), and competition (Council of the European Union 2010d: 17). Two other mentions are related to agricultural issues and the EU's position to be taken in the joint veterinary committee (Council of the European Union 2015b: 18, 2018b: 21). The two mentions relating to foreign policy issues address Switzerland's participation to the EUBAM mission in Libya (Council of the European Union 2014f: 18), as well as Croatian delegation's wish "to find a constructive solution in order to resume negotiations with Switzerland on that country's association with the EU's research framework programme Horizon 2020" (Council of the European Union 2014g: 20) following the success of the initiative 'against mass migration'.

The only mention in the Trade Council conclusions is a decision that authorizes the signing of an agreement between the EU and Switzerland linking their respective emissions trading systems, which would allow "both parties to attain their emissions reduction targets, and in particular their commitments under the Paris Agreement" (Council of the European Union 2017b: 11).

Finally, the Transport Council has mentioned Switzerland nine times. Among these nine mentions, only one concerns the bilateral relations in aviation. It is a decision that authorizes "the Commission to open negotiations to amend the air transport agreement (...) to including traffic rights between points within Switzerland and (...) within any EU member state" (Council of the European Union 2011a: 13). Otherwise, there are four conclusions which deal with EU-Switzerland relations in the field of road transport (Council of the European Union

¹¹¹ Swissuniversities, "Institutional Framework Agreement with the EU: swissuniversities calls for the continuation of talks to ensure Switzerland's participation in EU research and education programmes", *Op. Cit.*

2000a: 24, 2000b: 17, 2003a: 20, 2006a: 51), one which requested the EP's opinion on the development of the Schengen and Dublin *acquis* in the draft agreements with Switzerland (Council of the European Union 2004a: 21), and two mentions regarding the revocation of the agreement between the European Coal and Steel Community and Switzerland, as well as cooperation in the field of statistics in the same conclusion (Council of the European Union 2009a: 21). Finally, one mentions concern foreign policy issue. It address the participation of Bulgaria and Romania as contracting parties to the agreement on the free movement of persons with Switzerland following their adhesion to the EU (Council of the European Union 2008c: 24).

To sum up, we do not find any sign of a joined-up approach in the conclusions of the sectoral formations of the Council. The mentions of Switzerland are rare and limited to the negotiations of new agreements in their field or the development of sectoral cooperation. The only mentions of foreign policy issues are of marginal importance. The IFA issue is never mentioned in these conclusions. As a result, these findings highlight that the formations of the Council are not the leading actor in the EU's relations with Switzerland.

	Competitiveness Council conclusions	Trade Council conclusions	Transport Council conclusions	Total
Type of issue: Sectoral	8	1	8	17
Type of issue: Foreign policy	2	0	1	3
Type of issue: diplomatic disagreement	0	0	0	0
Total	10	1	9	20

Table 11: Code-Document Table: Mentions of Switzerland/Sectoral Council conclusions

Table 12 summarizes the findings for the legal level of the sectoral cooperation dimension.

Aspect of sectoral cooperation	Joined-up approach	Cases of a joined-up approach
Sectoral agreements	Yes	Freeze of all market access agreements' negotiations (new agreements + updates of existing ones)
Participation in EU programs	Yes	Exclusion of Switzerland from the associated country status in Horizon Europe
Council conclusions	No	N/A

Table 12: Summary of the findings for the legal level of the sectoral cooperation dimension

4.3.2.2 Interactional level

For the interactional level of sectoral cooperation, we analyze if Switzerland's access to informal ministers' meetings, expert groups, committees, and agencies has been restricted due to the disagreement with the EU over the IFA. We also analyze if the EU-Switzerland joint committees have been suspended, and the EU's internal organization.

Access to informal ministers' meetings

Informal ministerial meetings bring together ministers from EU member states for informal discussions on current issues. The formations of these informal meetings address the same topics as the formal Council meetings (e.g., foreign affairs, health, justice and home affairs, transport, etc.). However, unlike the formal Council meetings held in Brussels, where only ministers from the member states participate, these informal meetings are open to the participation of ministers from third countries. The member state holding the rotating EU presidency can decide which third countries are invited to these informal meetings.

We have analyzed Swiss attendance at these meetings using available data. Information on informal meetings organized by the country holding the EU Council Presidency is available on the websites of the Presidency. However, most of these websites are no longer accessible or do not provide details about these meetings. After browsing the websites still online, as well as those archived via the Wayback archive website, we found information about informal meetings taking place under seven member states' presidencies. The available data covers the period 2017-2022 and corresponds to the Estonian (2017),¹¹² Austrian (2018),¹¹³ Croatian (2020),¹¹⁴ German (2020),¹¹⁵ Slovenian (2021),¹¹⁶ French (2022),¹¹⁷ and Czech (2022)¹¹⁸ presidencies of the Council of the EU. The websites of the Bulgarian (2018),¹¹⁹ Romanian (2019),¹²⁰ Finnish (2019),¹²¹ and Portuguese (2021)¹²² Presidencies do not provide information on the delegations that attended these meetings. Even though we do not have access to information on meetings taking place in early 2018, 2019, and early 2021, the data available still cover Switzerland's decision not to sign the agreement at the end of the negotiations in 2018, as well as the aftermath of the Federal Council's decision to terminate the discussions on the IFA in late May 2021.

¹¹² <https://web.archive.org/web/20190904092403/https://www.eu2017.ee/political-meetings.html> (Accessed on 27 July 2022).

¹¹³ <https://www.eu2018.at/calendar-events/political-events.html> (Accessed on 26 July 2022).

¹¹⁴ <https://eu2020.hr/Events> (Accessed on 27 July 2022).

¹¹⁵ <https://www.eu2020.de/eu2020-en/events> (Accessed on 26 July 2022).

¹¹⁶ <https://wayback.archive-it.org/12090/20220122012419/https://slovenian-presidency.consilium.europa.eu/en/events/> (Accessed on 27 July 2022).

¹¹⁷ <https://presidence-francaise.consilium.europa.eu/en/events/> (Accessed on 25 July 2022).

¹¹⁸ <https://czech-presidency.consilium.europa.eu/en/events/> (Accessed on 25 July 2022).

¹¹⁹ <https://www.eu2018bg.bg/en/> (Accessed on 26 July 2022).

¹²⁰ https://www.romania2019.eu/events/list/?tribe_eventcategory=133 (Accessed on 26 July 2022).

¹²¹ <https://eu2019.fi/en/events/all#?range=all> (Accessed on 26 July 2022).

¹²² <https://www.2021portugal.eu/en/events/?start-date=2021-01-01&end-date=2021-12-31> (Accessed on 26 July 2022).

On the seven different websites of the Council presidency, all meetings to which third countries have been invited have been recorded in a file. In this file, we noted whether Switzerland was invited and which other third countries also participated in the informal meeting. The file with the information on the participation of third countries in informal Council meetings is available [here](#).¹²³ Since 2017, there have been 41 informal Council meetings where third countries have been invited. Switzerland has been invited to 33 of those 41 meetings. However, we must consider that there are some meetings where Switzerland could not participate anyway, regardless of the IFA issue. This is the case for two sessions of the foreign affairs ministers (one under Estonian Presidency in 2017¹²⁴ and one under Austrian Presidency in 2018¹²⁵), as well as two meetings dealing with particular issues that did not concern Switzerland: a discussion of transport ministers on maritime governance under the Croatian Presidency,¹²⁶ and a meeting on the environmental impact of the war in Ukraine organized by the Czech Presidency where only Ukraine was invited as a third country.¹²⁷ Therefore, once we remove these four meetings in which Switzerland could not participate anyway regardless of political tensions, this means that Switzerland participated in 33 out of 37 meetings where it could have potentially been invited.

Figure 8 illustrates Switzerland's participation in informal Council meetings. The chart's horizontal axis indicates the period concerned and the member state holding the Council Presidency. For the data, the blue bar indicates Swiss participation, in percentage, in all meetings where third countries were invited (N=41), and the orange bar indicates Swiss participation, in percentage, in meetings where it could have been invited (N=37). The chart demonstrates that Switzerland's involvement in the informal Council meetings has not been affected by the IFA issue, except under the French Presidency. Indeed, under the six other presidencies, Switzerland has participated in all the meetings it could have been invited to. The difference between the blue and the orange bars under the Estonian, Austrian, Croatian, and Czech presidencies is because of the four meetings mentioned above (foreign affairs twice, maritime ministers, and a meeting related to Ukraine). Even after Switzerland announced the termination of the negotiations on the IFA in May 2021, it was still invited by Slovenia and the Czech Republic to all the informal meetings open for its participation.

¹²³ <https://1drv.ms/x/s!ApTNg70YadapghjCls0ee0sTp7Tr?e=kQn4Dv>

¹²⁴ Estonian Presidency of the Council of the European Union, "Informal meeting of defence ministers and informal meeting of foreign affairs ministers (Gymnich)", 08.09.2017, <https://web.archive.org/web/20190905043911/https://www.eu2017.ee/node/2533.html> (Accessed on 27 July 2022).

¹²⁵ Austrian Presidency of the Council of the European Union, "Informal meeting of foreign affairs ministers", 31.08.2018, <https://www.eu2018.at/calendar-events/political-events/BMEIA-2018-08-30-GYMNICH.html> (Accessed on 27 July 2022).

¹²⁶ Croatian Presidency of the Council of the European Union, "Maritime Conference and Informal Meeting of EU Transport Ministers (Maritime)", 10.03.2020, <https://eu2020.hr/Events/Event?id=156> (Accessed on 27 July 2022).

¹²⁷ Czech Presidency of the Council of the European Union, "Media Guide: Informal Meeting of the EU Environment Ministers", 14.07.2022, https://czech-presidency.consilium.europa.eu/media/cdzhr2ql/media-guide-envi_final.pdf (Accessed on 27 July 2022).

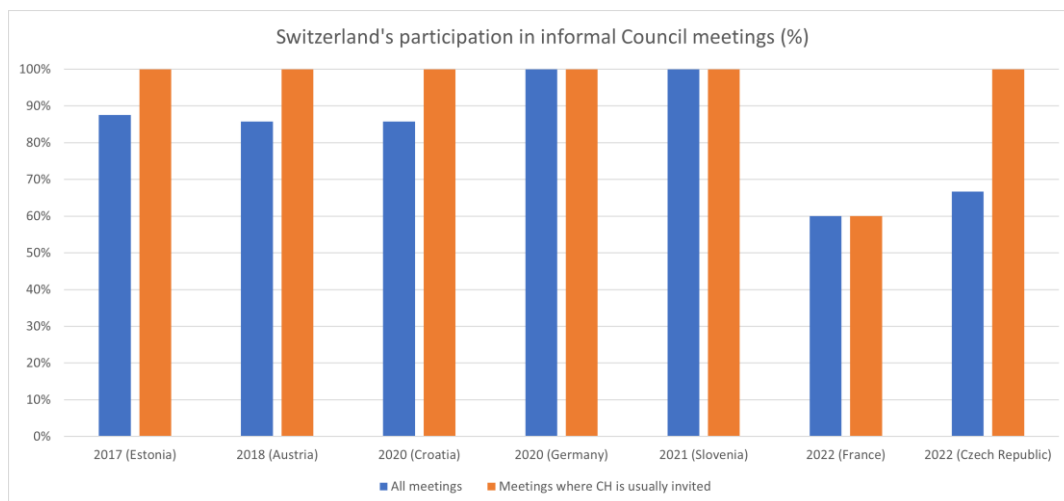


Figure 8: Switzerland's participation in informal Council meetings by council presidency (in %)

Interestingly, even though the research sector has been particularly affected by the IFA issue with the non-association of Switzerland to Horizon Europe, Switzerland was still invited to participate in the informal meetings on research in July 2021¹²⁸ and in July 2022.¹²⁹ The only period where Switzerland has not been invited to these informal Council meetings was under the French Presidency in the first semester of 2022. Indeed, Switzerland was not invited to the environment and energy,¹³⁰ research,¹³¹ industry and internal market,¹³² as well as culture, media and audiovisual meetings.¹³³ Although it was the only occurrence in our data that third countries were invited to the meetings on industry and internal market, as well as culture, media and audiovisual meetings, Switzerland was a constant participant to the informal meetings on research and environment. Indeed, it had participated in every informal council on research under the six other presidencies and was also invited to the environment meetings organized by the Estonian and German presidencies.

¹²⁸ Slovenian Presidency of the Council of the European Union, "We need to strengthen research, restore confidence in it and create a more effective European Research Area", 19.07.2021, <https://wayback.archive-it.org/12090/20220122114253/https://slovenian-presidency.consilium.europa.eu/en/news/we-need-to-strengthen-research-restore-confidence-in-it-and-create-a-more-effective-european-research-area/> (Accessed on 27 July 2022).

¹²⁹ Czech Presidency of the Council of the European Union, "Media Guide: Informal meeting of competitiveness ministers (Research)", 22.07.2022, <https://czech-presidency.consilium.europa.eu/media/bkpfib05/media-guide-compet-research.pdf> (Accessed on 27 July 2022).

¹³⁰ Ministère de la Transition Ecologique, "Dossier de presse PFUE : Réunions informelles des ministres de l'Environnement et des ministres de l'Energie", 20.01.2022, https://presidence-francaise.consilium.europa.eu/media/d5zn5g55/dp-pfue-2022-rmi-amiens-_1901.pdf (Accessed on 27 July 2022).

¹³¹ Présidence française du Conseil de l'Union européenne, "Réunion informelle des ministres européens chargés de l'enseignement supérieur, de la recherche et de l'innovation", 22.01.2022, <https://presidence-francaise.consilium.europa.eu/fr/actualites/reunion-informelle-des-ministres-europeens-en-charge-de-l-enseignement-superieur-de-la-recherche-et-de-l-innovation/> (Accessed on 27 July 2022).

¹³² Ministère de l'Economie, des Finances et de la Relance, "Conseil Compétitivité informel : Industrie et marché intérieur", 01.02.2022, <https://presidence-francaise.consilium.europa.eu/media/yglhmlh2/2022-01-28-dp-rmi-conseil-comp%C3%A9titiv%C3%A9-version-finale-fr.pdf> (Accessed on 27 July 2022).

¹³³ Ministère de la Culture, "Dossier de presse : Réunion informelle des ministres en charge de la culture, des médias et de l'audiovisuel", 08.03.2022, https://presidence-francaise.consilium.europa.eu/media/oezpnhn/dp-pfue_rim-angers-fr.pdf (Accessed on 27 July 2022).

There are two main takeaways from this data on Switzerland's participation in informal Council meetings. The first is that the European Commission is the organization applying a joined-up approach toward Switzerland. Indeed, participation in the informal meetings is up to the member state holding the Council Presidency. Even though we have seen previously that there is member states' coherence regarding Switzerland, they do not seem willing to instrumentalize Switzerland's participation in these informal meetings to put pressure on the Federal Council regarding the IFA. Instead, they seem to value the technical cooperation with Switzerland by inviting its representatives to every informal meeting. As a result, this indicates that when the disagreement concerns a single market issue, member states' coherence might not be as influential as in a CFSP issue because it is the Commission that has the competences on the matter. The second takeaway is that France is the leading actor in adopting a firm position toward Switzerland by the European community. This confirms what we argued in the section on member states' coherence. Indeed, France was the only member state holding the Council Presidency not to invite Switzerland to informal meetings in which it usually participated, following the Federal Council's decision to terminate the IFA negotiations.

Access to EU expert groups

For Switzerland's access to EU expert groups, we have analyzed the composition of all EU expert groups, active and closed, operating under the leadership of the DGs responsible for our three sectors (TRADE, MOVE, and RTD). We can find these data on the European Commission's "Register of Commission Expert Groups and Other Similar Entities".¹³⁴ In the trade sector, Switzerland is not part of any expert group. This is not surprising as these groups are only open to EU member states, and even the EEA states do not have access. In the aviation sector, Switzerland participates in the work of five expert groups. In four of these groups, Switzerland has member status (Stakeholders' Advisory Group on Aviation Security,¹³⁵ Group of Experts on Aviation Security Inspections,¹³⁶ Expert Group on Passenger Rights,¹³⁷ and the Thessaloniki Forum of Airport Charges Regulators¹³⁸), and in the other an observer status (Commission expert group on aviation safety¹³⁹). In these five expert groups, Switzerland has participated actively. Looking at the minutes of the meetings of these four groups, we see that Switzerland has participated in all the discussions since the IFA issue arose. Therefore, in aviation, we do not find any sign of a joined-up approach regarding Switzerland's access to expert groups.

¹³⁴ European Commission, "Register of Commission Expert Groups and Other Similar Entities", <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups?lang=en> (Accessed on 27 July 2022).

¹³⁵ <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=2883> (Accessed on 27 July 2022).

¹³⁶ <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=2743> (Accessed on 27 July 2022).

¹³⁷ <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=2861> (Accessed on 22 August 2022).

¹³⁸ <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=3084> (Accessed on 27 July 2022).

¹³⁹ <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=3604> (Accessed on 27 July 2022).

In the research sector, the situation diverges. Switzerland is currently a member of two active EU expert groups: the European Strategy Forum on Research Infrastructures¹⁴⁰ and the GEO High-Level Working Group.¹⁴¹ Switzerland is an active participant in the GEO High-Level Working Group. Indeed, Switzerland has participated in five of the last six meetings of this expert group between 2020 and 2022. However, this is the only group in the research sector to which Switzerland still has access. Indeed, the other group of which Switzerland is a member, the European Strategy Forum on Research Infrastructures, has not held any meeting since 2013. Moreover, the comparison with Switzerland's involvement in the expert groups under Horizon 2020 is quite illustrative of its loss of access to these bodies. Under Horizon 2020, Swiss experts or companies were part of ten expert groups.¹⁴² However, being a non-associated country to Horizon Europe, Switzerland will not have access to these expert groups under the new EU framework program. Moreover, the research sector is also composed of several committees. As an associated country of Horizon 2020, Switzerland was able to take part, as an observer, in the meetings of one of the committees: the European Research Area and Innovative Committee (ERAC).¹⁴³ However, as a third country, Switzerland will not have automatic access to the ERAC meetings. The Swiss State Secretariat for Education, Research and Innovation ensure that it "will coordinate Switzerland's participation in the various committees and initiatives for the further development of European Research Area (ERA) where this is envisaged".¹⁴⁴ However, this will require the EU's consent.

¹⁴⁰ <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=683> (Accessed on 27 July 2022).

¹⁴¹ <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=1781> (Accessed on 27 July 2022).

¹⁴² National Ethics Councils Forum (<https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=1806>), H2020 Expert Group to update and expand "Gendered Innovations/ Innovation through Gender" (<https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=3601>), Horizon 2020 expert group on Future of Scholarly Publishing and scholarly Communication (<https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=3463>), Horizon 2020 Commission Expert Group - High-Level Panel of the European Decarbonisation Pathways Initiative (EDPI) (<https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=3459>), Horizon 2020 Advisory Group 'Access to Risk Finance' (<https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=2986>), Horizon 2020 Commission Expert Group on Food 2030 (<https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=3543>), Horizon 2020 Advisory group for Health, demographic change and wellbeing (<https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=2942>), Horizon 2020 Advisory Group on European Research Infrastructures including e-Infrastructures (<https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=2940>), High Level Group on maximising the impact of EU Research and Innovation programmes as part of the interim evaluation of Horizon 2020 (<https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=3484>), Expert Group on the Interim Evaluation of BBI Joint Undertaking (2014-2016) operating under Horizon 2020 (<https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=3456>) (All accessed on 27 July 2022).

¹⁴³ Council of the European Union, "European Research Area and Innovation Committee (ERAC)", <https://www.consilium.europa.eu/en/council-eu/preparatory-bodies/european-research-area-and-innovation-committee-erac/> (Accessed on 27 July 2022).

¹⁴⁴ State Secretariat for Education, Research and Innovation SERI, "European Research Area", <https://www.sbf.admin.ch/sbf/en/home/research-and-innovation/international-cooperation-r-and-i/eu-framework-programmes-for-research/european-research-area.html#-183295248> (Accessed on 27 July 2022).

These observations indicate an erosion of Switzerland's access to EU expert groups and committees in the research sector. During an interview conducted in July 2020, a Swiss official told the author that in the research sector: "Switzerland was not excluded of anything because of the IFA as agreements provided Swiss participation".¹⁴⁵ However, the data presented here show that the Federal Council's decision to terminate the IFA in May 2021, and the resulting non-associated status of Switzerland for Horizon Europe, have changed Switzerland's access to EU expert groups and committees in research. Indeed, without an association agreement with Horizon Europe, Swiss experts' access to these groups is not guaranteed anymore. The EU has therefore developed a joined-up approach toward Switzerland in the research sector by limiting its access to the sectoral bodies in reaction to the IFA issue.

Regarding the aviation sector, Switzerland's participation has not been altered by the IFA issue. This is consistent with our third hypothesis that it is primarily those sectors with high economic stakes that the EU will mobilize in a joined-up approach. Aviation, specifically the aviation safety and security dimension, do not represent significant economic stakes and are instead focused on consumer protection. It was also raised during the interviews that Switzerland had lost its access to other sectors. Historically, Swiss expertise is appreciated in Brussels.¹⁴⁶ As a result, it had been common for Swiss experts to be invited to participate in EU expert groups even though there was often no legal basis for such participation. Recently, this informal participation right has been revoked for Swiss experts, especially in the health sector, where they are no longer allowed to participate.¹⁴⁷ According to the interviewees, there are two sides to this measure. On the one hand, it put pressure on the Swiss government regarding the IFA issue. On the other hand, according to EU and Swiss officials, this was also linked to Brexit, as the EU did not want the UK to exploit this informal practice and demand equal access.¹⁴⁸

Access to EU agencies

We do not see signs of a joined-up approach regarding Switzerland's participation in EU agencies. We analyze Switzerland's access to EU agencies with a database¹⁴⁹ of the bilateral agreements between every EU agency and a third country, which provide for the third country's access to the main and secondary bodies of the agency, as well as other information. For our research, we focus our analysis on Switzerland's access to the main and secondary bodies of the agencies and analyze if the IFA issue has impacted it.

Switzerland has a bilateral agreement with twenty-four agencies. To analyze if the IFA issue has impacted Switzerland's access to the main and secondary bodies of these agencies, we have first distinguished between agencies that have had a new regulation since 2012, the year

¹⁴⁵ Interview 28.

¹⁴⁶ Interviews 3, 27 and 29.

¹⁴⁷ Interview 28 and 32.

¹⁴⁸ Interviews 24 and 28.

¹⁴⁹ Database created by Sandra Lavenex in the framework of a H2020 funded project "EU Integration and Differentiation for Effectiveness and Accountability" (EU-IDEA).

the Council decided that no market access agreement could be signed with Switzerland as long as there is no institutional framework governing the relations. Although Swiss access to the agencies is not linked to the market access agreements, we see this date as the starting point for the EU's joined-up approach, and we analyze whether this is also reflected in the agencies. Also, although a new regulation for the agency does not necessarily mean that a new agreement needs to be negotiated with Switzerland to regulate its cooperation with the agency, the literature has demonstrated that EU central institutions "have increasingly claimed control over agencies' external ramifications" (Lavenex et al. 2021: 427) through new regulations. Consequently, a new regulation could imply stricter conditions for the agencies' external relations, which could directly impact Switzerland.

For agencies with new regulations since 2012, we then distinguish between those where Switzerland's access to the agency's bodies has changed with the new regulations and those where Switzerland's access has not changed. Then, for those agencies where Swiss access has changed, we distinguish whether better access has been granted to Switzerland or whether Swiss access has been restricted. Finally, the other agencies, where Switzerland's access to the bodies has not changed, are classified according to whether Switzerland participates in the agencies' bodies or not. Our results are illustrated in Table 13.

Our data reveals that Switzerland's access to the main and secondary bodies has not changed for the vast majority of the agencies, whether there has been a new regulation or not. Indeed, out of the twenty-four agencies in which Switzerland participates, there has been no change in twenty-one. In one agency, EU-LISA, Switzerland's access has even been improved. Indeed, the 2018 regulation put into practice what was foreseen in the 2011 regulation, namely that Switzerland, as well as the EEA states, can be represented on the Management Board with voting rights for certain matters.¹⁵⁰ In addition, Switzerland is also represented in the Advisory Groups of the agency as an observer.¹⁵¹

The agencies relevant for understanding whether the EU has developed a joined-up approach are the two where Switzerland's access has been restricted. A new regulation for BEREC was introduced in 2018, replacing the previous 2009 regulation. The 2009 regulation stated that: "NRAs from the European Economic Area States and from those States that are candidates for accession to the European Union shall have observer status" and that "BEREC may invite other experts and observers to attend its meetings".¹⁵² According to the Swiss Federal

¹⁵⁰ Official Journal of the European Union, "Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011", Art. 2, L 295/99, 21.11.2018, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018R1726#:~:text=Regulation%20%28EU%29%202018%2F1726%20of%20the%20European%20Parliament%20and,Decision%202007%2F533%2FJHA%20and%20repealing%20Regulation%20%28EU%29%20No%201077%2F2011> (Accessed on 28 July 2022).

¹⁵¹ EU-LISA, "Interoperability Advisory Group", <https://www.eulisa.europa.eu/About-Us/Organisation/interoperability-advisory-group> (Accessed on 28 July 2022).

¹⁵² Official Journal of the European Union, "Regulation (EC) No 1211/2009 of the European Parliament and of the Council of 25 November 2009 establishing the Body of European Regulators for Electronic Communications

Communications Commission, Switzerland had been granted observer status under this regulation (Federal Communications Commission 2019: 27).¹⁵³ However, the 2018 regulation introduced a new amendment regarding the observer status of third countries. Indeed, the new regulation stipulated that: “The Board of Regulators, the working groups and the Management Board shall be open to the participation of regulatory authorities of third countries (...) where those third countries have entered into agreements with the Union to that effect”.¹⁵⁴ Because Switzerland does not have such an agreement with the EU, and will be unable to sign one as long as the IFA issue is not resolved, the new regulation has effectively suspended Switzerland’s observer status in BEREC. According to the Swiss Federal Communications Commission, it has “succeeded in finding a solution with BEREC in the first quarter of 2019, which will enable ComCom and OFCOM to continue to participate in the expert groups that are of importance to Switzerland and to participate in the plenary sessions” (Federal Communications Commission 2019: 27).

New regulation since 2012				No new regulation since 2012	
Change in CH access		No change in CH access		-	
Access granted	Access restricted	CH participates	CH does not participate	CH participates	CH does not participate
EU-LISA (2018)	BEREC (2018) EIT (2021)	ACER (2019) CEPOL (2015) EASA (2018) EDA (2015) ELA (2019) EUAA (2021) EUROJUST (2018) FRONTEX (2019) GSA (2021)	EIOPA (2019) EMA (2019) ERA (2016) ESMA (2019) EU-OSHA (2019) EUIPO (2017) EUROPOL (2016)	EEA (2009) EFSA (2002)	ECHA (2006) EMCDDA (2006) Eurofund (2005)

Table 13: Switzerland’s access to EU agencies main and secondary bodies

The other agency where Switzerland’s access has been restricted is the EIT. This institute aims to increase innovation capacities in the EU and is an integral part of the EU research framework program. The agreement between the EU and Switzerland establishing the latter association to Horizon 2020 provided that: “Swiss participants are invited to the Stakeholder Forum of the European Institute of Innovation and Technology (EIT)”.¹⁵⁵ As a result, Switzerland was able

(BEREC) and the Office”, Art. 4.3, L 337/1, 18.12.2009, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32009R1211> (Accessed on 28 July 2022).

¹⁵³ This was also confirmed by interview 24.

¹⁵⁴ Official Journal of the European Union, “Regulation (EU) 2018/1971 of the European Parliament and of the Council of 11 December 2018 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Agency for Support for BEREC (BEREC Office), amending Regulation (EU) 2015/2120 and repealing Regulation (EC) No 1211/2009”, Art. 35.2, L 321/1, 17.12.2018, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32018R1971> (Accessed on 28 July 2022).

¹⁵⁵ Official Journal of the European Union, “Agreement for scientific and technological cooperation between the European Union and European Atomic Energy Community and the Swiss Confederation associating the Swiss Confederation to Horizon 2020 – the Framework Programme for Research and Innovation and the Research and Training Programme of the European Atomic Energy Community complementing Horizon 2020, and regulating the Swiss Confederation's participation in the ITER activities carried out by Fusion for Energy”, Art. 2.1(a), L 370,

to participate in the EIT's secondary bodies. In 2021, in parallel with the launch of Horizon Europe, the EU adopted a new regulation on the EIT. This regulation provided for the creation of a Member States Representatives Group (MSRG), which "shall be composed of one representative from each Member State and each associated country".¹⁵⁶ However, because Switzerland has not been granted an associated status in Horizon Europe, it is not part of this MSRG,¹⁵⁷ and therefore does not have access anymore to the EIT bodies.

To sum up, the analysis of Switzerland's access to the EU agencies confirms that the European Commission is the leading institution in developing a joined-up approach toward Switzerland and that other EU actors are less willing to politicize their relations with Bern. Indeed, Switzerland's participation in most agencies' bodies has not been affected by the IFA issue. The only two instances where the IFA has had an impact are BEREC and the EIT. However, the restriction of Switzerland's access to these two agencies' bodies is the result of new regulations by the leading EU institutions that restrict access to the agency bodies to third countries having signed an agreement with the EU for BEREC and to third countries associated with Horizon Europe, for EIT. As a result, because Switzerland cannot sign new agreements and is not associated with Horizon Europe due to the IFA issue, its participation in these agencies has been impacted. Thus, these restrictions are due to new regulations introduced by the EU institutions and not to the agencies' decisions in reaction to the IFA issue.

Joint committees

Finally, the last aspect of sectoral cooperation is the joint committees. There are twenty-one joint committees between the EU and Switzerland.¹⁵⁸ These committees manage the implementation of the bilateral agreements and are composed of representatives from Switzerland and the EU. The decisions taken in these committees are by mutual agreements. There is a joint committee for every agreement of the two bilateral packages as well as for the 1972 Free Trade Agreement. The sectoral joint committees have not been affected by the disagreements around the IFA. All joint committees have continued to meet, and there has been no suspension or cancellation of any committees because of the IFA. EU and Swiss officials stressed that cooperation in these committees had continued smoothly, despite the

30.12.2014,

<https://www.sbf.admin.ch/dam/sbf/en/dokumente/abkommen.pdf.download.pdf/agreement.pdf> (Accessed on 28 July 2022).

¹⁵⁶ Official Journal of the European Union, "Regulation (EU) 2021/819 of the European Parliament and of the Council of 20 May 2021 on the European Institute of Innovation and Technology", Art. 5.3, L 189, 28.05.2021, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021R0819#:~:text=REGULATION%20%28EU%29%202021%2F819%20OF%20THE%20EUROPEAN%20PARLIAMENT%20AND,on%20the%20European%20Institute%20of%20Innovation%20and%20Technology> (Accessed on 28 July 2022).

¹⁵⁷ European Institute of Innovation and Technology, "Member State Representatives Group: Representatives and Substitutes", <https://eit.europa.eu/who-we-are/our-stakeholders-partners/member-states-representatives-group/representatives-and> (Accessed on 28 July 2022).

¹⁵⁸ Confédération Suisse, "Décisions des comités mixtes", <https://www.eda.admin.ch/europa/fr/home/bilaterale-abkommen/abkommen-umsetzung/gemischte-ausschuesse.html> (Accessed on 29 July 2022).

IFA.¹⁵⁹ For instance, even though Switzerland has not been associated with the new EU research framework program, the joint Swiss-EU committee for research and innovation has been held in February 2022.¹⁶⁰ The joint committees on air transport,¹⁶¹ technical barriers to trade,¹⁶² and the free trade agreement¹⁶³ were also all held in late 2021.

EU's internal organization

The last aspect of the interactional level of sectoral cooperation is the EU's internal organization. Here we look at whether the EU has adopted a coordinated and centralized approach toward Switzerland. We consider that centralization of the EU's external relations with Switzerland would be the most significant degree of a joined-up approach because this would imply that one institution has the lead and can impose the line to adopt toward Switzerland to all the other institutions. In the first part of our analysis, we look at the issues addressed by the different formations of the Council in their conclusions. In the second part, we investigate the internal organization of the EU via interviews with EU officials.

For the first part of this analysis, we analyze the conclusions of all the different Council formations. This corresponds to the conclusions of the foreign policy actors (European Council, Council conclusions on relations with Switzerland, and Council of Foreign Affairs) and the sectoral actors (Trade, Competitiveness, and Transport councils). We investigate the topics addressed in these conclusions. We differentiate between three topics: diplomatic disagreement (IFA), foreign policy, and sectoral issues. We expect that if the EU develops a joined-up approach toward Switzerland, the foreign policy actors' conclusions should address the three topics. On the other hand, if the EU's external relations with Switzerland are centralized, we should expect the majority of Switzerland's mentions to be concentrated on the conclusions of a single actor.

To conduct our analysis, we created a code-document table (Table 15) from our Council of the EU conclusions database. On one side, we have the three "type of issue" codes: diplomatic disagreement (IFA), foreign policy, and sectoral. On the other side, we have the six different types of actors responsible for conducting the EU's external relations with Switzerland: European Council, Council conclusions on relations with Switzerland, Council of Foreign

¹⁵⁹ Interviews 3, 4, 5, 10, 14, 26, 27, 28 and 29.

¹⁶⁰ Confédération suisse, "Meeting of the Joint Swiss-EU Committee for Research and Innovation", 04.02.2022, <https://www.eda.admin.ch/europa/en/home/aktuell/medienmitteilungen.html/content/europa/en/meta/news/2022/2/4/87071> (Accessed on 29 July 2022).

¹⁶¹ Office fédéral de l'aviation civile, "La Suisse reprend de nouvelles réglementations de l'UE sur l'aviation", 08.12.2021, <https://www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-86324.html> (Accessed on 29 July 2022).

¹⁶² Mission de la Suisse auprès de l'Union européenne, "Entraves techniques au commerce Suisse-UE : Le Comité mixte s'est réuni", 01.12.2021, <https://www.eda.admin.ch/missions/mission-eu-brussels/fr/home/actualite/news.html/content/europa/fr/meta/news/2021/12/1/86218> (Accessed on 29 July 2022).

¹⁶³ Secrétariat d'Etat à l'économie, "Réunion du Comité mixte de l'Accord de libre-échange Suisse-UE", 30.11.2021, <https://www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-86196.html> (Accessed on 29 July 2022).

Affairs, Trade, Competitiveness, and Transport councils. We distinguished these six actors into two groups: foreign policy actors and sectoral policy actors.

The code-document table, therefore, illustrates the number of occurrences of the three different types of issues in the six documents. Our results indicate that the EU is developing a joined-up approach toward Switzerland. The IFA issue has never been mentioned in conclusions from a sectoral policy actor and is exclusively dealt with by foreign policy actors. Moreover, the Council conclusions on relations with Switzerland are the only documents mentioning the IFA issue. This indicates a strong centralization as even the European and Foreign Affairs councils do not deal with this issue. The table also illustrates that the Council conclusions on relations with Switzerland are the primary documents governing the EU's relations with the Swiss Confederation, as they also contain 74% (25/34) of the mentions of foreign policy issues and 51% (29/57) of the mentions on sectoral issues. Overall, out of the 112 mentions of Switzerland found in these documents, the Council conclusions on relations with Switzerland contain 67% (75/112) of them.

Switzerland's mentions in the other actors are quite marginal. As we have already presented in the foreign policy dimension, the foreign policy mentions in the Foreign Affairs Council deal with the participation of Switzerland in CSDP missions and the tensions with Libya, whereas the sectoral mentions concern negotiations of sectoral agreement. The European Council only addresses sectoral policy issues, namely the taxation of savings and the Schengen agreement. Regarding the sectoral policy actors, this table illustrates that they are not involved in foreign policy issues. Indeed, none of the three councils mention the IFA, and the only three foreign policy issues addressed concern Switzerland's participation in a CSDP mission, the consequences of the initiative 'against mass migration', and the accession of new member states on sectoral cooperation.

In summary, the cross-table analysis of the type of actors and issues reveals a significant centralization in the EU's external relations with Switzerland. Indeed, the Council conclusions on relations with Switzerland are the only documents addressing the IFA and account for most of the mentions of foreign policy and sectoral issues. The other foreign policy actors, the European Council and the Foreign Affairs Council do not address external relations with Switzerland. This coincides with our first hypothesis that if the Commission, and not the EEAS or the Foreign Affairs Council, is in charge of the relations, it is more likely that the EU will develop a joined-up approach. The sectoral actors do not deal with the IFA or foreign policy issues. This is expected as these topics are not within their competencies. This also confirms the trend we have identified in the sectoral cooperation dimension that sectoral actors are reluctant to politicize their relations with Switzerland.

Actor	European Council	Foreign Affairs Council	Council conclusions on relations with Switzerland	Trade Council	Competitiveness Council	Transport Council	TOTAL
Type of actor	Foreign policy actors			Sectoral policy actors			
Type of issue: Diplomatic disagreement (IFA)	0	0	21	0	0	0	21
Type of issue: Foreign policy	0	6	25	0	2	1	34
Type of issue: Sectoral	4	7	29	1	8	8	57
TOTAL	4	13	75	1	10	9	112

Table 14: Code-document table (Actor/Type of issue)

We now analyze if the EU has developed a coordinated and centralized approach toward Switzerland. Regarding coordination, the EEAS is the institution that ensures that the EU's relations with Switzerland are coherent in every aspect of the cooperation. On the EU internal side, it was raised during our interviews with EU officials that the EEAS regularly organizes internal meetings which gather every official from the different DGs that are involved in EU-Switzerland relations.¹⁶⁴ During these meetings, each policy officer gives a briefing on the cooperation with Switzerland in the respective sector. According to the interviews, these meetings are the occasion to be up to date regarding what the other DGs are collaborating on with Switzerland and ensure consistency across the EU's relations with Switzerland.

On the external side, the EEAS also ensures coordination by its presence in most of the sectoral joint committees with Switzerland. The EEAS is informed and consulted by DG officials before every joint committee with Switzerland.¹⁶⁵ However, its presence at the meetings seems to depend on whether there are issues or disagreements in the sector. Indeed, officials involved in the research sectors said that the EEAS was always present in the joint committees with a representative of the EEAS when the committee is held in Brussels and a representative of the EU Delegation when the committee is held in Switzerland.¹⁶⁶ However, officials involved in the aviation sector said that the EEAS was not always present in the joint committees. They argued that its presence was dependent on whether there was a problematic issue in the cooperation or something new to talk about.¹⁶⁷ A quote by an EU official illustrates this: "Colleagues from the Delegation in Switzerland don't always come (to the joint committees in Switzerland) because with Switzerland we don't have many problems".¹⁶⁸

¹⁶⁴ Interviews 5, 10, 11, 13.

¹⁶⁵ Interviews 5 and 10.

¹⁶⁶ Interviews 10 and 14.

¹⁶⁷ Interviews 3, 5 and 26.

¹⁶⁸ Interview 5.

As a result, the EEAS ensures a high degree of coordination in the EU's external relations with Switzerland. On the one side, the EEAS is consistently informed by every DG Switzerland desk officer of what is going on in its area of cooperation. Therefore, the EEAS has the will to have an overview and follow what is happening in the other DGs as much as possible. On the other side, the regular internal meetings involving every DG Switzerland desk officer ensure that DG officials are aware of what is happening in different sectors of cooperation and allow the EEAS to brief them on the state of relations with Switzerland. Overall, there is strong coordination in the EU's conduct of its external relations with Switzerland, which the EEAS ensures.

However, issues raised during interviews might hinder this coordination between the different EU institutions led by the EEAS. One of these issues relates to the status of the EEAS as an organization outside of the Commission. One interviewee said that this separation made it more challenging for the EEAS to coordinate with people from the Commission and required a lot of effort because of the distancing between the two institutions.¹⁶⁹ In addition, the interviewee also pointed out that the opening of positions at the EEAS to diplomats who had not undergone European training but came from the member states involved some coordination concerns.¹⁷⁰ Indeed, the coordination capacities of a person within the European institutions are based on excellent knowledge of the system but especially on an extensive network developed over time. Because the diplomats of the member states do not have this network and have to build it on the spot, their coordination capacity is weakened.¹⁷¹ Finally, two interviewees also raised that there are two separated platforms of information sharing: one for the EEAS and one for the European Commission.¹⁷² As a result, EEAS officials do not have access to the information shared on the European Commission's platform and vice versa. As a result, this hinders coordination and information sharing.

Finally, the last aspect of the EU's internal organization is the centralization of the EU's external relations with Switzerland. We find a high degree of centralization in the EU's relations with Switzerland. Indeed, all interviews with DG officials and EU delegation staff confirm that the SG must first approve every aspect of cooperation with Switzerland of the Commission.¹⁷³ An internal memo sent to EU staff in 2015 requires that the SG must first approve any action or decision concerning Switzerland: "clearing house" process.¹⁷⁴ As a result, individual DGs cannot take any initiative without getting the SG's endorsement, which ensures a common approach across all sectors of cooperation with Switzerland. As the SG has imposed a hard line against Switzerland, linking sectoral cooperation to progress on the IFA, this has negatively affected sectoral collaboration. An example of this centralization under the SG leadership is the previously mentioned EP's position on the European Commission's proposal for the regulation establishing Horizon Europe in 2018. After the publication of the

¹⁶⁹ Interview 24.

¹⁷⁰ Interview 24.

¹⁷¹ Interview 24.

¹⁷² Interviews 13 and 24.

¹⁷³ Interviews 5, 13, 24 and 41.

¹⁷⁴ Interviews 13, 24 and 41.

proposal, which introduced a reorganization of third countries' status in Horizon Europe, effectively relegating Switzerland to a third-country status instead of an associated one, Swiss officials lobbied the EP to regain its EFTA status and obtain similar association conditions to EEA members.¹⁷⁵ When MEPs were prepared to introduce an amendment that would see Switzerland reintegrating the EEA-EFTA category, the European Commission briefed them saying that Switzerland's status in Horizon Europe was linked with the IFA and that as long as Bern did not sign the IFA, Switzerland would remain in the third country category.¹⁷⁶

This centralization of the conduct of EU-Swiss relations under the SG of the Commission should be clarified. The IFA negotiations have always been placed under the responsibility of the EEAS. The "clearing house" process has not changed that. However, what has changed is the evolution of sectoral cooperation with Switzerland. The day-to day business remains under the responsibility of the DGs. However, whenever Switzerland would express interests in gaining deeper access in a specific sector, such as joining an EU agency or liberalizing a certain aspect of trade, the DGs must signal this willingness to the Commission's SG. Then, the SG analyzes the matter and draw a report which contextualizes Switzerland's demand and underlines the pros and cons of this proposition. Finally, a decision is made in concertation with the EEAS and the cabinet of the Commission's President.¹⁷⁷ As a result, although the IFA negotiations remain the responsibility of the EEAS, the SG exercises significant control over the prospect for cooperation and their deepening with Switzerland.

According to the interviewees, the centralization of the EU's external relations with Switzerland under the SG leadership was a wish of Juncker, who was very involved in the Swiss file.¹⁷⁸ The Luxembourg president of the Commission had made the conclusion of the IFA with Switzerland one of the priorities of the end of his presidency. To achieve this goal, the responsibility for the Swiss file was transferred from the EEAS to Juncker's cabinet. The person in charge of the Swiss file was Martin Selmayr. He first served as Juncker's Head of Cabinet since 2014 before being appointed Secretary-General of the Commission in 2018.¹⁷⁹ Martin Selmayr was reputed to be a ruthless and brilliant strategist, not hesitating to adopt a hard negotiating line towards third countries that risked weakening the union of member states, such as the UK and Switzerland (Nuspliger 2019). Following the election of Von der Leyen as President of the Commission, this centralization of the EU's external relations with Switzerland under the responsibility of the SG continued.

Moreover, the EU has actively brought the issue under the leadership of the Commission, through the SG. After the Swiss Federal Council decided to terminate the negotiations on the IFA in May 2021, the EU proceeded to a telling re-organization of its external relations with Switzerland (Hess 2021). As of 1 January 2022, the European Commission has regrouped the

¹⁷⁵ Interview 14.

¹⁷⁶ *Ibid.*

¹⁷⁷ Interview 41.

¹⁷⁸ Interview 13.

¹⁷⁹ European Commission, "President Juncker reorganises his close team; European Commission appoints new Secretary-General", *Press release*, 21.02.2018, https://ec.europa.eu/commission/presscorner/detail/en/IP_18_1004 (Accessed on 30 July 2022).

Western European Countries, namely Switzerland, the UK, the EEA countries (Norway, Iceland, and Liechtenstein), and the Microstates (Andorra, San-Marino, and Monaco) in a department called “Western European Partners”. This department is not attached to the EEAS but the Commission SG.¹⁸⁰ Moreover, this department is placed under the leadership of Richard Szostak. The Polish official had previously been the head of the EU’s Brexit task force responsible for shaping the EU’s relationship with the UK after the latter withdrew from the EU, a member of Juncker’s cabinet, and has gained a reputation for being “simultaneously firm and personable” (Gallardo and von der Burchard 2021). This internal reorganization confirms that under Von der Leyen the EU’s external relations with Switzerland remain highly centralized under the responsibility of the SG, even more so after Switzerland left the IFA negotiations. Moreover, the fact that all the Western European partner countries are grouped under the same unit also indicates that the Commission wishes to adopt a coherent approach to the European states that are not members of the EU but participate in the internal market.

The centralization of the EU’s external relations with Switzerland was also confirmed during interviews with Swiss officials. They said that they had felt the increasing implication of the SG, which supervises and approves relations between Switzerland and the EU in all areas of sectoral cooperation.¹⁸¹ According to the interviewees, before 2015 and the implication of the SG, the collaboration was much easier with the EU. Even after the 2014 initiative ‘against mass migration’, some DGs kept the channels of discussion open, which made it possible to continue the cooperation and find solutions.¹⁸² However, these practices are no longer possible since 2015, although we were told that some European and Swiss officials use telephone calls for certain exchanges so as not to have a paper trail.¹⁸³

Our analysis, therefore, reveals a high degree of centralization of the EU’s external relations with Switzerland under the leadership of the SG. The SG supervises every aspect of cooperation with Switzerland. Every DG official dealing with Switzerland must refer to the SG and obtain its approbation before cooperating with their Swiss counterparts.

Table 14 summarizes the findings for the interactional level of the sectoral cooperation dimension.

¹⁸⁰ EU Whoiswho, “Western European Partners”, https://op.europa.eu/en/web/who-is-who/organization/-/organization/SG/COM_CRF_250062 (Accessed on 5 July 2022).

¹⁸¹ Interviews 3, 4, 8, 14, 26, 28, 29 and 32.

¹⁸² Interviews 28 and 29.

¹⁸³ Interview 32.

Aspect of sectoral cooperation	Joined-up approach	Cases of a joined-up approach
Informal ministers' meetings	Yes	Switzerland not invited under the French Council Presidency
Expert groups	Yes	Exclusion from expert groups in the research sector
Agencies	Yes	Limitation of observer status in agency in the research sector
Joint committees	No	N/A
EU's internal organization	Yes	Coordination and centralization

Table 15: Summary of the findings for the interactional level of the sectoral cooperation dimension

4.3.2.3 Conclusion

The sectoral cooperation aspect reveals a strong joined-up approach developed by the EU toward Switzerland in the sectoral agreements, Switzerland's participation in EU programs, and the EU's internal organization. There are instances of a joined-up approach in Switzerland's access to informal minister's meetings, and expert groups, whereas the joined-up approach is rather weak regarding agencies and joint-committees. In the sectoral agreements, following the 2012 Council conclusions on relations with Switzerland, the EU has decided to freeze all current negotiations with Switzerland on new market access agreements, as well as the updates of existing market access agreements. The decision not to grant an associated country status to Switzerland in the new EU research framework program, Horizon Europe, is also a clear instance of a strong joined-up approach developed by the EU. The EU's internal organization also reveals a strong joined-up approach developed by the EU toward Switzerland. This joined-up approach is illustrated by the strong coordination and centralization of the EU's relations with the Swiss Confederation. The SG has become the leading actor governing the bilateral relations. Indeed, every DG must obtain its approbation before collaborating with Switzerland. This centralization ensures that relations with Switzerland are coordinated and follow the line prescribed by the 2012 conclusions that no new market access agreement should be signed with Switzerland as long as there is no institutional framework governing the bilateral relations. Switzerland's participation in EU informal meetings, EU expert groups, and EU agencies highlight that the EU central institutions are the central actors in developing the joined-up approach and that other actors are more reluctant to politicize the sectoral cooperation with Switzerland. Indeed, except under the French Presidency, Switzerland has been invited to all informal council meetings on sectoral issues. The only expert groups in which Switzerland has lost its membership are in the research sector because participation in these groups is based on the associated status of third countries to the EU research framework program. Switzerland's participation in EU agencies follows the same pattern. Indeed, the only cases where Switzerland's status in EU agencies has been restricted are those where third-country observer status is contingent on association with the EU's research framework program or the signing of a market access agreement, which is not possible due to the 2012 Council conclusions. As a result, Switzerland's restricted participation in EU expert groups and agencies is an indirect

consequence of decisions taken by the EU central institutions rather than a voluntary exclusion by the sectoral bodies. Finally, we do not find any instances of a joined-up approach in the sectoral formations of the Council or the EU-Swiss joint committees.

4.4 Synthesis

This chapter on EU-Switzerland relations reveals that the EU has developed a joined-up approach toward the Swiss Confederation regarding the IFA issue. We have found instances of a strong joined-up approach in the two dimensions analyzed: foreign policy, and sectoral cooperation. We have also found cases of a joined-up approach in the three sectors studied: trade, research, and aviation. Table 16 summarizes the results for the three aspects studied as well as the sectors.

In this section, we synthesize our findings and confront the results with the hypotheses.

4.4.1 Summary of the results

The historical overview of EU-Switzerland relations has highlighted that while the two entities have always been close partners, Switzerland has always tried to maximize the economic benefits of integration while minimizing the sovereignty losses. As a result, for most of the twentieth century, relations between the EU and Switzerland were mainly of economic nature with few political relations. The 1992 vote on EEA membership was a critical juncture in the history of EU-Switzerland relations. Indeed, before the referendum on the EEA, the Swiss government opened the door to EU membership and, for the first time, envisaged political integration with the European project. However, in December 1992, the Swiss people rejected EEA membership in a popular vote. This event opened the door for the bilateral way which characterized EU-Switzerland relations during the twenty-first century's first decade. The bilateral agreements represented a solution corresponding to the Swiss objective of maximizing the economic benefits of integration while minimizing the sovereignty losses. Indeed, the bilateral agreements offered Switzerland significant access to the internal market without including a surveillance mechanism by an independent authority or the intervention of foreign judges as in the EEA. As a result, EU-Switzerland relations were characterized by intense sectoral cooperation with little foreign policy-type relations during the twenty-first century's first decade.

However, relations became increasingly politicized and experienced tensions in the 2010s. In Switzerland, multiple initiatives and referenda threatened the bilateral agreements. This growing pressure on the bilateral agreements was not limited to Switzerland. The EU also expressed dissatisfaction with the Swiss model and called for negotiations on an institutional framework agreement as early as 2008. In this context, the first instances of a joined-up approach developed by the EU can be observed.

Dimension	Sub-dimension	Joined-up approach	Instances
Foreign Policy	General market access agreement	N/A	
	EC and FAC conclusions	NO	
	Council's conclusions on relations with Switzerland	<u>YES</u>	<ul style="list-style-type: none"> - Negotiations on the IFA and other market access agreements dependent on an implementation of the initiative "against mass migration" compatible with the agreement of the free movement of persons - Switzerland's access to the internal market dependent on its financial contribution - Every negotiation on market access agreements dependent on the signing of the IFA
	Interactional level	NO	
Sectoral cooperation	Sectoral agreements	<u>YES</u>	- Freeze of all market access agreements' negotiations (new agreements + updates of existing ones)
	Participation in EU programs	<u>YES</u>	- Exclusion of Switzerland from the associated country status in Horizon Europe
	Sectoral formations of the Council	NO	
	Informal ministers' meetings	<u>YES</u>	- Switzerland not invited under the French Council Presidency
	Expert groups	<u>YES</u>	- Exclusion from expert groups in the research sector
	Agencies	<u>YES</u>	- Limitation of observer status in agency in the research sector
	Joint committees	NO	
Sectors	Trade	<u>YES</u>	- Freeze of all market access agreements' negotiations (new agreements + updates of existing ones): MRA cannot be updated
	Research	<u>YES</u>	<ul style="list-style-type: none"> - Exclusion of Switzerland from the associated country status in Horizon Europe - Limited access to expert groups and agencies in the research sector
	Aviation	<u>YES</u>	- Negotiation on cabotage rights suspended

Table 16: Recapitulation of the results for the Swiss case

In the foreign policy dimension of the joined-up approach, we have found that while Switzerland is barely mentioned in the European Council and Foreign Affairs Council conclusions, the Council conclusions on relations with Switzerland are the documents that establish the EU's positions in its relations with the Swiss Confederation. In these documents, we have found a soft joined-up approach developed by the EU in its 2008 and 2010 conclusions. Indeed, the Council stated that "in assessing the balance of interests in concluding additional agreements, the Council will have in mind the need to ensure parallel progress in all areas of cooperation" (Council of the European Union 2008a: 8) and recalled that the deepening of the EU partnership with Switzerland required "a homogenous and simultaneous application and interpretation of the constantly evolving *acquis*" which should be reflected "in all the agreements currently being negotiated with Switzerland" (Council of the European Union 2008a: 8). In its 2012 conclusions, the Council moved from a soft to a strong joined-up approach. Indeed, it stated that "the conclusion of any negotiation regarding the participation of Switzerland in the internal market is, in particular, dependent on solving the institutional issues" (Council of the European Union 2012a: 5, 2014d: 7, 2017a: 1-2). Furthermore, the 2014 conclusions made clear that "without such a framework (*IFA*) no further agreements on Swiss participation in the internal market will be concluded" (Council of the European Union 2014d: 7).

The application of the 2012 conclusions has been observed in the sectoral cooperation dimension of our analysis. Indeed, we have found that since 2012 the EU has frozen all current negotiations with Switzerland on new market access agreements and the updates of existing market access agreements. As a result, the negotiations on cabotage rights have been suspended. Moreover, due to the static nature of the bilateral agreements, particularly the MRA, the freeze of the agreements' update has already impacted several sectors of the Swiss economy. In addition to the sectoral agreements, the EU has also mobilized Switzerland's participation in EU programs in its joined-up approach. As a result, Switzerland has not been granted an associated country status in the new EU research framework program, Horizon Europe. Concerning Switzerland's participation in EU informal meetings, EU expert groups, and EU agencies, we found some limitations of Swiss access due to the *IFA*. However, for the participation in informal meetings, this limitation happened only during the French Council Presidency. Regarding Swiss participation in EU expert groups and agencies, it was instead a consequence of new EU regulations that limited its access rather than an explicit exclusion. The development of a strong joined-up approach by the EU has also been observed in the EU's internal organization. We have found strong coordination and centralization in the EU's internal organization regarding relations with Switzerland. Our analysis has revealed that the SG has become the leading actor governing the bilateral ties. Every DG must obtain its approbation before collaborating with Switzerland. This centralization ensures that relations with Switzerland are coordinated and follow the line prescribed by the 2012 conclusions that no new market access agreement should be signed with Switzerland as long as there is no institutional framework governing the bilateral relations.

This analysis reveals that while relations between the EU and Switzerland have been historically depoliticized and sectoral, they have become increasingly politicized in the past

years. The disagreement between the two partners over the IFA issue has led the EU to develop a strong joined-up approach toward Switzerland. The critical moments in the development of this approach correspond to the 2012 Council conclusions on relations with Switzerland, which have paved the way for the EU instrumentalization of sectoral cooperation with Switzerland to serve its foreign policy objective of concluding the IFA, and the 2015 internal memo in the Commission centralizing EU-Switzerland relations under the leadership of the SG. Although the EU had used issue-linkage in the past during negotiations on the EEA and, especially, the Bilateral I Agreements, what is new here is that the EU has politicized sectors that were not directly part of the negotiations, such as research. The 2018 Federal Council's decision to hold domestic consultation before signing the draft IFA constituted another critical moment as it formalized for the first time the disagreement between Switzerland and the EU on the IFA. Finally, the Federal Council's decision to terminate the negotiations in May 2021, which resulted in Switzerland's non-association with Horizon Europe and the non-update of the MRA on medical devices, was the final critical moment.

Across our analysis, we provide evidence that there is a causal link between the data and the outcome observed, i.e., the development of a joined-up approach by the EU. The 2012 Council conclusions on relations with Switzerland are the first evidence of the development of a joined-up approach by the EU. Indeed, these conclusions condition the signature of new market access agreements with Switzerland to the conclusion of the IFA. The causal link between the 2012 conclusions, the non-signature of new market access agreements on cabotage rights, electricity, and health, as well as the non-update of the MRA is clearly established by both EU and Swiss statements. Indeed, the EU recalled the 2012 conclusions to justify the freeze of the agreements' signature, while Switzerland mentioned that the signature of these agreements was dependent on the conclusion of the IFA.

Another evidence of the development of a joined-up approach by the EU is Commissioner Hahn's letter to Jean-Claude Juncker in 2019. The letter was sent before the Commission's decision not to extend Swiss stock exchange equivalence. In the letter, the link between the non-extension of the equivalence and the IFA is clearly established by Hahn, who states that this measure was "meant to provide an additional, visible and highly symbolic incentive for Berne to conduct their consultations swiftly and rally behind the draft Agreement, with a view of signing it still during our mandate" (Hahn 2019). The Commissioner's words clearly establish the link between the IFA and the extension of the Swiss equivalence.

Finally, the Commission's internal memo in 2015 constitutes the evidence for the development of a joined-up approach by the EU in its internal organization. Although we have not been able to obtain the memo, multiple sources confirmed its existence. Therefore, according to our methodological principle that information can be considered reliable if several sources confirm it, the existence of this memo and its content can be considered as such. With this memo, the EU has centralized the management of bilateral relations with Switzerland under the direction of the SG. As a result of this centralization, the SG has been able to supervise and ensure a coordinated and coherent approach in all aspects of bilateral cooperation between the EU and Switzerland. The causal link between the centralization of the EU's internal organization and

the joined-up approach is illustrated by the example of the EP's position regarding the draft Horizon Europe regulation in 2018. While MEPs were ready to ask for the reintroduction of the EFTA category in place of the EEA category, thus opening the possibility for Switzerland to be associated with the new European research framework program, the SG briefed the MEPs to inform them that there was a link between the IFA and Switzerland's status in Horizon Europe. Thus, without an agreement, Switzerland could not obtain the status of an associated country. This example demonstrates the causal link between the centralization of the management of the EU's bilateral relations with Switzerland and the development of a joined-up approach.

In addition to these pieces of evidence provided by document analysis, the interviews confirmed our assessment of the EU's external action toward Switzerland. One official from the EU delegation in Switzerland said that "only a politicization of the sectoral agreements will give the expected result for the EU" because "if we do not politicize, it will be cherry picking".¹⁸⁴ The interviews with EU officials also underlined the strong coordination ensured by the EEAS in the conduct of the EU's bilateral relations with Switzerland, as well as the centralization under the responsibility of the SG, and the existence of the memo. Regarding the role of the SG, we learned that DG officials must refer to the SG and get its approbation for any action or decision concerning Switzerland. Swiss officials also perceived the implication and coordination role of the SG. Finally, Swiss officials confirmed that they had felt a change in their relations with the EU since the IFA issue arose. They pointed out that informal participation rights have been revoked for Swiss experts in some sectors. In addition, they also raised the influence of Brexit as an explanation for the hardening of the EU's position regarding the IFA.

4.4.2 Confrontation of the results with the hypotheses

Following this summary of the main findings in the Swiss case, we confront these results with the three hypotheses. As a reminder, we postulated that when the nature of the diplomatic disagreement concerns the single market, and the more coherent the foreign policy positions of EU member states toward a third country, the more likely the EU is to develop a joined-up approach. We also postulated that the higher the economic stakes of sectoral cooperation with a third country, the more likely the EU would use them in a joined-up approach. The findings support the three hypotheses for the Swiss case.

For the hypothesis about the nature of the disagreement, the results support this assumption. One of the main takeaways from this case study is that, through its SG, the Commission has centralized the bilateral relations with Switzerland. Thanks to this centralization, the Commission can supervise and ensure a coherent approach in all aspects of cooperation with Switzerland. Moreover, because the IFA is a disagreement that concerns the single market, the DGs are more willing to politicize their sectoral cooperation with Switzerland to achieve the EU's expected outcome in this disagreement, i.e., the signature of the IFA. This is in line with

¹⁸⁴ Interview 24.

the theoretical foundations of the first hypothesis, especially the trade-foreign policy nexus literature. In summary, the Swiss case shows empirically how the scope condition identified in the first hypothesis – the nature of the diplomatic disagreement – favors the development of the joined-up approach. Because an overarching market access agreement is a single market related issue that falls under the leadership of the Commission, the latter has been able to exercise greater control and influence on the DGs to impose a line to follow in all aspects of sectoral cooperation with Switzerland. Moreover, the DGs have also applied less reluctantly the policy line imposed by the Commission toward Switzerland, as it serves their interests. Indeed, the trade-foreign policy nexus literature had demonstrated that DGs are reluctant to let foreign policy objectives alter their sectoral cooperation as they want to pursue their own interests. However, the signing of the IFA aims to protect the homogeneity of the internal market, an issue that DGs can more easily back up than when a conflict resolution issue hinders their willingness to deepen sectoral cooperation with a third country.

Although the IFA is an issue that falls under the competence of the Commission, we have found that the member states' coherence is strong regarding the Swiss file. Indeed, Brexit has united member states around the principle that third countries should not be able to enjoy the same benefits as EU members without the same obligations. This directly affected EU-Switzerland relations as it rallied member states behind the Commission's stance that relations with Switzerland could not continue to be governed solely by sectoral bilateral agreements and needed an institutional framework. As a result, even though some member states have publicly expressed a more friendly attitude toward Switzerland, all the member states continue to back the Commission's position in this file. The analysis has also highlighted the leading role of France in defending the interests of the EU and in implementing a joined-up approach toward Switzerland. The findings regarding Switzerland's participation in the Council informal meetings are particularly illustrative of France's role in this respect. Indeed, France has been the only country holding the Council Presidency that has not invited Switzerland to informal meetings in which it usually participated.

Finally, the analysis also corroborates the hypothesis regarding the economic stakes of cooperation. Even though Switzerland enjoys a high intensity of cooperation and degree of dependence in the three sectors studied, we argue that trade has the highest economic stakes for Switzerland because of the financial sums involved and the proportion that the EU represents for Swiss imports and exports. The trade sector is followed by the research sector and finally aviation. Regarding aviation, although some agreements constitute market access, most of these have already been signed, and the current cooperation revolves more around flight safety and security. The findings reveal that trade was indeed the first sector to be mobilized by the EU in a joined-up approach regarding the IFA. Indeed, the 2012 Council conclusions, which represent the first instance of a strong joined-up approach developed by the EU, link the signature of market access agreements to the conclusion of the IFA. The research sector has been the second to be mobilized in the joined-up approach. Indeed, the 2018 draft regulation on Horizon Europe was published at a time when the Federal Council expressed its first doubts regarding the draft agreement, and the final regulation and program guide of Horizon Europe confirming Switzerland's non-association with the framework

program were published when the Federal Council decided to walk-off the negotiations. Finally, the air transport sector has been the least impacted by the IFA. Even though negotiations on cabotage rights have been suspended because of the IFA, the sectoral cooperation has continued at a high intensity.

5. EU-Israel

In this chapter, we present the second case study: EU-Israel relations. According to the case selection rationale, Israel represents the country with which we expect a soft joined-up approach on the part of the EU. Indeed, the nature of the disagreement between the EU and Israel studied in this analysis is the Israeli-Palestinian conflict, which concerns a CFSP issue. Regarding coherence, there has been an alignment of member states' position between 2000 and 2015 before drifting apart since 2016. Therefore, the Israeli values for these two scope conditions explain why we expect a soft joined-up approach, especially between 2000 and 2015.

This chapter begins with a historical overview of the bilateral relationship between the EU and Israel. We review key events in the evolution of the relationship between the two entities, including the diplomatic disagreement between the EU and Israel: the Israeli-Palestinian conflict. In this section, we also address the current state of relations by presenting the existing agreements between the EU and Israel and what they provide for, as well as Israel's participation in specific EU policies, i.e., Israel's differentiated integration into the EU. The following sections consist of the analysis of the data. We begin by analyzing Israel's status in the three scope conditions. We identify the nature of the diplomatic disagreement and assess the member states' coherence towards Israel. Finally, we evaluate the intensity of cooperation between the EU and Israel in each of the three sectors, as well as the level of dependency of Israel on collaboration with the EU. After analyzing the scope conditions, we analyze whether the EU has developed a joined-up approach toward Israel in the two dimensions of the concept developed in the analytical framework: foreign policy, and sectoral cooperation. Our analysis reveals that the EU has made several attempts at developing a joined-up approach toward Israel regarding the Israeli-Palestinian conflict, albeit not in all aspects nor in a consistent manner. The soft and inconsistent implementation of the joined-up approach indicates that EU foreign policy primarily serves as normative justification for the EU to further deepen its sectoral cooperation with Israel despite their disagreements over the Israeli-Palestinian conflict.

5.1 Historical relations

Israel and the EU have always had a close but ambivalent relationship. First, the origins of the emergence of political Zionism are "the product of Europe" (Laqueur 2003: 592). Indeed, the central belief of Zionism that "only the establishment of a state of the Jews would solve the so-called Jewish question was a reaction to, and shaped by, the rise of European nationalism, coupled with the long history of persecution of Europe's Jewish communities" (Del Sarto 2014: 156). Moreover, the first waves of Jewish immigration to Palestine at the end of the nineteenth and beginning of the twentieth centuries, which would later constitute the founding generation of Israel, were mainly from Central and Eastern Europe. Finally, the horrors of the genocides of European Jews during the Second World War were the final trigger for the

creation of the State of Israel and its international recognition. Second, beyond this historical legacy around the creation of the State of Israel, the development of relations between the EEC/EU and Israel is characterized by ambivalence. Indeed, although both parties favor an economic rapprochement, the position of the EEC/EU vis-à-vis the Israeli-Palestinian conflict, which has always been “the two-state solution”, has considerably fueled political tensions.

The historical evolution of relations between the EU and Israel can be divided into four different periods. The first one, which stretches from 1957 to 1966, covers the early years of European integration and EU-Israel relations. Israel, eager to assert its legitimacy and recognition at the international level, developed an active policy of rapprochement with the EEC, which was slowed down by tensions between Israel and its Arab neighbors. The second period (1967-1991) covers the Six-Day War in 1967 and the October War in 1973. In parallel to these regional tensions, the European states were able to develop their first common position in foreign policy, which promoted the creation of two states, Israel and Palestine, as the solution to the tensions in the Middle East. This did not please Israel, and, consequently, considerably slowed down the development of bilateral relations during this period. The third period of relations (1992-2008) can be described as a renaissance in EU-Israel relations. The breakthrough in the Israeli-Palestinian conflict through the signature of the Oslo accords gave a new impetus to the nature of relations between the EU and Israel, illustrated by the signature of an Association Agreement (AA) in 1995 and an Action Plan signed under the new European Neighborhood Policy in 2005. The last period of the bilateral relations (2009-...) starts with the launch in of operation Cast Lead from Israel in Gaza. As we will retrace in more detail below, this period is marked by a greater dissociation between the foreign policy level of relations and the sectoral level.

This historical recapitulation emphasizes the ambivalence in EU-Israel relations. Although political relations have been tensed and difficult due to ongoing disagreements between the two partners on the solution of the Israeli-Palestinian conflict, relations at the sectoral level have developed continuously, regardless of these political tensions. This historical context influences the manner how the joined-up approach has taken shape vis-à-vis Israel.

5.1.1 First period: Early rapprochements and first disillusion (1957-1966)

Since its creation, Israel has sought to consolidate its legitimacy and international recognition. As the Arab states tried to isolate it diplomatically, Israel turned to the West and sought to establish diplomatic ties and cooperation with Western integration structures. After an unsuccessful attempt at rapprochement with the United States, Israel looked to Europe and first considered joining the EDC or NATO (Pardo and Peters 2012: 1). Both attempts, however, were failures due to, on one part, the inability of the European states to agree and create the EDC and, on the other part, because joining NATO required Israel to obtain the support of all the member states of the organization, which proved to be unlikely (Pardo and Peters 2012: 1). Therefore, from its inception, the EEC attracted Israel’s attention. In 1957, a memorandum written by Shimon Peres, then director-general of the Ministry of Defense, and reported by

Sharon Pardo (2013), emphasized Israel's interest in considering membership in the EEC. In addition to serving economic and cultural interests, Israel's EEC membership would also serve geostrategic interests. Indeed, in the context of the bipolar world of the Cold War, Shimon Peres saw European integration as a third way that could avoid Israel's marginalization (Pardo 2013: 904–6). However, the prospect of Israel's membership in the EEC was ruled out in 1957 for both economic and political reasons. Economically, the necessary policy changes were considered too significant for Israel's protectionist economy. At the same time, politically, the EEC member states were largely reluctant to give Israel the prospect of membership because they feared an adverse reaction from Arab states (Pardo 2013: 907).

Although the prospect of membership was quickly dismissed, Israel was determined to develop closer relations with the EEC. In April 1958, Israel became the third country to request diplomatic relations with the EEC. In October 1958, Israel unveiled in a memorandum to the European Commission its objective in terms of cooperation: to be recognized as an "associate member" of the EEC (Pardo and Peters 2012: 2–3). However, the Israeli request for association encountered opposition within the EEC, especially from Belgium, Germany, and Italy. These three member states opposed Israel's association with two arguments: starting negotiations with Israel on an association agreement would undermine the ongoing talks with Greece and Turkey, and because Israel was not a 'European State' nor a NATO member, it did not deserve special consideration (Harpaz and Heimann 2016: 451). Thus, after completing the association agreement with Greece, the Council of Ministers informed Israel in September 1962 that it was ready to open negotiations. However, the EEC was not prepared to offer Israel a status similar to what it had just granted to Greece. Thus, the EEC directly ruled out several options for the negotiations, such as the prospect of Israel's membership, an associate member status, and also the possibilities of a joint customs union or a comprehensive agreement to create a free trade area (Pardo and Peters 2012: 4).

Israel and the EU signed their first trade agreement in 1964. The economic scope of this agreement was minimal and did not meet Israel's aspirations (Schweitzer 1964). Indeed, it only provided for "a partial suspension of common external tariff duties on approximately twenty industrial and commercial products" (Pardo and Peters 2010: 47). However, the interest in concluding this agreement was more political than economic. Indeed, a report submitted on behalf of the EEC Foreign Trade Committee to the European Parliament (EP) stressed that although "the conclusion of this agreement with Israel would be of little economic importance", "the political importance of such an agreement stood out even more" (European Parliament 1964). This report saw the conclusion of this agreement as a way to legitimize the newly established state of Israel and stabilize the country and the situation in the Near East (European Parliament 1964). Moreover, during the ceremony that followed the signing of the agreement, both parties expressed that it constituted a stepping-stone towards the development of closer relations between the two entities in the future (Council of the European Economic Communities 1964).

Although this 1964 agreement represented a significant political development, Israel remained dissatisfied with its limited content. Consequently, the Israeli government immediately

launched a political campaign to obtain a better agreement (Pardo and Peters 2012: 5). As a result, in 1966, Israel officially applied for associate member status. However, politics would soon intervene.

The first period of relations between Israel and the EEC was thus characterized by the need for the newly created State of Israel to develop its relations with the EEC in order to seek recognition and legitimacy in the international order. Consequently, it developed an active policy of rapprochement with the EEC, being one of the first third countries to establish diplomatic relations with Brussels, and even considered membership before finally asking for the status of associate member. The EEC was reluctant to grant Israel such a privileged status but nevertheless recognized the need to develop relations with Israel to contribute to its legitimacy and stabilize the region. This led to the signing in 1964 of a trade agreement, limited in its economic scope but of significant political importance. In this first period of relations, political and sectoral relations were therefore intimately linked. Indeed, the signing of a trade agreement, even if limited and of little commercial benefit, had important political implications because it helped to affirm Israel's legitimacy.

5.1.2 Second period: Wars, political tensions, and limited upgrade of relations (1967-1992)

The 1967 Six-Day War between Israel and its Arab neighbors marked the beginning of a new period in EU-Israel relations, characterized by regional conflicts in the Middle East and the emergence of a common European position on the Israeli-Palestinian issue, resulting in little progress in EU-Israel relations.

In June 1967, following an escalation of tension in the region, illustrated by the Egyptian decisions to block the Straits of Tiran to Israeli ships and proceed with troop movements in Sinai,¹⁸⁵ Israel launched a preventive attack on the southern front against Egypt. The war lasted six days and marked a crushing victory for Israel against the armed forces of a coalition of Arab states. The war directly impacted EU-Israel relations. Indeed, as mentioned above, Israel was not satisfied with the limited content of the 1964 agreement and applied for associate member status in 1966. Just after the start of the war in June 1967, the European Commission went further than its committee of experts, which recommended negotiations on a preferential trade agreement with Israel and decided to recommend full associate status in the Common Market for Israel. According to reports at the time, the decision was "a gesture of political sympathy for Israel in its 'difficult hours'" (Yoel 1967). However, the Six-Day War also marked the end of France and Israel's close relationship. Indeed, after the Suez Crisis of 1956, France had maintained very close relations with Israel and had felt a "moral duty to safeguard Israel's security" (Filiu 2012: 247), notably through cooperation in the military sector. At the same time, the independence of Algeria in 1962 marked a turning point in French relations with the Arab world, which had since then gradually renewed diplomatic ties with the Middle Eastern states (Filiu 2012: 248). Thus, when the Six-Day War broke out, President De Gaulle opted for a

¹⁸⁵ For an analysis on the causes of the war, see: (Goldstein 2018)

neutral position in the conflict, which the Israelis perceived as a betrayal and the Arab states as a courageous sign of friendship (Filiu 2012: 263). This turn in French foreign policy directly impacted Israel-EEC relations. Indeed, France decided to veto the Commission's proposal to open negotiations on a new agreement with Israel (Pardo and Peters 2012: 73). As a result, the door opened a few days after the beginning of the Six-Day War for Israel to acquire associate membership in the European market was directly closed. It would not be until 1968 that the Commission would be able to open new negotiations with Israel.

The Six-Day War not only impacted Israel's prospect of an associate member status in the European market but also marked a turning point in cooperation between EEC member states in the field of foreign policy. Indeed, in the run-up to the outbreak of the Six-Day War, the EEC member states appeared utterly divided on the issue and were unable to adopt a common position (Nuttall 1992: 66-7; Pardo and Peters 2012: 73). This failure to agree during the Six-Day War led the EEC member states to create a new cooperation instrument in foreign policy in 1969: the EPC. Within the framework of this cooperation, the Middle East was placed high on the agenda, and in 1971 the EEC member states agreed for the first time on the Arab-Israeli conflict by unanimously accepting the Schuman document. This document outlined six principles: the establishment of demilitarized zones in which international forces would be stationed; an overall Israeli withdrawal from occupied territories with minor border adjustments; the internationalization of Jerusalem; the postponement of a conclusive solution regarding the sovereignty of East Jerusalem; the choice for the 'Arab refugees' of either returning to their home or being indemnified; the approval of the Jarring mission (Pardo and Peters 2012: 74). Although controversies surrounded the diffusion of the report, which was supposed to remain secret but was leaked by the press, it represented the first effort of the EEC countries to develop a common position on the conflict. The Middle East issue was thus to become a fundamental issue for the foreign policy of the EEC, which was to have a significant impact on bilateral relations between Israel and the European community.

Until 1972, the EEC did not have a common approach to Mediterranean countries. Instead, relations between the EEC and the Mediterranean countries were conducted on a bilateral basis. As a result, the EEC had "negotiated bilateral agreements with most Mediterranean countries that were dissimilar in type and produced in an uncoordinated manner" (Bicchi 2002: 3-4). The EEC did not address the Mediterranean as a region as the agreements with countries of this geographical area "bore little substantial uniformity in terms of timing, content and legal basis" (Bicchi 2007: 60). To address this lack of a common approach to the Mediterranean countries, the EEC launched in 1972 the "Global Mediterranean Policy" and, in 1974, the Euro-Arab Dialogue (Bicchi 2007: 63-110; Guasconi 2013: 163-4). The first one of these two initiatives, the Global Mediterranean Policy, directly concerned Israel. The aim of this approach was that the agreements with countries of this region required "an overall and balanced handling" (Commission of the European Communities 1972: 8). As a result, the negotiations that started in 1968 between the EU and Israel on a new trade agreement need to be understood in the context of this new global initiative for Mediterranean countries (Pardo and Peters 2012: 74-5).

However, another regional conflict broke out in October 1973, the October War. This conflict between Israel and a coalition of Arab states once again impacted EU-Israel relations. On October 6, 1973, on the Jewish holiday of Yom Kippur, an Arab coalition under the leadership of Egypt and Syria launched a surprise attack against Israel in order to recover the territories of Sinai and the Golan Heights, occupied by Israel since the 1967 conflict. Significant victories by the Arab coalition marked the first days of the conflict. However, after a few days, the Israeli armed forces managed to counter the offensives and regain the territories lost in the first days, even approaching the Egyptian and Syrian capitals, respectively, Cairo and Damascus. On October 25, 1973, a ceasefire was imposed to end the war.

The first European reactions and positions to the October War came from the member states and not in a coordinated way through the EPC (Nuttall 1992: 93). While the Netherlands condemned Egypt and Syria for “breaking unilaterally the coexistence which had been observed since 1970” (Nuttall 1992: 94), France was more supportive of the Arab states, stating that “trying to get back into your home is not necessarily an unexpected aggression” (Le Monde 1973). Under pressure from the British and the French, the nine member states of the EEC were finally able to issue a joint communiqué on October 13, calling for a ceasefire and negotiations based on the UN Security Council Resolution 242 (Nuttall 1992: 94). This 1967 resolution called for the withdrawal of Israel’s armed forces from territories occupied in the Six-Day War, as well as the termination of all claims of belligerency and the respect for the sovereignty, territorial integrity, and political independence of every state in the area.¹⁸⁶ However, this was not enough to handle the situation. Three days later, on October 16, “the Gulf States announced that, until Israel returned to its pre-1967 frontiers and the Palestinians were able to exercise their right to self-determination, the price of oil would be increased by 70 percent” (Nuttall 1992: 94). The following day, the Arab members of the Organization of Petroleum Exporting Countries (OPEC) decided to impose a monthly cutback of 5 percent in oil production. In early November 1973, further limitations to oil production were set, with a production cutback of 25 percent at the September level followed by a monthly 5 percent cutback. However, this time the Arab exporting countries divided the consumer countries into three categories: friends, for whom no sanctions applied, enemies, who suffered a total embargo, and neutrals, for whom the monthly 5 percent reduction applied. Regarding the nine EEC member states, France and the UK were classed as friends, whereas the Netherlands were enemies. The remaining member states – Belgium, Denmark, Germany, Ireland, Italy, and Luxembourg – were identified as neutral.

Therefore, the EEC member states realized that only common action could solve the situation (Nuttall 1992: 95). On November 6, 1973, under pressure from the French government, they issued a Declaration that called for “Israel to end the occupation on the territories gained during the 1967 conflict; the inadmissibility of the acquisition of territory by force; the respect for sovereignty territorial integrity and independence of every State in the area and their right to live in peace within secure and recognized boundaries; the recognition that in the establishment of a just and lasting peace account must be taken of the legitimate rights of the

¹⁸⁶ UN Security Council, Resolution 242 (1967), <http://unscr.com/en/resolutions/doc/242> (Accessed on 9 May 2022).

Palestinians" (European Community 1973). This declaration moved closer to the Arab position than the 1971 Schuman document and triggered opposite reactions from Israel and the Arab states. The Arab states were satisfied with the EEC Declaration and lifted the 5 percent cutback to the member states, except for the Netherlands, which had condemned Egypt and Syria at the start of the conflict (Nuttall 1992: 95–6). Israel's reaction, however, was much harsher. The day after the declaration of the Nine, the Israeli Ministry of Foreign Affairs issued a statement that was highly critical of the EEC member states' position. They claimed that the EEC declaration was motivated by economic interests at the expense of peace for the region. Israel felt a sense of betrayal from European countries, illustrated in particular by the phrase: "Who other than the states of Europe have learned by experience that a policy of appeasement and turning one's back on allies and friends does not remove the threats but leads to Shoah" (Israel Ministry of Foreign Affairs 1973). Israel's position was illustrated a few days later by its foreign affairs minister, Abba Edan, who claimed that the EEC declaration meant "oil for Europe" and not "peace for the Middle East".

Despite Israel's adverse reaction to the EEC Declaration, the Nine continued their rapprochement with the Arab states. During a meeting between the EEC Heads of Government in December 1973, a delegation of Arab Foreign Ministers made a surprise appearance to show their support for the position taken by the EEC in the conflict and cement their relations with the Nine with the proposition to set up a formal dialogue between the European Community and the Arab States. The summit's outcome was the confirmation of the political line taken in the November 6 Declaration and the set-up of a formal dialogue between the two, i.e., the Euro-Arab Dialogue. However, the Euro-Arab Dialogue suffered from the start from the different expectations of the participants. Whereas the European countries expected this forum of discussion to focus primarily on economic cooperation with minor political implications, the Arab states saw this forum as an arena to discuss political issues (Pardo and Peters 2012: 76). This formal dialogue structure ended in March 1979 when Egypt was kicked out of the Arab League due to its signature of a peace treaty with Israel.

In parallel to the EEC rapprochement with Arab countries through the Euro-Arab Dialogue, and despite Israel's evident political opposition to the line taken by the Nine, Israel and the EEC signed their first free trade agreement in 1975. The agreement provided for the abolition of all trade barriers on Israeli-manufactured goods. The signing of this agreement, the first of its kind in the region, may come as a surprise given the position taken by the EEC in 1973. According to the Israeli press at the time, the success of the negotiations was based on the fact that Israel had recognized the importance of signing such an agreement and, therefore, had made the necessary efforts; the EEC member states had felt a certain discomfort towards Israel as a result of their 1973 position; the 1973 oil crisis had calmed down and could lead to calmer thinking; through economic cooperation, this agreement would bring stability to the Middle East, which was in the EEC's interest (Golan 1975). Despite some pressure from Arab states, Israel and the EEC signed the agreement in May 1975. The Israeli press also reported that the European Community had stressed its desire to pursue purely economic cooperation. Any attempt to give a political dimension to the relationship might deter the Community from pursuing future negotiations in the direction desired by Israel (Golan 1975).

Despite the progress in economic cooperation, political issues would, once again, impact Israel-EEC relations. Indeed, France and Italy wanted to push further for official recognition by the EEC member states of the rights of the Palestinians (Nuttall 1992: 100). The position of France and Italy met with some opposition within the EEC, notably from the Netherlands, the United Kingdom, Denmark, and Germany, to varying degrees (Nuttall 1992: 100-1). However, the rise to power in Israel of the Likud party under the leadership of Menachem Begin in May 1977 prompted a reaction from the EEC member states. Indeed, Begin had more difficult European past than its predecessors and had a tougher line regarding Israeli settlement in the West Bank and the Gaza strip claiming all the territories of historic *Eretz-Yisrael* (Greilsammer and Weiler 1984: 137). Even though Begin's policies were not the only factor to explain the worsening of EEC-Israel relations, it accelerated the process (Greilsammer and Weiler 1984: 137). Therefore, EEC member states adopted a new declaration on the Middle East issue in London in June 1977. This new declaration went further than the 1973 declaration by putting the Palestinian people's rights at the center of the Middle East peace process. The declaration first recalled the position adopted by the EEC in November 1973. It then went further by recognizing that "a solution to the conflict in the Middle East will be possible only if the legitimate right of the Palestinian people to give effective expression to its national identity is translated into fact, which would take into account the need for a homeland for the Palestinian people" (European Council 1977: 2). The declaration also added that the Palestinian people must be represented and participate in the negotiations to resolve the conflict. Finally, the declaration also balances the central place given to the rights of the Palestinians by recalling those of the Israelis and states that: "In the context of an overall settlement, Israel must be ready to recognize the legitimate rights of the Palestinian people: equally, the Arab side must be ready to recognize the rights of Israel to live in peace within secure and recognized boundaries" (European Council 1977: 2). The London Declaration would remain the EEC's official position on the Middle East conflict until the Venice Declaration in 1980.

Soon after the London Declaration, relations between Israel and Egypt improved. In November 1977, Egyptian President Anwar Sadat became the first Arab leader to visit Israel. EEC member states reacted ambivalently to Sadat's visit to Israel. In a statement issued on November 22, 1977, they qualified the Egyptian President's visit to Israel as 'courageous', but at the same time underlined that the solution "to a just and lasting overall settlement" must take into account "the rights and concerns of all the interested parties" (European Community 1977). Their main concerns were that the peace process must include all parties, i.e., including the Palestinian, and should take place in the context of an international conference. In September 1978, under the leadership and initiative of US President Jimmy Carter, Israel and Egypt signed the Camp David agreement. The European Community reacted similarly to Sadat's visit in 1977 by underlining the need to include all parties concerned in the negotiations to reach a just and lasting peace (European Community 1978). Therefore, while the EEC welcomed efforts to initiate dialogue between Israel and Egypt, it was also crucial for the EEC to address the Palestinian issue by involving them in this dialogue (Khader 1984: 170-2). These events constituted the "backdrop to the Venice Declaration" (Pardo and Peters 2012: 77).

On June 13, 1980, the heads of state and government and the foreign affairs ministers of EEC member states issued the Venice Declaration. The Venice Declaration provides: “the right to existence and to security of all the states in the region, including Israel, and justice for all the peoples, which implies the recognition of the legitimate rights of the Palestinian people; all of the countries in the area are entitled to live in peace within secure, recognized and guaranteed borders; a just solution must finally be found to the Palestinian problem, which is not simply one of refugees, and that Palestinian people (...) must be placed in a position (...) to exercise fully its right to self-determination; the Palestinian people, and the Palestine Liberation Organization (PLO), have to be associated with the negotiations; the need for Israel to put an end to the territorial occupation which it has maintained since the conflict of 1967; they will not accept any unilateral initiative designed to change the status of Jerusalem; settlements, as well as modifications in population and property in the occupied Arab territories, are illegal under international law” (European Community 1980).

Israel was furious with the Venice Declaration. In its official response to the declaration, the Israeli government strongly condemned the European position. It made allusions to the Second World War, calling the PLO the “Arab SS” and comparing Fatah’s words regarding their desire to “liberate Palestine and liquidate the Zionist entity” to *Mein Kampf* (Israel Ministry of Foreign Affairs 1980). The Israeli government also condemned the guarantees given by the EEC, recalling those given to Czechoslovakia in 1938 in the Munich Agreement after the annexation of the Sudetenland (Israel Ministry of Foreign Affairs 1980). Israel’s angered reaction and disappointment with the Venice Declaration was mainly based on two factors: the fact that EEC countries which were historically more friendly toward Israel, such as the Netherlands, Denmark, and Germany, were not able to prevent the declaration from being passed; and the tame reaction from the US (Greilsammer and Weiler 1984: 145). The Venice Declaration also constituted a defining moment in Israel-EEC/EU relations. It introduced a political dimension to their relations, which had previously been focused mainly on economic cooperation (Pardo and Peters 2012: 152). Relations between Jerusalem and Brussels have never fully recovered from this declaration, which remains a scar for Israel in its ties with the European community and explains the Israeli public’s distrust of possible EU mediation in the conflict (Pardo and Peters 2012: 152).

As a result, EEC-Israel relations during the 1980s did not evolve much. Because of its anger over the Venice Declaration, “Israel vigorously opposed any European attempt to play a significant role in the peace process” (Pardo and Peters 2012: 152). The Israeli frustration with the European Community following the Venice Declaration was further reinforced by European reactions to its invasion of Lebanon (European Council 1982) and the first intifada (European Community 1987), in which the EEC criticized Israel’s action. Consequently, the political aspect of EEC-Israel relations has hindered any development of sectoral cooperation.

The peace process was relaunched in 1991 with the Madrid Conference. Although the conference was held on European soil, the EEC did not play a significant part in the discussion, which was instead co-sponsored by the US and the Soviet Union. The EEC marginalization was initiated by Israel, which insisted on excluding it from any significant role (Pardo and

Peters 2012: 153). The Madrid conference, however, did not lead to a substantial breakthrough. Instead, it was the discussions that took place in Oslo that paved the way for an improvement and an evolution in the peace process.

To conclude, the second period of EEC-Israel relations is characterized by significant tensions in the political aspect of their relations, with little scope for improvement in economic cooperation. At first, the two partners seemed to want to dissociate political disagreements from economic cooperation. This approach is illustrated by the signing of the first free trade agreement in 1975, two years after the October War. However, the Venice Declaration and the continued support of European countries for the Palestinian people greatly irritated Israel. As a result, during the 1980s, political disagreements were too significant to make economic cooperation possible, and EEC-Israel relations stagnated for a decade.

This period of relations, marked by multiple conflicts involving Israel, also underscores the division among EEC member states regarding the Middle East conflict. While the Netherlands, Denmark, and Germany were more friendly toward Israel, the French government, along with Italy, Ireland, and Greece, were more critical of Israel and supported Palestinian rights, including self-determination, and pushed for a solution that would allow all states to live peacefully side by side with a recognized border (Allen and Pijpers 1984: 1–120). The division among the EEC member states after the outbreak of the Six-Day War and their inability to formulate a common position led them to create the first forum for cooperation on foreign policy: the EPC.

5.1.3 Third period: Oslo and the renaissance of EU-Israel relations (1993-2008)

The Oslo process was a milestone in EU-Israel relations. This peace process consisted of secret negotiations between Israeli and Palestinian negotiators in the Norwegian capital. The culmination of this process was the signing of the Oslo Accords in Washington in September 1993 by Israeli Prime Minister Yitzhak Rabin and PLO Executive Committee Chairman Yasser Arafat. The Declaration of Principles of the Oslo Accords laid the foundation for an autonomous Palestinian Authority. It provided for a five-year interim period of Palestinian self-government by transferring power and responsibilities to Palestinians in the West Bank and Gaza.¹⁸⁷ This transitional period should not exceed five years, and Israel and the Palestinians should begin negotiating a permanent status “as soon as possible but not later than the beginning of the third year of the interim period”.¹⁸⁸

The Oslo Accords were a significant breakthrough for the prospect of peace in the Middle East. It emerged thanks to a combination of favorable international, regional, and domestic conditions as well as a convergence of interests of the main actors involved (Del Sarto 2019:

¹⁸⁷ Israeli Ministry of Foreign Affairs, *Declaration of Principles – Main Points*, <https://www.gov.il/en/Departments/General/declaration-of-principles-main-points> (Accessed on 11 May 2022).

¹⁸⁸ *Ibid.*

379). Crucially, the accords were in line with the long-standing European position on the conflict set out in the November 73, London, and Venice declarations, namely the two-state solution and the importance of the rights of the Palestinian people. Consequently, the EU was quick to welcome the Oslo Accords and paid “tribute to the vision and courage of the Israeli and Palestinian leaders who signed this historic agreement which represents a positive breakthrough in the peace process” (European Union 1993). As a result, the Oslo accords led to a revival and warming of EU-Israel relations. In its December 1993 conclusions, the European Council welcomed the Oslo Accords. It stated that “the conclusion of a new agreement with Israel is one of the key elements of the development of cooperation between the European Union and the Middle East region” and that these negotiations should begin in early 1994 and “be completed as soon as possible” (European Council 1993: 21). A year later, the EU declared that “Israel, on account of its high level of economic development, should enjoy special status in its relations with the European Union” (European Council 1994a: 5).

The EU and Israel signed an AA in November 1995. Until then, relations between the EU and Israel were governed by the 1975 free trade agreement. The AA represented a significant upgrade compared to its predecessor. This new agreement has two main components: economic provisions and the institutionalization of political dialogue. Regarding the economic provision, the AA provides for further liberalization of trade in goods,¹⁸⁹ including progressive liberalization of trade in agricultural products.¹⁹⁰ It also provides for the liberalization of the provision of services,¹⁹¹ and capital movements.¹⁹² In addition to further liberalization in trade-related issues, the Agreement also provides for increasing cooperation in other sectors. Namely, it aims to intensify cooperation in science and technology¹⁹³ as well as in the economic sector, which covers areas such as agriculture, environment, energy, financial services, tourism, migration, and transport, among others.¹⁹⁴ Finally, it also covers cooperation in audiovisual, cultural, and social matters.¹⁹⁵ The scope of cooperation provided by the AA is comprehensive. However, it is formulated in a broad language and, therefore, “its success depends on implementing measures” (Harpaz and Heimann 2016: 456). According to Harpaz (2016: 456-7), the expectations of the AA have not been met, and in most areas, the implementing measures were never adopted. Among the possibilities of cooperation foreseen in the AA, one sector in which collaboration has proven to be fruitful is that of research and innovation. The AA expected that the EU and Israel should conclude a separate agreement to implement cooperation in the research sector.¹⁹⁶ In March 1996, the two parties signed an

¹⁸⁹ Official Journal of the European Communities, L 147, *Op. cit.*, Art. 6-28.

¹⁹⁰ *Ibid.* Art. 10-15.

¹⁹¹ *Ibid.* Art. 29-30.

¹⁹² *Ibid.* Art. 31-39.

¹⁹³ *Ibid.* Art. 40.

¹⁹⁴ *Ibid.* Art. 41-57.

¹⁹⁵ *Ibid.* Art. 58-66.

¹⁹⁶ Official Journal of the European Communities, L 147, *Op. cit.*, Art. 40

agreement providing for the full association of Israel with the 4th EU Research Framework Program.¹⁹⁷

In addition to these technical, sectoral aspects of the cooperation, the AA institutionalizes a political dialogue between the EU and Israel.¹⁹⁸ The text provides for a regular political dialogue between the parties, which shall “strengthen their relations and contribute to the development of a lasting partnership and increase mutual understanding and solidarity”.¹⁹⁹ In practice, this political dialogue should take place at ministerial level, senior official level, and between the European Parliament and the Knesset.²⁰⁰ This dialogue should “facilitate the pursuit of joint initiatives” by using the diplomatic channels, holding consultations, and exchanging information of foreign and security policy.²⁰¹ In addition to this political dialogue, the AA also provides for institutional provisions.²⁰² As a result, the agreement establishes an Association Council between the EU and Israel, which shall meet once a year at the ministerial level.²⁰³ “Subject to the powers of the Association Council”, an Association Committee is also established, which gathers representatives from both sides at official level, and is responsible for the implementation of the AA.²⁰⁴ In addition, the agreement also creates 11 sub-committees at the expert level (Pardo and Peters 2010: 51). Finally, the AA provides for a dispute-settlement mechanism.²⁰⁵ Accordingly, if a dispute arises, this should be dealt with at the level of the Association Council.²⁰⁶ In the cases when the Association Council is unable to settle a disagreement, each party should appoint an arbitrator, and the Association Council should appoint the third one.²⁰⁷ The three arbitrators take a decision by majority vote, and each party is required to implement the decision.²⁰⁸

The AA does not mention the Israeli-Palestinian conflict, nor does it condition the development of cooperation under the agreement on substantial progress in the peace process. However, one issue related to the conflict, and more precisely to what constituted the “State of Israel”, arose and posed some problems regarding the implementation of the AA: the rules of origins. The rules of origins identify a product’s economic nationality by outlining “the criteria used to determine in which country a product originates” (Gordon and Pardo 2015: 76). The AA provides preferential treatment for products originating from Israel. Therefore, the rules of origins allow identifying which products are considered as originating from Israel

¹⁹⁷ Official Journal of the European Communities, Agreement on scientific and technical cooperation between the European Community and the State of Israel, L 209, 19.08.1996, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A21996A0819%2803%29&qid=1652280419997> (Accessed on 11 May 2022).

¹⁹⁸ Official Journal of the European Communities, L 209, Art. 3-5.

¹⁹⁹ *Ibid.* Art. Art. 3.

²⁰⁰ Official Journal of the European Communities, L 147, *Op. cit.*, Art. 5.

²⁰¹ *Ibid.*

²⁰² *Ibid.* Art. 67-85.

²⁰³ *Ibid.* Art. 67-69 and 73-74.

²⁰⁴ *Ibid.* Art. 70-72.

²⁰⁵ *Ibid.* Art. 75.

²⁰⁶ *Ibid.* Art. 75.1-2.

²⁰⁷ *Ibid.* Art. 75.4.

²⁰⁸ *Ibid.*

and can, therefore, benefit from preferential treatment under the AA. The rules of origins also help to prevent trade deflection. The disagreement between the EU and Israel that emerged in 1998 concerned the products originating from the Territories that have been under the control of Israel since 1967 and the Six-Day War. On the one hand, Israel argued “that due to its *de facto* control of the Territories, these products are produced in Israel’s customs territory, that they are therefore to be subjected to the Association Agreement, and hence are entitled to preferential treatment in accordance with its provisions” (Harpaz 2004: 1051). On the other hand, the EU argued “that *de jure* the Territories do not belong to the State of Israel, that Israel’s occupation of the Territories is illegal under public international law, and that products exported from them to the EU should not, therefore, benefit from the preferential treatment under the Association Agreement” (European Commission 1998; Harpaz 2004: 1051–2). It is worth noting that the AA does not provide for a definition of what constitutes the State of Israel. It simply says that the agreement applies “to the territory of the State of Israel”.²⁰⁹

Israel reacted angrily to the EU’s position regarding this issue. The Israeli ambassador to the EU, Efraim Halevy, opposed vehemently the inclusion of the territorial issue in the discussion taking place in the framework of the AA and stated that “it is not the European Union that will determine the borders of Israel while dealing with economic matters” (Horowitz 1997). Israel and the EU held discussions to find a solution to the issue. These talks were “often long-winded and cumbersome, and the nature of the dispute was quickly transformed from an economic-legal issue into a high profile political dispute” (Pardo and Peters 2012: 190). Finally, both parties reached an agreement in December 2004 and adopted a technical arrangement. This arrangement provides for the exclusions of goods originating in the settlements, i.e., territories brought under Israeli administration since 1967, from preferential treatment under the AA.²¹⁰ To apply this arrangement, the Commission produces a document listing the postal codes of places that are located beyond the 1967 borders.²¹¹ Israel is then required to indicate the postal code of the site of production of a product on all proofs of origin.²¹² As a result, EU member states’ customs authorities must verify if the postal code of a product coming from Israel appears on the list of the settlements. If this is the case, the product should not enjoy preferential treatment provided under the AA.²¹³ We will discuss the political implication and motivation of the rules of origins issue later in the analysis.

Following the biggest wave of enlargement in its history, the EU launched in 2004 the ENP. This policy was intended to allow the EU’s neighbors to improve their bilateral relations with the EU and participate in the internal market. Given that the prospect of accession for these countries was relatively low in the short and medium-term for the Eastern countries and nil for the Mediterranean countries, this policy was intended to offer a parallel integration path to the accession process offered only to the Western Balkans. The document outlining the new

²⁰⁹ Official Journal of the European Communities, L 147, *Op. cit.*, Art. 83

²¹⁰ European Commission, *EU-Israel Technical Arrangement*, https://ec.europa.eu/taxation_customs/eu-israel-technical-arrangement_en (Accessed on 12 May 2022).

²¹¹ *Ibid.*

²¹² *Ibid.*

²¹³ European Commission, *EU-Israel Technical Arrangement*, *Op. Cit.*

policy strategy also underlined the strategic dimension of the ENP. It states that “the EU must act to promote the regional and sub-regional cooperation and integration that are preconditions for political stability, economic development and the reduction of poverty and social divisions in our shared environment” (European Commission 2003: 3). The aim of this new policy is to “develop a zone of prosperity and a friendly neighborhood – a ‘ring of friends’ – with whom the EU enjoys close, peaceful and co-operative relations” (European Commission 2003: 4).

Israel reacted positively to this new initiative (Pardo and Peters 2012: 319). An Israeli newspaper welcomed the ENP and said that Israel could become “the leading star of Wider Europe” (Primor 2003). According to it, Israel’s high level of development in comparison with the other countries which are part of the new EU policy, coupled with the differentiated aspect of the European initiative, will give Israel the possibility to develop its partnership with the EU in the most comprehensive manner, and reach the status of a “nearly Europe” state (Primor 2003). The EU was also enthusiastic about developing its cooperation with Israel. Günter Verheugen, then European Commissioner for Enlargement, said in a speech in Israel that Brussels considered “Israel to be a natural partner for the EU in the new neighborhood policy”. He added that relations between the EU and Israel “will be tailor-made and can range from the status quo to the type of close interconnection that we have with countries like Norway or Iceland in the European Economic Area” (Verheugen 2003).

The ENP provided for the bilateral negotiation of an action plan with each country. The EU and Israel agreed on the Action Plan in 2005, which opened new partnership perspectives.²¹⁴ The plan aims to increase cooperation and the integration of Israel in the EU’s internal market through, for instance, “the possibility for Israel to participate progressively in key aspects of EU policies and programs”.²¹⁵ As a result, the text provides, among other things, for enhanced political dialogue and cooperation, increased economic integration by developing trade and economic dialogue as well as extending relations in the service sector, strengthened cooperation on security issues within Justice and Home Affairs, promotion of sectoral cooperation in fields like transport, energy, and science and technology, and improved people-to-people interactions.²¹⁶ Similar to the AA, the Action Plan did not condition the deepening of cooperation between the EU and Israel on improvement in the Middle East Peace Process (MEPP). It only stated that both parties should commit “to join efforts (...) to promote peace and stability in the Middle East”.²¹⁷

In substance, the Action Plan provides for increased cooperation between the EU and Israel through enhanced dialogues in all areas of collaboration, as well as coordination, and exchange of information and practices. It also contains some elements of legislative approximation. Indeed, in the field of transport, it provides for Israel’s possibility to

²¹⁴ EU/Israel Action Plan, https://ec.europa.eu/neighbourhood-enlargement/system/files/2019-11/eu-israel_action_plan_2005.pdf (Accessed on 12 May 2022).

²¹⁵ EU/Israel Action Plan, *Op. Cit.*, p. 2.

²¹⁶ *Ibid.*, p. 2-3.

²¹⁷ *Ibid.*, p. 4.

approximate further its legislative and regulatory frameworks with European and international standards,²¹⁸ as well as proceeding with a mutual recognition agreement in the field of airworthiness.²¹⁹

In multiple areas, the Action Plan provides for the identification of “the scope and modalities for Israel to participate in relevant EU programs (...) and the scope for legislative approximation where required by the relevant program”.²²⁰ The plan mentions explicitly to promote further Israel’s participation in programs related to student’s mobility such as Tempus, and Erasmus-Mundus.²²¹ Regarding Israel’s participation to the EU programs, a protocol to the AA entered into force in 2008, which provides for Israel’s participation “in all current and future Community programs opened to the participation of Israel in accordance with the provisions adopting these programs”.²²² It provides that Israel’s representatives shall be allowed to take part as observers in the management committees of the programs,²²³ and that Israeli projects and initiatives submitted in the framework of these programs should be applied the same rules and procedures as the member states.²²⁴ This protocol is applied as long as the AA between the EU and Israel is in force.²²⁵ In practice, this protocol means that whenever a program is opened to the participation of third countries, the EU and Israel have to negotiate a Memorandum of Understanding (MoU) providing for the specific terms and conditions of Israel’s involvement. Moreover, this protocol also means that the European Commission is empowered to negotiate and conclude this MoU with Israel without requiring the Council or the EP to approve it before entering into force.

Finally, the Action Plan also examines the scope of Israel’s participation in relevant European networks and bodies. In this context, it mentions explicitly possibilities of cooperation between Israel and some EU agencies, such as ENISA, Europol, CEPOL, EMSA, EEA, and ESA.²²⁶ It also provides for Israel’s involvement in some European networks, systems, or working groups, such as the EUROMED migration research network, the Expert Group on Trafficking in Human Beings, Money Val, the European Judicial Network, ENFSI, or EUPHIN.²²⁷

The signing of both an AA and the Action Plan have therefore provided Israel with a significant level of integration with the EU. However, despite their ambitious scope of cooperation, it has been argued that, in practice, there has been much less willingness/ability

²¹⁸ EU/Israel Action Plan, *Op. Cit.*, p.17.

²¹⁹ *Ibid.* p.18.

²²⁰ See for instance EU/Israel Action Plan, *Op. Cit.*, p. 8.

²²¹ EU/Israel Action Plan, *Op. Cit.*, p.21.

²²² Official Journal of the European Union, Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part, on a framework Agreement between the European Community and the State of Israel on the general principles governing the State of Israel’s participation in Community programs, L 129, 17.05.2009, Art. 1.

²²³ *Ibid.* Art. 3.

²²⁴ *Ibid.* Art. 4.

²²⁵ *Ibid.* Art. 7.

²²⁶ EU/Israel Action Plan, *Op. Cit.*, pp. 17, 18, 20, 21.

²²⁷ *Ibid.* pp. 15-17, 23.

to deliver on the goals set up in these agreements (Harpaz and Heimann 2016). On the one hand, this lack of approximation is seen as partly the responsibility of the EU. Indeed, there is an Israeli perception that the EU is unable to deliver on its promises and that “EU’s policies reflect the lowest common denominator” (Harpaz 2014: 439). On the other hand, this lack of approximation is also due to internal factors in Israel. First, the approximation to EU laws is perceived in Israel as eroding its national sovereignty. The combination of nationalism coupled with mistrust toward international standards and norms explains Israel’s reluctance to deepen its European integration (Harpaz 2014: 444). Second, there is little evidence of effective EU influence on Israeli norms and practices drawn through deliberative means, such as persuasion or socialization (Magen 2012). Instead, Israel’s adoption of EU norms and rules follows a mechanism of emulation and results from “lesson-drawing in select fields or competitive adaptation to specific single market rules” (Magen 2012: 108). A bottom-up process fuels this emulation mechanism. Internal actors, such as academics, businesses, or regulators, recognize the benefits that adopting EU laws could bring to Israel and lobby their government to endorse them (Magen 2012: 108). Thus, Israel’s approximation to EU norms occurs when powerful domestic actors pressure the government to adopt a specific piece of EU legislation and when this institutional change results in low adaptation costs or net gains for Israel (Magen 2012: 108). Another causal pathway of approximation to EU norms is Israel’s voluntary reference to the ‘Maastricht criteria’ with regard to inflation rates, annual government deficit, government debt, and long-term interest rates. This voluntary reference is motivated by the desire to send positive signals to foreign investors regarding Israel’s fiscal discipline and stability (Magen 2012: 112). In conclusion, Israel proceeds with a selective approximation to EU laws that is driven more by its national economic interest and expected gains than by effective persuasion and pressure from the EU. This approximation takes place gradually over time “and represents a fraction of the EU institutional models, regulatory standards, and rules with which Israeli policy elites are familiar” (Magen 2012: 113).

Nevertheless, the Action Plan has had a good impact on EU-Israel relations. It led to intensifying the political dialogue and cooperation in security, increasing economic integration, and amplified socio-cultural and scientific cooperation (Pardo and Peters 2012: 321). As a result, Israel approached the EU to seek a further upgrade of its relations. During the seventh Association Council meeting in 2007, Israel asked the EU to deliver on its promises made in the 1994 Essen Declaration to give Israel a “special status in its relations with the European Union” (European Council 1994a: 5).²²⁸ At the occasion of the eighth meeting of the EU-Israel Association Council a year later, the EU responded positively to Israel’s demand by agreeing to intensify their cooperation in multiple areas in the context of the ENP (Council of the European Union 2008d: 3). In its statement, the EU emphasized that the deepening of relations with Israel should be developed in parallel with continuous efforts in the MEPP. In particular, the EU stated that: “The process of developing a closer EU-Israeli partnership needs to be, and to be seen, in the context of the broad range of our common interests and objectives,

²²⁸ Joint Press Conference on the Israel-European Union Association Council Meeting with German Foreign Minister Frank-Walter Steinmeier, EU External Relations Commissioner Benita Ferrero-Waldner and Israel Foreign Minister Tzipi Livni, Brussels, 5 March 2007, in Pardo, S. and Peters, J. (2012) *Israel and the European Union: A Documentary History*, Lanham: Lexington Books, Document 5/35, pp. 454-6.

which notably include the resolution of the Israeli-Palestinian conflict through the implementation of the two-state solution” (Council of the European Union 2008d: 3). Furthermore, the EU reaffirmed its desire to upgrade relations with Israel in its Council meeting on General Affairs and External Relations in December 2008 while confirming the crucial role of the peace process (Council of the European Union 2008e: 15–6).

However, at the end of December 2008, Israel launched the Cast Lead Operation in response to the break of the ceasefire and rockets fired from Gaza to Israeli cities. This operation led to a three-week military assault by Israeli forces on Gaza, with many casualties. The EU strongly condemned the Israeli operation. In a statement following the outbreak of violence in Gaza, the EU called for an immediate and permanent ceasefire, immediate humanitarian action, and stepping up the peace process.²²⁹ In an op-ed in an Israeli newspaper, the European Commissioner for external relations Benita Ferrero-Waldner condemned Israeli action in Gaza as well as the settlement expansion, especially in Jerusalem, and called on “the Israeli government to help implement the vision of a two-state solution” (Ferrero-Waldner 2009). She also stated that for the EU to consider deepening its ties with Israel, the latter should first support the two-state solution (Pardo and Peters 2012: 323). Ferrero-Waldner’s comments about freezing the upgrade of relations with Israel over its policies regarding the peace process was not well received in Israel (David 2009). The EU clarified its position during the ninth meeting of the EU-Israel Association Council, by proposing that the Action Plan should “remain the reference document for our relations until the new instrument is adopted” (Council of the European Union 2009b), effectively putting the perspective of upgrading Israel’s relations with the EU on hold. The EU also stated that improvement should be made regarding the peace process and that the two-state solution represented “an indispensable and urgent step towards a more stable and peaceful Middle East” (Council of the European Union 2009b). With this statement, the EU implied that no upgrade could be envisaged until Israel committed to the two-state solution.

The third period of relations between the EU and Israel is characterized by significant improvement in cooperation following the Oslo Accords. In 1995, the EU and Israel signed an AA that provided extended economic cooperation and integration and included an institutionalized high-level political dialogue. Economic cooperation was further deepened by the 2005 Action Plan, which was developed in the context of the new ENP. However, political issues arose again and created tensions in this economic cooperation revival. Although neither the AA nor the Action Plan made the extension of cooperation conditional on progress in the MEPP, the rules of origins issue highlighted the latent political disagreement between the EU and Israel over the definition of the territory of the State of Israel. Furthermore, while the EU responded positively to Israel’s request to upgrade its relations with the EU and fulfill its 1994 promise to grant Israel special status, the Cast Lead Operation put this prospect of improvement on hold. Thus, while the third period of relations includes the most significant

²²⁹ Statement by the European Union on the Situation in the Middle East, Paris, 30 December 2008, https://www.europarl.europa.eu/meetdocs/2004_2009/documents/dv/eu_middle_east_/eu_middle_east_en.pdf (Accessed on 13 May 2022).

developments in EU-Israel ties, it also highlights how the evolution of this relationship is conditioned by its political dimension regarding the MEPP.

5.1.4 Fourth period: Political tensions and the no upgrade policy of the EU (2009-...)

The fourth period of relations is therefore characterized by the EU's "update" but "no upgrade" policy towards Israel linked to the (lack of) progress in the MEPP. This policy line was already expressed at the ninth meeting of the EU-Israel Association Council in 2009 when the EU stated that the Action Plan should "remain the reference document for our relations until the new instrument is adopted" (Council of the European Union 2009b). This policy was recalled in the EU's statement following the tenth meeting of the Association Council in 2011. The EU expressed that it remained "ready to continue to develop its bilateral relations with Israel within the current European Neighborhood Policy framework" (Council of the European Union 2011b). The EU further elaborated that it was "prepared to further explore with Israel the opportunities still offered by the current action plan in a number of sectors and policy areas, on which progress can be achieved in 2011, (...), and pursue technical talks in order to identify areas for future potential cooperation" (Council of the European Union 2011b). This meant that any update of the relations framework should be considered within the ENP framework, and that any new cooperation not provided by the Action Plan, i.e., upgrade of the relations, could not be considered. The EU had already made clear in 2009 that this "update" but "no upgrade" policy would remain until significant progress could be made in the MEPP (Council of the European Union 2009b).

As a result, since 2009, EU-Israel relations have been characterized by an even higher level of ambivalence between their relationship's sectoral and foreign policy dimensions. Foreign policy relations remain tense, while both sides have further developed their sectoral cooperation within the Action Plan framework. Whereas the tensions in foreign policy have generally not impeded sectoral collaboration, there have been some instances where issues related to the foreign policy position of the EU regarding Israel have directly impacted EU-Israel sectoral cooperation. Interestingly, it was not the traditional actors of EU foreign policy that initiated this politicization of sectoral cooperation with Israel but rather the EP and the CJEU.

Since 1996, Israel has participated in every EU framework program for research and innovation. In 2005, members of the EP started pressuring the European Commission regarding the participation of Israeli settlement-based entities in the different aspects of bilateral cooperation, especially in the research and innovation sector (Watson 2005). However, the Commission considered the participation of Israeli settlement-based entities in its framework program to be marginal and "not worthwhile making an issue of it with Israel" (Pardo 2015: 56). Instead, the Commission opted for a technical solution that manually filtered the participation of any settlement-based entity in the framework program (Euro-Mediterranean Human Rights Network 2005: 37-8; Pardo 2015: 56). However, this practical arrangement did not satisfy the members of the EP, which continued to pressure the European

Commission to take further steps in order to avoid the participation of Israeli settlement-based entities in the EU framework program (Davies et al. 2012; European Parliament 2008; Taylor 2011a, 2011b, 2012; Wallis 2011). The decisive step happened around September 2012 when a group of members of the EP approached DG RTD and told them that if they did not “put an end to the participation of Israel settlement-based entities in the framework program, the EP would not approve the regulation setting up Horizon 2020” (Pardo 2015: 58). As a result, fearful of losing its flagship program in research and innovation, the European Commission began to draft guidelines in order to deal with the settlement issue. In July 2013, the “guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the EU from 2014 onwards” (European Commission 2013) were published. These guidelines define the eligibility conditions for the various EU financial instruments in the field of research. Accordingly, organizations or private entities based or working in the settlements are excluded from EU financial support.

The Israeli government reacted very harshly to these guidelines. Prime Minister Benjamin Netanyahu condemned the guidelines and stated that Israel would not “accept any external dictates regarding borders” (Keinon 2013a). Other Israeli officials went even further by calling to end all cooperation with the EU (Lis 2013). They also claimed that these guidelines represented a “financial terror attack” against Israel (Lis 2013) and were “tainted by racism and discrimination against the Jewish people, which is reminiscent of the bans against Jews in Europe over 66 years ago” (Somfalvi 2013). In addition to these declarations, Israel canceled the Association Council that was supposed to take place in 2013.²³⁰ Despite these tensions, Israel and the EU reached a compromise in November 2013 that would allow Israel’s participation in Horizon 2020 while both sides could maintain their positions on the settlements by “agreeing to disagree” (Keinon 2013b). This compromise provided that Israel would “write explicitly in an appendix to the agreement that it does not accept the guidelines, while the EU will write that the guidelines reflect European policy” (Keinon 2013b). Early assessments of the guidelines’ consequences on Israel underlined the minimal impact they would have (Pardo 2015: 65). Indeed, only one institution, the Ariel University of Samaria, is located in the settlements and excluded from EU funding. The key figures published by the European Commission at the end of the Horizon 2020 program seem to confirm that the guidelines have not had a significant impact on Israel which ranks third among all associated countries for participation, behind only Switzerland and Norway, and with a net EU contribution of 1.28 billion euros.²³¹

Besides the EP, the other unusual actor to have politicized sectoral cooperation with Israel is the CJEU. The CJEU has issued two notable judgments regarding Israeli economic activities in the settlements. The first one is the *Brita* case, in which the CJEU issued its ruling in 2010. This case opposed a German company, Brita, to the German customs authorities. Brita wanted to

²³⁰ Interview 31.

²³¹ European Commission, *Israel Horizon 2020 country profile*, <https://webgate.ec.europa.eu/dashboard/extensions/CountryProfile/CountryProfile.html?Country=IL>, (Accessed on 2 June 2022).

import products from an Israeli supplier, Soda-Club, whose manufacturing site was located in the West Bank. In order to import these goods, the company asked the German customs authorities to be granted preferential treatment under the EU-Israel AA. Doubting that these products came from Israeli territory recognized by the EU, as claimed by the German company, the customs authorities asked their Israeli counterparts if they were manufactured in the occupied territories. The Israeli customs authorities replied that these products came from an area under their responsibility but did not answer specifically whether this area was in the pre-67 borders or beyond. As a result, the German customs authorities refused to grant Brita preferential treatment for importing these products. The case went to the CJEU, which ruled that “products originating in the West Bank do not fall within the territorial scope of the EC-Israel Agreement and do not therefore qualify for preferential treatment under that agreement” (Court of Justice of the European Union 2010). The court’s reasoning was based on the fact that the EU has signed two separate association agreements, one with Israel and the other with the Palestinian Authority. The agreement with Israel applies to the territory of Israel according to the pre-1967 borders, while the agreement with Palestine applies to the West Bank and Gaza Strip. Therefore, products from the Israeli-occupied territories in the West Bank cannot be granted preferential treatment under the EU-Israel AA.

The second one is the *Psagot* case, in which the CJEU issued its ruling in 2019. The background to this CJEU judgment is the publication by the European Commission in 2015 of an interpretative notice on the indication of the origin of goods from the territories occupied by Israel since 1967.²³² In this interpretative notice, the Commission clarified the practice of indication of origins of products. According to EU legislation, to be exported to the European market, it is mandatory to indicate the origin of the products. However, because the EU and Israel do not have the same understanding of what constitutes the territory of the State of Israel, the notice clarified how products originating from the settlements should be labeled. According to the interpretative notice, products originating from settlements-based entities in the West Bank or the Golan Heights should add the expression ‘Israeli settlement’ to the indication of origin.²³³ As a result, such products could not have as an indication of origin ‘West Bank’ as this could be misleading to consumers that might believe the product is from Palestine, and instead indicate ‘West Bank (Israeli settlement)’.²³⁴ In relation to this notice, a dispute arose between, on the one side, Organisation juive européenne and Vignoble Psagot Ltd, a wine exporter based in an Israeli settlement, and, on the other side, the French Minister for the Economy and Finance. The dispute concerned the legality of the 2015 notice, which requires products to indicate their origins. More precisely, if a product originates from a settlement, it should be mentioned clearly. In its judgment, the CJEU ruled that “foodstuffs originating in the territories occupied by the State of Israel must bear the indication of their territory of origin, accompanied, where those foodstuffs come from an Israeli settlement within that territory, by the indication of that provenance” (Court of Justice of the European

²³² Official Journal of the European Union, Interpretative notice on indication of origin of goods from the territories occupied by Israel since 1967 (2015/C 375/05), C 375, 12.11.2015, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2015:375:FULL> (Accessed on 2 June 2022).

²³³ Official Journal of the European Union, C 375, *Op. Cit.*

²³⁴ *Ibid.*

Union 2019). According to the Court, the omission of the settlement indication in the product origin might mislead consumers. The signal that a product comes from the settlement gives the consumers all the information they need to “make informed choices (...) to ethical considerations and considerations relating to the observance of international law” (Court of Justice of the European Union 2019).

Israel criticized both decisions by the CJEU. The *Brita* ruling was perceived as a sanction against Israel (Munin and Sitbon 2021: 21). In addition, it was criticized for attempting to influence high-level politics with a weak legal infrastructure (Pardo and Zemer 2011: 304). The *Psagot* judgment has provoked the ire of the Israeli far-right (Rosenberg 2019), with some arguing that labeling the products with the term ‘Israeli settlement’ will strengthen the Boycott, Divestment, and Sanctions (BDS) movement against Israel (Lazaroff and Keinon 2019).

The 2015 guidelines and the *Brita* and *Psagot* cases have been the main instances where foreign policy issues, i.e., disagreement over what constitutes the State of Israel, have impacted sectoral cooperation. Crucially, in these three cases, the EP and the CJEU were the leading EU actors and not the European Commission or Council. This illustrates the policy line adopted by the top EU institutions regarding their policy toward Israel that characterizes the fourth period of EU-Israel relations, namely the dissociation between foreign policy and sectoral cooperation.

On the foreign policy front, the EU has consistently condemned Israel’s ever-expanding settlement policy and confirmed its commitment to the two-state solution (Council of the European Union 2009c, 2010e, 2010f, 2011c, 2012b, 2012c, 2014h, 2014i, 2015c, 2016). In addition, some member states have continuously vetoed the Association Council since 2014. Since Israel had canceled this council in 2013 in response to the EU guidelines, the Association Council between the EU and Israel has not been held since 2012. The continued veto by some EU member states since 2014 is due to the lack of progress in the MEPP and is seen “as a form of protest by the EU, starting after Operation Protective Edge in 2014, against Israeli settlements and policies towards the Palestinians” (Harkov 2020). More recently, there have been calls from the EU to reconvene the Association Council. These calls have come from some members of the EP (Juvín 2019; Lopez-Isturiz White 2020) and the High Representative, Josep Borrell (Harkov 2020). In response to these calls by the members of the EP, the EU has underlined its readiness to hold an Association Council with Israel while stressing the need to find a mutual agreement on convening such a meeting with Israel and, most notably, with the member states (Borrell 2020; Mogherini 2019). Finally, despite the lack of progress toward the two-state solution officially supported by the EU, the Foreign Affairs Council decided in July 2022 to reconvene the EU-Israel Association Council later that year (Council of the European Union 2022a).

However, despite these disagreements at the political level, the EU and Israel have continued to develop their sectoral cooperation. Indeed, even though the EU has adopted a “no upgrade” policy line toward Israel, their relations can still be updated in the Action Plan framework. In

trade, the EU and Israel signed an additional agreement on trade in agriculture in 2009,²³⁵ as well as an agreement on conformity assessment and acceptance of industrial products in pharmaceuticals in 2012.²³⁶ In 2013, the EU and Israel signed a Euro-Mediterranean Aviation Agreement which further opened EU-Israel air travel.²³⁷ Thanks to this agreement, EU airlines are “able to operate direct flights to Israel from anywhere in the EU and Israeli carriers are able to operate flights to airports throughout the EU” (European Commission 2012). In research and innovation, we have already underlined the successful participation of Israel in Horizon 2020. More recently, Israel has signed an association agreement with the EU providing for its involvement as an associated country in the new EU research framework program: Horizon Europe.²³⁸ In addition to its participation in the EU research framework programs, Israel also participates in the Erasmus+ program.

To summarize, the fourth period of relations between the EU and Israel is characterized by a significant ambivalence between the foreign policy and the sectoral levels of relation. On the foreign policy side, the EU has continuously reaffirmed its commitment to the two-state solution and its condemnation of the Israeli policy of settlement expansion. In order to show its dissatisfaction toward Israel regarding the lack of progress in the MEPP, it has adopted the “no upgrade” policy. It has also not held any Association Council since 2012 due to vetoes by some member states. However, on the sectoral cooperation side, the EU has maintained good relations with Israel. It has signed new agreements in the Action Plan framework, legally respecting its “non-upgrade” policy. Therefore, the EU and Israel seem to have come to a tacit understanding that while both parties underline their disagreements in foreign policy, this should not undermine their good relations and growing interdependence at the sectoral level of their relation. This period also highlights the role played by unusual actors in the EU’s external relations. The instances where the latent foreign policy disagreements between the two partners have impacted their sectoral cooperation have been initiated by the EP and the CJEU.

²³⁵ Official Journal of the European Union, Council Decision of 20 October 2009 on the signing and conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the State of Israel concerning reciprocal liberalisation measures on agricultural products, processed agricultural products and fish and fishery products, the replacement of Protocols 1 and 2 and their Annexes and amendments to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part (2009/855/EC), L 313/81, <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:313:0081:0082:EN:PDF> (Accessed 2 June 2022).

²³⁶ Official Journal of the European Union, Council Decision of 20 November 2012 on the conclusion of a Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part, on Conformity Assessment and Acceptance of Industrial Products (CAA) (2013/1/EU), L 147, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_2013.001.01.0001.01.ENG&toc=OJ%3AL%3A2013%3A001%3ATOC#L_2013001EN.01000201 (Accessed 2 June 2022).

²³⁷ Official Journal of the European Union, Euro-Mediterranean Aviation Agreement between the European Union and its Member States, of the one part and the government of the State of Israel, of the other part, L 208, 02.08.2013, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A22013A0802%2801%29> (Accessed on 2 June 2022).

²³⁸ European Commission, *Israel joins Horizon Europe research and innovation programme*, 06.12.2021, https://ec.europa.eu/info/news/israel-joins-horizon-europe-research-and-innovation-programme-2021-dec-06_en (Accessed on 2 June 2022).

5.1.5 Conclusion

This historical overview underlines the ambivalence between the foreign policy level and the sectoral policy level of EU-Israel relations. Indeed, whereas there have been constant disagreements and frustrations between the two sides regarding the Israeli-Palestinian conflict, the EU and Israel have constantly intensified their sectoral cooperation.

During the first period of relations, eager to seek recognition and legitimacy in the international order following its independence in 1948, Israel was one of the first third countries to seek political ties with the EEC by establishing diplomatic relations with Brussels. Israel even considered EEC membership but instead asked for the status of associate member. Even though the EEC was reluctant to grant Israel such a status, it still recognized the need to develop relations with the newly independent state to contribute to its legitimacy and stabilize the region. As a result, Israel was one of the first countries outside of 'geographical Europe' to sign a trade agreement with the EEC in 1964. This first period highlights the high political dimension involved in relations between the EEC and Israel but also the prudent approach adopted by the EEC. Indeed, whereas the EEC was conscious that developing relations could contribute to stability in the region, hence the trade agreement of 1964, it was also reluctant to positively answer Israel's ambitious demands.

The second period of relations is marked by the highest level of tensions in the political sphere of EEC-Israel relations. The Six-Day War and the October War have highlighted the disagreements between the member states regarding the region, as well as their link with Arab countries, which greatly irritated Israel. Despite these tensions at the political level, this period also illustrates the first attempts at dissociating foreign policy from sectoral cooperation. Indeed, just two years after the October War, the EEC and Israel signed their first free trade agreement. However, this first attempt at advancing sectoral cooperation despite the political tensions ended with the Venice Declaration in 1980. As a result of this declaration and the continued support of European countries for the Palestinian people, EEC-Israel relations stagnated for a decade. This period also highlights the division among EEC member states regarding the Middle East conflict, which has led to the creation of the EPC.

The Oslo Accords kick-started the era with the most significant improvements in EU-Israel relations. Thanks to the breakthrough the Oslo Accords represented for the prospect of peace in the Middle East and the alignment of Israel with the EU's position, namely preparing the field for the foundation of an autonomous Palestinian Authority, the EU and Israel signed an AA in 1995. Later, following the creation of the ENP, the EU and Israel signed an Action Plan which opened the way for further integration. However, some issues related to the Israeli-Palestinian conflict froze this rapid improvement of relations. The disagreement regarding the definition of the State of Israel, illustrated by the rules of origins issue and, most importantly, the Cast Lead Operation launched by Israel in late 2008, meant that, once again, political issues would hamper the development of sectoral cooperation between the two entities.

As a consequence of the Cast Lead Operation, the EU adopted a new policy line of “no upgrade” of its relations with Israel as long as there is no significant improvement in the MEPP. This period also represents the most notable illustration of the ambivalence between the foreign policy and the sectoral cooperation levels of EU-Israel relations. Indeed, whereas foreign policy disagreements remain strong, the EU and Israel have developed their sectoral cooperation further in the framework of the Action Plan, with the signing of new agreements in the aviation and agriculture sectors in particular. The EU and Israel seem to have come to a tacit understanding that while both parties underline their disagreements in foreign policy, this should not undermine their good relations and growing interdependence at the sectoral level of their relation. This period also highlights the role played by unusual actors in the EU’s external relations. The instances where the latent foreign policy disagreements between the two partners have impacted their sectoral cooperation have been initiated by the EP and the CJEU.

In conclusion, even though the EU and Israel have had continuous disagreements on the foreign policy side of their relations, they have consistently tried to dissociate them from their sectoral cooperation. This desire to separate the two levels of collaboration has recently reached its peak, with the understanding that while both parties disagree on foreign policy issues, the impact on sectoral cooperation should be kept to a minimum.

5.2 Nature of the disagreement, EU coherence, and stakes vis-à-vis Israel

In this section, we evaluate Israel's status according to the three scope conditions: the nature of the diplomatic disagreement, member states' coherence, and the economic stakes of cooperation. Regarding the nature of the diplomatic disagreement, the Israeli-Palestinian conflict is a clear CFSP issue. We find that member states' coherence has varied regarding Israel. Whereas a strong coherence can be observed between 2000 and 2015, it has dropped to a very low level between 2016 and 2019. As a result, the first two scope conditions indicate that the EU could develop a soft joined-up approach toward Israel between 2000 and 2015, when there has been coherence among the member states. Regarding the economic stakes of sectoral cooperation, we find that research is the most likely sector to be mobilized first in a joined-up approach, followed by the aviation sector and trade.

5.2.1 Nature of the diplomatic disagreement

The diplomatic disagreement between the EU and Israel we analyze in this research is the Israeli-Palestinian conflict. This disagreement is what we could call a typical foreign policy issue. Indeed, it is an armed conflict that varies in intensity but claims new victims every year²³⁹ and whose tensions have remained constant since the beginning. Moreover, the visibility of this conflict and its international importance means that many actors are involved. Thus, the Israeli-Palestinian conflict is dealt with in the framework of international organizations, such as the UN. In addition, it is also the subject of national policies of many countries in the world, the main ones being the USA, the Arab countries, and the EU member states. Therefore, the nature of the diplomatic disagreement between the EU and Israel is a CFSP issue.

As reported in the historical relations section, the EU has been a very active actor in the Israeli-Palestinian conflict. This issue was the first to be addressed commonly in the EPC, the first forum for foreign policy cooperation among member states. During the twentieth century, the EU formalized its position regarding the Israeli-Palestinian conflict in the London (European Council 1977) and Venice Declarations (European Community 1980). This position is to support a solution that would take into account the legitimate rights of Palestinians to national identity and the non-recognition of the territories acquired by Israel since 1967, which the EU recognizes as illegal under international law. This is the two-state solution, of which the EU has been the strongest advocate at international level ever since. Indeed, the EU has repeatedly recalled in all its conclusions on the MEPP from 2000 to 2016 that the two-state solution remained the most viable solution to the conflict. Even in the last conclusions published in 2016 that have encountered internal oppositions as reported above, the EU still mentions that it "is united in its commitment to achieving a two-state solution (...) that meets Israeli and Palestinian security needs and Palestinian aspirations for statehood and sovereignty, ends the occupation that began in 1967, and resolves all permanent issues in order to end the conflict" (Council of the European Union 2016: 8).

²³⁹ Uppsala Conflict Data Program, "Country: Israel", <https://ucdp.uu.se/country/666> (Accessed on 5 July 2022).

The EU's continuous support for the two-state solution represents a strong disagreement with the State of Israel. When the EU issued the Venice Declaration in 1980, the Israeli government strongly condemned the European position, and made allusion to the Second World War drawing a parallel between the PLO and the Nazis (Israel Ministry of Foreign Affairs 1980). Similar vehement reactions were received by the EU following its decisions to not recognize the settlements as part of the State of Israel in the agreements concluded between the two partners (Horowitz 1997; Keinon 2013a; Lis 2013; Somfalvi 2013), and its condemnation of the Cast Lead Operation (David 2009). As a result, the EU's support for the two state-solution represents a strong disagreement in EU-Israel relations.

The CFSP nature of the diplomatic disagreement between the EU and Israel is supported by several indicators. Firstly, and as will be demonstrated below (section 5.3.1) in the analysis of the different formations of the Council's conclusions, the conflict is only mentioned in foreign policy institutions, i.e., European Council, Foreign Affairs Council, and the EU-Israel Association Council. Secondly, the Israeli-Palestinian issue is under the responsibility of the EEAS within the EU institutional architecture. Because this constitutes a conflict resolution question, it belongs to the EEAS's responsibility. This is an information that has been confirmed during our interviews with EU officials responsible for sectoral cooperation with Israel (from the DGs or the sectoral sections of the Delegation). They confirmed that it is the EEAS that is in charge of this file and that they do not have any responsibility to deal with it.²⁴⁰ As a result, both indicators indicate that the Israeli-Palestinian conflict is a CFSP issue.

5.2.2 Member states' coherence

The member states' coherence toward Israel in the context of the Israeli-Palestinian conflict has fluctuated over the years. Disagreements among member states following the start of the Six-Day War meant that the EU could not take a common position on the conflict. This incapacity to agree fostered cooperation between the member states, resulting in the EPC's creation. During the 70s, 80s, and 90s, the EU was very active in defining its approach to the conflict. It relied on the two-state solutions and the territorial distinction between the State of Israel and the future State of Palestine. This meant that the EU did not recognize the territories gained during the Six-Day War nor the expansion of settlements as part of Israel. The twenty-first century's first decade was characterized by significant unity among the member states. As a result, the EU was able to implement its rhetorical approach by taking several decisions sustaining its foreign policy position that the settlements were not recognized as part of the territory of Israel. However, since 2016, there has been a fragmentation among the member states in their support for the EU's position in the conflict. As a result, the EU has gone silent since 2016, as its member states disagree on the position to adopt regarding the conflict.

In this section, we start by reviewing the instances where the EU could act collectively regarding the Israeli-Palestinian conflict. For this part, we consider the decisions and declarations issued by the EU, as well as the conclusions from the European Council and the

²⁴⁰ Interviews 5, 16, and 33.

Foreign Affairs Council since 2000 as this is the timeframe of our research. Then, we analyze the member states' positions individually since the erosion of EU unity in 2016. Finally, we present member states' unilateral initiatives that have taken place outside of collective EU action.

To assess the member states' coherence toward Israel regarding the Israeli-Palestinian conflict, we start by analyzing the conclusions of the European Council and the Foreign Affairs Council. More precisely, we analyze the recurrence of references to the MEPP in these conclusions. We find that mentions of the peace process appear frequently between 2000 and 2015 before vanishing totally in 2016. These results indicate that the coherence of member states has been strong until 2015, before weakening significantly in 2016.

Mentions of the MEPP in the European Council's and Foreign Affairs Council's conclusions are a good indicator of the member states' coherence. Indeed, issuing such conclusions in the name of the EU requires consensus among the member states. We have gathered every conclusion issued by the Council of the European Union and the European Council since 2000. In these conclusions, we have searched for mentions of the conflict in these documents. Figure 9 presents our results. For the Council, the figure corresponds to the number of conclusions that include Council conclusions on the MEPP. For the European Council, the figure corresponds to the number of conclusions that mention the Israeli-Palestinian conflict.

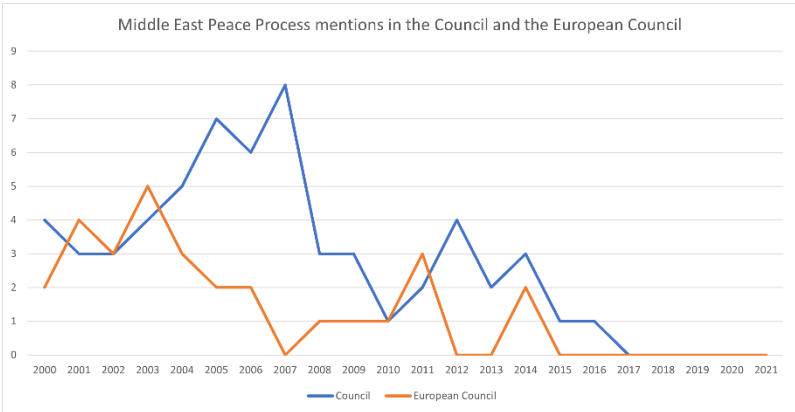


Figure 9: Middle East Peace Process mentions in the Council and the European Council
 Source: Foreign Affairs Council and European Council conclusions

Figure 9 demonstrates that in 2000-2015, member states were united regarding the Israeli-Palestinian conflict. The consistent and high number of conclusions on the MEPP issued by the Council of the European Union demonstrates a significant coherence among the member states on the issue for the period. However, this figure also illustrates that this unity among EU member states abruptly stopped in 2016. Since then, the EU has been unable to issue any conclusions on the conflict and has remained silent. Instead, the EU declarations on the issue have been statements by the High Representative, which do not engage the member states.

This significant drop in the MEPP mentions in the Foreign Affairs and European councils' conclusions since 2016 is not due to a parallel drop in the number of conclusions issued by these two institutions. It is true that the number of conclusions issued by the Foreign Affairs

Council has dropped in the second decade of the twenty-first century. Whereas the Foreign Affairs Council published, on average, seventeen conclusions per year between 2000 and 2015, the average number of Foreign Affairs conclusions for the period 2016-2021 is eleven. However, this drop already started in 2010. Indeed, for the period 2010-2015, the Council published, on average, fourteen foreign affairs conclusions per year. Nevertheless, the fact that there were fewer conclusions published during this period, did not prevent this formation of the Council to regularly mention the MEPP, as illustrated in Figure 8. Therefore, this parallel decrease in the number of Foreign Affairs Council conclusions issued per year is not sufficient to explain why the MEPP has not appeared in these documents since 2016. We argue that another factor, i.e., member states' coherence, explains this drop. We put forward two arguments to support this. First, the number of European Council conclusions issued by the EU has been constant since 2000. However, the mentions of the MEPP have also disappeared in these conclusions. Second, there is evidence that disunity among member states weakened the EU's position on Israel in the 2016 conclusions and explains why the EU has since renounced to put the issue on the agenda. We develop this in the following paragraphs.

The turning point that started the fragmentation of member states' unity regarding the Israeli-Palestinian conflict was the January 2016 Foreign Affairs Council conclusions. In its meeting at the start of 2016, the Foreign Affairs Council was expected to adopt new conclusions on the Israeli-Palestinian conflict. These conclusions were expected to confirm the clear distinction made by the EU between the territory of Israel recognized by international law and the occupied territories acquired since 1967 that the EU does not recognize as part of Israel. After several drafts were circulated, the fifth draft was adopted by the 28 member states. However, just after its adoption, Greece decided to oppose the text. Athens was then joined in opposition by Bulgaria, Cyprus, Romania, the Czech Republic, Hungary, Poland, and Slovakia. After further discussions, the member states agreed on the final text, which deleted a specific sentence that stated that "The EU will continue to unequivocally and explicitly make the distinction between Israel and those territories occupied by Israel in 1967, by ensuring inter alia the non-applicability of all EU agreements with the State of Israel, in the form of implementation, to these territories" (Pardo and Gordon 2018: 409).

Pardo and Gordon (2018) demonstrate that Israel drove this Greek opposition to the conclusions. Taking advantage of the growing Greek Euroscepticism linked to its frustration towards the EU and Germany regarding the politics of austerity, Israel convinced the Greek government to collaborate with Jerusalem. As a result, every draft introduced by the Council was directly sent by Athens to Jerusalem, which introduced changes to soften the EU condemnation of Israel and its discourse regarding the settlements. Therefore, Israel was able to block the EU from the outside and shape the final conclusions adopted in January 2016, which were weaker in their condemnation of Israel's settlements activities than the precedent drafts. The January 2016 Council conclusions on the MEPP are the last ones issued by the EU. This demonstrates that since 2016, the coherence of member states regarding the Israeli-Palestinian conflict has been low.

As demonstrated by the January 2016 Foreign Affairs Council case, Israel has been active in weakening the member states' coherence. By instrumentalizing Greece's frustration with Brussels over austerity policy, Jerusalem has successfully shaped the EU's foreign policy in its interest. However, Greece was not the only country Israel was able to reach out to weaken the EU's normative power. Indeed, Israel has actively built affinities with several European countries with Eurosceptic views, such as Hungary, Austria, Cyprus, the Czech Republic, Poland, and Slovakia (Pardo and Gordon 2018). As a result, a new landscape has emerged with a division between member states supportive of Israel and member states supportive of the PLO and the two-state solution. Bicchi and Voltolini (2022) present a classification of the different countries of the EU and their positions regarding the conflict. According to them, on the Israeli side, we find Hungary, the Czech Republic, Poland, Slovakia, Cyprus, Greece, Austria, Estonia, Latvia, Lithuania, and, depending on the parties in government, Italy and the UK as well. On the other side, which supports Palestinian interests, we find Belgium, France, Ireland, Sweden, Finland, Slovenia, and Spain. The remaining member states adopt a more neutral position vis-à-vis the conflict.

One of the best illustrations of member states' division over the Israeli-Palestinian conflict is their reaction to Trump's policies regarding Israel. In 2017, Donald Trump announced that the US would move its embassy to Jerusalem, therefore recognizing the city as the capital of Israel. This move was against the principles of the EU's two-state solution approach. However, the EU was unable to issue a statement condemning the US move because Hungary, the Czech Republic, and Romania blocked it (Times of Israel 2018). In the UN, the General Assembly voted in December 2017 on a resolution condemning the US embassy move. Here, again, the EU member states were unable to unite and 'speak with one voice'. Indeed, whereas 22 member states backed the resolution, six (Croatia, the Czech Republic, Hungary, Latvia, Poland, and Romania) abstained.²⁴¹ Finally, whereas most member states boycotted the official inauguration of the US embassy in Jerusalem in May 2018, Austria, the Czech Republic, Hungary, and Romania sent official delegations (Bicchi and Voltolini 2022: 316). Even though no EU member state has moved its embassy from Tel-Aviv to Jerusalem, Hungary became the first EU country to open a foreign trade representation office in Jerusalem in 2019 (Ahren 2019), and the Czech Republic opened a Cultural Institute (Lempkowicz 2018). Member states reactions to the Trump peace plan published in 2020 were also disunited. However, in recent years, with the election of Biden, the centrifugal forces have subsided, and member states have slowly started to temper their full support for Israel, easing tensions among them.²⁴² Nonetheless, one country has remained a firm supporter of Israel: Hungary.

Hungary has been the primary supporter and voice for Israeli interests in the EU. This political line is due to the personality of Hungarian Prime Minister Viktor Orbán, who has enjoyed privileged ties with Israel, and Benjamin Netanyahu, since 2005 (Szabolcs 2019). Furthermore, and perhaps most predominantly, it is well known that Viktor Orbán has contested EU policies and the integration project as such by adopting a populist and Eurosceptic discourse (Csehi

²⁴¹ United Nations, "Voting Ended: Item 5 Draft Resolution A/ES-20/L.22: Status of Jerusalem", 21.12.2017, https://una.org.uk/sites/default/files/Untitled_5.png (Accessed on 30 June 2022).

²⁴² Interview 35.

and Zgut 2020). As a result, his support for Israel might also be a welcome way for Orban to block the EU's action as such. Whatever the nature of the explanatory factor, Hungary has blocked all EU initiatives since 2016. As we have seen above, it vetoed the EU condemnation of the US embassy move to Jerusalem in 2017 and 2018 and was the first member state to open a foreign trade representation in Jerusalem. Also after Biden's election, Hungary has maintained its blockage and prevented joint action. For instance, in 2019, Hungary was the only member state to object to an EU statement on Israel at the UN Security Council (Rettman 2019). In 2021, during military hostilities between Israel and Palestine, 26 out of the 27 member states agreed on a statement, with Hungary being the only one refusing to do so (von der Burchard and Herszenhorn 2021). As a result, an informal call to end the hostilities was issued by High Representative Borrell on its own (Borrell 2021a). Finally, in 2022, Hungary was the only member state to oppose the European Commission's unfreezing of aid funds to Palestine (Rettman 2022).

On the other side of the spectrum, member states that defend positions supportive of the two-state solution have also taken initiatives outside the frame of the EU. In 2014, Sweden became the first EU member in western Europe to recognize the State of Palestine (Government Offices of Sweden 2014).²⁴³ In 2019, Luxembourg asked for an EU debate on the recognition of Palestine (Euractiv 2019). Even though the recognition of a state is something done at the country level, Luxembourg's initiative aimed to develop a common approach among the member states, which eventually failed. France has also been an active country in supporting the two-state solution. In June 2016 and January 2017, it organized two international conferences for peace in the Middle East, gathering nations within and outside the EU. Even though both joint declarations²⁴⁴ reaffirmed the participants' commitment to the two-state solution, they did not produce any momentum for EU-level initiatives (Bicchi and Voltolini 2022: 316). Ireland also became in 2021 "the first EU country to formally designate Israeli settlement expansion as 'annexation' of Palestinian land" (Rettman 2021). In addition to these national initiatives, groups of like-minded member states have repeatedly issued statements condemning Israel's settlement expansion (EUobserver 2021; Middle East Monitor 2022).

In conclusion, the EU member states came together only to split again over the Israeli-Palestinian conflict. In the period 2000-2015, there was coherence among member states, as illustrated by the recurrent conclusions on the MEPP published in the Councils' conclusions. However, the publication of these conclusions on the conflict stopped in 2016, following Greece's opposition to the MEPP conclusions at the January 2016 Foreign Affairs Council. Furthermore, Israel's active policy of reaching out to Eurosceptic governments to build close

²⁴³ Bulgaria, Cyprus, Slovakia, Hungary, Malta, Poland, Romania, and the Czech Republic recognized Palestine before entering the EU in 1988.

²⁴⁴ Ministère de l'Europe et des Affaires Etrangères, "Middle East Peace initiative : Joint communiqué", Paris, 03.06.2016, <https://www.diplomatie.gouv.fr/en/country-files/israel-palestinian-territories/peace-process/initiative-for-the-middle-east-peace-process/article/middle-east-peace-initiative-joint-communique-03-06-16> (Accessed on 30 June 2022) ; Ministère de l'Europe et des Affaires Etrangères, "Conference for peace in the Middle East: Middle East Peace Conference Joint Declaration", Paris, 15.01.2017, https://www.diplomatie.gouv.fr/en/country-files/israel-palestinian-territories/peace-process/initiative-for-the-middle-east-peace-process/article/conference-for-peace-in-the-middle-east-15-01-17#sommaire_5 (Accessed on 30 June 2022).

ties with them, coupled with Donald Trump's presidency, have further divided the member states on the issue. As a result, the EU has been silent since 2016. Since then, there has been no joint statement on the conflict, with the High Representative issuing statements in her/his own name instead. On the other hand, there have been initiatives at the national level or between like-minded countries supporting Israel or the two-state solution. The election of Biden as the US president has appeased the centrifugal forces on the member states. As a result, there has been a more substantial consensus since 2020. However, unanimity has still not been achieved, with Hungary being the only country to block EU initiatives consistently.

In summary, member states' coherence was strong between 2000 and 2015 before falling to a very low level between 2016 and 2019. Since 2020, coherence has increased again. However, unanimity cannot be reached due to Hungary's constant blocking of initiatives at the EU level. Therefore, according to the second hypothesis, the development of a joined-up approach by the EU toward Israel is likely to be observed in the period between 2000 and 2015. Inversely, it is very unlikely to be observed since 2016.

5.2.3 Economic stakes of cooperation

As explained in the analytical framework, for the economic stakes of cooperation we present the intensity of cooperation between the EU and Israel in the three sectors, as well as the degree of dependence of Israel on its sectoral cooperation with the EU. Therefore, we take into account the short-term (intensity of cooperation) as well as the medium- and long-term (degree of dependence) effects that limiting or ending cooperation could have on Israel.

5.2.3.1 Trade

Even though the EU is Israel's main trade partner, trade relations between the two parties must be classified as moderate. In 2021, commercial exchanges between the two partners reached 36.9 billion euros.²⁴⁵ Israel imported 24.3 billion euros worth of goods from the EU while exporting 12.6 billion euros to the internal market. Even though these data make the EU Israel's first trade partner, the numbers' comparison to EU trade with other countries that will be done below explains why we classify this intensity of cooperation as moderate. Trade between the EU and Israel has constantly increased since 2002, except in 2009 due to the financial crisis. Figure 10 shows the evolution of trade between the EU and Israel. The figure is constructed from the Israeli perspective, meaning that the export and import lines correspond to what Israel exports or imports to the EU.

²⁴⁵ Eurostat, "Extra-EU trade by partner (EXT_LT_MAINEU)", *Op. Cit.*

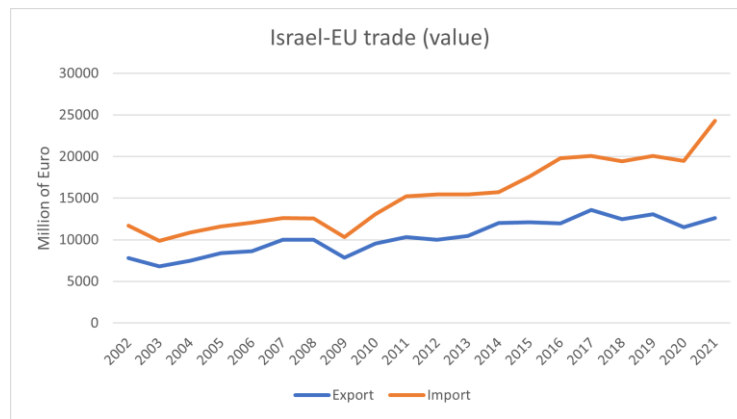


Figure 10: Israel-EU trade (value)

Source: Eurostat, "Extra-EU trade by partner (EXT_LT_MAINEU)"

With regard to the degree of Israeli dependence on cooperation with the EU in the trade sector, we examine the proportion of trade with the EU in comparison with Israel's other trading partners. Israel differs from Switzerland and Morocco regarding its trade partners. Indeed, whereas the EU is Israel's leading trade partner, Israel also has strong ties in trade with the US. On average, since 2000, 32% of Israel's imports have come from the EU, while 38% of Israeli exports go to the EU (Figures 10 and 11).²⁴⁶ Figures 11 and 12 also highlight that the EU's share in Israel's international trade has been constant since 2000, with imports from the EU representing around 30% of Israel's imports, while Israeli exports to the EU fluctuate between 35 and 40%.

One of the main takeaways from Figures 11 and 12 is that Israeli trade is diversified. Indeed, whereas the EU is Israel's primary trade partner, its share in Israel's international trade never surpasses 50%. These figures, which show the percentage of Israel's international trade that its three principal partners represent (EU, US, and China respectively), illustrate this diversification of Israel's global trade. This is particularly the case for Israel's imports. Whereas the EU is still the primary source of imports to Israel, imports from the US are almost equal. In 2009, imports from the US even surpassed those from the EU. However, the market for Israeli exports is less diversified. Indeed, whereas approximately 40% of Israeli products are exported to the EU, the US market represents the destination for only 10 to 15% of Israeli products.

²⁴⁶ Bank of Israel, "Foreign Trade: Foreign Trade (Exc. Diamonds) By Import Source and Export Destination)", <https://www.boi.org.il/en/DataAndStatistics/Pages/MainPage.aspx?Level=3&Sid=12&SubjectType=2> (Accessed on 6 July 2022).

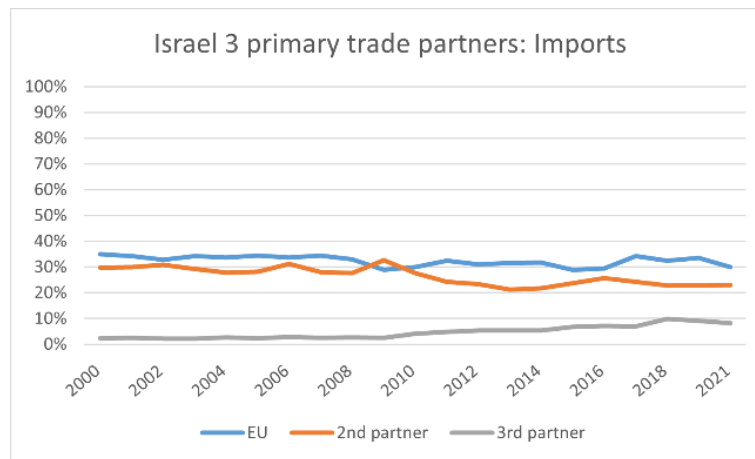


Figure 11: Israel 3 primary trade partners: Imports
Source: Bank of Israel, "Foreign Trade"

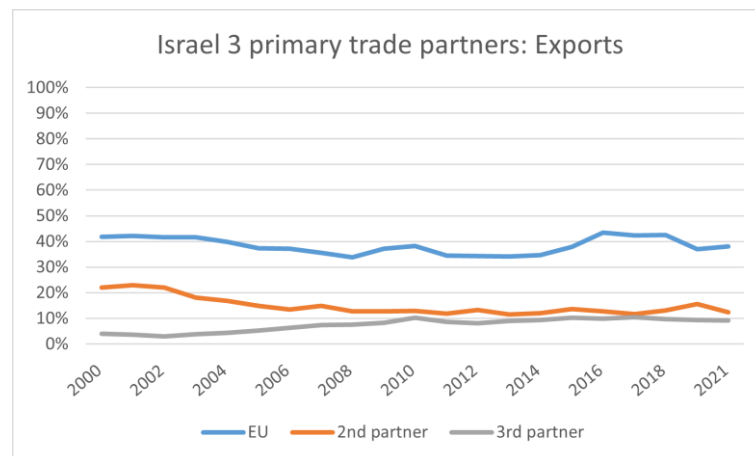


Figure 12: Israel 3 primary trade partners: Exports
Source: Bank of Israel, "Foreign Trade"

This diversified picture of Israeli trade results from Israel's active commercial policy. As of 2022, Israel has signed free trade agreements with the US (1985), Canada (1997 and 2018), Mexico (2000), the European Union (1975, 1995), EFTA countries (1992), Turkey (1996), the Mercosur Bloc (2007) and Colombia (2013), Panama (2018), Ukraine (2019), and the UK (2019).²⁴⁷ In addition, Israel has signed agreements with South Korea (2021) and the United Arab Emirates (2022) that are yet to enter into force. Finally, Israel is negotiating free trade agreements with Australia, China, the Eurasian Economic Union, Guatemala, India, Japan, and Vietnam. These activities illustrate Israel's desire to diversify its trade, which Israeli officials confirmed to the author during interviews. They said that Israel was looking to markets in Asia, South America, Central America, and Africa for alternatives to Europe.²⁴⁸ As a result, we can conclude that despite the EU being its largest trading partner, Israel is less dependent on its trade with the internal market, having alternatives.

²⁴⁷ Ministry of Economy and Industry, "Trade Policy and International Agreements Division", https://www.gov.il/en/departments/publications/reports/foreign_trade_agreements (Accessed on 7 July 2022).

²⁴⁸ Interviews 38 and 39.

On the side of the EU, Israel is not one of the EU’s main trade partners. Israel represents the EU’s 27th source of imports and 22nd export destination on average since 2000.²⁴⁹ While exports have remained stable since 2000, Israel has dropped in the order for imports from 24th to 35th.²⁵⁰ As a result, even though Israeli exports to the EU have constantly increased since 2000, as illustrated in Figure 10, a dozen countries have surpassed Israel in terms of exporting to the EU during this period.

Even though Figure 10 has shown that imports and exports have constantly increased since 2000, the relative importance of this increase for the EU is minor. Indeed, Figures 13 and 14 illustrate how the evolution of EU-Israel trade compares to the EU’s three main trade partners: China, the US, and Russia. The charts show the absence of growth in EU trade with Israel. On average, since 2002, imports from Israel represent 0.7% of the EU’s total imports, whereas the average for the EU exports to Israel is 1%.²⁵¹

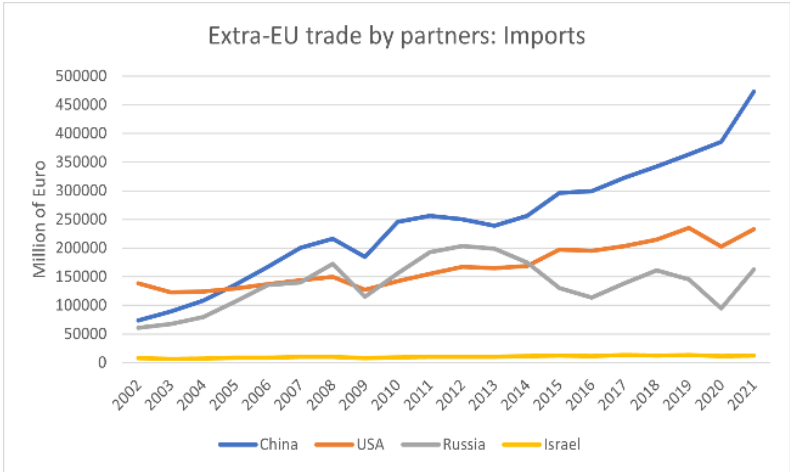


Figure 13: Extra-EU trade by partners: Imports (IL)
 Source: Eurostat, “Extra-EU trade by partner (EXT_LT_MAINEU)”

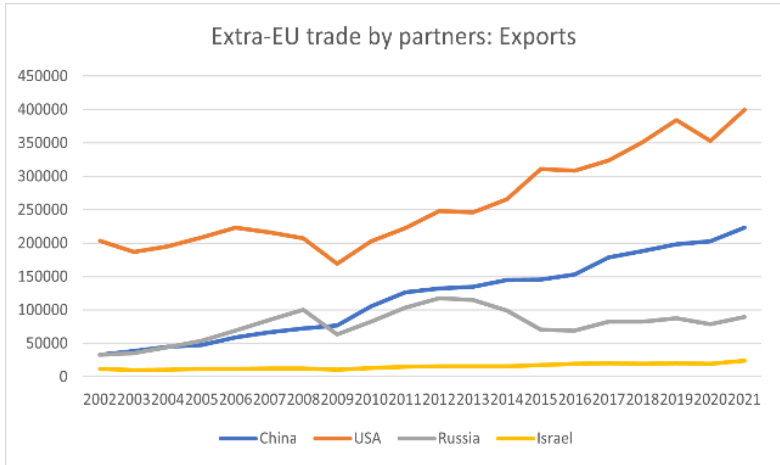


Figure 14: Extra-EU trade by partners: Exports (IL)
 Source: Eurostat, “Extra-EU trade by partner (EXT_LT_MAINEU)”

²⁴⁹ Eurostat, “Extra-EU trade by partner (EXT_LT_MAINEU)”, *Op. Cit.*

²⁵⁰ *Ibid.*

²⁵¹ *Ibid.*

In conclusion, the intensity of cooperation between the EU and Israel in trade is moderate. Israel is an important EU trade partner, but only ranking 25th on average. Israel's dependence on EU trade is also moderate. Even though the EU is Israel's primary source of imports and exports, the difference with the US is not significant, especially regarding the imports. What is more, Israel's active economic policy in the past years with the negotiations and signing of free trade agreements with multiple countries indicate an increasing diversification of its trade policy. This is a desire from the Israeli administration to lower its dependence on the EU, as expressed during interviews with Israeli officials.

5.2.3.2 Research and innovation

For research and innovation, we analyze Israel's status in the 6th, 7th, and 8th EU Framework Programs for Research and Technological Development which correspond to FP6, FP7, and Horizon 2020. For each of these programs, we then report the main statistics regarding Israel's participation (number of participations, net EU contribution) and how Israel compares to EU member states and other third countries. We will also look at the status of Israel in the new EU program: Horizon Europe. Finally, we analyze Israel's national research and innovation strategy and if it has partnerships with non-EU countries to understand how reliant it is on grants obtained through EU research and innovation programs.

Israel has been associated with every EU framework program since 1996. In 2008, a protocol to the AA entered into force and provided for Israel's participation "in all current and future Community programs opened to the participation of Israel in accordance with the provisions adopting these programs".²⁵² It provides that Israel's representatives shall be allowed to take part as observers in the management committees of the programs,²⁵³ and that Israeli projects and initiatives submitted in the framework of these programs should be applied the same rules and procedures as the member states.²⁵⁴ As a result, Israel has been able to participate to the FP6, FP7, and Horizon 2020 programs as an associated country. Israel will also be associated with Horizon Europe, the new EU framework program for the period 2021-2027. The agreement associating Israel with Horizon Europe was signed in December 2021.²⁵⁵

Regarding statistics, Israel has been a very successful participant in FP6, FP7, and Horizon 2020. Table 17²⁵⁶ contains the statistics for Israel's participation in the three programs. It

²⁵² Official Journal of the European Union, Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part, on a framework Agreement between the European Community and the State of Israel on the general principles governing the State of Israel's participation in Community programs, L 129, 17.05.2009, Art. 1.

²⁵³ *Ibid.* Art. 3.

²⁵⁴ *Ibid.* Art. 4.

²⁵⁵ European Commission, *Israel joins Horizon Europe research and innovation programme*, 06.12.2021, https://ec.europa.eu/info/news/israel-joins-horizon-europe-research-and-innovation-programme-2021-dec-06_en (Accessed on 2 June 2022).

²⁵⁶ Statistics for this table are taken from: (State Secretariat for Education, Research and Innovation 2008) for FP6; European Commission, "Dashboard: FP7 Participation Details", <https://webgate.ec.europa.eu/dashboard/sense/app/eaf1621c-67ce-4972-a07b-dddba31815c1/sheet/3d13a5cb->

includes the number of projects in which Israeli institutions have participated, as well as the amount of funding received from the EU. For both Israel's participation and funding received, it also contains the ranking of Israel in comparison with every country participating in these programs, including EU member states, and among third countries – associated to the EU framework programs (9 countries in FP6, 13 in FP7, and 16 in Horizon 2020) and non-associated (rest of the world) – thus excluding EU member states. Unfortunately, whereas the numbers for FP7 and Horizon 2020 are available on the European Commission, the statistics for FP6 could not be found. Therefore, we rely on a document published by the Swiss State Secretariat for Education, Research and Innovation (2008), which reports the participation and EU contribution of every country participating in FP6, including Israel. However, the report only gives the percentage and ranks for every country that is not Switzerland. Hence, Israel's participation and the EU's net contribution for Israel to FP6 is an approximation calculated via a rule of three by mobilizing the Israeli and Swiss percentages and the Swiss value.

	FP6	FP7	Horizon 2020
Participation	~730	2022	2045
Rank (total)	20	17	18
Rank (third countries)	3	3	3
Net EU contribution (EUR)	~281'387'100	879'401'821	1'269'373'617
Rank (total)	17	13	15
Rank (third countries)	3	2	3

Table 17: Israel's participation to EU framework programs (2003-2020)

Sources: European Commission, Swiss State Secretariat for Education, Research and Innovation

Israel's participation in the EU framework programs has been a success. Indeed, Israel ranks third, on average, among third countries for participation and EU funds received. Only Switzerland and Norway have been more successful. Israel also performs better than some member states, being constantly in the top 20 countries in terms of participation and slightly higher in terms of funds received by the EU. Israel has also been a successful country in terms of participation in coordination roles. Indeed, Israel has coordinated 1.2% of the projects in FP6, 4.1% in FP7, and 4.2% in Horizon 2020. In comparison with other third countries, Israel ranks third in terms of coordination role under FP6 behind Switzerland and Norway and second under FP7 and Horizon 2020 behind Switzerland.

Besides participating in the EU framework programs, Israel has actively developed a network of worldwide cooperation in research and innovation. Israel has established bi-national funds with foreign partners. These bi-national funds are funded by the governments of Israel and the partner country to promote cooperation in research and innovation between companies or research institutions from the two countries. As of 2022, Israel has established bi-national

1ef0-4c26-ac4d-51346b7b3f2d/state/analysis (Accessed on 8 July 2022) for FP7; European Commission, "Dashboard: H2020 Participations", <https://webgate.ec.europa.eu/dashboard/sense/app/93297a69-09fd-4ef5-889f-b83c4e21d33e/sheet/PbZJnb/state/analysis> (Accessed on 8 July 2022) for Horizon 2020.

funds with South Korea, Canada, the US, India, and Singapore.²⁵⁷ Israel has also launched a cooperation with Innovative UK to support joint projects in research and development.²⁵⁸ In addition, the Israel Innovation Authority (IIA) has introduced an International Collaboration Division which is responsible for providing support to Israeli companies and researchers and promoting international collaboration in the field of research and innovation.²⁵⁹ In this framework, the IIA has established cooperation through bilateral agreements with Brazil,²⁶⁰ China, Japan, India, Australia, Vietnam, and Thailand.²⁶¹

In addition to the EU framework programs, Israel has also established bilateral links with EU countries. It created the German Israeli Foundation in 1986 to promote and fund projects of mutual interests between entities from the two countries in the field of research.²⁶² Israel has also signed bilateral agreements with several other EU member states which offer to fund collaborative projects between companies from the two countries.²⁶³ In addition to these bilateral agreements with EU countries, Israel is also involved in other European research networks, independently of its participation to the EU framework programs. As a result, it is a full member of the CERN²⁶⁴ and participates in the Eureka network.²⁶⁵

To conclude, the intensity of cooperation between Israel and the EU in research and innovation is high. Israel has been associated with every EU framework program since 1996. Under these programs, Israel has been a very successful participant, performing better than several EU member states and ranking third among third countries for project participation and EU contribution. Israel's dependence on involvement in the EU framework programs is also high. Indeed, even though Israel has created a comprehensive network of international cooperation with partners outside the EU, participation in the EU framework programs remains the 'jewel of the crown'.²⁶⁶ In addition to providing considerable funding to Israeli research companies,

²⁵⁷ Israel Innovation Authority, "Bi-National Funds", <https://innovationisrael.org.il/en/page/bi-national-funds> (Accessed on 11 July 2022).

²⁵⁸ Israel Innovation Authority, "European countries with industrial R&D cooperation programs: UK", <https://innovationisrael.org.il/en/opencall/uk-israel-2nd-call-proposals-joint-rd-projects> (Accessed on 11 July 2022).

²⁵⁹ Israel Innovation Authority, "International Collaboration", <https://innovationisrael.org.il/en/page/international-collaborations> (Accessed on 11 July 2022).

²⁶⁰ Israel Innovation Authority, "Israel Innovation Authority Signs Memorandum of Understanding with the Brazilian Agency for Industrial Research and Innovation (EMBRAPPII) on R&D Collaboration", <https://innovationisrael.org.il/en/news/new-rd-collaboration-brazilian-agency-industrial-research-and-innovation-embrappii> (Accessed on 11 July 2022).

²⁶¹ Israel Innovation Authority, "International Collaborations: Asia and the Pacific", <https://innovationisrael.org.il/en/geography/asia-and-pacific> (Accessed on 11 July 2022).

²⁶² Agreement between the Federal Minister for Research and Technology of the Federal Republic of Germany and the Minister of Science and Development of the State of Israel on the Establishment of a Foundation for Scientific Research and Development, 04.07.1986, <https://www.gif.org.il/gifdocs> (Accessed on 11 July 2022).

²⁶³ Israel Innovation Authority, "Bilateral Programs with European Countries", <https://innovationisrael.org.il/en/program/bilateral-programs-european-countries> (Accessed on 11 July 2022).

²⁶⁴ Israel Innovation Authority, "Israel's Membership in CERN", <https://innovationisrael.org.il/en/program/israels-membership-cern> (Accessed on 11 July 2022).

²⁶⁵ Eureka, "National funding bodies", <https://www.eurekanetwork.org/about-us/national-funding-bodies/> (Accessed on 11 July 2022).

²⁶⁶ Interview 37.

it also allows them to integrate the most extensive research network in the world. Thus, the interest of Israel is not only financial but also includes the creation of a network of collaboration with European researchers.²⁶⁷

5.2.3.3 Aviation

Relations in air transport between the EU and Israel are governed by the Euro-Mediterranean Aviation agreement signed in 2013.²⁶⁸ This agreement provides that EU airlines are “able to operate direct flights to Israel from anywhere in the EU and Israeli carriers are able to operate flights to airports throughout the EU” (European Commission 2012). Statistics for EU-Israel air passengers have been available since 2007.²⁶⁹ Between 2007 and 2019, before the COVID crisis, the average number of annual passengers on a flight between an EU country and Israel was 8’709’526. In proportion, this number means that Israel represented the origin or destination of 2% of all passengers on a flight between the EU and a third country. However, it is worth noting that the 2013 air transport agreement signed between the EU and Israel significantly impacted the number of passengers traveling between the two partners. Indeed, the number of passengers traveling between the EU and Israel has increased substantially since 2013. It rose from 7’621’046 in 2013 to 14’296’337 in 2019, almost doubling.²⁷⁰

For Israel, the EU is its most important partner in aviation. Figure 15²⁷¹ illustrates the share of the EU in the total number of passengers arriving or departing from Israel. On average, since 2007, 55% of air passengers arriving or departing from Israel are coming from or going to the EU.

²⁶⁷ Interviews 31 and 37.

²⁶⁸ Official Journal of the European Union, Euro-Mediterranean Aviation Agreement between the European Union and its Member States, of the one part and the government of the State of Israel, of the other part, L 208/3, 02.08.2013, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A22013A0802%2801%29> (Accessed on 2 June 2022).

²⁶⁹ Eurostat, “International extra-EU air passenger transport by reporting country and partner world regions and countries (AVIA_PAEXCC)”, https://ec.europa.eu/eurostat/databrowser/view/AVIA_PAEXCC/default/table?lang=en&category=avia.avia_pa.avia_pae (Accessed on 12 July 2022).

²⁷⁰ Eurostat, “International extra-EU air passenger transport by reporting country and partner world regions and countries (AVIA_PAEXCC)”, https://ec.europa.eu/eurostat/databrowser/view/AVIA_PAEXCC/default/table?lang=en&category=avia.avia_pa.avia_pae (Accessed on 12 July 2022).

²⁷¹ Statistics for this table is taken from: Eurostat, “International extra-EU air passenger transport by reporting country and partner world regions and countries (AVIA_PAEXCC)”, https://ec.europa.eu/eurostat/databrowser/view/AVIA_PAEXCC/default/table?lang=en&category=avia.avia_pa.avia_pae (Accessed on 12 July 2022) for EU-IL data; Ben Gurion International Airport Activity Summary: Annual Reports (2007-2021) for Israel total data in air transport.

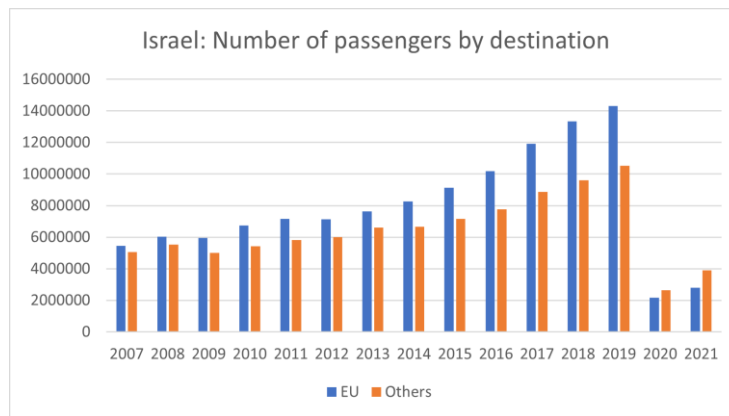


Figure 15: Number of passengers by destination (Israel)

Source: Eurostat, Ben Gurion International Airport Activity Summary: Annual Reports (2007-2021)

The flux of passengers with the EU is therefore essential for Israel. North America is another significant origin and destination for passengers in Israel. Israel signed an Open Skies agreement with the US in 2010²⁷² and an expanded air transport agreement with Canada in 2018.²⁷³ However, because of the distance and technical issues, North America remains less important than the EU for Israel’s aviation relations.²⁷⁴ Moreover, Israel’s aviation relations with its neighbors reinforce even more the importance of access to the European market in aviation. Indeed, Israel is surrounded by countries that do not recognize its existence, except for Jordan, Egypt, the United Arab Emirates, and Bahrain. This means that the Israeli airline, El Al, cannot fly over its Eastern and Northern neighbors.²⁷⁵ As a result, when operating a flight between Israel and Asian countries, like India, which is a popular destination, El Al airplanes have to head south toward Eilat, fly over the Red Sea, then turned east once the Horn of Africa was reached to bypass Saudi airspace. This route means that instead of reaching India in 5 hours, the trip takes 8 hours for Israeli planes (Nahmias 2022). This situation has changed recently with the signature of the Abraham Accords in 2020 with the United Arab Emirates and Bahrain. These peace treaties normalize the relations between Israel and the two countries. Consequently, direct flights between Israel and the two countries can be operated. In the framework of the Abraham Accords, Saudi Arabia agreed to allow Israeli airplanes to fly in its airspace when reaching the UAE or Bahrain. In addition, since August 2022, Saudi Arabia allows all flights coming from or going to Israel into its airspace, thus removing the limitation that was previously imposed on allowing only flights to the UAE and Bahrain (Cornwell and Williams 2022). These political developments open the possibilities for Israeli companies to operate quicker and cheaper flights to Asia and increase their range of destinations.

²⁷² Air Transport Agreement between the Government of the United States of America and the Government of the State of Israel, <https://2009-2017.state.gov/documents/organization/156938.pdf> (Accessed on 13 July 2022).

²⁷³ Government of Canada, “Expanded Canada-Israel air transport agreement to allow more flights to provide new travel options and support trade”, https://www.canada.ca/en/transport-canada/news/2018/01/expanded_canada-israelairtransportagreementtoallowmoreflightstop.html (Accessed on 13 July 2022).

²⁷⁴ Interview 36.

²⁷⁵ Interview 36.

Summing up, relations in air transport between Israel and the EU have moderate intensity. Since 2007, around 8.7 million passengers have traveled between the two destinations per year on average. However, since 2013, the number of passengers traveling between the EU and Israel has significantly increased, reaching more than 14 million passengers in 2019. Its political relations with its neighbors make Israel highly dependent on its access to the EU air transport market. Indeed, Israel was isolated and could not fly over its Eastern neighbors until 2020-22 and the normalization of its relations with the UAE, Bahrain, and Saudi Arabia. These limitations greatly hindered the possibilities for Israeli companies to offer their customers quick and cheap flights to Asia. Moreover, even though the US is a strategic partner and a popular destination, the distance limits the possibilities for Israeli citizens to travel there. Therefore, this reinforced the EU as Israel’s leading destination and principal partner in aviation relations.

5.2.3.4 Conclusion

In summary, sectoral cooperation between the EU and Israel in trade is moderate. Israel’s dependence on its access to the EU market is also moderate because of the diversified structure of its international trade. Research is the sector with the highest intensity of cooperation between the two partners. Thanks to its AA and a protocol, Israel is participating as an associated country to every EU framework program since 1996. Israel’s degree of dependence on the EU in the research sector is, therefore, also high. Finally, relations between the EU and Israel in aviation have a moderate level of intensity. However, due to Israel’s difficult relations with its neighboring countries, which considerably limit its possibilities, Israel is highly dependent on its access to the European market in aviation.

As a result, according to the third hypothesis, we expect the EU to mobilize first the research sector in a joined-up approach. The market liberalization agreement in the aviation sector is the second most likely sector to be mobilized before trade.

Sector	Intensity of cooperation	Degree of dependence
Trade	Medium	Medium
Research	High	High
Aviation	Medium	High

Table 18: Summary of the economic stakes of cooperation for Israel in the three sectors

5.3 EU-Israel relations and the joined-up approach

In this section, we analyze EU-Israel relations according to the two dimensions of the conceptualization of the joined-up approach: foreign policy, and sectoral cooperation. We find that the EU has made several attempts at developing a joined-up approach toward Israel regarding the Israeli-Palestinian conflict, albeit not in all aspects of its relations or in a consistent manner. Foreign policy is the aspect in which we have found the most and strongest forms of a joined-up approach developed by the EU. Indeed, we found several instances of a joined-up approach in the Council's conclusions and the EU has suspended the Association Council meetings since 2014 to show its dissatisfaction with Israel policy regarding the conflict with Palestine. In contrast, the sectoral cooperation aspect reveals that the EU has tried to use a joined-up approach toward Israel in the sectoral agreements signed between the two partners but not in its Council's conclusions nor Israel's involvement in EU programs or sectoral bodies.

5.3.1 Foreign Policy

5.3.1.1 Legal level

The legal level analysis of the foreign policy dimension of EU-Israel relations focuses on the general market access agreements as well as the conclusions from the European Council and the Foreign Affairs Council. Regarding the general market access agreements, we analyze the Association Agreement, the Action Plan adopted within the framework of the ENP, and the Special Privileged Partnership offered to Israel by the EU. In the final part of the analysis of the foreign policy dimension, we analyze the high-level political dialogue between the EU and Israel. In this section, we proceed with a legal and an interactional level of analysis. The legal analysis focuses on the EU's statements at the Association Council meetings with Israel while the analysis of the interaction studies whether the tenure of the Association Council has been impacted by foreign policy issues.

General market access agreements

In the first part of the legal level of analysis, which focuses on general market access agreements, we found no instances of a joined-up approach in either the AA or the Action Plan. The AA does not mention once the Israeli-Palestinian conflict. We found only two cases where there are indirect references to this issue. In the first title of the agreement, which covers the political dialogue between the EU and Israel, the agreement provides for a dialogue that should aim at enhancing "regional security and stability"²⁷⁶ and at opening "the way to new forms of cooperation with a view to common goals, in particular peace, security and

²⁷⁶ Official Journal of the European Communities, L 147, *Op. cit.*, Art. 3.2.

democracy”.²⁷⁷ As a result, these articles do not explicitly mention the MEPP. We can only assume that promoting regional security, stability, and peace refers to a peaceful resolution of the conflict. Moreover, there is no mention in the agreement that its implementation should be conditioned to progress in the MEPP. As a result, we conclude that the EU develops no joined-up approach in the AA with Israel.

The Action Plan mentions the Israeli-Palestinian conflict directly. In the political dialogue and cooperation section, it states that both parties should work together “with the aim of reaching a comprehensive settlement of the Israeli-Palestinian conflict and a permanent two-state solution with Israel and a Palestinian state living side by side in peace and security”.²⁷⁸ However, there is no development of a joined-up approach in the Action Plan either. The Israeli-Palestinian conflict is mentioned in the context of strengthening political dialogue and cooperation between the EU and Israel. However, the Action Plan does not link the development of further cooperation to progress on this issue. We found two instances of an issue-linkage by the EU in the introduction of the Action Plan. Indeed, the Action Plan states that “the level of ambition of the EU/Israel relationship will depend on the degree of commitment to common values as well as the mutual interests and the capacity of each party to implement jointly agreed priorities”.²⁷⁹ This sentence links the level of development of the cooperation between the EU and Israel to both parties’ commitment to shared values and their implementation of the priorities laid out in the text. The other instance concerns Israel’s participation in EU programs and bodies. The Action Plan conditions Israel’s participation to “mutual interest, and where required, to financial contributions by Israel as well as alignment of its legislation”.²⁸⁰ As a result, the only two instances of issue-linkage in the Action Plan do not condition the development of cooperation to progress in the Israeli-Palestinian conflict. Instead, the development of cooperation is linked to Israel’s capacity to implement the priorities laid out in the text and align its legislation to the EU’s *acquis*. As a result, we can conclude that there are no instances of a joined-up approach developed in the Action Plan.

The reason for the absence of a joined-up approach in the AA and the Action Plan is probably that these documents are jointly signed between the two partners. As a result, Israel would have refused to include any linkage between the development of its cooperation with the EU and progress regarding the MEPP. The issue of the Special Privileged Partnership in 2008 is an illustration that goes along these lines. As mentioned in the historical relations section, the EU tried in 2008 to develop a joined-up approach toward Israel in the agreements governing their relations. Indeed, during the 2007 Association Council meeting, Israel asked the EU to deliver on its promises made in the 1994 Essen Declaration to give Israel a special status.²⁸¹ On the occasion of the eighth meeting of the EU-Israel Association Council a year later, the EU

²⁷⁷ Official Journal of the European Communities, L 147, *Op. cit.*, Art. 4.

²⁷⁸ EU/Israel Action Plan, *Op. Cit.*, p. 6.

²⁷⁹ *Ibid.*, p.1.

²⁸⁰ *Ibid.*, p.2.

²⁸¹ Joint Press Conference on the Israel-European Union Association Council Meeting with German Foreign Minister Frank-Walter Steinmeier, EU External Relations Commissioner Benita Ferrero-Waldner and Israel Foreign Minister Tzipi Livni, Brussels, 5 March 2007, in Pardo, S. and Peters, J. (2012) *Israel and the European Union: A Documentary History*, Lanham: Lexington Books, Document 5/35, pp. 454-6.

responded positively to Israel's demand by agreeing to intensify their cooperation in multiple areas in the context of the ENP (Council of the European Union 2008d). However, the EU emphasized in its statement that the deepening of relations with Israel should be developed in parallel with continuous efforts in the MEPP. In particular, the EU stated that: "The process of developing a closer EU-Israeli partnership needs to be, and to be seen, in the context of the broad range of our common interests and objectives, which notably include the resolution of the Israeli-Palestinian conflict through the implementation of the two-state solution" (Council of the European Union 2008d: 3). Furthermore, the EU reaffirmed its desire to upgrade relations with Israel in its Council meeting on General Affairs and External Relations in December 2008 while confirming the crucial role of the peace process (Council of the European Union 2008e: 15-6).

However, the EU's offer was too vague and technical to interest Israel.²⁸² The benefits of this new partnership were unclear, and the Israeli government avoided responding positively to the offer. As a result, this attempt at a joined-up approach by the EU failed to arouse Israeli interest and create momentum for the peace process (MITVIM and Friedrich Ebert Stiftung 2016). Moreover, in December 2008, Israel launched the Cast Lead Operation. The EU strongly condemned the Israeli operation,²⁸³ and Commissioner Ferrero-Waldner stated that for the EU to consider deepening its ties with Israel, the latter should first support the two-state solution (Pardo and Peters 2012: 323). However, in Israel, Ferrero-Waldner's comments about freezing the upgrade of relations with Israel over its policies regarding the peace process were not well received (David 2009).

As a result, the Special Privileged Partnership's offer was the only attempt at a joined-up approach developed by the EU regarding Israel's overarching agreements with Brussels. However, Israel's rejection of the offer and the Cast Lead Operation launched in Gaza illustrate that this attempt at a joined-up approach failed to influence the MEPP. Israel's decline of the Special Privileged Partnership, therefore, supports our assumption that the absence of a link between progress in the MEPP and the deepening of bilateral relations in the AA and the Action Plan is because Israel would have walked away if there had been any attempt at issue-linkage.

European Council and Foreign Affairs Council conclusions

For the following part of the legal analysis, we focus on the conclusions of the foreign policy council formations: the European Council and the Foreign Affairs Council. The analysis of Israel's mentions in these two councils reveals that Israel is very much on the EU's foreign policy agenda. Indeed, there are 204 mentions of Israel in the European and Foreign Affairs councils' conclusions (see Table 19). The vast majority of these mentions concern the diplomatic disagreement studied in this research, i.e., the Israel-Palestinian conflict. Indeed,

²⁸² Interview 21.

²⁸³ Statement by the European Union on the Situation in the Middle East, Paris, 30 December 2008, https://www.europarl.europa.eu/meetdocs/2004_2009/documents/dv/eu_middle_east_/eu_middle_east_en.pdf (Accessed on 13 May 2022).

out of the 204 mentions of Israel in the conclusions, 168 concern the Israeli-Palestinian conflict, i.e., 82%. Regarding the rest of the mentions, 31 address a foreign policy issue that is not the Israeli-Palestinian conflict, and 5 deal with a sectoral issue. We also find 13 instances of a joined-up approach developed by the EU toward Israel regarding the diplomatic disagreement. We will now present these results in detail.

Code / Source	European Council	Foreign Affairs Council	TOTAL
Type of issue: diplomatic disagreement (MEPP)	37	131	168
Type of issue: foreign policy	4	27	31
Type of issue: sectoral	0	5	5
TOTAL TYPE OF ISSUE	41	163	204
Joined-up approach: soft	1	2	3
Joined-up approach: strong	1	9	10
TOTAL JOINED-UP APPROACH	2	11	13

Table 19: Code-Document Table: Type of issue and joined-up approach codes / Foreign policy councils

We assign a code to each conclusion mentioning Israel that defines the type of issue addressed. In a second step, we analyze whether the coded mention contains elements of a joined-up approach. In this section, we present the content of the conclusions mentioning Israel and identify whether there is a joined-up approach developed by the EU or not. We do not find any instances of a joined-up approach in foreign policy or sectoral types of issue. The thirteen instances of a joined-up approach are all concentrated in the mentions of the diplomatic disagreement.

We start the presentation of the results regarding Israel mentions in the European and Foreign Affairs council with the mentions concerning foreign policy type of issues. As reported in Table 19, there are thirty-one mentions of foreign policy types of issues in these conclusions. However, none of them contain aspects of a joined-up approach. Among the four mentions in the European Council conclusions, three of them concern the Action Plan signed in 2005 in the framework of the ENP (European Council 2004: 16, 2005a: 12, 2005b: 22). These mentions do not elaborate specifically on Israel and what the Action Plan means for the bilateral relations between the EU and Israel. Instead, they mention the successful negotiation of Action Plans with several ENP countries, namely Jordan, Morocco, Tunisia, Moldova, Ukraine, the Palestinian Authority, and Israel. The remaining mention of a foreign policy issue regarding Israel in the European Council conclusions concerns the 2006 Lebanon War. In the context of the continued tense situation between Lebanon and Israel even after the UN-brokered ceasefire, the European Council urged Israel in its conclusions “to stop violations of Lebanese airspace by the Israeli Air Force” (European Council 2006: 23). However, there is no hint of a joined-up approach in these mentions, as the EU does not mention the potential of the Action Plan with Israel to promote conflict resolution and does not link Israel’s compliance with the EU’s call to stop violating Lebanon’s airspace to the pursuit of bilateral sectoral cooperation.

The twenty-seven mentions of a foreign policy issue with Israel in the Foreign Affairs Council conclusions follow similar patterns in terms of an absence of any hint at a joined-up approach. Among the twenty-seven mentions, eight concern the Association Council between the EU and Israel. These mentions acknowledge the tenure of the meeting or address its preparation or the adoption of the EU's position (Council of the European Union 2002a: 17, 2004b: 6, 2006b: 16, 2007d: 13, 2008f: 17, 2009d: 17, 2011d: 15, 2012d: 24, 2017c: 11). Four mentions concern the signature of a protocol to the AA to take account of new member states' accession to the EU (Council of the European Union 2005a: 12, 2006c: 8, 2018c: 8, 2019b: 10), while seven mentions address the implementation of the ENP, and the Action Plan negotiated in this framework (Council of the European Union 2003b: 32-4, 2004b: 9-10, 2004c: 12, 2005b: 9, 2005c: 9, 2006d: 10, 2007e: 7). Finally, the seven remaining mentions of Israel deal with potential cooperation with Israel on security and counter-terrorism issues (Council of the European Union 2009e: 9, 2015d: 7), the 2006 crisis with Lebanon (Council of the European Union 2006e: 12, 2006f: 19, 2007f: 17, 2007e: 16-7), the willingness of the EU to upgrade its bilateral relations with Israel (Council of the European Union 2008e: 15-6), and an informal lunch discussion with Israeli Foreign Minister Yair Lapid (Council of the European Union 2021b: 5).

Regarding the sectoral type of issues, we find only five mentions. All of these mentions appear in the Foreign Affairs Council conclusions. One of them concerns conformity assessment and acceptance of industrial products (Council of the European Union 2010c: 15), while two other mentions introduce liberalization measures for agricultural products, processed agricultural products, fish, and fishery products (Council of the European Union 2012e: 15, 2012f: 14). Finally, one mention establishes the general principles for Israel's participation in Community programs (Council of the European Union 2007g: 20), and another approves the signature of an agreement on specific aspects of air services (Council of the European Union 2008g: 17). The joined-up approach is also missing from these mentions. We do not find allusion to the Israeli-Palestinian conflict in these mentions that deepen sectoral cooperation with Israel.

The mentions of Israel regarding foreign policy and sectoral types of issues do not contain any aspect of a joined-up approach. The mentions addressing foreign policy issues do not allude to sectoral cooperation and vice versa for sectoral matters where no link is made with foreign policy concerns.

The situation is different in the European and Foreign Affairs Councils' conclusions in which the diplomatic disagreement takes a central stage. It is also the only issue where we acknowledge instances of a joined-up approach developed by the EU. As reported above, there are a hundred and sixty-eight mentions of the diplomatic disagreement in the council conclusions (37 in the European Council and 131 in the Foreign Affairs Council). Almost half of the mentions in the Foreign Affairs Council (60) are Council conclusions on the MEPP. The rest of the mentions address growing tensions or military operations, such as the Cast Lead Operation. Figure 16 illustrates the temporal evolution of these mentions of the diplomatic disagreement in the two foreign policy formations of the council, as well as the instances of a joined-up approach.

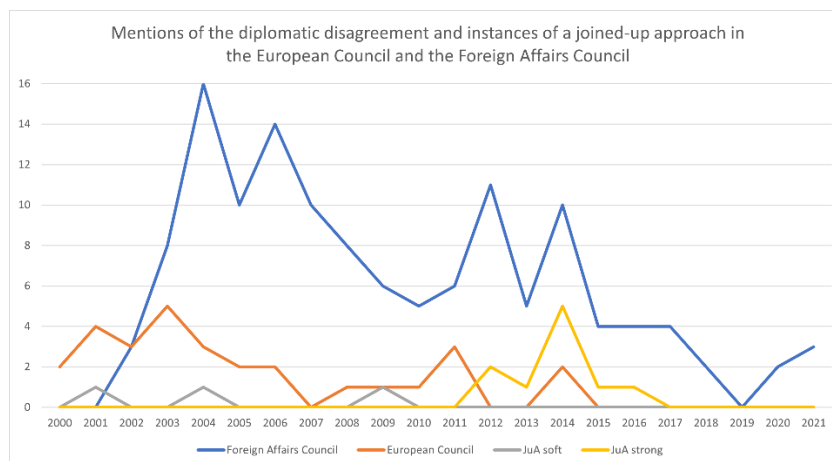


Figure 16: Mentions of the diplomatic disagreement and instances of a joined-up approach in the European Council and the Foreign Affairs Council

The main observation about this figure is that there has been a significant drop in the mentions of the diplomatic disagreement since 2015. Whereas between 2000 and 2014 there were, on average, 9.4 mentions of the diplomatic disagreement per year in the conclusions, the average number has dropped to 2.7 per year between 2015 and 2021. We have shown in section 5.2.1 that the coherence of EU member states on the Israeli file was strong between 2000 and 2015 before falling to a very low level between 2016 and 2019. As a result, this figure highlights how the member states' coherence on a foreign policy issue impacts the EU's foreign policy agenda. Indeed, since member state coherence reached a low point in 2015, there has been significantly less mention of the diplomatic disagreement with Israel in Council conclusions.

Regarding the development of a joined-up approach, we find thirteen instances of such an approach in these conclusions. In detail, we identify three cases of a soft joined-up approach (one in the European Council conclusions and two in the Foreign Affairs Council conclusions) and ten instances of a strong joined-up approach (one in the European Council conclusions and nine in the Foreign Affairs Council conclusions). The results are summarized in Table 20. The table indicates the elements linked by the EU in the joined-up approach, the number of times the EU has applied this linkage, the institutions and reference where these instances of a joined-up approach have been found, and the intensity of the joined-up approach (soft or strong).

We find the first instance of a soft joined-up approach developed by the EU toward Israel concerning the Israeli-Palestinian conflict in the 2001 European Council conclusions. While covering the Middle East, the European Council states that it "attaches priority to stability and prosperity in the whole Mediterranean region" and that to pursue this aim, "the European Union will continue to make full use of the Barcelona Process, including the Association Agreements" (European Council 2001: 16). This quote is a very soft instance of a joined-up approach. Indeed, the European Council mentions the Mediterranean region, not Israel specifically. In addition, it does not explicitly threaten to link sectoral cooperation with the evolution toward a more stable situation. Still, this paragraph appears in a section where the European Council addresses the Israeli-Palestinian conflict. Therefore, even though it mentions the 'whole Mediterranean region' in the sentence highlighted, we assume that it

mainly targets the Israeli-Palestinian issue. Moreover, even though the joined-up approach is less straightforward than in the other instances we will develop below, it still hints at such an approach by stating that the EU will “make full use of the Barcelona Process including the Association Agreements”. As a result, we argue that with this sentence, the European Council underlines the possibility that the AA and the Barcelona Process can be used to sustain the EU’s objective of achieving peace and stability in the region.

Elements	Recurrence	Institution(s) and reference(s)	Intensity
Stability in the region – Barcelona Process	1	EC (European Council 2001)	Soft
Implement policies conducive to dialogue – EU-IL relations	1	FAC (Council of the European Union 2004d)	Soft
Bilateral relations – favoring peaceful resolution	1	FAC (Council of the European Union 2009d)	Soft
Special Privileged Partnership – Resolution of the conflict	5	FAC (Council of the European Union 2013a, 2014h, 2014i, 2014j) EC (European Council 2014b)	Strong
Exclusion of the settlements from the scope of EU-IL agreements	4	FAC (Council of the European Union 2012b, 2012c, 2015c, 2016)	Strong
Development of EU-IL relations – implementation of the two-state solution	1	FAC (Council of the European Union 2014i)	Strong

Table 20: Summary of the Joined-up approach instances in the Foreign Affairs and European Councils’ conclusions

The other two instances of a joined-up approach identified in these documents are more explicit in linking sectoral cooperation with foreign policy considerations. These two instances appear in Foreign Affairs Council conclusions in 2004 and 2009. The 2004 instance of a soft joined-up approach is the most explicit one. In its Council conclusions on the MEPP, the Foreign Affairs Council urges Israelis and Palestinians “to immediately implement policies conducive to dialogue and negotiations”. It then adds that “the EU relationship with those who take steps to the contrary will be inevitably affected by such behavior” (Council of the European Union 2004d: 14). Even though the EU does not mention the sectoral cooperation with Israel, it clearly states that in case Israel, or Palestine, do not engage in a constructive dialogue, its relationship with the EU will be affected. This corresponds to a soft version of a joined-up approach as it links its cooperation with Israel to its policy regarding the conflict. Finally, the last instance of a soft joined-up approach identified in the Foreign Affairs Council conclusions differs from what we have seen until now. In these conclusions, the Council argues that “tangible benefits regarding economic development and security would facilitate achieving agreement on the various political tracks”. As a result, it states that “the EU stands ready to use all instruments at its disposal” and “will carefully assess how its policies and programs can promote concrete and early results on the path of a comprehensive settlement of the conflict” (Council of the European Union 2009d: 8). Therefore, whereas in the other instances it is sectoral cooperation that is threatened to be negatively affected by

disagreements over a foreign policy issue, this instance suggests that sectoral collaboration can lead to positive outcomes on the foreign policy front.

The ten instances of a strong joined-up approach are mainly focused on two instruments: the offer of a Special Privileged Partnership in case of a peaceful resolution of the Israeli-Palestinian conflict and the exclusion of the settlements from the scope of application of all agreements between the EU and Israel. We have already developed the Special Privileged Partnership offer to Israel. References to this offer appeared five times in the Foreign Affairs Council and the European Council conclusions in 2013 and 2014 (Council of the European Union 2013a: 11, 2014h: 11, 2014i: 12, 2014j: 10; European Council 2014b: 6). In these mentions, the EU offers to Israel, and the future State of Palestine, an unprecedented political, economic, and security support package in the form of a Special Privileged Partnership in the event of a final peace agreement. The other main instrument developed in a joined-up approach by the EU is the exclusion of the settlements from the scope of application of all agreements between the EU and Israel. There are four instances where this policy appears in the Foreign Affairs Council conclusions (Council of the European Union 2012b: 12, 2012c: 8, 2015c: 8, 2016: 9). In all of these conclusions, the Foreign Affairs Council reiterates that “settlements remain illegal under international law (...) and that all agreements between the State of Israel and the EU must unequivocally and explicitly indicate their inapplicability to the territories occupied by Israel in 1967”. Finally, the last instance of strong a joined-up approach is a more general sentence in which the EU states that “the future development of the relations between the EU and both the Israeli and Palestinian partners will also depend on their engagement towards a lasting peace based on a two-state solution” (Council of the European Union 2014i: 11).

Interestingly, in 2004, the EU seemed to indicate that it was not in favor of developing a joined-up approach toward Israel to influence the outcome of the Israeli-Palestinian conflict. In its conclusions, the Council stated that “progress on the resolution of the Middle East conflict cannot be a pre-condition for confronting the urgent reform challenges facing the countries of the region, nor vice versa” (Council of the European Union 2004e: 19). This may explain that until 2012 we do not find any instance of a strong joined-up approach. However, one can assume that the fast economic development of Israel from a small, semi-industrialized country to a medium-sized advanced economy (Tovias 2021: 205) has changed the EU’s perception of this aspect. As a result, since 2012, Brussels might feel more comfortable developing a joined-up approach now that the reforms it referred to in 2004 have been achieved.

These instances of a strong joined-up approach highlight that the EU has tried to use both the ‘stick’ and the ‘carrot’ of its sectoral cooperation with Israel to influence the Israeli-Palestinian conflict, although with no success. On the one hand, the offer of a Special Privileged Partnership in the event of a final peace agreement corresponds to an attempt to use as a ‘carrot’ the deepening of cooperation between Israel and the EU to influence the peace process. On the other hand, the exclusion of the settlements from the scope of application of all agreements between the EU and Israel illustrates the use of a ‘stick’ to try to influence the outcome of the conflict.

Figure 16, which illustrates the temporal evolution of Israel mentions in the European and Foreign Affairs council, also includes the soft and strong joined-up approach. The chart reveals that, similarly to the mentions of the diplomatic disagreements in these conclusions, the joined-up approach instances reflect the member states' coherence. Indeed, whereas we found a significant number of joined-up approach instances until 2015, we only found one example in 2016 and none after that. As reported above, member states' coherence toward Israel regarding the conflict dropped low in 2016. As a result, these findings corroborate the second hypothesis that the higher the member states' coherence toward a third country, the more likely the EU is to develop a joined-up approach.

EU's statements at the Association Council

The last part of the legal level analysis focuses on the 'foreign policy documents' published by the EU. For Israel, we have selected the EU's statements issued at the Association Council meetings. There have been eleven meetings of the Association Council between its inception in 2000 and 2012. We have collected the EU's statements from the Council's document register and completed it with Pardo and Peters' (2012) book gathering the main documents related to the relations between the EU and Israel. With these two sources, we have collected the eleven EU statements issued during its Association Council meetings with Israel.

Firstly, we analyze the type of issues covered by these statements (Council of the European Union 2000c, 2001a, 2002b, 2003c, 2004f, 2006g, 2007h, 2008d, 2009b, 2011b, 2012g). To do so, we have coded every paragraph of these statements according to the type of issue it addresses. There are 374 paragraphs coded in the eleven EU statements (see Table 21). We find that these statements cover all three types of issues. Indeed, there are 88 mentions of the diplomatic disagreement and 123 mentions of a foreign policy issue. Finally, there are 163 sectoral types of issues addressed in these documents. Regarding foreign policy and sectoral issues, the EU's statements cover a wide range of subjects. In foreign policy, these statements address the ENP, the tensions between Israel and its neighbors, as well as foresee cooperation in other issues like counterterrorism, weapons of mass destruction, and dialogue on human rights. These statements also review the state of sectoral cooperation between the two partners and identify new opportunities for potential further collaboration in several sectors like transport, research and innovation, or trade.

Code / Source	Foreign policy documents (Association Council)
Type of issue: diplomatic disagreement (MEPP)	88
Type of issue: foreign policy	123
Type of issue: sectoral	163
TOTAL	374

Table 21: Code-Document Table: Type of issue codes / Foreign policy documents

We identify eleven instances of a joined-up approach in the EU's statements at the Association Council meetings. Seven of these thirteen instances of a joined-up approach concern the territorial clause included in the bilateral agreements between the EU and Israel (Council of

the European Union 2001a: 1, 2002b: 2, 2003c: 2, 2004f: 7, 2011b: 23, 2012g: 2, 3). As explained before, the territorial clause in the agreements between the EU and Israel ensures that the provision of these agreements does not cover the settlements. For instance, products exported to the EU from the settlements are not covered by the AA provisions. In its statements, the EU repeatedly insists on the importance of the territorial clause and its implementation. This is a joined-up approach because, since Brussels condemns the expansion of settlements, the territorial clause thus supports the EU's position on this issue of the conflict. Before the two parties concluded the 2004 technical arrangement, which provides for the exclusions of goods originating in the settlements from preferential treatment under the AA,²⁸⁴ the EU adopted a discourse in its statements that hinted at a joined-up approach. Indeed, in both its 2001 and 2002 declarations, the EU stated that if it could not find a solution with Israel regarding the territorial scope of the agreement, it "will review its position in accordance with the provisions of the Association Agreement" (Council of the European Union 2001a: 2, 2002b: 1). Although the EU did not specify what this position review means precisely, it indicated that if both parties cannot find a solution, there will be consequences for Israel.

The remaining four instances of a joined-up approach illustrate the link established by the EU between its partnership with Israel and the Israeli-Palestinian conflict. In its 2003 statements at the occasion of the Association Council, while addressing the Israeli-Palestinian conflict and encouraging both sides to "immediately implement policies conducive to dialogue and negotiation", the EU stated that its "relationship with those who will take steps to the contrary will be inevitably affected by such behavior" (Council of the European Union 2003c: 2). Therefore, the EU clearly indicated that if one side to the conflict takes actions that go against a constructive dialogue to reach a peaceful solution to the conflict, this would inevitably have negative repercussions on this country's relations with the EU. This is the first and strongest instance of a joined-up approach identified in the EU's statements. It is also the only instance where the EU suggests negative consequences on Israel's relationship with Brussels if the latter takes actions against a peaceful resolution to the conflict.

In two other instances, the EU confirmed the link between Israel's relationship with the EU and progress regarding the Israeli-Palestinian conflict. However, in these instances, the EU did not suggest that the state of the relations would be negatively affected by Israel's position regarding the conflict but rather indicated that the deepening of EU-Israel relations was dependent on progress regarding the dispute. In 2006, the EU stated that "the pace of progress of the relationship would depend on the efforts and achievements made in meeting the commitments to shared values" (Council of the European Union 2006g: 1). In 2012, while identifying areas for potential future cooperation, the EU underlined that to take a political position on the implementation of this future cooperation, the "conditions for proceeding towards an upgrade of bilateral relations" need to be met (Council of the European Union 2012g: 3). In this statement, although the EU did not explicitly mention the Israeli-Palestinian conflict as corresponding to the conditions for upgrading relations to which it alludes, we can confidently assume that this is what it was referring to. Indeed, as we saw in the section on the

²⁸⁴ European Commission, *EU-Israel Technical Arrangement*, https://ec.europa.eu/taxation_customs/eu-israel-technical-arrangement_en (Accessed on 12 May 2022).

historical overview of relations, the EU adopted in 2009 the policy of not upgrading relations with Israel until there was progress on the peace process front. Therefore, we can assume that when the EU mentioned that to implement further cooperation with Israel, the “conditions for proceeding towards an upgrade of bilateral relations” must be met, this corresponded to positive progress regarding the conflict.

To conclude, the legal level analysis reveals that there is no attempt at a joined-up approach included in neither the AA nor the Action Plan negotiated with Israel. Regarding the conclusions of the two foreign policy council formations, we find that the diplomatic disagreement is the main issue discussed in these fora as it accounts for 82% of Israel’s mentions. We have identified thirteen instances of a joined-up approach developed by the EU toward Israel in these conclusions. The EU has tried to use both the ‘stick’ and the ‘carrot’ in these instances of a joined-up approach by excluding the settlements from the scope of application of all agreements between the EU and Israel and by offering a Special privileged Partnership to Israel in the event of a final peace agreement. The analysis of the Council conclusions has also highlighted that member states’ coherence regarding Israel influences the number of mentions of Israel in the Council conclusions and the development of a joined-up approach. Indeed, we saw a drop in both the mentions of Israel and the instances of a joined-up approach after the member states’ coherences started to erode in 2016. Finally, we have also identified cases of a joined-up approach in the EU’s statements during the Association Council meetings. Whereas most of them address the territorial clause, the EU has also used these meetings to underline the link between the deepening of bilateral cooperation and progress regarding the peace process.

5.3.1.2 Interactional level

Turning to the interactional level, we focus on the high-level political dialogue between the EU and Israel and investigate whether disagreements over the Israeli-Palestinian conflict have altered this dialogue. To conduct this analysis, we first focus on the meetings of the Association Council. This discussion forum is the highest institutionalized political dialogue between the EU and Israel. We find that the tenure of the Association Council meetings has been significantly impacted by the diplomatic disagreement between the EU and Israel. At first, Israel instrumentalized the Association Council meeting to pass a message to the EU. In 2013, the EU published the “guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the EU from 2014 onwards” (European Commission 2013). These guidelines provide that entities based or working in the settlements are excluded from EU financial support. Reactions to these guidelines in Israel were hostile toward the EU. To show its dissatisfaction with the guidelines, Israel canceled the Association Council in 2013 (Brzozowski 2022).

However, since 2014, it has been at the initiative of the EU that the Association Council has not met. This suspension of the Association Council was due to several member states. Indeed, to

convene the high-level meeting, the member states must agree unanimously. However, several member states have continuously vetoed the tenure of the Association Council since 2014 due to the lack of progress in the Middle East Peace Process. The suspension of the Association Council is an instance of a strong joined-up approach developed by the EU toward Israel. By linking the tenure of this meeting to progress in the peace process, EU member states attempt to send a clear signal to Israel that they disagree with Israel's policies toward the Palestinians and that a change needs to be seen to resume high-level political dialogue. More recently, there have been calls within the EU to reconvene the Association Council. These calls have come from some members of the EP (Juvin 2019; Lopez-Isturiz White 2020) and the High Representative, Josep Borrell (Harkov 2020). In response to these calls by the members of the EP, the EU has underlined its readiness to hold an Association Council with Israel while stressing the need to find a mutual agreement on convening such a meeting with Israel and, most notably, with the member states (Borrell 2020; Mogherini 2019). Finally, despite the lack of progress toward the two-state solution officially supported by the EU, the Foreign Affairs Council decided in July 2022 to reconvene the EU-Israel Association Council later that year (Council of the European Union 2022a). This decision seems to have been motivated by geopolitical issues. In its position for the Association Council, the EU underlines that Israel is an important partner for the EU in multiple areas, most notably research and innovation, cyber issues, and counterterrorism (Council of the European Union 2022b). Moreover, in the context of the war in Ukraine, the EU also puts forward the Memorandum of Understanding signed with Egypt and Israel on the gas export which should help the EU to diversify its gas supply. Finally, the EU welcomes the normalization of relations between Israel and a number of Arab states. As a result, the joined-up approach implemented by the EU toward Israel regarding the Association Council meeting ended in 2022, mainly driven by geopolitical concerns.

The Foreign Affairs Council's decision to reconvene the Association Council meeting is the culmination of a warming of relations between the EU and Israel that intensified between 2021 and 2022. Indeed, although the Association Council was suspended, the high-level political dialogue between the two partners has not been broken off. In 2021, Israeli Foreign Minister Yair Lapid was invited for an informal working lunch with the foreign ministers of the EU member states on the occasion of a Foreign Affairs Council meeting (Council of the European Union 2021b: 5). In 2022, the President of the Commission, Ursula von der Leyen,²⁸⁵ and the President of the European Parliament, Roberta Metsola (Lis 2022), both made official visits to Israel.

In conclusion, the interactional level analysis reveals that the EU has used a joined-up approach toward Israel regarding the Association Council meeting. Indeed, to show their dissatisfaction with the lack of progress in the MEPP, several member states have continuously vetoed the tenure of the Association Council between 2014 and 2022. However, even though there has been no progress regarding the peace process, the EU has decided to reconvene the

²⁸⁵ European Commission, "President von der Leyen visits Israel to deepen bilateral partnership", 10.06.2022, https://neighbourhood-enlargement.ec.europa.eu/news/president-von-der-leyen-visits-israel-deepen-bilateral-partnership-2022-06-10_en (Accessed on 19 August 2022).

Association Council in 2022, therefore abandoning the joined-up approach it had developed since 2014 in this area of bilateral relations.

5.3.1.3 Conclusion

We found instances of a joined-up approach in both the legal and interactional levels of analysis. In the legal level, we found that the EU has tried to use both the 'stick' and the 'carrot' toward Israel. It has excluded the settlements from the scope of all bilateral agreements and has offered Israel a Special privileged partnership in the event of a final peace agreement. The legal analysis has also highlighted that member states' coherence directly influences the number of mentions of Israel in the Council conclusions and the development of a joined-up approach. Indeed, we saw a drop in both the mentions of Israel and the instances of a joined-up approach after the member states' coherences started to erode in 2016. In the interactional level analysis, we found that some member states have vetoed the tenure of the Association Council between 2014 and 2002 to show their dissatisfaction with the lack of progress in the MEPP. However, this practice has been abandoned in 2022 with the Association Council set to reconvene despite no progress observed on the conflict resolution front.

5.3.2 Sectoral cooperation

5.3.2.1 Legal level

According to the conceptualization, the legal level analysis of sectoral cooperation focuses on the sectoral agreements, the participation in EU programs, and the conclusions of the Council formations dealing with sectoral issues, namely the Trade, the Transport, and the Competitiveness councils.

Sectoral Agreements

Regarding the sectoral agreements between the EU and Israel, we identify two instances where Brussels used these agreements in a joined-up approach. The first one is the no upgrade policy implemented by the EU since 2009. As reported in the historical overview section, the no upgrade policy was a reaction to the Israeli Cast Lead military operation launched in late 2008 in Gaza. In response to this military operation, European Commissioner for external relations, Benita Ferrero-Waldner, stated that for the EU to consider deepening its ties with Israel, the latter should first support the two-state solution (Pardo and Peters 2012: 323). This policy of freezing the upgrade of EU-Israel relations as long as there is no progress regarding the Middle East Peace Process was confirmed during the ninth meeting of the Association Council (Council of the European Union 2009b). This is a strong joined-up approach developed by the EU as it conditions the upgrading of sectoral agreements with Israel to its position on the Israeli-Palestinian conflict.

In practice, the no upgrade policy implemented by the EU toward Israel is less strict than the freezing of market access agreements implemented toward Switzerland. Indeed, their relations can still be updated in the Action Plan framework. In trade, the EU and Israel signed an additional agreement on trade in agriculture in 2009,²⁸⁶ as well as an agreement on conformity assessment and acceptance of industrial products in pharmaceuticals in 2012.²⁸⁷ In 2013, the EU and Israel signed a Euro-Mediterranean Aviation Agreement which further opened EU-Israel air travel.²⁸⁸ Thanks to this agreement, EU airlines are “able to operate direct flights to Israel from anywhere in the EU and Israeli carriers are able to operate flights to airports throughout the EU” (European Commission 2012). However, although some agreements have been signed with Israel since 2009, the no upgrade policy still significantly limits the potential for further cooperation between the EU and Israel. The main agreement affected by the no upgrade policy is the AA. The AA is a ‘first-generation’ trade agreement. This means it focuses principally on trade in goods and does not cover sectors like investment, energy, or services. It was raised during our interviews that Israel would be interested in incorporating services in the AA.²⁸⁹ However, because of the no upgrade policy, incorporating services in the AA is impossible as it is considered an upgrade.

In our interviews with EU officials based at the EU delegation in Tel Aviv, we asked them what the EU understood as no upgrade. Indeed, despite the no upgrade policy, several agreements have been signed with Israel since 2009. In particular, both partners signed in 2013 a Euro-Mediterranean Aviation Agreement, which is a significant opening of the EU’s market to the Israeli aviation sector. An EU official stated that an upgrade would consist of offering Israel privileged access to the EU market that other ENP countries do not have.²⁹⁰ Therefore, if another ENP country already has an agreement with the EU that gives it access to a specific sector of cooperation, Israel can be offered a similar level of access. As a result, the signing of the Euro-Mediterranean Aviation Agreement with Israel is not considered an upgrade for the EU, as other ENP countries have already signed similar agreements.

The other instance of a joined-up approach in sectoral agreements with Israel is the territorial clause introduced in all agreements between the two partners. The issue of defining what constitutes the “State of Israel” first arose concerning the rules of origins. Since these rules determine which products are considered to originate in one of the two partners in order to benefit from the preferential treatment provided by the agreement, the definition of the State of Israel is essential for the application of the AA. The EU and Israel disagreed on the definition of the territory of Israel. On the one hand, Israel argued “that due to its *de facto* control of the Territories, these products are produced in Israel’s customs territory, that they are therefore to be subjected to the Association Agreement, and hence are entitled to preferential treatment in accordance with its provisions” (Harpaz 2004: 1051). On the other hand, the EU argued “that *de jure* the Territories do not belong to the State of Israel, that Israel’s occupation of the Territories

²⁸⁶ Official Journal of the European Union, L 313, *Op. Cit.*

²⁸⁷ Official Journal of the European Union, L 147, *Op. Cit.*

²⁸⁸ Official Journal of the European Union, L 208, *Op. Cit.*

²⁸⁹ Interviews 38 and 39.

²⁹⁰ Interview 35.

is illegal under public international law, and that products exported from them to the EU should not, therefore, benefit from the preferential treatment under the Association Agreement” (European Commission 1998; Harpaz 2004: 1051–2). Despite Israel’s discontent with this statement, the two sides reached a technical arrangement in 2004 that requires all certificates for Israeli products imported into the EU to indicate the place of production to ensure that products from the settlements do not receive preferential treatment.²⁹¹

This exclusion of the settlement from the scope of application of the AA is not the only example of EU-Israel sectoral agreements where the EU has introduced the territorial clause. For instance, in the first article of the 2013 Euro-Mediterranean Aviation Agreement, the text states that “the application of this Agreement is understood to be without prejudice to the status of the territories that came under Israeli administration after June 1967”.²⁹² In its decision on the conclusion of the agreement, the Council adds that “the Agreement should be implemented in conformity with the European Union’s position that the territories which came under Israeli administration in June 1967 are not part of the territory of the State of Israel”.²⁹³ The territorial clause is also included in the research sector as entities based or working in the settlements are excluded from EU financial grants. Under pressure from members of the EP, the EU adopted in 2013 the “guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the EU from 2014 onwards” (European Commission 2013). These guidelines define the eligibility conditions for the various EU financial instruments in the field of research. Accordingly, organizations or private entities based or working in the settlements are excluded from EU financial support.

The EU has developed a joined-up approach toward Israel in its sectoral agreements. We have identified two cases of this approach: the no upgrade policy implemented since 2009 and the territorial clause introduced in every EU-Israel agreement, which effectively excludes the settlements from the scope of these agreements. These two cases are clear instances of a joined-up approach. The no upgrade policy instrumentalizes Israel’s willingness to upgrade the AA to force it to move in the direction of the EU concerning the Israeli-Palestinian conflict, i.e., the two-state solution. At the same time, the territorial clause “pressures Israel to stop fortifying its settlement project” (Gordon and Pardo 2015: 80).

Participation in EU programs

Regarding Israel’s participation in EU programs, we find that, besides the territorial clause, there is no joined-up approach developed by the EU. Israel has been associated with every EU framework program since 1996. In 2008, a protocol to the AA entered into force and provided for Israel’s participation “in all current and future Community programs opened to the

²⁹¹ European Commission, *EU-Israel Technical Arrangement*, *Op. Cit.*

²⁹² Official Journal of the European Union, L 208, *Op. Cit.* Art. 1(26)

²⁹³ *Ibid.*, p. 6.

participation of Israel in accordance with the provisions adopting these programs”.²⁹⁴ It provides that Israel’s representatives shall be allowed to take part as observers in the management committees of the programs,²⁹⁵ and that Israeli projects and initiatives submitted in the framework of these programs should be applied the same rules and procedures as the member states.²⁹⁶ As a result, Israel has been able to participate to the FP6, FP7, and Horizon 2020 programs as an associated country. Israel will also be associated with Horizon Europe, the new EU framework program for the period 2021-2027.²⁹⁷ Statistics presented in section 5.2.3 have also revealed that Israel has been a successful participant in each of these framework programs, ranking only behind Switzerland and Norway in terms of participation among third countries.

As a result, Israel’s involvement in the EU framework programs has not been affected by the diplomatic disagreement on the Israeli-Palestinian conflict. During our interviews with the actors of the bilateral cooperation in this field, both EU and Israeli officials have underlined that cooperation in the research sector was going very well and was not affected by the political tensions.²⁹⁸ However, there has been a call from MEPs in December 2021 to reconsider Israel’s participation in Horizon Europe due to its policy toward the Palestinians.²⁹⁹ In this letter, 60 socialist and green MEPs urged the Commission to “reconsider and freeze Israel’s participation in Horizon Europe, until Israel guarantees compliance with its obligations under international law towards Palestinians and upholds human rights of all those under its effective control”.³⁰⁰ The freeze of Israel’s participation in Horizon Europe because of its policies toward the Palestinians was a call from MEPs to develop a strong joined-up approach toward Israel. However, the Commission did not follow suit on the MEPs recommendation and insisted that the territorial clause included in the EU-Israel association agreement to Horizon Europe ensured that EU funds would not be used to sustain the settlements project (Zubaşcu 2021).

Formations of the Council dealing with sectoral issues

Regarding the last aspect of the legal level analysis, the mentions of Israel in the Council of the EU formations dealing with sectoral issues are sporadic and very limited. Since 2000, among the 199 conclusions from the Competitiveness, Trade, and Transport councils, we find only ten mentions of Israel and no joined-up approach. Moreover, the ten mentions only deal with

²⁹⁴ Official Journal of the European Union, Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part, on a framework Agreement between the European Community and the State of Israel on the general principles governing the State of Israel’s participation in Community programs, L 129, 17.05.2009, Art. 1.

²⁹⁵ *Ibid.* Art. 3.

²⁹⁶ *Ibid.* Art. 4.

²⁹⁷ European Commission, *Israel joins Horizon Europe research and innovation programme*, 06.12.2021, https://ec.europa.eu/info/news/israel-joins-horizon-europe-research-and-innovation-programme-2021-dec-06_en (Accessed on 2 June 2022).

²⁹⁸ Interviews 16, 31, 34, 37, and 40.

²⁹⁹ Letter to the Vice-President/High Representative Borrell, 15.12.2021, <https://www.eccpalestine.org/wp-content/uploads/2021/12/Letter-Horizon-Europe-Israel-15-december-2021-1.pdf> (Accessed on 22 August 2022).

³⁰⁰ *Ibid.*

sectoral issues, and there is no mention of foreign policy or diplomatic disagreement issues. The two mentions of Israel in the Competitiveness Council concern the approval of the signing of a scientific and technical cooperation agreement (Council of the European Union 2003d: 29, 2008b: 14). These agreements aimed at “facilitating the mutual access of the research entities of both parties to research and development activities” and to associate Israel in the Community’s research framework programs (Council of the European Union 2003d: 29).

Regarding the Trade Council, we did not find any mention of Israel in its conclusions.

Finally, the Transport Council has mentioned Israel eight times. Four mentions concern the Air Transport agreement between the EU and Israel. One of them authorized the Commission “to open negotiations with Israel on a comprehensive air transport agreement” (Council of the European Union 2008h: 19). Another one allowed the Commission to sign the agreement once the negotiations were concluded (Council of the European Union 2012h: 12). The last two mentions inform that the agreement has been signed (Council of the European Union 2013b: 27) and include Croatia in its scope of application following its accession to the EU (Council of the European Union 2014k: 17). Among the four remaining mentions, three of them cover the EU-Israel cooperation agreement on a Global Navigation Satellite System (Council of the European Union 2003a: 21, 2004g: 19,20), while the last mention addresses Israel-Palestine sectoral cooperation, especially in energy (Council of the European Union 2003e: 13).

To sum up, we do not find any sign of a joined-up approach in the conclusions of the sectoral formations of the Council. The mentions of Israel are rare and limited to the negotiations and signing of new agreements in their field. Furthermore, we do not find any mention of a foreign policy or diplomatic disagreement issue. As a result, these findings highlight that these formations of the Council do not touch on the diplomatic disagreement and focus on sectoral cooperation only.

Table 22 summarizes our findings for the legal level analysis of the sectoral cooperation dimension.

Aspect of sectoral cooperation	Joined-up approach	Cases of a joined-up approach
Sectoral agreements	Yes	No upgrade policy + territorial clause
Participation in EU programs	Partial	No exclusion from EU framework programs, but territorial clause in the 2013 EU guidelines
Council conclusions	No	N/A

Table 22: Summary of the findings for the legal level of the sectoral cooperation dimension.

5.3.2.2 Interactional level

For the interactional level of sectoral cooperation, we analyze if Israel’s access to informal ministers’ meetings, expert groups, committees, and agencies has been restricted due to the

disagreement with the EU over the Israeli-Palestinian conflict. We also analyze if the EU-Israel joint committees have been suspended, and the EU's internal organization.

Access to informal ministers' meetings

Israel does not have access to the EU informal ministers' meeting. Indeed, according to our database presented in the Switzerland chapter, which gathers third countries' participation in these meetings since 2017, Israel has never been invited. The third countries participating informally in these meetings are often the EFTA countries, sometimes the candidate countries, and occasionally countries from the Eastern Partnership. Therefore, from the data available, the Southern Mediterranean countries have never been invited to participate in these meetings. As a result, we cannot assess whether the diplomatic disagreement has limited Israel's participation in these meetings. Indeed, Israel and other countries from a similar group, i.e., Southern Mediterranean, have never been invited to the informal ministers' meetings.

Access to EU expert groups

For Israel's access to EU expert groups, we have analyzed the composition of all EU expert groups, active and closed, operating under the leadership of the DGs responsible for our three sectors (TRADE, MOVE, and RTD). We can find these data on the European Commission's "Register of Commission Expert Groups and Other Similar Entities".³⁰¹ Our analysis finds that Israel does not participate in any expert group under the lead of DG TRADE or DG MOVE. However, Israel is heavily involved in expert groups under the lead of DG RTD in the research sector. Among the active groups, Israel takes part in the work of three groups as a member (Commission expert group to act as European Open Science Cloud Steering Board,³⁰² European Strategy Forum on Research Infrastructures,³⁰³ and Expert Group of EU Member States and Associated Countries on Advanced Materials³⁰⁴), and one group as an observer (Commission expert group on the ERA Forum³⁰⁵). Additionally, there is also one Israeli expert that is part of the Commission expert group on the impact of the COVID-19 pandemic on gender equality in EU R&I.³⁰⁶ Israel's involvement in the research expert groups is not new. Among the closed expert groups, Israel was a member of the National Ethics Council Forum,³⁰⁷

³⁰¹ European Commission, "Register of Commission Expert Groups and Other Similar Entities", <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups?lang=en> (Accessed on 22 August 2022).

³⁰² <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=3756> (Accessed on 22 August 2022).

³⁰³ <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=683> (Accessed on 22 August 2022).

³⁰⁴ <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=3097> (Accessed on 22 August 2022).

³⁰⁵ <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=3833> (Accessed on 22 August 2022).

³⁰⁶ <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=3817> (Accessed on 22 August 2022).

³⁰⁷ <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=1806>

and Israeli experts served on four other different groups (H2020 Expert Group to update and expand “Gendered Innovations/ Innovation through Gender”,³⁰⁸ Horizon 2020 Advisory Group ‘Access to Risk Finance’,³⁰⁹ European Commission Expert Group on Assessing the Investment Potential of SMEs Emerging from EU R&I programs,³¹⁰ and Horizon 2020 experts group on Strategic Foresight for R&I Policy³¹¹). Also, as an associated country in Horizon Europe, Israel has an observer status in ERAC.³¹²

Israel’s access to EU expert groups is not impacted by the tensions around the diplomatic disagreement. We only found cases of Israel’s participation in the research sector. Because participation in these expert groups is dependent on the status of a third country in the framework program, the association agreement signed in December 2021 granting Israel an associated status in Horizon Europe guarantees Israel’s involvement in these sectoral bodies. Israel’s absence in expert groups under the leadership of DG TRADE and MOVE does not seem to be explained by political considerations regarding the diplomatic disagreement. Expert groups under DG TRADE are not open to the participation of third countries. Concerning DG MOVE, Israel’s non-participation in expert groups is not because the EU refuses Israel’s requests for involvement, but rather the opposite, as Israel is selective about the bodies in which it wishes to participate.³¹³ Therefore, there is no sign of a joined-up approach developed by the EU toward Israel in its participation in expert groups.

Access to EU agencies

The next step of the interactional analysis focuses on Israel’s access to EU agencies. More specifically, we consider Israel’s access to the agencies’ main and secondary bodies and whether this access has evolved over time due to the diplomatic disagreement. Israel has a bilateral agreement with ten agencies. To analyze whether the diplomatic disagreement has impacted Israel’s access to these agencies’ main and secondary bodies, we first distinguished between agencies with a new regulation since 2009, when the Council implemented the no upgrade policy toward Israel. For agencies with new regulations since 2009, we then distinguish between those where Israel’s access to the agency’s bodies has changed with the new regulations and those where Israel’s access has not changed. Then, for those agencies where Israeli access has changed, we distinguish whether better access has been granted to Israel or whether Israeli access has been restricted. Finally, the other agencies, where Israel’s access to the bodies has not changed, are classified according to whether Israel participates in the agencies’ bodies or not. For agencies with no new regulation since 2009, we assess whether

³⁰⁸ <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=3601> (Accessed on 22 August 2022).

³⁰⁹ <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=2986> (Accessed on 22 August 2022).

³¹⁰ <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=3299> (Accessed on 22 August 2022).

³¹¹ <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=3332> (Accessed on 22 August 2022).

³¹² <https://www.consilium.europa.eu/en/council-eu/preparatory-bodies/european-research-area-and-innovation-committee-erac/> (Accessed on 22 August 2022).

³¹³ Interview 36.

Israel participates in the agency’s main and secondary bodies or not. To clarify, agencies classified in the two columns “Israel does not participate” mean that there is a bilateral agreement between Israel and the agency providing for cooperation, but without access for Israel to the agency’s main or secondary body as an observer. Our results are illustrated in Table 23.

The first takeaway from this table is that Israel’s participation in these agencies’ main and secondary bodies is limited. Indeed, Israel has only access to these bodies in two agencies: EIT and ETF (European Training Foundation). Moreover, this access is not specific to Israel. For example, regarding ETF, the 2008 regulation introduces a new amendment that grants partner countries three seats as observers in the Governing Board meetings.³¹⁴ These three representatives for partner countries are “appointed by the Commission from a list of candidates proposed by those countries on the basis of their experience and expertise”.³¹⁵ Therefore, the new regulation gives Israel, alongside all the other partner countries, the possibility to propose a candidate for the representative position. However, it is not guaranteed that an Israeli representative will be chosen as there are 29 partner countries, including Israel.³¹⁶ Therefore, this new amendment is not intended to grant unique access to governing bodies specifically to Israel.

New regulation since 2009				No new regulation since 2009	
Change in IL access		No change in IL access		-	
Access granted	Access restricted	IL participates	IL does not participate	IL participates	IL does not participate
EIT (2021)			EASA (2018) BEREC (2018) EMA (2019) EUIPO (2017) EUROPOL (2016)	ETF (2008)	CPVO (1994) ECDC (2004) EMCDDA (2006)

Table 23: Israel’s access to EU agencies main and secondary bodies

It is the same logic that applies to the EIT. In 2021, in parallel with the launch of Horizon Europe, the EU adopted a new regulation on the EIT. This regulation provided for the creation of a MSRG, which “shall be composed of one representative from each Member State and each associated country”.³¹⁷ As an associated country in Horizon Europe, Israel will, therefore, have access to the MSRG. However, similar to the ETF, this is not intended to grant new access to governing bodies specifically to Israel. It is instead a question of involving more third countries in general that have an agreement with the EU in this sector.

³¹⁴ Official Journal of the European Union, “Regulation N (EC) No 1339/2008 of the European Parliament and of the Council of 16 December 2008 establishing a European Training Foundation”, L 354, Art. 7.1, <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:354:0082:0093:EN:PDF> (Accessed on 22 August 2022).

³¹⁵ *Ibid.*, Art. 7.2.

³¹⁶ ETF, “Countries”, <https://www.etf.europa.eu/en/regions-and-countries/countries> (Accessed on 22 August 2022).

³¹⁷ Official Journal of the European Union, L 189, *Op. Cit.*, Art. 5.3.

The joined-up approach to Israel's participation in EU agencies is difficult to assess. Indeed, Israel's involvement in agencies' bodies is limited to the EIT, where every Horizon Europe associated country is participating, and the ETF, where there are three representatives for the twenty-nine partner countries. As a result, none of the ten bilateral agreements signed between Israel and EU agencies provides an observer status to Israel based on the interdependence between the EU and Israel in the field or Israeli expertise. As a result, because of this limited Israel's participation in EU agencies' bodies, no evolution linked to the diplomatic disagreement can be observed.

There might be one case of a joined-up approach regarding Israel's access to EU agencies related to the no upgrade policy and the Special Privileged Partnership offered to Israel in case of substantial progress regarding the peace process. During the 2008 Association Council, the EU expressed its desire to upgrade its bilateral relations with Israel. The EU identified various areas where bilateral cooperation could be strengthened in its statement. One of these areas is Israel's cooperation with the EU agencies (Council of the European Union 2008d: 4). However, during the following Association Council in 2009, the EU implemented the no upgrade policy, conditioning the upgrade of the bilateral relations to significant progress toward peace in the Israeli-Palestinian conflict. The EU went even further in 2013, offering Israel, and the future State of Palestine, a Special Privileged Partnership in the event of a final peace agreement. Yet, neither the no upgrade policy nor the Special privileged Partnership mention specifically Israel's access to EU agencies as being covered by these decisions. The 2009 EU declaration pointed out that the "series of concrete proposals" presented in 2008 to upgrade the relations was linked to progress in the peace process (Council of the European Union 2009b: 2), while the Special Privileged Partnership referred to the possibility for Israel to receive "an unprecedented package of European political, economic and security support" (Council of the European Union 2013a: 11). The Special Privileged Partnership offer was vague and did not precise what constituted exactly the "unprecedented package of European political, economic and security support". Israel's access to EU agencies could be included in this offer, but no significant indicator exists to prove it. The no upgrade policy brings more substantial evidence that Israel's access to EU agencies might depend on the latter position in the conflict. Indeed, in its 2009 declaration implementing the no upgrade policy, the EU directly referred to the concrete proposals made in 2008, which included Israel's access to EU agencies. However, no additional statements from the EU confirm that Israel's access to EU agencies was included in the no upgrade policy. Moreover, in 2018, EUROPOL and Israel signed a working arrangement to expand their cooperation.³¹⁸ As a result, this agreement signed between Israel and EUROPOL seems to indicate that Israel's cooperation with EU agencies is not covered by the no upgrade policy and follows the logic presented above that as long as other ENP countries enjoy access to an EU sector or body, Israel can be offered a similar level of cooperation.

³¹⁸ EUROPOL, "Europol and Israel sign arrangement to tackle cross-border crime", 17.07.2018, <https://www.europol.europa.eu/media-press/newsroom/news/europol-and-israel-sign-arrangement-to-tackle-cross-border-crime> (Accessed on 22 August 2022).

Joint committees

In 2005, ten sectoral sub-committees between the EU and Israel were set up “to discuss matters of a technical nature that cannot be fully dealt with in the framework of the Association Committees” (European Commission 2005). The three sectors studied in this research are covered by one sub-committee. Cooperation in trade is addressed by the “Industry, trade, and services” sub-committee. In addition, there is a sub-committee on “Research, innovation, information society, education, and culture”, and the “Transport, energy, and environment” sub-committee covers the aviation sector. Each sub-committee should meet “at least once a year” (European Commission 2005). Our interviews with both EU and Israeli officials have revealed that despite the Association Council suspension, the ten sub-committees have continued to meet regularly.³¹⁹ The only case where their work might be affected by the political tensions is if there are issues that need a political decision. In this case, because the Association Council was suspended until 2022, it became more difficult to settle the matter.³²⁰ Nevertheless, apart from this scenario, the sub-committees are not affected by the freeze of the high-level political relations. Therefore, they are not used in a joined-up approach by the EU.

EU's internal organization

Finally, EU's internal organization looks at whether the EU has adopted a coordinated and centralized approach toward Israel. We consider that centralizing the EU's external relations with Israel would be the most significant degree of a joined-up approach. This would imply that one institution has the lead and can impose the line to adopt toward Israel on all the other institutions. In a first step, we look at the issues addressed by the different formations of the Council in their conclusions. In a second step, we investigate the internal organization of the EU via interviews with EU officials. The analysis reveals that the EU's external relations with Israel are coordinated but not centralized, indicating a soft joined-up approach.

First, we analyze the conclusions of all the different Council formations. This corresponds to the conclusions of the foreign policy actors (European Council, Council of Foreign Affairs, and the Association Council) and the sectoral actors (Trade, Competitiveness, and Transport councils). We investigate the topics addressed in these conclusions and differentiate between three topics: diplomatic disagreement (Israeli-Palestinian conflict), foreign policy, and sectoral issues. We expect that if the EU develops a joined-up approach toward Israel, the foreign policy actors' conclusions should address the three topics. On the other hand, if the EU's external relations with Israel are centralized, we should expect the majority of Israel's mentions to be concentrated on the conclusions of a single actor.

To conduct the analysis, we created a code-document table (Table 24) from our Council of the EU conclusions database. On one side, we have the three “type of issue” codes: diplomatic disagreement (Israeli-Palestinian conflict), foreign policy, and sectoral. On the other side, we have the six different actors responsible for conducting the EU's external relations with Israel:

³¹⁹ Interviews 5, 15, 16, 31, 33, 34, 36, and 38.

³²⁰ Interview 15.

European Council, Council of Foreign Affairs, Association Council, Trade, Competitiveness, and Transport councils. We distinguished these six actors into two groups: foreign policy actors and sectoral policy actors.

The code-document table, therefore, illustrates the number of occurrences of the three different types of issues in the six documents. The results do not indicate a joined-up approach developed by the EU in this aspect of the internal organization. Indeed, the mentions of the diplomatic disagreement are spread among the foreign policy actors. Comparing these results to the Swiss case, this demonstrates that no single actor is responsible for adopting the EU’s position on the issue. Instead, each of the three foreign policy actors addresses the diplomatic disagreement. As a result, there is no evidence of centralization regarding the diplomatic disagreement.

The table also illustrates that besides the Association Council, the other actors only deal with issues that belong to their fields of competence. On the one hand, the European Council only addresses the diplomatic disagreement and foreign policy issues, while the Foreign Affairs Council only engages in five sectoral issues. On the other hand, the sectoral policy actors of the Council only address sectoral matters as there is no mention of the diplomatic disagreement nor any other foreign policy issue in their conclusions. The EU statements at the occasion of the Association Council are the only documents that cover all three types of issues. However, this is not sufficient to conclude at centralization of the EU’s approach toward Israel in these documents as it is in the nature of these statements to review the entire range of cooperation with an associated country.

These findings show no sign of centralization in the Council’s conclusions regarding the EU’s action toward Israel. Instead, the foreign policy actors focus on the diplomatic disagreement and foreign policy issues, while the sectoral policy actors deal with sectoral matters.

Actor	European Council	Foreign Affairs Council	EU-Israel Association Council	Trade Council	Competitiveness Council	Transport Council	TOTAL
Type of actor	Foreign policy actors			Sectoral policy actors			
Type of issue: Diplomatic disagreement	37	131	88	0	0	0	256
Type of issue: Foreign policy	4	27	123	0	0	0	154
Type of issue: Sectoral	0	5	163	0	2	8	178
TOTAL	41	163	374	0	2	8	588

Table 24: Code-document table (Actor/Type of issue)

Second, we analyze if the EU has developed a coordinated and centralized approach toward Israel. We find that the EU’s action is coordinated but not centralized.

Regarding coordination, the EEAS is the institution that ensures that the EU's relations with Israel are coherent in every aspect of the cooperation. On the EU internal side, it was raised during our interviews with EU officials that the EEAS regularly organizes internal meetings, which gather every official from the different DGs that are involved in EU-Israel relations.³²¹ These coordination meetings take place every three months. During these meetings, each policy officer gives a briefing on the cooperation with Israel in the respective sector. According to the interviews, these meetings are the occasion to be updated regarding what the other DGs are collaborating on with Israel. Besides these coordination meetings, the EEAS also ensures that relations at the sectoral level respect the EU's no upgrade policy.³²² In their daily work, EEAS officials and members of the EU's Delegation political section make sure that cooperation at the sectoral level complies with the EU's political line of not upgrading relations with Israel.

Regarding the external side of coordination, the EEAS is involved in most sectoral sub-committee meetings. In the trade sub-committee, it is DG TRADE that organizes and co-chairs the meeting as trade is an exclusive competence. Nevertheless, the EEAS still attends the trade meetings to ensure coordination.³²³ For the research and transport sub-committees, it is the EEAS that organizes and co-chairs the meetings. However, the interviews have revealed that whereas the EEAS was present at the research sub-committees, they do not seem to frequently attend the meetings on aviation.³²⁴

Therefore, the EEAS guarantees coordination among the Commission's services responsible for the sectoral cooperation with Israel. It is responsible for ensuring that the DGs respect the no upgrade policy implemented by the EU since 2009 in their daily collaboration with Israel. It also organized coordination meetings to remind every officer involved in these bilateral relations of the EU's position on the subject. These meetings also allow DG officials to know what is happening in other cooperation sectors. Finally, the EEAS is also attending the sub-committees with Israel. Similar to the Swiss case, the EEAS attendance seems to depend on the political sensitivity of the sectoral cooperation. As a result, whereas the EEAS always attends the trade and research sub-committees, it is not present in the sub-committee on aviation.

Although we found coordination in the EU's internal organization regarding its relations with Israel, there is no evidence of a centralized approach. According to an interview with EU officials involved in sectoral cooperation with Israel, even though the EEAS ensures a coordinated approach, it does not provide a "line to take" to the DGs.³²⁵ Therefore, the DGs can act autonomously in the sectoral cooperation with Israel. This differs significantly from the Swiss case in which the SG has imposed a guideline to follow. Thus, the DGs are not free in their sectoral cooperation with their Swiss colleagues. On the contrary, the only constraint imposed on the DGs in their relations with Israel is to respect the policy of not upgrading their

³²¹ Interviews 15, 30, 33, and 35.

³²² Interviews 30 and 35.

³²³ Interview 33.

³²⁴ Interviews 5, 34, and 36.

³²⁵ Interview 34.

relations. Apart from that, sectoral relations are autonomous, and DGs can proceed as they see fit.

5.3.2.3 Conclusion

The sectoral cooperation dimension reveals that the EU has tried to use a joined-up approach toward Israel in the sectoral agreements signed between the two partners but not in its Council's conclusions nor Israel's involvement in EU programs or sectoral bodies. The legal level analysis identifies two instances of a joined-up approach developed by the EU toward Israel: the no upgrade policy implemented since 2009 and the territorial clause introduced in every EU-Israel agreement, which effectively excludes the settlements from the scope of these agreements. However, these are the only two instances of a joined-up approach identified in our analysis. Indeed, the diplomatic disagreement has not affected Israel's participation in the EU research framework program. There have been calls from MEPs recently to freeze Israel's involvement as long as there is no progress in the peace process, but the EU has decided not to follow suit. The analysis of the Council's conclusions also reveals that Israel is not often mentioned in these documents, and when it is, it deals with purely sectoral aspects of the cooperation. In addition, Israel's access to EU ministers' informal meetings, EU agencies, expert groups, and the sectoral sub-committees between the EU and Israel have not been affected by the diplomatic disagreement. Finally, although the EU's internal organization is coordinated, it is not centralized. This does not constitute an indicator of a joined-up approach.

These findings corroborate the theoretical foundations of the first hypothesis. The trade-foreign policy nexus literature underlines that the DGs are reluctant to politicize their relations with partner countries to sustain a foreign policy objective. The case of Israel's sectoral cooperation with the EU is an illustration of these theoretical principles. Indeed, because the diplomatic disagreement is a matter related to conflict resolution, the DGs' interests toward Israel are in contradiction with the EU foreign policy position. Therefore, DGs are averse to politicizing their cooperation with Israel and follow their sectoral interests. This results in a two-level relationship with Israel where foreign policy relations are tensed and frozen while sectoral cooperation is going smoothly and is not affected by the diplomatic disagreement.

5.4 Synthesis

This chapter on EU-Israel relations reveals that the EU has made several attempts at developing a joined-up approach toward Israel regarding the Israeli-Palestinian conflict, albeit not in all aspects of its relations or a consistent manner. Foreign policy is the dimension in which we have found the most and strongest forms of a joined-up approach developed by the EU. In contrast, the sectoral agreements are the only component in which we have seen instances of a joined-up approach in the sectoral cooperation dimension. Table 25 summarizes the results for the three aspects studied as well as the sectors.

In this section, we synthesize the findings and confront the results with the hypotheses.

5.4.1 Summary of the results

The historical overview of EU-Israel relations has underlined the ambivalence between the foreign and sectoral policy levels of EU-Israel relations. Indeed, despite constant disagreements and frustrations between the two sides regarding the Israeli-Palestinian conflict, the EU and Israel have constantly intensified their sectoral cooperation in the period under study. Following the signature of the Oslo Accords, which represented a breakthrough for the prospect of peace in the Middle East and the alignment of Israel with the EU's position, namely preparing the field for the foundation of an autonomous Palestinian Authority, the EU and Israel signed an AA in 1995. Later, following the creation of the ENP, the EU and Israel signed an Action Plan which opened the way for further integration. However, some issues related to the Israeli-Palestinian conflict froze this rapid improvement of relations and favored the emergence of a joined-up approach. The main event affecting EU-Israel relations was the Cast Lead Operation launched on Gaza in late 2008, which provoked harsh reactions from the European Union. In parallel, the EU had started to exclude the settlements from the scope of the agreements between the EU and Israel since the beginning of the century by introducing the territorial clause. The introduction of the territorial clause in the AA and regarding Israel's participation in the EU research framework program, as well as the Cast Lead Operation, represent the context in which the instances of a joined-up approach developed by the EU can be observed.

Dimension	Sub-dimension	Joined-up approach	Instances
Foreign Policy	General market access agreement	NO	
	EC and FAC conclusions	<u>YES</u>	<ul style="list-style-type: none"> - Special Privileged partnership offered if peaceful resolution of the conflict - Exclusion of the settlements from the scope of application of EU-IL agreements - Use of the Barcelona process to improve stability of the region - State of the bilateral relations dependent on the implementation of policies conducive to dialogue - Development of EU-IL relations dependent on the implementation of the two-state solution
	EU statements at the Association Council	<u>YES</u>	<ul style="list-style-type: none"> - Exclusion of the settlements from the scope of application of EU-IL agreements - Development of the bilateral relations dependent on a peaceful resolution to the conflict
	Interactional level	<u>YES</u>	- Suspension of the Association Council due to the lack of progress in the Middle East Peace Process
Sectoral cooperation	Sectoral agreements	<u>YES</u>	<ul style="list-style-type: none"> - No upgrade policy - Territorial clause
	Participation in EU programs	<u>Partial</u>	- No exclusion of IL from the EU framework programs but territorial clause
	Sectoral formations of the Council	NO	
	Informal ministers' meetings	NO	
	Expert groups	NO	
	Agencies	NO	
	Joint committees	NO	
Sectors	EU's internal organization	NO	
	Trade	<u>YES</u>	- No upgrade policy → AA cannot be updated
	Research	<u>Partial</u>	- No exclusion of IL from the EU framework programs but territorial clause
	Aviation	NO	

Table 25: Recapitulation of the results for the Israeli case

In the foreign policy dimension of the joined-up approach, we have found that neither the AA nor the Action plan includes attempts at a joined-up approach by the EU. In contrast, there are thirteen instances of a joined-up approach developed by the EU toward Israel in the European Council and Foreign Affairs Council conclusions. The EU has tried to use both the 'stick' and the 'carrot' in these conclusions by excluding the settlements from the scope of application of all agreements between the EU and Israel and by offering a Special privileged Partnership to Israel in the event of a final peace agreement. We have also identified cases of a joined-up approach in the EU's statements during the Association Council meetings. Whereas most of them address the territorial clause, the EU has also used these meetings to underline the link between the deepening of bilateral cooperation and progress regarding the peace process. The interactional level analysis also reveals a strong joined-up approach developed by the EU in the high-level political dialogue with Israel. To show their dissatisfaction with the lack of progress in the Middle East Peace Process, several member states have continuously vetoed the tenure of the Association Council between 2014 and 2022. However, even though there has been no progress regarding the peace process, the EU has decided to reconvene the Association Council in 2022, therefore abandoning the joined-up approach it had developed since 2014 in this area of bilateral relations.

The sectoral cooperation dimension reveals that the EU has tried to use a joined-up approach toward Israel in the sectoral agreements signed between the two partners but not in its Council's conclusions nor Israel's involvement in EU programs or sectoral bodies. The legal level analysis identifies two instances of a joined-up approach developed by the EU toward Israel: the no upgrade policy implemented since 2009 and the territorial clause introduced in every EU-Israel agreement, which effectively excludes the settlements from the scope of these agreements. However, these are the only two instances of a joined-up approach identified in the analysis. Indeed, the diplomatic disagreement has not affected Israel's participation in the EU research framework program, except the introduction of the territorial clause in the 2013 guidelines. There have been calls from MEPs recently to freeze Israel's involvement as long as there is no progress in the peace process, but the EU has decided not to follow suit. The analysis of the Council's conclusions also reveals that Israel is not often mentioned in these documents, and when it is, it deals with purely sectoral aspects of the cooperation. In addition, the diplomatic disagreement has not affected Israel's access to EU ministers' informal meetings, EU agencies, expert groups, and the sectoral sub-committees between the EU and Israel. Finally, there is no sign of a joined-up approach in the EU's internal organization. Indeed, the EU's relations with Israel are highly coordinated but not centralized. The EEAS is adopting a coordinating role by ensuring that the no upgrade policy of the EU is respected in every aspect of the sectoral cooperation with Israel. However, we did not find any sign of centralization in the EU's internal organization. Indeed, no "line to take" is imposed on the DGs, which enjoy a significant level of autonomy in conducting their bilateral sectoral cooperation with their Israeli counterparts. This absence of centralization is also illustrated in the analysis of the Council's conclusions. In these conclusions, each issue is dealt with by the responsible actors, i.e., foreign policy and diplomatic disagreement issues addressed by foreign policy actors and sectoral issues addressed by sectoral actors, which indicates that there is not one actor who is responsible for defining the EU's position in every aspect of the cooperation.

To sum up, the bilateral relations between the two partners have been impacted by the political developments regarding the Israeli-Palestinian conflict. The Oslo Accords opened the door for the signing of the AA, while the Cast Lead Operation froze the development of the EU-Israeli partnership and the high-level political dialogue. In this context, the EU has developed a joined-up approach toward Israel, although this approach has been soft and inconsistent. The principal instances of this joined-up approach are the territorial clause included in all bilateral agreements, the no upgrade policy implemented in response to the Cast Lead Operation, and the suspension of the Association Council. However, these instances of the joined-up approach have not been as strict as the ones developed toward Switzerland, for example. Indeed, although the EU has implemented the no upgrade policy, it has signed several agreements with Israel since 2009. In particular, the Euro-Mediterranean Aviation Agreement is a comprehensive agreement that has brought significant benefits to Israel in terms of increased tourist numbers from the EU. Furthermore, regarding the suspension of the Association Council, although there has been no significant progress in the peace process, the EU has decided to reconvene the high-level meeting in 2022. Finally, Brussels has also been reluctant to mobilize other aspects of its sectoral cooperation with Israel to influence its position in the peace process. For example, the EU has refused to follow the demands of some MEPs to suspend Israel's association with the new Horizon Europe research framework program until progress in the conflict can be seen. Thus, the territorial clause is the only case of a joined-up approach still implemented consistently by the EU. As a result, these findings indicate that although Israel's policies are moving further away from resolving the conflict based on the two-state solution, the EU is gradually abandoning the joined-up approach it had developed to attempt to influence the outcome of the MEPP.

We found multiple evidence that support our assessment of the EU's external action toward Israel: an inconsistent and soft joined-up approach. The first evidence of a joined-up approach identified in our analysis is the territorial clause in all the agreements between the EU and Israel. This clause is a joined-up approach as it excludes the settlement from the scope of application of these agreements. Therefore, it supports the EU's foreign policy of not recognizing all the territories acquired since 1967 as part of the territory of the State of Israel. This is the only case of the joined-up approach which has been applied consistently by the EU.

The no upgrade policy implemented since 2009 and the suspension of the Association council are evidence of the inconsistency of the EU joined-up approach toward Israel. Although the no upgrade policy was implemented as an instrument to force Israel to negotiate a peaceful settlement of its conflict with the Palestinian Authority, the various agreements signed by the EU with Israel since 2009 demonstrate that this policy has been implemented softly. However, the no upgrade policy can still be identified as a joined-up approach. Indeed, the AA is a first-generation trade agreement that Israel would like to update by introducing more sectors, like the service one. Nevertheless, the signing of new agreements with Israel, like the 2013 Euro-Mediterranean Aviation Agreement, are evidence that the EU is inconsistent in its application of the no upgrade policy. Finally, the decision of the Foreign Affairs Council in 2022 to reconvene the Association Council with Israel despite the lack of progress observed in the

resolution of the conflict is another evidence of this inconsistent approach developed by the EU.

Our analysis also brought first-hand information by the actors through interviews with EU and Israeli officials regarding the impact and the implementation of the EU no upgrade policy. On the one hand, it revealed that the no upgrade policy affected EU-Israel sectoral cooperation and was not solely a declaratory policy. Indeed, Israeli officials said that they would be interested in updating the AA to incorporate the service sector. However, this was not currently possible due to the EU's policy. On the other hand, interviews with EU officials also helped us understand how the EU implemented it. We understood that the primary determinant regarding what constituted an upgrade or not was whether other countries from the Southern Mediterranean region were offered a similar level of integration to the EU. Therefore, this indicates that the EU has developed a soft joined-up approach, as relations could still be improved despite the vocabulary of this EU policy suggesting a stricter approach. We also managed to get information about how the EU was internally organized in its relations with Israel. We identified a significant level of coordination ensured by the EEAS, although without centralization, as there is no "line to take" imposed on the DGs by the central EU institutions. Finally, interviewees also confessed that despite the freeze of the Association Council, the sectoral sub-committees have not been affected by the political tensions and that the sectoral cooperation was going on very well. This underlined the ambivalence of EU-Israel relations with tensed political relations but smooth sectoral collaboration.

5.4.2 Confrontation of the results with the hypotheses

Following this summary of the main findings in the Israeli case, we confront the results with the three hypotheses. As a reminder, we postulated that when the nature of the diplomatic disagreement concerns the single market, and the more coherent the foreign policy positions of EU member states toward a third country, the more likely the EU is to develop a joined-up approach. We also postulated that the higher the economic stakes of sectoral cooperation with a third country, the more likely the EU would use them in a joined-up approach. The findings corroborate the first two hypotheses. Indeed, because the diplomatic disagreement is a CFSP issue, we expected the EU to develop a soft joined-up approach when the member states' position on the matter was coherent. Our results highlight that between 2000 and 2015, there has been a soft joined-up approach developed by the EU, as illustrated by the soft and inconsistent implementation of the territorial clause, the no-upgrade policy, and the Special privileged partnership offer. We draw two observations from these results to develop our analytical framework: one regarding member states' coherence, and another that is linked with the shift in the conduct of the EU foreign policy. Finally, the results refute the third hypothesis. These findings support our observation that the joined-up approach has been applied softly toward Israel and serves more as a normative justification to pursue economic integration rather than influencing the outcome of the peace process.

We have found that the member states' coherence regarding Israel was strong between 2000 and 2015 before falling to a low level in 2016. As a result, according to the second hypothesis, the development of a soft joined-up approach by the EU toward Israel was likely to be observed between 2000 and 2015 and unlikely since 2016. The results confirm this hypothesis. Indeed, all the instances of a joined-up approach developed by the EU toward Israel have been observed before 2016. Regarding the territorial clause, the technical arrangement excluding goods originating in the settlements from preferential treatment under the AA was negotiated in 2004, while the EU "guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the EU from 2014 onwards" were published in 2013. The no upgrade policy was also implemented in 2009. Finally, the five mentions of the Special Privileged Partnership offered to Israel in the European and Foreign Affairs councils appeared in 2014 and 2015. These data corroborate the second hypothesis as the cases of a joined-up approach were only observed before 2016, when there was a significant level of member states' coherence. Figure 16, which illustrates the mentions of the diplomatic disagreement between Israel and the EU, and the instances of a joined-up approach in the European Council and the Foreign Affairs Council, also corroborate these findings. Indeed, after 2015, the frequency with which the Israeli-Palestinian conflict was mentioned in the conclusions of these councils dropped sharply. These results demonstrate that not only does the coherence of member states influence the development of a joined-up approach, but also agenda-setting regarding the diplomatic disagreement.

For the hypothesis about the nature of the diplomatic disagreement, we found that the Israeli-Palestinian conflict is a CFSP issue. As a result, and according to the first hypothesis, it was unlikely to observe a joined-up approach developed by the EU toward Israel. However, the results demonstrate that a joined-up approach has been developed before 2015. Indeed, the EU has applied the territorial clause in every agreement with Israel and has implemented a no upgrade policy. These results indicate that although the nature of the conflict meant that it was unlikely to observe a joined-up approach in the Israeli case, under certain conditions such an approach can still be developed, which is in line with the theoretical expected outcome presented in Figure 1. We argue that there are two main explanations for the development of a joined-up approach by the EU despite the CFSP nature of the disagreement. Firstly, the member states' coherence was strong until 2015. Therefore, the results indicate that, for the Israeli case, when the two scope conditions - member states' coherence and nature of the disagreement - have diverging expected outcome, we could still expect the EU to develop a soft joined-up approach when member states' coherence is present. Another part of the explanation can be the shift in EU foreign policy identified in the analytical framework. The literature demonstrates that, since 2015 with the reform of the ENP and the Global Strategy, the EU has adopted a more rationalist strategy defined as "principled pragmatism" at the expense of the normative and value-based approach that had structured EU foreign policy before. Therefore, the Israeli case can be an illustration of this shift. Whereas the joined-up approach developed until 2015 sustained a normative position of the EU, i.e., peaceful conflict resolution based on the two-state solution, the EU has since abandoned this position to favor its economic interests and favor economic integration with Israel, despite the lack of progress

in the MEPP. These two factors can explain the development of a joined-up approach before 2015 despite the CFSP nature of the disagreement, and the decrease in the application of this approach since 2016.

Finally, our analysis refutes the third hypothesis regarding the economic stakes of cooperation. According to our study of the dependent variables, we expected the EU to mobilize first the research sector in a joined-up approach, followed by the market liberalization agreement in the aviation sector, and finally, trade. The findings demonstrate that the research sector has not been used in a joined-up approach by the EU toward Israel. On the contrary, despite calls from MEPs to suspend Israel from Horizon Europe, the EU has signed an agreement associating Israel with the new research framework program in 2021. In the aviation sector, we have shown that despite the no upgrade policy implemented since 2009, a Euro-Mediterranean Aviation Agreement was signed with Israel in 2013. Finally, in trade, cases of a joined-up approach have been observed. Indeed, with the technical arrangement, the EU has excluded goods originating in the settlements from preferential treatment under the AA. Moreover, the no upgrade policy has meant that despite its outdated nature and the absence of specific important sectors, such as services, the AA cannot be updated.

The fact that the third hypothesis is refuted supports our observation that the EU has developed only a very soft form of joined-up approach toward Israel and that these relations are characterized by an ambivalence between strained political and prosperous sectoral relations. Indeed, if the EU wanted to influence Israel's position in the peace process, it would have mobilized the research and aviation sectors. But this is not the case. We argue that the instances of a joined-up approach observed in the trade sector are because the EU cannot upgrade the AA without failing the political line of no upgrade. Conversely, in the research and aviation sectors, the EU has found a way to deepen its relations with Israel by arguing that if a country in the Southern Mediterranean region enjoys a certain level of integration with the EU, then Israel can achieve the same status. The AA is the main agreement impacted by the no upgrade policy because the EU cannot use a similar argument, which is why our results are incongruent with our hypothesis. The soft and inconsistent implementation of the joined-up approach indicates that these policies implemented by the EU serve as a normative justification for the EU. Thus, the EU can justify sticking to its position in the Israeli-Palestinian conflict by referring to the territorial clause or the non-upgrade policy while deepening its sectoral cooperation with Israel.

6. EU-Morocco

In this chapter, we present the third case study: EU-Morocco relations. According to the case selection rationale, Morocco represents the country with which we do not expect the EU to develop a joined-up approach. Indeed, the member states' coherence regarding the diplomatic disagreement, i.e., Western Sahara, is low, and this disagreement represents a CFSP issue.

This chapter begins with a historical overview of the bilateral relationship between the EU and Morocco. We review key events in the evolution of the relationship between the two entities and present its current state. We introduce the existing agreements between the EU and Morocco and what they provide for, as well as Morocco's participation in specific EU policies. In this section, we also introduce the diplomatic disagreement between the EU and Morocco studied in this research: Western Sahara. The following sections analyze Morocco's status with regard to the scope conditions and dependent variable, i.e., the joined-up approach. Regarding scope conditions, we identify the nature of the diplomatic disagreement, and assess the member states' coherence towards Morocco. Finally, we evaluate the intensity of cooperation between the EU and Morocco in each of the three sectors, as well as the level of dependency of Morocco on collaboration with the EU. The third section examines how far the EU has developed a joined-up approach with regard to relations in foreign policy, and sectoral cooperation. Before concluding the chapter, we propose a synthesis of the results and try to identify the causal links between the scope conditions and results for the dependent variable.

6.1 Historical relations

Since its independence in 1956, Morocco has always maintained close relations with Europe, in particular with the former colonial power, France, and, to a lesser extent, Spain (Del Sarto 2006b: 192–3). As a result of the colonial times, Morocco had inherited close and exclusive “political, economic, social and cultural ties” (Fernández-Molina 2015: 96) with European countries. Thus, preserving and strengthening these ties with the European continent has been one of Morocco's highest foreign policy priorities since its independence (Fernández-Molina 2015: 96). Since the beginning of their relationship, Morocco has always had high aspirations in its relations with the EEC/EU. However, these lofty aspirations have often bore mixed results. While the EEC/EU has always treated Morocco as an important and privileged partner, it has rarely met Morocco's expectations. Moreover, a similar pattern has developed over time in trade relations: Morocco has often refused European proposals to improve ties because it felt that the proposal offered little benefit to the Moroccan economy. However, since the 2010s, the EU has become increasingly dependent on Morocco's cooperation for security issues, e.g., illegal migration or counterterrorism, which has given Morocco a new leverage in the relations. In parallel to these developments in the bilateral relations, the Western Sahara issue has impacted EU-Morocco relations. Whereas the salience of the issue was quite low for

most part of the relations, actions by the European Parliament and the Court of Justice of the EU have brought the issue on the table and disrupted EU-Morocco relations.

The historical evolution of relations between the EU and Morocco can be divided into three different periods. During the first period, the newly independent country of Morocco, and the newly established EEC, signed their first agreements. In 1969, the EEC and Morocco signed the first commercial agreement, completed in 1976 by a cooperation agreement. During the first period of relations, Morocco had high aspirations regarding its relations with the EEC, mainly due to its high economic dependence on its European neighbors (Del Sarto 2006b: 194). On two occasions, in 1984 and 1987, Rabat even applied for full membership in the European Communities. The second period of relations started in the 1990s and is characterized by increased cooperation. In the framework of the EU's efforts to develop a regional policy for the Mediterranean, the Euro-Mediterranean Partnership (EMP), Morocco and the EU signed an AA in 1996. Following the launch of the EMP successor, the ENP, in 2004, Morocco and the EU signed an Action Plan. This period is also characterized by the start of Mohammed VI's reign, which marked a shift toward more cooperation. The intensified cooperation between the EU and Morocco that describes the second period of relations culminated in 2008, with Morocco obtaining an 'advanced status' in its relations with the EU. The third period of relations between the EU and Morocco is characterized by increasing regional tensions, further cooperation between the two partners on security issues, and an increase in the EU's dependence on Morocco.

This historical recapitulation emphasizes the relations of dependency that structure EU-Morocco relations. For the most part of the bilateral relations, it is Morocco that found itself in a relation of dependency vis-à-vis the EU, especially in the trade sector. However, the EU policies of outsourcing migration control and relying on Morocco's cooperation for security matters have put the EU in a relation of dependency vis-à-vis Morocco. This historical context influences the manner how the (non) development of a joined-up approach has taken shape vis-à-vis Morocco.

6.1.1 First period: Morocco's economic independence and colonial heritage with Europe fuel an early rapprochement with the EEC (1957-1990)

After 44 years under the French and Spanish protectorate, Morocco regained its independence in 1956. However, these years under colonial control meant that significant cultural, economic, political, and social ties remained between Morocco and the two former colonial powers, particularly France. For example, Moroccan elites did not wish to abandon the French language and culture despite various "Arabization" initiatives (Del Sarto 2006b: 193). Moreover, the Moroccan economy remained dependent on trade with France because of the economic dynamics established during the French protectorate (Oualalou 1982: 130). Indeed, the Moroccan economy had been integrated into the French economy by benefiting from a total exemption from customs duties on the French market. However, the Moroccan economy consisted mainly of primary exploitations, and the economic dynamics during the period of colonization prevented Morocco from reaching an actual industrial activity. This dependence

on the French economy, in addition to the cultural and historical ties that bound these two countries, explains why Morocco sought to establish relations with this new entity as soon as the EEC was created. The reverse was also true. The Treaty of Rome establishing the European Communities in 1957 explicitly provided for Morocco the possibility to negotiate an association agreement with the EEC (Grilli 1993: 183). In a declaration of intent annexed to the Treaty of Rome, the six founding members of the EEC declared their intention to propose to countries of the Franc Area, of which Morocco was then a member, “the opening of negotiations with a view to concluding conventions for economic association with the Community”,³²⁶ as soon as the Treaty of Rome would enter into force.

However, not much was achieved during the majority of the 1960s. On the one hand, Morocco aspired to be granted duty-free entry for its products on the European market, which was already the case for most of its exports, including agricultural products, to France (Del Sarto 2006b: 193). In addition, Morocco aspired to obtain technical and financial assistance from the EU (Del Sarto 2006b: 193). On the other hand, Italy and the European Commission did not favor granting such concessions to Morocco (Del Sarto 2006b: 193). The main reason for that was “the difficulty in reconciling the interests of the agricultural producers of the Community with those of the Southern Mediterranean” (Grilli 1993: 183). Indeed, in agriculture, producers from the Maghreb countries often had a comparative advantage over Southern European producers. As a result, the EEC was reluctant to grant trade preferences to Morocco for agricultural products, as this would be incompatible with preserving the interests of its own producers, especially in the context of implementing the Common Agricultural Policy (CAP). Thus, these differences of opinion regarding the nature of a potential agreement between Morocco and the EEC explain why an agreement could not be signed quickly.

However, other factors also explained that not much was done in EEC-Morocco relations during the 1960s. During this period, the EEC’s approach to the Mediterranean region was driven more by political rather than economic concerns (Grilli 1993: 184). Indeed, in its early years, the EEC had not developed a Mediterranean agenda; rather, it was the Cold War that grasped the attention of the member states (Bicchi 2007: 45). Consequently, the first agreements signed by the EEC with Mediterranean countries, namely Greece, Turkey, Israel, and Lebanon, followed a Cold War logic of security concerns rather than a policy designed by interdependence and economic concerns (Bicchi 2007: 46). In addition, the “empty chair” crisis, which lasted between 1965 and 1967, froze any negotiation. However, “the gradual and relative downgrading of cold war tensions in the second half of the 1960s favored the economic aspirations that the Europeans nurtured vis-à-vis the Mediterranean nonmembers” (Bicchi 2007: 47).

In 1969, Morocco and the EEC signed their first association agreement.³²⁷ The agreement provided reciprocal trade concessions. Moroccan industrial products were admitted duty-free

³²⁶ Declaration of intent on the association of the independent countries of the Franc Area with the European Economic Community, http://aei.pitt.edu/37139/1/EEC_Treaty_1957.pdf p. 277 (Accessed on 9 June 2022).

³²⁷ Journal officiel des Communautés européennes, Accord créant une association entre la Communauté économique européenne et le royaume du Maroc, et documents annexes, L 197, 08.08.1969,

to the European market. Morocco granted the same favors to European products to enter the Moroccan market.³²⁸ In addition, it provided for the establishment of an Association Council, which would meet every year. It would gather members of the Council and the Commission on the EEC side and members of the government on the Moroccan side.³²⁹ Finally, the agreement was limited in time as it was concluded for a period of five years, with the possibility of entering into negotiations after three years for a new and more comprehensive agreement.³³⁰ However, this agreement fell short of Moroccan's expectations. Indeed, the duty-free allowance for industrial products was of marginal importance to the Moroccan economy (Del Sarto 2006b: 193). Moreover, at the time, the Moroccan economy consisted mainly of agricultural exports, a sector in which the agreement did not provide significant concessions. Finally, the agreement did not provide for financial or technical assistance. In assessing the impact of this agreement on the Moroccan economy after five years of implementation, Oualalou makes three observations: confirmation of the geographical concentration of Morocco's external trade, which is illustrated by an increase in Moroccan exports to the EEC and an increase in EEC imports to Morocco; stagnation of financial resources from Moroccan exports covered by the agreement; weakening of the Moroccan position on the Community market with regard to certain agricultural products (Oualalou 1982: 131).

The year 1972 marked the creation of the first regional and 'global' approach from the EEC toward the Mediterranean region with the adoption of the 'Global Mediterranean Policy'. Multiple factors have fostered the development of this policy. It is argued that by the start of the 1970s, a policy window opened for an EEC common policy toward the Mediterranean region. In the context of the *détente*, two challenges emerged to the EEC: terrorism and the oil shock of 1973 (Bicchi 2007: 64). These two challenges convinced the European states of the need to develop a common approach to the Mediterranean region. In this context, France acted as a policy entrepreneur and promoted the development of an international initiative toward the Mediterranean region in the framework of the EEC (Bicchi 2007: 109). In addition to these external factors, the EEC was also dissatisfied with the "patchwork of agreements" reached with several Mediterranean countries in the 1960s (Grilli 1993: 186). In 1971, the EP stated that: "the economic agreements concluded or to be concluded in the Mediterranean must (...) be based on a coherent overall doctrine aimed in particular at promoting a development policy and means of action better adapted than the simple trade instruments used up to now".³³¹ In the same year, the Commission also stated that: "taken as whole, the agreements concluded with the Mediterranean countries are no more than an inadequate expression of Europe's interest in this region" (Commission of the European Communities 1971: 12).

<https://op.europa.eu/en/publication-detail/-/publication/ed1f7312-4b8f-4127-9122-d07c2a9945d7/language-fr/format-PDF/source-259152841> (Accessed on 9 June 2022).

³²⁸ *Ibid.*, Annexe 1.

³²⁹ *Ibid.*, Art. 10-13.

³³⁰ *Ibid.*, Art. 14.

³³¹ Journal officiel des Communautés européennes, Résolution sur la politique commerciale de la Communauté dans le bassin méditerranéen, N° C 19/15, 01.03.1971, http://repositori.uji.es/xmlui/bitstream/handle/10234/70364/PE0_AP_RP%21RELA.1967_A0-0246%21700001FR.PDF?sequence=1&isAllowed=y (Accessed on 9 June 2022).

EEC member states' Heads of States and Governments signed the 'Global Mediterranean Policy' in October 1972 at the end of their summit in Paris. This new global approach "was supposed to create a free trade area in industrial goods between the Community and each Mediterranean country by 1977, except for 'sensitive products'" (Lister 1997: 85). It also differed from the approach developed through bilateral agreements during the 1960s on two main accounts. First, it aimed at establishing a common and coherent strategy for EEC relations with every Mediterranean country, which differed from the country-by-country bilateral approach that had been applied until then. Second, it also aimed at broadening the scope of the agreements due to be negotiated in the framework of this approach by including cooperation in the social and financial sphere and not only trade-related cooperation (Grilli 1993: 185–6; Roy 1984: 12).

In the framework of this new regional policy, the EEC and Morocco signed in 1976 a cooperation agreement.³³² In the words of the agreement, its objective was to "promote overall cooperation between the Contracting Parties" to contribute to the economic and social development of Morocco and help "to strengthen relations between the Parties".³³³ As a result, the cooperation agreement had a broader scope than the 1969 agreement. It included provisions and measures in the fields of economic, technical and financial cooperation, trade, and social.³³⁴ The agreement provided for duty-free entry into the EEC market for industrial products,³³⁵ introduced cooperation in the field of labor with the introduction of a principle of non-discrimination for Moroccan nationals employed in the territory of a member state,³³⁶ and established a Cooperation Council,³³⁷ as well as a dispute settlement mechanism.³³⁸ Regarding agricultural products, the agreement granted tariff preferences ranging from 20 to 100 percent rate of reduction.³³⁹ A protocol to the agreement also provided for technical and financial cooperation, with the EEC's expected participation "in the financing of measures such as to contribute to the economic and social development of Morocco".³⁴⁰

The 1976 cooperation agreement between the EEC and Morocco was, therefore, still sub-optimal and did not meet the requirements of the Moroccan economy (Oualalou 1982: 132). Although it introduced technical and financial assistance, it did not provide trade liberalization in agricultural products (Del Sarto 2006b: 193). The partial liberalization of trade in agricultural products with the differentiated rate of reduction depending on the product was only aimed at complementing the CAP. Indeed, these reduction rates "were, in a rough

³³² Official Journal of the European Communities, Cooperation Agreement between the European Economic Community and the Kingdom of Morocco, L 264, 27.09.1978, https://eur-lex.europa.eu/resource.html?uri=cellar:2c3c6955-3e37-4d97-9d61-266dfde58868.0008.02/DOC_1&format=PDF (Accessed on 9 June 2022).

³³³ *Ibid.*, Art. 1.

³³⁴ *Ibid.*

³³⁵ *Ibid.*, Art. 9.

³³⁶ *Ibid.*, Art. 40-43.

³³⁷ *Ibid.*, Art. 44-48.

³³⁸ *Ibid.*, Art. 52.

³³⁹ *Ibid.*, Art. 15.

³⁴⁰ *Ibid.*, Protocol 1, Art. 1.

way, inversely proportional to the self-sufficiency ratios prevailing in the Community as a result of the CAP" (Grilli 1993: 194). As a result, these tariff preferences, which were applied to products of importance to Morocco, served the EEC's interests and not the Moroccan economy. For Moroccans, the agreement "consecrated the blocking of Morocco's conventional exports and alienated any industrialization process by linking it to the conjectural fluctuations and sectoral restructurings of the European economy" (Oualalou 1982: 132-3).

By the beginning of the 1980s, the Moroccan economy was in profound crisis (White 2001: 133). Therefore, in addition to attempts at the national level to stabilize and revitalize its economy (White 2001: 133-41), Morocco also turned to the EEC. During an EEC-Morocco meeting in Brussels in May 1979, the Moroccan government handed the Commission a document highlighting the evaluation of the implementation of the 1976 cooperation agreement (Oualalou 1982: 133). The purpose of this document was to highlight the constraints that Moroccan products encountered on the European market and that risked deepening even more on the eve of the second enlargement of the EEC. The document highlighted five contentious points in EEC-Morocco cooperation: an increase in the imbalance of Moroccan-European trade in favor of the community; a relative attenuation of the preferential regime granted for Moroccan citrus fruits; a reduction in exports of early produces due to the continuous rise in reference prices; several measures³⁴¹ which impede Moroccan exports; stop of the emigration flow and expulsion process of the North African workforce (Oualalou 1982: 133-5).

Not satisfied with the content of the agreements it had signed with the EEC, as illustrated by the document handed to the Commission in 1979 and following the admission to the Community of three Mediterranean states (Greece in 1981, and Spain and Portugal in 1986), Morocco took a radical approach in the 1980s by applying for membership in the EEC on two occasions: 1984 and 1987. Morocco was particularly concerned about two issues. On the one hand, the admission of the Mediterranean states meant that their products would receive better treatment than the Moroccan ones. In addition, Morocco was also concerned by the EEC reduction of the import quotas for citrus fruits. On the other hand, Morocco was also affected by the situation of its nationals residing in the EEC, which only enjoyed a second-class status (Lister 1997: 90). This situation motivated Morocco's application to the EEC in 1984. The Moroccan minister in charge of the application, Azzedin Ghessous, stated that: "How can Europe not include Morocco? Spain is only fourteen kilometers away. The southern standard of living in the Mediterranean cannot suffer because of the north." (quoted in Lister 1997: 90). In an interview with the French newspaper *Le Monde*, King Hassan II stated that "Europe cannot ignore Morocco and North Africa because geographically Morocco is more European than Greece" (Amalric and Balta 1984). In 1987, Morocco formally applied to the EEC (Lister 1997: 90). The EEC's reactions to Morocco's application for membership were cold. Indeed, as reported by Lister (1997: 91) and Buchan (1993: 105), Brussels treated the first application as a

³⁴¹ The measures mentioned are: technical barriers to trade for sardine exports, subventions granted to European tomato puree producers which give them an unfair advantage and force Morocco to stop this product exportation, and a negative impact of neo protectionist practices and the application of rules of origin on Moroccan industrial exports (Oualalou 1982: 134-5).

joke, and did not know “whether to laugh or cry” in reaction to the second application in 1987. Finally, the CEE rejected Morocco’s application on the ground that Morocco was not a European state (Del Sarto 2006b: 193).

In parallel to these developments in the bilateral relation, this period is also marked by the emergence of the Western Sahara issue, the diplomatic disagreement studied in this research. Western Sahara is a territory located south of Morocco that also shares borders with Algeria and Mauritania and whose sovereignty is disputed. The region had been under Spanish control since 1884 and was then called the Spanish Sahara. Following Morocco’s independence in 1956, Spain maintained its control over the territory. However, in 1960, the United Nations General Assembly (UNGA) passed a resolution declaring that all peoples had the right to self-determination (United Nations General Assembly 1960). In this context of decolonization, the UNGA passed another resolution in 1966, specifically on the Spanish Sahara, declaring that the indigenous people of this territory had the right to self-determination. In this spirit, the UN resolution invited the administering power, Spain, “to determine at the earliest possible date, (...) the procedures for the holding of a referendum under United Nations auspices with a view to enabling the indigenous population of the Territory to exercise freely its right to self-determination” (United Nations General Assembly 1966). However, until 1975, no referendum was held, and Spain refused to give up on the territory (Pennell 2000: 336).

Several resolutions of the UNGA and the United Nations Security Council (UNSC) between 1966 and 1973, as well as the creation of the Polisario Front in 1973 as a liberation movement calling for the end of Spanish colonization, increased the pressure on Madrid considerably (Benabdallah 2009: 419). As a result, Spain announced in 1975 the holding of a referendum. However, Morocco and King Hassan II rejected the idea of a referendum with the option of independence and claimed Morocco’s authority over the territory. Following refusals by the international community to recognize Morocco’s sovereignty over the region, King Hassan II organized in November 1975 the ‘Green March’, which saw around 300’000 Moroccans moving to the territory to regain possession of the area (Benabdallah 2009: 419). A secret agreement driven by the US government between Morocco, Spain, and Mauritania was signed in 1975 and provided for the territorial partition of Western Sahara between Morocco and Mauritania (Benabdallah 2007). However, while Mauritania renounced its territorial claims in 1978 following the creation of the Sahrawi Arab Democratic Republic (SADR) by the Polisario Front, Morocco maintained its territorial claims and occupied the territory previously allocated to Mauritania (Benabdallah 2009: 419). Finally, in 1988, Morocco and the Polisario Front accepted a UN settlement proposal. This proposal provided for the appointment of a special representative responsible for all matters relating to the referendum, a ceasefire, and the tenure of a referendum on self-determination (United Nations Security Council 1990: 5–12). The ceasefire entered into effect in September 1991, and an international mission under the aegis of the UN, the United Nations Mission for the Referendum in Western Sahara (MINURSO), was set up to prepare for the referendum (United Nations Security Council 1991). However, the referendum has been continuously postponed since then, mainly due to Morocco’s delaying tactics (Benabdallah 2009: 419). The EU has not developed an active policy toward the Western Sahara issue for most of the period studied. Instead, it has played “a

backseat role" (Gillespie 2010: 91) by supporting the UN led process. However, we will discuss in the third period of relations, and in the analysis, how this issue has come back to the table and forced the EU to clarify its position.

The first period of relations between the EEC and Morocco is marked by the close links that tied these two entities following 44 years of French and Spanish protectorate in Morocco. Because of this colonial past, Morocco inherited a situation of economic dependence on France when it became independent in 1956. In addition to a situation of economic dependence, the 44 years of protectorate also meant that France and Spain retained a strong interest in Morocco and would keep a strong influence on EU policies toward Rabat. From its inception, the EEC opened the door for Morocco to sign association agreements. However, several factors explain why such an association agreement was not concluded in the 1960s. On the one hand, Morocco already enjoyed tariff exemptions for exporting most of its products, including agricultural products, to France. Thus, any agreement that did not generalize this practice to the European Community was considered disadvantageous to Rabat. On the other hand, the context of the Cold War meant that, until the period of *détente*, EEC relations were primarily motivated by political rather than economic reasons. However, as geopolitical tensions eased, the EEC was eventually able to pursue its economic objectives, and the EEC and Morocco signed a first trade agreement in 1969, which was very limited in scope.

The 1970s saw the launch of the EU's first attempt at a regional approach to the Mediterranean countries: the Global Mediterranean Approach. In this context, the EEC and Morocco signed a second cooperation agreement in 1976. However, this agreement still did not satisfy Rabat. Indeed, the limited liberalization of agricultural exports, motivated by protectionist measures towards the Southern states of the EEC and the nascent CAP, brought minimal benefit to the Moroccan economy. Thus, Morocco decided twice in the 1980s to apply for membership in the EEC. However, these applications were rejected by Brussels on the grounds that Morocco was not a 'European state'.

In summary, this first period of relations between the EEC and Morocco is characterized by Rabat's frustration with the agreements signed with the EEC. The trade liberalization measures contained in these agreements did not correspond to the needs of the Moroccan economy. In theoretical terms, we are not witnessing yet a European attempt to develop an integrationalist logic toward Morocco. Indeed, the relations are based on limited free trade agreements and financial assistance. The regional approach encompassed in the Global Mediterranean Policy seeks to bring coherence by signing trade agreements with Mediterranean countries but does not include any attempts to externalize European norms and practices.

6.1.2 Second period: EU's regional policies towards the Mediterranean region and the intensification of cooperation (1991-2008)

The start of the 1990s was marked by several attempts at developing relations between the EEC and Morocco. First, the EEC launched a new effort to create a regional policy for the Mediterranean region in December 1990. Recognizing the limitations and shortcomings of the Global Mediterranean Policy, European policymakers launched the Renewed Mediterranean Policy (Damis 1998: 95). This policy had an ambitious framework and provided for an increase in financial aid for Mediterranean countries. However, this new framework and the financial protocol were still insufficient to respond to Morocco's development needs (Damis 1998: 95-6). Second, the Community made several political gestures toward Morocco at the bilateral level. Brussels and Rabat began a new dialogue in 1992, with discussions on Euro-Maghrebi relations, and France announced a new partnership with Morocco in 1992 (Del Sarto 2006b: 194; Lister 1997: 91). Following a high-level visit of the Commission President Jacques Delors to Morocco in 1993, the European Council announced its intention to engage Morocco in institutional dialogue with the European Communities at multiple levels (Lister 1997: 91).

In 1992, the external context triggered an impetus for the development of EU's relations with Morocco and the entire Mediterranean region. In Algeria, political violence broke out after the military aborted the democratic process to prevent Islamists from dominating the government and parliament (Damis 1998: 96). In addition, EU member states were increasingly worried by the growing economic, social, and ideological polarization in Mediterranean countries, increasing the risks of domestic conflicts (Damis 1998: 96). Finally, there were growing concerns about illegal immigration, terrorism, drug trafficking, and international crime, which were highly present in the region (Damis 1998: 96). With these trends in Europe's Southern neighborhood, Brussels realized the failure of its Renewed Mediterranean Policy to bring prosperity and stabilization to the region and concluded that the Mediterranean region should be given higher priority (Damis 1998: 96).

During its meeting in Lisbon in 1992, the European Council reaffirmed the importance of the Mediterranean region and its commitment to undertake joint action with countries of the area (European Council 1992). In particular, it emphasized the need to further develop its relations with the Maghreb countries in order to contribute "to the stability and prosperity of the Mediterranean region on the basis of an approach favoring partnership" (European Council 1992: 50). During the Corfu summit in 1994, the European Council gave a mandate to the Council and the Commission "to evaluate the global policy of the European Union in the Mediterranean region and possible initiatives to strengthen this policy in the short and medium term" (European Council 1994b: 6). The European Commission produced a document in October 1994 which laid out the Commission's long-term vision for the EU's relations with the Mediterranean region (Commission of the European Communities 1994). During the Essen summit the same year, the European Council presented the Council a report based on the Commission's communication. This report called for establishing a Euro-Mediterranean Partnership based on the reinforcement of cooperation with the Mediterranean countries in a wide range of areas (European Council 1994a: 16). It also called for a Euro-Mediterranean

Ministerial Conference, gathering all Mediterranean countries, to take place in 1995 to discuss the future Euro-Mediterranean relations (European Council 1994a: 16). At the 1995 Cannes Summit, the European Council adopted the EU's position for the Barcelona Euro-Mediterranean Conference, which was to be held in November 1995 and aimed to create a new partnership between the EU and the Mediterranean countries. The EU's position regarding the future Euro-Mediterranean Partnership was based on three aspects of cooperation: political and security, economic and financial, as well as social and human (European Council 1995: 12). With this partnership, the EU sought to support the efforts of Mediterranean countries to bring more stability and prosperity to the region.

In November 1995, leaders of the EU met with the representatives of twelve Mediterranean countries³⁴² in Barcelona for the Euro-Mediterranean Conference. The output of this conference was the adoption of the "Barcelona Declaration",³⁴³ which established the EMP. The declaration aimed to provide stability and prosperity to the Mediterranean region and enhance social dialogue. According to Bicchì (2007: 169–72), the EMP introduced three main novelties: a multilayered institutional structure of dialogue (with bilateral, unilateral, and multilateral institutional dialogue); a more significant number of topics on the agenda; and a new approach to economic questions and to development with the objective of creating a free trade area between the EU and the Mediterranean third countries.

Against this contextual background of the EU's attempts to develop a regional policy for the Mediterranean, negotiations between the EU and Morocco for an AA took place. Morocco was the first Mediterranean country the EU approached to open discussions about an AA (Damis 1998: 97). Following rounds of exploratory talks conducted in 1992 between the EU and Morocco, the Council adopted in 1993 the "Negotiation Instructions for a New Agreement" (Damis 1998: 98). The document was not very specific and contained broad objectives, leaving room for negotiation. As a result, Morocco turned down the EU's proposition to open formal talks on a new agreement based on this proposition. Indeed, the Moroccan government found few advantages to being gained from this new agreement as it did not address several important issues for Morocco, such as technical barriers to trade or trade for agricultural products (Damis 1998: 99). Despite the EU's efforts in 1994 to bring Morocco back to the negotiation table, another issue stalled the discussions on an AA. In 1992, Morocco and the EU had signed a Fisheries Agreement. During the mid-term review of the agreement, Morocco considered that the fishing in its waters of both Moroccan and European vessels was too much and asked for a reduction of European fishing capacity. This issue relating to fisheries blocked the negotiation on the AA as Europe wanted to solve this issue first, whereas Morocco tried to put it aside and give priority to the AA (Damis 1998: 100; Del Sarto 2006b: 194). Finally, both sides agreed to shorten the fisheries agreement by one year and end it effectively in 1995.

³⁴² Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Malta, Morocco, Syria, Tunisia, Turkey, and the Palestinian Authority.

³⁴³ Barcelona Declaration adopted at the Euro-Mediterranean Conference (27 and 28 November 1995), <http://aei.pitt.edu/41674/1/A5824.pdf> (Accessed on 12 June 2022).

Following the settling of the fisheries issue, Morocco and the EU signed an AA in 1996, that eventually entered into force in 2000.³⁴⁴ In trade, the AA provides for the gradual establishment of a free trade area between the EU and Morocco over a transitional period of maximum 12 years.³⁴⁵ Industrial products originating from Morocco shall be imported into the Community free of customs duties and charges having equivalent effect,³⁴⁶ and liberalization for agricultural and fishery products shall be gradually implemented.³⁴⁷ The agreement also provides for the possibility of liberalizing the right of establishment and the provision of services,³⁴⁸ the movement of capital,³⁴⁹ and public procurement contracts.³⁵⁰ However, for each of these areas, the agreement remains evasive and mentions only that the parties agree to continue their cooperation and liberalize their market in the future. The AA also foresees collaboration in a variety of sectors, which includes regional cooperation, education, scientific research, environment, industrial cooperation, investment, standardization, approximation of legislation, financial services, agriculture, fisheries, transport, telecommunications, energy, tourism, customs matters, statistics, money laundering, and combating drugs.³⁵¹ Finally, the last title covers cooperation in social and cultural issues. It provides for cooperation to improve the situation of workers, dialogue in social matters, and collaboration in the social field and on cultural matters.³⁵²

In addition to these sections covering further liberalization of exchanges and the cooperation in several areas, the agreement also introduces a political dialogue and institutional provisions. Regarding the political dialogue, the agreement underlines the regional dimension in which EU-Morocco relations occur. Indeed, it states that this dialogue should “contribute to the prosperity, stability and security of the Mediterranean region”,³⁵³ and shall address “the conditions required to ensure peace, security and regional development through support for cooperation, notably within the Maghreb group of countries”.³⁵⁴ This bilateral political dialogue should take place at multiple levels, namely: ministerial level within the Association Council; senior official level gathering Moroccan senior officials and the Council Presidency and the Commission; all diplomatic channels with briefings and consultations, as well as diplomatic representatives; and by any other means which would be useful.³⁵⁵ Regarding the institutional provisions, the agreement provides for the establishment of an Association Council gathering members of the Moroccan government and members of the Council and the

³⁴⁴ Official Journal of the European Communities, Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part, L 70, 18.03.2000, https://eur-lex.europa.eu/resource.html?uri=cellar:ecfc61a-c8d6-48ba-8070-893cc8f5e81d.0006.02/DOC_1&format=PDF (Accessed on 12 June 2022).

³⁴⁵ Official Journal of the European Communities, L 70, *Op. Cit.*, Art. 6.

³⁴⁶ *Ibid.*, Art. 9.

³⁴⁷ *Ibid.*, Art. 15-18 and Protocols 1, 2 and 3.

³⁴⁸ *Ibid.*, Art. 31-32.

³⁴⁹ *Ibid.*, Art. 34.

³⁵⁰ *Ibid.*, Art. 41.

³⁵¹ *Ibid.*, Art. 45-63.

³⁵² *Ibid.*, Art. 64-74.

³⁵³ *Ibid.*, Art. 3.

³⁵⁴ *Ibid.*, Art. 4.

³⁵⁵ *Ibid.*, Art. 5.

Commission at the ministerial level.³⁵⁶ An Association Committee is also established under the responsibility of the Association Council, and gather members of both partners at the officials level.³⁵⁷

In essence, the AA with Morocco is, similar to the one with Israel, more than a simple trade agreement. Indeed, it provides for increased cooperation in multiple sectors of activity and institutionalizes a dialogue between the two partners at the high level with the political dialogue and the Association Council, and the technical level with the Association Committee. However, its wording leaves a great deal of room for maneuver. As a result, its implementation depends on the willingness of both parties to engage in the possibilities of cooperation provided by the text. Moreover, the agreement does not include significant concessions on trade in agricultural products. The EU agreed to provide for a small reduction of customs duties on certain agricultural exports. However, this did not include Morocco's most important export products, such as tomatoes and citrus fruits (Del Sarto 2006b: 195). As a result, the concessions made by the EU were minor and did not significantly improve export conditions for Moroccan agricultural products (Damis 1998: 107).

Even though the AA did not meet Morocco's aspirations, failed to provide any substantial improvement in agricultural trade, and resembled the 1993 European Commission proposition that Rabat strongly rejected, it still accepted to sign the agreement. There are two main explanatory factors for that. On the one hand, there was a significant power asymmetry between the EU and Morocco. Morocco was highly dependent on economic cooperation with the EU and failed to coordinate with other Maghrebi countries to bolster their bargaining power in their bilateral negotiations with the EU (Damis 1998: 110). On the other side of the negotiation table, the EU was an economic power reinforced by the signature of the Maastricht Treaty. In addition, it enjoyed strong solidarity among its member states regarding EU's external relations (Damis 1998: 110). This power asymmetry is one part of the explanation. On the other hand, following the 'Years of Lead', Morocco had started in the early 1990s domestic political and economic reforms. Europe was Morocco's most important partner, and Rabat "considered its relations with Europe as its most vital foreign policy interest" (Del Sarto 2006b: 196). Therefore, despite its flaws, Morocco had no other choice than accepting the AA given its economic dependence on the EU (Willis and Messari 2003: 161). Thus, the AA represented the most rational choice for Morocco to improve its socioeconomic domestic conditions.

Since the EMP launch and the AA's signature, Morocco has been an appreciated partner for the EU (Del Sarto 2006b: 196). In the framework of the EMP, Morocco has been proactive in putting forward multilateral proposals and encouraging regional cooperation. At the domestic level, Morocco engaged in reform processes, which followed the principle of the Barcelona Declaration, and improved its human-rights records. However, despite these efforts, "Morocco's socioeconomic indicators did not improve considerably" (Del Sarto 2006b: 197). Moreover, some issues of disagreement arose between the two partners. Morocco grew increasingly frustrated with the slow disbursement of MEDA funds and the unequal

³⁵⁶ *Ibid.*, Art. 78-80.

³⁵⁷ *Ibid.*, Art. 81-83.

distribution of EU aid for the Southern Mediterranean countries compared to those of Central and Eastern Europe (Del Sarto 2006b: 198). In addition, Morocco was concerned with the living conditions of its workers established in the EU. Finally, there were disputes around illegal immigration, fisheries, the EU's human rights policy, and cannabis (Del Sarto 2006b: 198–200). However, despite these difficulties, Morocco remained fully committed to the EMP and considered it a step towards closer relations (Youssoufi 1999, 2001). Morocco's new king, Mohammed VI, outlined Morocco's long-term objective in its relations with the EU in an address in 2000, namely that the nature of the partnership should be "more and better than Association, (...) and perhaps for some time to come, a little less than the membership" (Mohammed VI 2000).

In 2004, the EU launched the ENP. We already presented this policy's principles and objectives in the previous chapter on Israel. The ENP was therefore launched almost ten years after the EMP. During its first decade of existence, scholars agreed that the EMP contained flaws and had failed to fulfill its ambitious objectives (Attinà and Stavridis 2001; Del Sarto and Schumacher 2005; Huldt et al. 2002). The ENP differed from the EMP in various aspects. The most significant ones were its geographical scope and its logic of relations (Fernández-Molina 2015: 114). Whereas the EMP was limited to the Mediterranean countries, the ENP included the new Eastern neighbors of the EU. Moreover, following the most significant enlargement wave in the EU's history in 2004, the ENP did not envisage the prospect of adhesion for the associated countries, at least in short to medium-term. Regarding the logic of relations, the EMP was based on a multilateral and regional logic. Instead, the ENP emphasized a differentiated bilateral logic of relations and offered the possibility to the EU's neighboring countries to upgrade their relations with Brussels, depending on their reform progress (European Commission 2003: 16). Finally, it is worth noting that the ENP did not replace the EMP. Indeed, the EU specified that "the new neighborhood policy should not override the existing framework for EU relations with (...) the Southern Mediterranean (...) and would supplement and build on existing policies and arrangements" (European Commission 2003: 15).

Most partner countries taking part in the ENP reacted with some mistrust to this new EU policy. Indeed, they found that: the new policy was asymmetric (the term 'neighbor' has negative connotations of inferiority, and the labeling implies the existence of a center and a periphery); the nature of the relationship was unilateral and unbalanced (the EU decides and the partners obey); the policy was too complex and inappropriate (complexity of the financing of the projects and the unsuitable character of the conditionality); the financial aspect was insufficient (the Commission's demands are too ambitious for the funding it provides); and the regional cooperation objectives were not suited to the situation (the ENP aims at cooperation between its members from the East and the South who had no relations, or only commercial ones) (Jaïdi and Abouyoub 2008: 18–9).

In contrast with this negative perception of the ENP shared in different countries, Morocco reacted positively to the launch of this new policy. As we have already seen, and as illustrated by the King Mohammed VI's discourse in Paris in March 2000, Morocco's position regarding

its relations with the EU was to seek ‘more than association, and less than adhesion’. As a result, the differentiated bilateralism approach, with the possibility for partner countries to upgrade their relations with the EU depending on the progress of their domestic reforms, ideally suited Morocco’s aspirations in its relations with the EU. On the occasion of a visit to Rabat in February 2004 to launch negotiation on the Action Plan, the EU Commissioner for Enlargement stressed that with the ENP, the EU “was offering Morocco, a country whose association with the EU is one of the most advanced, the opportunity to establish closer, more integrated ties with the enlarged Europe” (Agence Europe 2004). During the months that followed this meeting, the Moroccan government made numerous statements highlighting the benefits of the ENP and the fact that it responded perfectly to Moroccan aspirations for a privileged relationship with the EU (Fernández-Molina 2015: 115). Therefore, even though the Moroccan government underlined that the ENP should not “come at the expense of the Barcelona Process, which remained (...) the global institutional framework for the establishment of Mediterranean relations” (Fihri 2005 quoted in Fernández-Molina 2015: 115), the launch of the ENP was perceived in Morocco as the “the long-awaited opportunity to deepen relations with the European Union in the perspective of an advanced status of the kingdom” (El Houdaigui 2009: 83).

In the framework provided by the ENP, Morocco and the EU adopted the Action Plan in 2005.³⁵⁸ With this Action Plan, the EU and Morocco “wish to deepen their political, economic, social and cultural relations, as well as their security cooperation”.³⁵⁹ To do so, the Action Plan list different perspectives for the EU-Moroccan partnership: the prospect of moving beyond the existing relationship to a significant degree of integration; an upgrade in the scope and intensity of political cooperation; the opportunity for convergence of economic legislation, the opening of economies to each other, and the continued reduction of trade barriers; an increase in the financial support provided by the EU to support implementation of the AA and the Action Plan; the possibility of gradually opening access to or increasing participation in particular Community fora and programs; a technical support with a view to approximation with EU legislation; the deepening of trade and economic relations; the establishment of a constructive dialogue on visa issues; and enhanced direct cooperation between administrations.³⁶⁰

The Action Plan followed an integrationalist logic and introduced positive conditionality in EU-Morocco relations. Indeed, it recommended the convergence of Moroccan legislation with the norms and standards of the EU. This approximation of Moroccan legislation with that of the EU illustrates Brussels’ attempt to deploy its ‘normative power’ in its neighborhood. By promoting its norms and standards, the objective was to ensure that the reforms undertaken by Morocco would enhance its stability, prosperity, and socioeconomic indicators, which would also contribute to the EU’s security (Manners 2002). This Action Plan also included

³⁵⁸ EU/Morocco Action Plan, adopted by the Recommendation No 1/2005 of the EU-Morocco Association Council of 24 October 2005 on the implementation of the EU-Morocco Action Plan (2005/757/EC), Brussels, 24.10.2005, <https://op.europa.eu/en/publication-detail/-/publication/e3d62f41-c89d-40f5-a01d-e5f0d879b326/language-en/format-PDF> (Accessed on 13 June 2022).

³⁵⁹ *Ibid.*, p. 1.

³⁶⁰ *Ibid.*, p. 2-3.

'external governance' elements. Indeed, it provided for a strengthening of cooperation between administrations. This type of interaction corresponds to the 'network' mode of governance of external governance, according to which the EU exports its rules through the interaction of officials at the technocratic level (Lavenex and Schimmelfennig 2009). Finally, the plan introduced positive conditionality. Indeed, it provided that "in light of the fulfillment of the objectives of this Action Plan and of the overall evolution of EU-Morocco relations, consideration will be given to the possibility of a new contractual relationship".³⁶¹ Thus, the EU hoped that the 'carrot' of a prospect for upgrading relations would encourage Morocco to implement the Action Plan.

Cooperation between the EU and Morocco under the ENP and the Action Plan has been positive overall. In 2007, Morocco opened negotiations on the liberalization of services and establishment, and the EU-Morocco Association Council set up an ad hoc working group to consider changes to the AA (Bicchi 2010: 210). For the period 2007-2010, Morocco was also the primary beneficiary among the Mediterranean countries of the European Neighborhood Policy Instrument (ENPI) (Bicchi 2010: 210). Moreover, in an assessment of the ENP's impact on cooperation between the EU and Morocco, Bicchi (2010) also noted that this new policy had even opened the door for collaboration on topics not foreseen by the Action Plan. For instance, Morocco was the first country to sign a Euro-Mediterranean Aviation agreement with the EU in 2006.³⁶² The agreement integrates Moroccan air transport into the EU market by allowing all airlines based in the EU and Morocco to operate flights between any airports in the EU and Morocco. It also provides for market and regulatory convergence, as well as harmonization of rules on diverse topics, such as flight safety and security or protection of the environment. In addition to aviation, Morocco had also been active in cooperation with the EU in other areas, such as foreign policy and security, by participating in the ALTHEA mission, and rules of origin, as well as being a very active participant in the implementation of twinning projects (Bicchi 2010: 211-2). However, at the time, migration remained the main issue of disagreements and incompleteness. Whereas the reform of Moroccan border control management was a success, negotiations on a readmission treaty came to a dead-end, mainly because Morocco refused to accept the readmission treaty without compensation on visas to lift travel restrictions for Moroccans (Bicchi 2010: 213).

During the 7th Association Council in October 2008, the EU and Morocco adopted a "joint document on the strengthening of bilateral relations/ Advanced Status."³⁶³ For Morocco, the obtention of this 'advanced status' corresponded to its longstanding position regarding its relations with the EU to seek 'more than association, and less than adherence'. Granting Morocco this advanced status was also a reward for its active role in regional cooperation and the progress made in its political, economic, and administrative reforms (Agence Europe

³⁶¹ *Ibid.*, p. 3.

³⁶² Official Journal of the European Union, Euro-Mediterranean Aviation Agreement between the European Community and its Member States, of the one part, and the Kingdom of Morocco, of the other part, L 386, 29.12.2006, [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22006A1229\(04\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22006A1229(04)&from=EN) (Accessed on 14 June 2022).

³⁶³ Document conjoint UE-Maroc sur le renforcement des relations bilatérales/ Statut Avancé, https://www.eeas.europa.eu/sites/default/files/feuilledeRoute-sa_fr.pdf (Accessed on 14 June 2022).

2008).³⁶⁴ Thus, the EU considered Morocco its 'best pupil' and often singled it out for its "vision and its strength of proposal within the European neighborhood policy and the Barcelona process" (Agence Europe 2008).

The joint document consecrating Morocco's advanced status in its relations with the EU aims at strengthening political cooperation between the two partners, integrating Morocco progressively into the internal market, and promoting synergies between the territorial entities, economic actors, and social partners by increasing their involvement.³⁶⁵ The document is articulated around multiple axes of cooperation: political, economic, financial, social, human, and Morocco's participation to EU programs and agencies.³⁶⁶ In the political dimension, the document provides for increasing formal and informal cooperation. The main innovative aspect concerns informal cooperation (Martín 2009: 239–40). It gives the possibility of holding ad-hoc meetings between the Moroccan foreign affairs Minister and its European counterparts, as well as between Ministers of sectoral departments with their European counterparts in the margin of the regular meetings of the Council.³⁶⁷ It also provides for consultation and cooperation in foreign policy, security, and judicial subjects, as well as between the parliaments.³⁶⁸ In the economic dimension, the document outlines its long term objective which is to create a common economic area inspired by the EEA. To do so, it calls for an approximation of the Moroccan legal framework to the *acquis communautaire*, the conclusion of a Deep and Comprehensive Free Trade Area (DCFTA) agreement, and cooperation in different sectors.³⁶⁹ Even though the economic dimension calls for the creation a common economic area and negotiations on a DCFTA agreement, it does not provide for substantial significant differences in comparison with the AA and the Action Plan (Martín 2009: 240). Indeed, the legislative approximation is similar to what was already in place. The document does not provide anything new regarding the services and agriculture besides the discussions already taking place. In the human domain, the text encourages exchange networks and consultation between civil society actors.³⁷⁰ Regarding migration, it conditions the development of cooperation between the two partners to the completion of the negotiation on the readmission treaty, in which Morocco had been reluctant to give in.³⁷¹ Finally, the joint document seeks to promote Morocco's participation in EU programs and agencies.³⁷² It specifies that Morocco's involvement in these programs and agencies would be dependent on advancements in the EU-Morocco partnership.³⁷³

³⁶⁴ Some scholars have nuanced this EU official policy line by demonstrating that despite significant improvement, especially in comparison with other countries of the regions, Morocco's reforms in the political domain remain selective and superficial. See (Kausch 2009).

³⁶⁵ Document conjoint UE-Maroc sur le renforcement des relations bilatérales/ Statut Avancé, *Op. Cit.*, p. 1.

³⁶⁶ *Ibid.*, p. 2.

³⁶⁷ *Ibid.*

³⁶⁸ *Ibid.*, pp. 3-4.

³⁶⁹ The sectors listed are: economy, social, transport, energy, information and communication, agriculture, fisheries, mines, environment, and water.

³⁷⁰ Document conjoint UE-Maroc sur le renforcement des relations bilatérales/ Statut Avancé, *Op. Cit.*, pp. 11-12.

³⁷¹ *Ibid.*, p. 13.

³⁷² *Ibid.*, pp. 13-14.

³⁷³ *Ibid.*, p. 14.

The joint document granting Morocco an 'advanced status' in its relations with the EU does not provide significant improvement (Martín 2009: 241–2). Martín underlines that it “does not grant any substantial concession whatsoever in fields of strategic interest for Morocco, such as agricultural trade liberalization, (...) mobility of Moroccan citizens or the level of financial cooperation” (Martín 2009: 242). Consequently, the main improvement in the joint document is political, with the granting of 'advanced status' rather than economic.

In summary, the second period of relations between the EU and Morocco occurs within the broader context of the EU's attempts to launch regional policies for the Mediterranean countries (Renewed Mediterranean Policy, EMP, ENP). Within the framework of these policies, Morocco developed its cooperation with the EU by signing an AA, upgrading the legal framework, and agreeing on two documents providing the roadmap for further cooperation on multiple aspects of their relations (Action Plan and the Advanced Status). This period is also marked by the definition of the official Moroccan position regarding its relations with Europe, namely, to seek 'more than association and less than adhesion'. The 'advanced status' granted by the EU in 2008 enshrined this policy line. It was made possible thanks to Morocco's active involvement in the regional cooperation frameworks provided by the EU and its progress in internal reforms that earned it the title of 'best pupil' of the ENP. Still, some issues remained in EU-Morocco relations. For example, despite adopting the different roadmaps to strengthen their cooperation, there was still no improvement regarding trade conditions for agricultural products. In addition, disagreements between Morocco and the EU in fisheries and migration meant that cooperation in these two sectors encountered significant obstacles.

Theoretically, this period illustrates the EU's constructivist logic of external relations. Indeed, the different documents governing EU-Morocco relations rely on the expansions of EU norms, rules, and values to the Maghrebi country. They include the approximation of Morocco's legal framework to the *acquis communautaire* and promote Morocco's adoption of European values, especially regarding human rights. To foster Morocco's alignment with the EU legal framework and practices, the EU introduces elements of positive conditionality. Indeed, the EU conditions the further development of relations to Morocco's implementation of the Action Plan and the Advanced Status joint document.

6.1.3 Third period: Regional tensions, further cooperation, and EU's increasing dependence on Morocco (2009-...)

The first EU-Morocco Summit was held in Granada on March 7, 2010. The holding of such a summit, the first between the EU and a Mediterranean partner, was foreseen in the 2008 document establishing Morocco's advanced status.³⁷⁴ The joint statement issued at the end of the summit proceeds with an evaluation of the cooperation and presents an agenda for future collaboration (Council of the European Union 2010g). Among the topics discussed in the joint statement, the EU and Morocco agree to “reinforce the mechanisms for cooperation” in

³⁷⁴ Document conjoint UE-Maroc sur le renforcement des relations bilatérales/ Statut Avancé, *Op. Cit.*, p. 2.

migration and recognize “the need to conclude the negotiation of the readmission agreement as soon as possible,” which will “allow cooperation on migration, including visa facilitation” (Council of the European Union 2010g: 4;7). The statement also underlines that the objective is “to enable Morocco to achieve optimum approximation with the EU,” which will pave the way for the creation of common economic space between the two partners drawing on the rules governing the EEA (Council of the European Union 2010g: 6;9). In this regard, the EU “welcomes the reforms undertaken by Morocco in recent years” while stressing that further reforms should be implemented, “particularly in matters of justice, freedom of expression, press freedom and freedom of association” (Council of the European Union 2010g: 4). The statement also recalls the objective set in the 2008 joint document of opening negotiations on a DCFTA agreement (Council of the European Union 2010g: 8). Finally, the parties underline that a new action plan should be adopted and that they should undertake a process of reflection to develop “a new contractual relationship to replace the Association Agreement” (Council of the European Union 2010g: 9).

The statement fully converged with Morocco’s aspirations to be recognized as a precursor and the EU’s privileged partner in the Southern Mediterranean region (Agence Europe 2010). Indeed, the statement underlined that the summit was the first of a kind with a Mediterranean country and highlighted “the strategic importance of the EU-Morocco partnership” (Council of the European Union 2010g: 1).

In 2011, popular uprisings erupted in the EU’s Southern neighborhood and caused regional instability. However, the EU’s response to the Arab Spring was underwhelming. Scholars have argued that the EU behaved as an irrelevant power, unable to provide a response to the Arab Spring and contribute to political change in its neighborhood (Bicchi 2014a, 2014b; Whitman and Juncos 2012). As a result, the EU’s ability to influence its neighbors has waned over the years and has become marginal (Juncos and Whitman 2015: 212). The EU’s response to the uprisings and authoritarian turn in its neighborhood has been characterized by a greater emphasis on the security of its member states and the stability of its neighbors (Pomorska and Noutcheva 2017). This illustrates the theoretical shift in the EU’s neighborhood policy from promoting norms and values, i.e., normative power, to a foreign policy driven by the EU’s interests in promoting security and stability at the expense of democracy promotion.

The Arab Spring also led to demonstrations in Morocco. However, the widespread protests did not result in significant changes in Morocco’s political structure compared to its neighbors. Indeed, whereas Moroccan organized demonstrations to protest corruption and inequality, they did not directly target the monarchy (Zardo and Cavatorta 2019: 687). As a result, King Mohammed VI launched a constitutional reform that received popular support in a referendum. This quick action by the monarch stopped the protests and gave the impression that the people had been heard (Zardo and Cavatorta 2019: 689). However, in reality, the changes brought about by this reform of the constitution did not respond to the demands of the people and were characterized by a high degree of continuity in the political system, reinforcing at the same time the primacy of the monarchy (Madani et al. 2012; Zardo and Cavatorta 2019: 689).

Morocco's responses to these popular demonstrations only reinforced its status as a special partner for the EU. Indeed, Morocco was perceived as a relatively stable country amid a turbulent area marked by authoritarianism and violence. Thus, the EU's new approach based on pursuing its interests by promoting stability and security rather than democratic norms in its relations with its neighbors led to further rapprochement with Morocco.

As a result, following the summit and the Arab Spring, the EU and Morocco deepened their cooperation by signing several agreements. An agreement on additional trade liberalization in agricultural products entered into force in October 2012.³⁷⁵ This controversial agreement subject of recurrent protests (Abis 2012: 186; Zardo and Cavatorta 2019: 690), provides further trade liberalization for agriculture, food, and fisheries. However, it maintains quotas for six products considered sensitive to the EU but of interest to Morocco: tomatoes, zucchini, cucumbers, garlic, mandarins, and strawberries. In the perspective of the creation of a common economic space, Morocco and the EU also established a dispute settlement mechanism which entered into force in 2012.³⁷⁶ In 2013, after years of unsuccessful negotiations that started in 2000, the EU and Morocco reached a political agreement on a Mobility Partnership (Coleman 2009; Wolff 2014). The agreement provides for further cooperation between the EU and Morocco based on four objectives: to manage the movement of persons for short periods and legal and labor migration more effectively; to strengthen cooperation on migration and development in order to exploit the potential of migration and its positive effects on the development of Morocco and European countries; to combat illegal immigration, human beings trafficking and smuggling, and to promote an effective return and readmission policy while respecting fundamental rights, and the dignity of the people concerned; to comply with duly ratified international instruments concerning the protection of refugees (Council of the European Union 2013c). However, the agreement does not contain any readmission agreement. Indeed, even though Morocco has signed bilateral readmission agreements with several EU member states, it is yet to do so with the EU. Morocco has refused to give in on a readmission agreement without any EU concessions regarding visa facilitation for Moroccan's citizens. In the Mobility Partnership both parties agreed to link these two components by stating that: "The signatory parties take the view that the elements contained in the various components of this partnership will be implemented using a balanced overall approach and constitute a package, particularly the visa and readmission facilitation agreements" (Council of the European Union 2013c: 11). However, despite an initial round of negotiations, the two agreements remain yet to be signed (Johansson 2020).

³⁷⁵ Official Journal of the European Union, Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Morocco concerning reciprocal liberalization measures on agricultural products, processed agricultural products, fish and fishery products, the replacement of Protocols 1, 2 and 3 and their Annexes and amendments to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part, L 241, 07.09.2012, [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22012A0907\(01\)&from=DE](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22012A0907(01)&from=DE) (Accessed on 15 June 2022).

³⁷⁶ Official Journal of the European Union, Agreement between the European Union and the Kingdom of Morocco establishing a dispute settlement mechanism, L 176, 05.07.2011, [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22011A0705\(01\)&from=SL](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22011A0705(01)&from=SL) (Accessed on 15 June 2022).

In parallel to the signature of several sectoral agreements, Morocco and the European Union have also agreed on political documents providing the framework for their cooperation. In 2013, the EU and Morocco adopted a new Action Plan to implement the advanced status. This latest action plan synthesizes its 2006 predecessor and the 2008 joint document. It includes the reforms and actions agreed to in the previous action plan but not yet implemented and the new elements included in the joint document (Council of the European Union 2013d). The second political document is the joint declaration adopted during the 2019 EU-Morocco Association Council establishing a 'Euro-Moroccan partnership for shared prosperity' (Council of the European Union 2019c). The partnership is based on cooperation in four structural areas and two horizontal fields. The four structural areas are: convergence of values; economic convergence and social cohesion; shared knowledge; political consultation, and enhanced cooperation on security. These areas provide for the convergence of European and Moroccan values based on guiding principles (such as democracy, the rule of law, good governance, etc.), as well as regulatory convergence and further integration in the economic field (Council of the European Union 2019c: 4-5). The joint declaration also provides for further integration in the research and education sector, with all the EU programs being mobilized (Erasmus +, PRIMA, Horizon 2020, Horizon Europe), as well as consultation and cooperation on security issues to combat common challenges, such as organized crime, terrorism, or trafficking (Council of the European Union 2019c: 6). Finally, the two horizontal fields of cooperation are the protection of the environment and the fight against climate change, as well as mobility and migration (Council of the European Union 2019c: 7-8).

The EU sees this partnership for shared prosperity as the 'culmination' of its relationship with Morocco.³⁷⁷ On Morocco's side, the Minister of Foreign Affairs, Nasser Bourita, said during an interview with Agence Europe that it was a "very important" document for Morocco which would launch "a redesign of the partnership for the coming years" (Agence Europe 2019). In the spirit of this new partnership, Morocco opened negotiations with the EU in 2021 to join, for the first time, the EU research framework program, Horizon Europe, as an associated country.³⁷⁸

Regarding the development of agreements between the EU and Morocco, there have also been blockages and failed negotiations. The leading case in point here is the negotiations around a DCFTA. The joint document granting Morocco an advanced status in 2008 introduced the prospect of a DCFTA between the EU and Morocco. It was then recalled in the first EU-Morocco Summit in Granada in 2010 and the 2013 Action Plan. In 2011, the Commission asked the Council for authorization to open talks to conclude DCFTA agreements with Egypt, Jordan, Morocco, and Tunisia (European Commission 2011). Following the Council's authorization to the Commission to open talks with the four Mediterranean countries (Council of the European Union 2011e), the EU and Morocco started the negotiations for a DCFTA

³⁷⁷ Delegation of the European Union to Morocco, Relations with the EU: The European Union and Morocco, https://www.eas.europa.eu/morocco/european-union-and-morocco_en?s=204 (Accessed on 16 June 2022).

³⁷⁸ European Commission, "The European Commission concludes first negotiation round on Horizon Europe association with Morocco", *News*, Brussels, 05.10.2021, https://ec.europa.eu/info/news/european-commission-concludes-first-negotiation-round-horizon-europe-association-morocco-2021-oct-05_en (Accessed on 16 June 2022).

agreement in 2013. The agreement would address non-tariff barriers to trade, facilitate trade, liberalize services, and align Morocco with EU regulations, standards, and production norms (Langan 2015). During a press conference in Rabat in 2013 announcing the launch of negotiations on a DCFTA, European Commission President José Manuel Barroso stated that this agreement: “will ensure a greater integration of the Moroccan economy in the European single market and will lay the foundations of a future common economic space” (Medias 24 2013).

However, the negotiations were suspended in 2014 at the initiative of Morocco. Rabat had suspended the talks to conduct its own impact study “due to concerns about the effects the DCFTA would have on certain sectors and indeed on the wider economy” (Naïm 2017; Teevan 2019: 12). Although the EU (El Hourri 2019), as well as the 2019 joint declaration establishing a partnership for shared prosperity (Council of the European Union 2019c: 5), have called for the relaunch of negotiations, there has been no round of negotiations since 2014 due to Morocco’s concerns about the impact of a possible DCFTA on its economy.

In addition to these agreements, Morocco has also become a crucial partner for the EU, and its member states, regarding cooperation in security and migration. In the area of counterterrorism, Morocco has developed as a key partner for European countries. This cooperation, however, has taken place primarily at the bilateral level with member states rather than at the EU level (Zardo and Cavatorta 2019: 691). In particular, Morocco has established a strong partnership with Spain, which has become essential to Spanish security interests (Reinares and García-Calvo 2015). The two countries collaborate at the judicial and police level and carry out joint anti-terrorist operations. Besides this long-established partnership with Spain, Morocco cooperates with France, Germany, and the UK. However, Dworkin and El Malki (2018: 18) note that “Morocco’s approach to counterterrorism is inseparable from the state’s tight control over its domestic population and its undemocratic and unaccountable political system”. Nevertheless, during a visit to Morocco in 2015, Federica Mogherini, the HRVP, declared that in security matters, the EU needed Morocco more than the other way around (El Ouardighi 2015). This statement illustrates the shift in EU foreign policy from a normative to an interest-based approach, as well as Morocco’s increasing leverage on the EU.

In addition to security matters, the EU has also increased its dependence on Morocco in migration. Indeed, the colonial past, close economic and political links, as well as geographic proximity between EU member states and Morocco explain that mobility between the two regions has been constant throughout their shared history (Carrera et al. 2016: 3). Moreover, these characteristics of Morocco have also attracted considerable migration from sub-Saharan and North African countries, further increasing its integration in the Mediterranean-European migration system (Yıldız 2016: 152). The literature on EU migration policy has underlined Brussels’ practice of externalizing border and migration control to neighbors, turning them effectively into the EU’s gatekeepers (Lavenex 2005: 94; Tittel-Mosser 2018: 357). This practice increased the EU’s dependency on its neighbors’ cooperation, and the migration crisis that started in 2016 further expanded it. Even though Morocco was not the main transit country

during the first years of the migration crisis, a surge in the numbers of migrants trying to reach Spain from Morocco happened in 2018, making it the main entry point into Europe (Teevan 2018). Even though the Moroccan government had repeatedly stated its opposition to the EU's externalized migration policy which "concentrates pressure on transit countries" (Agence Europe 2019; Bozonnet 2018), it has taken advantage of this situation of the increasing dependence of Brussels on Rabat. Indeed, Morocco proceeded to reforms in its national strategy for immigration and asylum, leading Rabat to strengthen its image as the EU's best pupil and increase the fundings it received from Brussels in reward for its reforms, successfully applying a strategy of reversed conditionality (Tittel-Mosser 2018). In addition, by containing irregular migration to Spain (Martín 2019a), Morocco secured significant support from Madrid, who then put pressure on Brussels to allocate more financial resources to Morocco (Martín 2019).

Finally, the Western Sahara issue has also been brought back on the agenda during this third period of relations. Moreover, it has also highlighted the divergence of position between EU institutions. Indeed, while the Commission and the Council defend the EU's official position of supporting the UN process and maintaining preferential political ties with Morocco, the EP and the CJEU have brought the issue to the forefront of EU-Morocco relations by repudiating the official EU position (Fernández-Molina 2017; Noutcheva 2020). Exploiting its new post-Lisbon institutional prerogatives – which require the EP to give its consent to "all international agreements covering fields to which the ordinary legislative procedure applies internally" (Carta 2013; Fernández-Molina 2017: 230) – the EP rejected the EU-Morocco fisheries protocol in 2011, arguing that it was unclear whether the agreement directly benefited the Sahrawi people.³⁷⁹ The CJEU also stroke down agreements in agriculture (Court of Justice of the European Union 2016, 2021), fisheries (Court of Justice of the European Union 2018a, 2021), and aviation (Court of Justice of the European Union 2018b) arguing that they remained valid for Morocco as long as they did not apply to Western Sahara. These judgments fueled tensions at the political level. Indeed, following the first judgment of the CJEU in December 2016, annulling the application of the EU-Moroccan agricultural agreement to Western Sahara, Morocco decided to freeze its relations with the EU. Consequently, the high-level political dialogue between the two entities was suspended, and no Association Council was held between 2015 and 2019 at the initiative of Morocco (Agence Europe 2019).

The EP and CJEU decisions have forced the EU central institutions to clarify their positions on Western Sahara. These events present the context in which our analysis takes place. In the following sections, we investigate whether the EU's response to these events contain elements of a joined-up approach.

The latest period of EU-Morocco relations is illustrative of two main points. On the one hand, it is representative of the shift in EU external relations following the instability and increasing

³⁷⁹ European Parliament, "Explanatory Statement: Recommendation on the draft Council decision on the conclusion of a Protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial compensation provided for in the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco", 11226/2011 – C7-0201/2011 – 2011/0139(NLE), 29.11.2011, https://www.europarl.europa.eu/doceo/document/A-7-2011-0394_EN.html (Accessed on 22 June 2022).

security concerns in its neighborhood. Indeed, whereas the EU's approach in its relations with neighboring countries during the first decade of the twenty-first century was based on the export of democratic norms and values to create a 'ring of friends', it has shifted to an interest-based approach concerned with the political stability of its neighbors, therefore seeking to contribute to the security of the Union and its member states. This context has further reinforced Morocco's position as a privileged partner for the EU in the Southern Mediterranean region. Indeed, although the reforms undertaken by Morocco following the Arab Spring have not been significant and did not meet the requirements historically demanded by Brussels in terms of democratic governance, the comparison with other countries in the region has established Morocco as a stable and reliable state for the EU. Thus, given the EU's new approach to its external relations based on its security interests, this stability of the Kingdom was welcomed in Brussels. This allowed the signing of several sectoral and political agreements, notably implementing the advanced status and establishing a new partnership for shared prosperity.

On the other hand, the security context has also increased the EU's dependency on Morocco and therefore increased the latter potential leverage over Brussels. Indeed, Rabat has established itself as one of the most important partners for the EU in counterterrorism. Moreover, Morocco has also taken advantage of the EU's externalization of its migration policy and border controls by seeking more funding from Brussels in exchange for effectively acting as the EU's gatekeeper. Morocco's cooperation with the EU on these security issues has helped to rebalance the power relations between the two countries, although the EU's economic power is much greater. As a result, Morocco has not hesitated to adopt a reverse conditionality approach towards the EU in some cases, particularly with regard to the Western Sahara issue. Indeed, following the decisions of the CJEU to suspend several trade agreements with Morocco because they were applied to the disputed territory without the consent of the Sahrawi people, thus not recognizing Morocco's sovereignty over the area, Morocco decided to suspend the Association Council with the EU for more than three years. Morocco's decision to allow 6'000 people to cross its border with Ceuta in 2021, following Spain's decision to allow the leader of the Polisario Front to receive treatment in Madrid (Edwards 2021), is another illustration of how the EU's outsourcing of its migration policy and border controls has granted Morocco significant leverage that it does not hesitate to use to get what it wants.

6.1.4 Conclusion

Strong ties mark relations between the EU and Morocco because of the shared colonial past between the Kingdom and two EU member states, France, and Spain. Thus, since the creation of the EEC, Morocco has had special ties with France, particularly in trade. However, Morocco's integration into the French economy has slowed its industrial development and placed it in a situation of strong dependence. As a result, during the first decades of EU-Moroccan relations, we witnessed a particular frustration in Rabat. Indeed, the first agreements between Morocco and the EEC did not correspond to the needs of the Moroccan economy.

The changes in the international environment with the end of the Cold War allowed the EU to adopt a commercial and less political perspective in its external relations. As a result, we have seen multiple attempts to develop a regional policy for the Mediterranean region. Within the framework of these regional policies, Morocco immediately sought recognition from Brussels for its status as a privileged partner. In this context, Morocco presented its position towards the EU to seek “more than association and less than adhesion”. This second period of relations led to the signing of several agreements between the EU and Morocco, establishing the framework of their relations. Thus, Morocco signed an AA, an ambitious action plan within the framework of the ENP and obtained the recognition of its ‘advanced status’ in 2008.

This second period of relations also illustrates the development of the EU’s integrationalist logic in its external relations. With the ENP, the EU sought to export its norms and values to neighboring countries in order to create a ‘ring of friends’ of democratic countries in its surroundings. In order to promote the democratization of its neighbors and Morocco, the EU introduced positive conditionality into these relations, conditioning the deepening of its ties with Morocco on its ability to align itself with the EU’s legislative framework.

Regarding the agreements governing the bilateral relations, the AA and the various joint action plans or roadmap documents that have followed cover multiple aspects of cooperation in many sectors, including political cooperation. The different assessments of Morocco’s implementation of its agreements with the EU have been relatively positive. In the last available progress report on Morocco’s implementation of the ENP, the EU underlined that: “from an overall perspective, Morocco has made significant progress in implementing the ENP Action Plan towards the consolidation of human rights and fundamental freedoms, (...) and the reform of the justice system” (European Commission 2015b: 3). While assessing Morocco’s implementation of the ENP, Bremberg and Rieker (2016: 127) underline that Morocco’s “level of participation is high, particularly in the fields of trade and internal security”. Although they also note that: “in terms of adaptation to ENP criteria as well as to the EU *acquis*, our analysis indicates alignment rather than adaptation” (Bremberg and Rieker 2016: 127).

However, scholars also underline that these reforms have been selective in order to moderate oppositional movements without exposing the monarchy regime (Van Hüllen 2012: 131). Indeed, “political reforms, instead of being steps in a consistent, overarching process towards democracy, have been ad hoc, selective and often superficial” and “Morocco’s semi-authoritarian power structures, and the concentration of all meaningful power in the hands of the palace, remain unchanged” (Kausch 2009: 165). Therefore, while Morocco’s political reforms are significant compared to their neighbors, they still come short of the EU’s standards and can be seen as ‘survival strategies’ by the monarchy to coopt the opposition and generate input legitimacy (Kausch 2009; Van Hüllen 2012: 128). This selective implementation strategy is most prevalent in the policy reform sector but can also be observed in other sectors. Fontana argues that national interests play a crucial role in implementing the ENP. That implementation is more likely to occur when it “matches with the goals of the domestic agenda” (Fontana 2017: 54). Overall, Morocco’s approximation to the ENP is driven by its interests. Indeed, it allows Rabat to moderate oppositional movement and increase its

domestic and external legitimacy while at the same time gaining deeper access to European markets and financial instruments. As a result, Morocco's implementation of these various agreements has reached a good level compared to its Southern Mediterranean neighbors but still falls short of EU standards, particularly for political reforms.

Finally, the last period of relations is characterized by a shift in relations. Following the Arab Spring, the EU set aside its integrationalist approach and searched for its own interests in its external relations, i.e., the stability of neighboring countries to guarantee the security of the EU and its member states. Thus, although the reforms undertaken by Morocco in the wake of the Arab Spring and in the context of its agreements with the EU did not meet the EU's expectations in terms of democratic standards, the fact that the Kingdom is one of the few stable countries in the region has solidified its status as a privileged partner of the EU. In addition, the EU's practice of outsourcing border control and security responsibilities, including counterterrorism, to third countries has placed the EU in a position of dependence on them. Morocco has distinguished itself by cooperating with the EU and several member states in terms of security and counterterrorism. Its borders with Spain have also put it in a favorable position vis-à-vis the EU and allowed Rabat to gain leverage. Indeed, the power asymmetry between the two partners decreased during this third period due to Brussels' dependence on Rabat regarding migration and security. In some situations, Morocco has not hesitated to use this dependence of the EU to advance its interests. It is in this context of a shift in the relations that the Western Sahara issue has been put back on the agenda of EU-Moroccan relations by the EP and the CJEU, which has provoked angry reactions from Morocco. The EU's response to these events, in a context of growing dependence on Morocco, is therefore particularly interesting for an analysis that investigates in which context the joined-up approach is developed by the EU.

6.2 Nature of the disagreement, EU coherence, and stakes vis-à-vis Morocco

In this section, we evaluate Morocco's status according to the three scope conditions for a joined-up approach: the nature of the diplomatic disagreement, member states' coherence, and the economic stakes of cooperation. Regarding the nature of the diplomatic disagreement, Western Sahara is a CFSP issue. We find that member states' coherence toward Morocco regarding the Western Sahara issue has historically been divided. Member states have always preferred to back the UN process instead of taking a position on the issue. Nevertheless, even if the official position of the member states remains to support the UN process, we can observe a gradual convergence of their position since 2021. However, this coherence, driven by security and migration interests, has been in favor of Morocco. This means that we do not expect the EU to develop a joined-up approach toward Morocco regarding the Western Sahara issue. Regarding the economic stakes of sectoral cooperation, we find that trade and aviation are the most likely sectors to be mobilized if a joined-up approach is observed, while it is unlikely that the EU will mobilize the research sector in a joined-up approach.

6.2.1 Nature of the diplomatic disagreement

The diplomatic disagreement between the EU and Morocco analyzed in this research is the Western Sahara issue. The Western Sahara question shares the same profile as the Israeli-Palestinian conflict. Indeed, it is a CFSP issue, which concerns a disputed territory. However, it also has some differences. First, it is a lower-profile conflict than the Israeli-Palestinian one. Indeed, there have been close to no casualties since 1989 and the signature of a ceasefire.³⁸⁰ Second, the EU has not developed a common position on the issue and has instead supported the UN-led resolution process. Nevertheless, despite its low-profile and the absence of a real EU position on the issue, we argue that selecting Western Sahara as the diplomatic disagreement is relevant for this research. It represents a vital question for the conduct of Morocco's external relations, and the EP and CJEU actions regarding the EU-Morocco agreements have provided a context that has forced the EU to clarify its position. In this section, we start by presenting the importance of the Western Sahara issue in Morocco's foreign policy, before considering what the CFSP nature of the diplomatic disagreement means for the outcome we expect to observe in the analysis according to the first hypothesis.

The question of Western Sahara is crucial for Morocco and has defined its foreign policy for decades. At first, it was an essential issue for the monarchy's legitimacy. Indeed, King Hassan II had placed himself "symbolically and politically at the head of the Saharan campaign", which increased his legitimacy considerably (Willis and Messari 2003: 156). As a result, and ever since then, Morocco has always placed the issue of Western Sahara and territorial integrity as its highest priority in the conduct of its domestic and foreign policies (Fernández-Molina 2015: 96; Willis and Messari 2003: 156). The active role played by the monarchy in the

³⁸⁰ Uppsala Conflict Data Program, "Country: Morocco", <https://ucdp.uu.se/country/600> (Accessed on 5 July 2022).

campaign for the Moroccan sovereignty over the territory and “the extent to which it had tied its own legitimacy and prestige to the issue” (Willis and Messari 2003: 156) mean that this question is more than a foreign policy issue and represents a politically existential question for the King and the monarchy (Fernández-Molina 2015: 46). This issue has shaped Morocco’s foreign policy and is omnipresent in Rabat’s international relations. Fernández-Molina even argues that “each international actor’s support for the Moroccan positions on this conflict, (...) appeared to be the acid test – a necessary and often even sufficient condition – for its good relations with Rabat” (Fernández-Molina 2015: 46). A European official told the author that his Moroccan counterparts were used to say that “any cooperation is not worth a grain of Saharan sand”.³⁸¹

The Western Sahara issue has therefore impacted Morocco’s foreign relations. It has brought tensions with Spain, and especially with Algeria, which supports the Polisario Front. Algeria’s continued political and military support for the independence movement has exacerbated tensions between Rabat and Algiers, which were already high since 1963 and the Sand War (Gillespie 2010: 87–8). These tensions culminated in 1994 with the closure of their respective borders and buried any ambition for inter-Maghrib cooperation (Pennell 2000: 343). In parallel to these tensions with Algeria, which remain important, Morocco achieved great diplomatic success in 2020 with the USA. Indeed, in December 2020, the Trump administration recognized the full sovereignty of Morocco over the entire territory of Western Sahara.³⁸² This political decision was a reward granted by the USA for the normalization agreement signed in December 2020 between Morocco and Israel to establish full diplomatic relations.³⁸³ The US decision has created a bandwagon effect with the opening of more than 15 consulates in Western Sahara, the most notable being that of Jordan (Allison 2021: 20).

This demonstrates that Western Sahara is a vital issue for Morocco in the conduct of its foreign policy. A country’s, or, in the case of the EU, a supranational organization’s position on the matter defines the states of the bilateral relations with Morocco. The EU’s historical approach to international relations has been to defend and support international law (Kassoti 2017). However, the Western Sahara issue has not been settled under international law. The UN-led process is still ongoing, and no referendum of self-determination has been held. This situation goes against the UN’s resolution on the people’s right to self-determination (United Nations General Assembly 1960) and its 1966 decision to order the holding of such a referendum in Western Sahara (United Nations General Assembly 1966). Therefore, the EU’s long-standing position of strict observance of international law would defend the Saharawi people’s right to hold a referendum. As a result, we argue that Western Sahara represents a potential disagreement with Morocco.

³⁸¹ Interview 12.

³⁸² U.S. Embassy & Consulates in Morocco, “Proclamation on Recognizing The Sovereignty Of The Kingdom Of Morocco Over The Western Sahara”, 10.12.2020, <https://ma.usembassy.gov/proclamation-on-recognizing-the-sovereignty-of-the-kingdom-of-morocco-over-the-western-sahara/> (Accessed on 21 June 2022).

³⁸³ The Kingdom of Morocco, the United States of America and the State of Israel, “Joint Declaration”, Rabat, 22.12.2020, <https://www.state.gov/wp-content/uploads/2021/01/Joint-Declaration-US-Morocco-Israel.pdf> (Accessed on 21 June 2022).

Western Sahara and EU-Morocco relations represent an interesting case to study regarding our analysis of the joined-up approach. Because of the nature of the disagreement and the importance it represents for Morocco, coupled with the dependence the EU has developed over the last years on a good relationship with Rabat, Morocco represents the least-likely case for the development of a joined-up approach. Therefore, analyzing whether the EU would still develop a joined-up approach in this situation is an interesting case study to understand the conditions under which such an approach is developed.

Regarding the nature of this diplomatic disagreement, Western Sahara represents a CFSP issue. It concerns a disputed territory, and, although “frozen”, an armed conflict. As a result, this constitutes a conflict resolution question, which is dealt with in CFSP structures. Moreover, we demonstrate in section 6.3.1 that the only place where we find mentions of Western Sahara is the EU’s statements at the Association Council. Because this Council is a foreign policy fore, this confirms that Western Sahara is a CFSP issue. Finally, in the EU institutional structure, Western Sahara is a responsibility of the EEAS,³⁸⁴ which further confirms our assessment.

As a result, and according to the first hypothesis, the CFSP nature of the diplomatic disagreement means that it is less likely that the EU will develop a joined-up approach toward Morocco.

6.2.2 Member states’ coherence

The member states’ coherence toward Morocco regarding the Western Sahara issue has been historically weak. Indeed, the EU’s position has always been to support the UN-led process to find a solution acceptable to all parties. Two actors with strong historical ties and economic and political interests with Morocco mainly shape the EU’s position: France and Spain. However, the member states’ positions have moved closer in recent years. Indeed, the EU’s dependence on Morocco on security and migration issues means that European countries need to maintain good diplomatic relations with Rabat. Thus, in recent years, we can observe a growing coherence of member states in favor of Morocco.

In this section, we first analyze whether there is a common EU position. To do so, we analyze the EU’s statements on this issue, as well as the votes of the member states at the UN. Then we present the position of the member states and their reactions to the autonomy plan proposed by Morocco in 2007.

As argued above, the EU’s position on the Western Sahara issue is that of “playing a backseat role” (Gillespie 2010: 91). The EU’s official position regarding the conflict is that it “fully supports the United-Nations led process to find a just, lasting and mutually acceptable political solution to the question of Western Sahara” (Borrell 2021b). In addition, it considers Western Sahara “a ‘non-self-governing territory’ and the Kingdom of Morocco its de facto

³⁸⁴ Interviews 2, 6, 7, and 19.

administering power” (Mogherini 2015). As a result, the EU and its member states do not recognize the SADR, which was reaffirmed during the 2022 European Union-African Union Summit (Wilson 2022).

Compared with the Israeli-Palestinian conflict, where the EU has been very active in developing and defending a common position, the Western Sahara issue has barely been on the EU’s foreign policy agenda. Indeed, out of all European Council and Council of the EU conclusions since 2002, only two mention the Western Sahara issue. Moreover, these mentions are not the position taken by the EU on the issue, like the Middle East Peace Process conclusions regarding the Israeli-Palestinian conflict. Indeed, in the first occurrence, it simply mentions that the EU and Morocco held a political dialogue in the framework of the Association Council on “subjects of common interest: combating terrorism, Middle East, Iraq, EU Strategic Partnership for the Mediterranean and the Middle East, non-proliferation and the Western Sahara” (Council of the European Union 2004h: 32). Therefore, not only did the document not lay out the EU’s position, but Western Sahara was just one issue listed among many others. The second occurrence happened in the context of the CJEU decisions on EU-Morocco agreements. In its Foreign Affairs Council conclusions, the Council adopts a decision on extending tariff preferences in the AA with Morocco to Western Sahara. Therefore, this second and last mention of the issue does not present the EU’s position on the conflict either. Interestingly, the conclusions add that this decision “should allow the EU to continue reinvigorating its partnership with Morocco” (Council of the European Union 2018d: 6). The EU position, therefore, reflects the lowest common denominator attainable between the preferences of the member states (Fernández-Molina 2017: 221). The absence of any EU declaration on the Western Sahara issue illustrates that member states have been unable to agree on a common position.

Another illustration of the member states’ division on Western Sahara is their inability to ‘speak with one voice’ at the UNGA. To analyze the member states’ votes at the UNGA, we have looked at the voting data available on the UN digital library for every resolution on Western Sahara.³⁸⁵ We have reported the votes of each EU member state on an excel file. We have also reported the votes of countries that would eventually become EU member states in the future to see if their positions aligned with those of EU member states before joining the community and if their votes changed once they became EU members. The UN digital library has 12 resolutions for which the voting records are available (United Nations General Assembly 1978a, 1978b, 1979, 1981, 1982, 1984, 1985, 1986, 1987, 1988, 2004, 2006). For the years missing, the UNGA still adopted resolutions on Western Sahara, but those were adopted without a vote.

These UN resolutions affirmed the inalienable right of the people of Western Sahara to self-determination. From the votes cast at the UNGA, illustrated below in Figure 17, we can see that upon Greece’s adhesion to the EU, member states spoke with one voice. Indeed, in the

³⁸⁵ United Nations Digital Library, “Voting Data: Western Sahara”, https://digitallibrary.un.org/search?ln=en&cc=Voting%20Data&p=western%20sahara&f=&rm=&ln=en&sf=&so=d&rg=50&c=Voting%20Data&c=&of=hb&fti=0&fti=0&fct__2=General%20Assembly (Accessed on 1 July 2022).

two resolutions of 1978, as well as the one in 1979, the nine member states decided to abstain from the vote. These abstentions meant that the member states preferred that the two parties, the Polisario Front and Morocco, found a mutually acceptable solution rather than granting Western Sahara the right to self-determination without Morocco's agreement.

Greece's adhesion to the EU did not alter Athens' vote. Indeed, in the 1981, 1982, 1984, and 1985 resolutions, Greece was the only member state to vote in favor of the resolutions. The successive waves of enlargement have followed the same trend as the votes of EU member states have diverged increasingly, except for the 2004 resolution. The 2006 resolution is particularly telling. It is the only resolution where voting records are available after the 2004 enlargement and shows strong disunity among the member states. This results from the adhesion of new member states whose views diverged from the old members. Indeed, the old member states pretty much abstained from every vote. Belgium, Denmark, France, and Luxembourg abstained in the 12 votes. Germany, Italy, the Netherlands, and the UK abstained in 11 votes, supporting only the 2006 resolution. Finally, Ireland abstained in 9 votes, supporting the 1987, 1988, and 2006 resolutions. The EU enlargement in the 1980's already brought some diverging views to the club. Indeed, Greece has supported every resolution, only abstaining in 1978 and 2004. Spain had supported 7 resolutions and abstained 4 times. Finally, Portugal's adhesion did not alter the member states' coherence as it has abstained from voting in every resolution. However, the enlargements waves of 1995 and especially 2004 brought opposing views to the EU circle. Indeed, Figure 18 shows that the future member states mainly voted in favor of the resolutions. The comparison between figures 17 and 18 illustrates this difference. While the abstention is high in Figure 17 until 2004, Figure 18 shows a different picture, with the 'Yes' being significantly higher.

This analysis of the EU member states and future member states' votes at the UNGA on resolutions on Western Sahara shows a weak coherence among the capitals. The EU of Nine was able to 'speak with one voice', albeit by abstaining rather than taking a position on the issue. However, the successive waves of enlargement have brought more diversity in the member states' votes on this issue. Finally, the 2006 resolution demonstrates that EU membership has not changed how the new member states vote on Western Sahara.

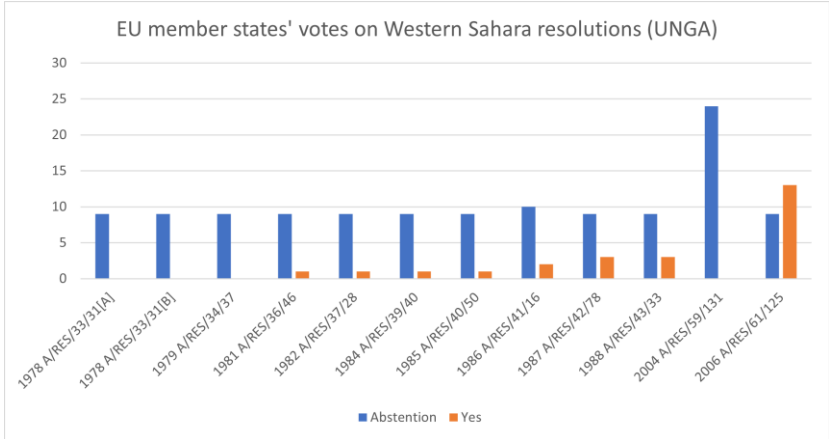


Figure 17: EU member states' votes on Western Sahara resolutions (UNGA)
 Source: United Nations Digital Library, "Voting Data: Western Sahara"

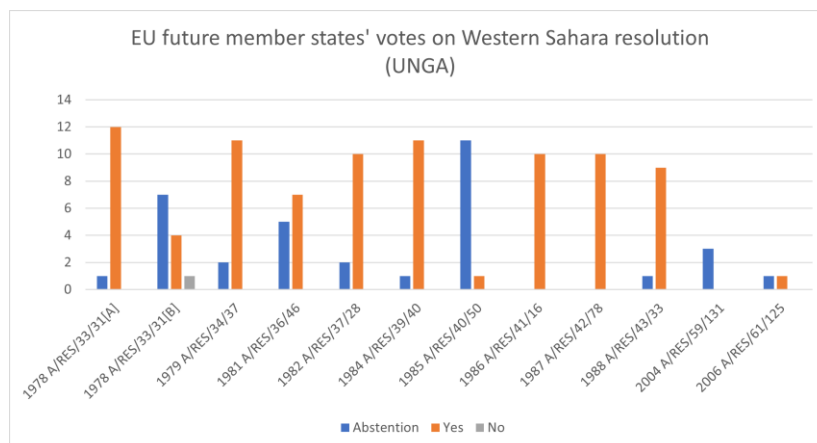


Figure 18: EU future member states' votes on Western Sahara resolution (UNGA)
 Source: United Nations Digital Library, "Voting Data: Western Sahara"

These votes at the UN show strong disunity among EU member states regarding the Western Sahara issue. Whereas the 'old' member states abstained from the majority of the votes, preferring to back the UN-led process and a mutually acceptable negotiated solution between Morocco and the Polisario Front, the 'new' member states supported granting Western Sahara the right to self-determination. Therefore, the EU position of supporting the UN-led process reflects the lowest common denominator attainable between the preferences of the member states (Fernández-Molina 2017: 221).

In the following part, we analyze the positions of the most influential member states on the issue and their evolution. Even though there have been deep divisions during the majority of the twenty-first century, we show that member states have increasingly come together in recent years. Driven by their dependence on Rabat's cooperation in security and migration, the member states' positions have gradually converged to support Morocco's position in the conflict.

France and Spain are the two leading influential member states regarding the Western Sahara issue. While France has historically supported the Moroccan government, it remains officially committed to the UN process to find a solution (Vaquer I Fanés 2004: 97-9). The historical, political, and economic ties inherited from the colonization and the strong Moroccan community in France explain that Paris has always supported the Moroccan government in the conflict. In a press conference in 2001, during a visit to Morocco, French President Jacques Chirac referred to Western Sahara as 'Morocco's Southern province' (Chirac 2001). During another visit two years later, Jacques Chirac stated that the French position regarding the Western Sahara issue was to support Morocco's position at the UNSC (Chirac 2003). As a result, the French position on the issue has been unwavering. As recalled by the French Foreign Affairs Ministry in 2022, France's position has always been to "support a just, lasting, mutually acceptable solution in accordance with UN Security Council resolution".³⁸⁶ Thus, France supports the UN-led resolution process while insisting on the need to find a solution that is

³⁸⁶ Ministère de l'Europe et des Affaires Etrangères, "France Diplomacy : Western Sahara Q&A", 21.03.2022, <https://www.diplomatie.gouv.fr/en/country-files/morocco/news/article/western-sahara-q-a-21-mar-2022> (Accessed on 3 July 2022).

acceptable to Morocco. Paris had declared that it would not hesitate to “use its veto power at the UNSC should the UN decide to impose a solution unacceptable to Morocco” (Darbouche and Zoubir 2008: 98). For instance, in 2003, France opposed a resolution by the United States at the UN on the organization, within five years, of a referendum on self-determination in Western Sahara (Libération 2003).

In summary, the French position on the Western Sahara issue is to support the UN leadership while ensuring that Morocco’s interests are respected. Thus, although it does not officially recognize Morocco’s sovereignty over the territory, its position is largely in favor of Rabat. France supports the Moroccan autonomy plan proposed in 2007 and considers it “a serious and credible basis for discussion” (Idrissi 2022).³⁸⁷

Spain is the former colonial power of Western Sahara and is therefore inherently concerned with the issue. Historically, Spanish politicians have felt “responsible for the fate of Western Sahara and its people, abandoned to the Moroccan and Mauritanian occupation” (Vaquer I Fanés 2004: 95). However, Spain has a strategic relationship with Morocco due to the dependence of Spanish fishing on Moroccan waters, the fate of the Spanish enclaves of Ceuta and Melilla as well as cooperation on migration control. Spain’s position regarding Western Sahara and the consequences it may have on its relations with Morocco was illustrated in 2021 by tensions over Spain’s decision to receive the Polisario leader for medical treatment. After Madrid decided to allow the Polisario’s leader in a Spanish hospital, 6’000 migrants crossed the border between Morocco and Spain and entered the enclave of Ceuta. Morocco is suspected of allowing these migrants to cross the border to deliver a message to the Spanish government regarding its stand on Western Sahara (Edwards 2021; Torreblanca 2021). These Moroccan pressures on Spain and Madrid’s vulnerability to irregular migration have paid off (Lebovich and Lovatt 2022). Indeed, in March 2022, Spain made a significant U-turn by declaring that it supported Morocco’s plan to resolve the Western Sahara issue,³⁸⁸ which provides for Sahrawi autonomy under Moroccan sovereignty.³⁸⁹ In a letter to Mohamed VI, the Spanish Prime Minister stated that the 2007 Moroccan’s autonomy plan was the “most serious, credible, and realist one for the resolution of the disagreement” (Sánchez 2022). This letter means that Spain effectively recognizes Morocco’s sovereignty over Western Sahara, reversing decades of foreign policy.

³⁸⁷ Ministère de l’Europe et des Affaires Etrangères, “France Diplomacy : Renewal of MINURSO mandate Q&A”, 02.05.2019, <https://www.diplomatie.gouv.fr/en/country-files/morocco/news/article/western-sahara-renewal-of-minurso-mandate-q-a-excerpts-from-the-daily-press> (Accessed on 3 July 2022).

³⁸⁸ Kingdom of Morocco : Ministry of Foreign Affairs, African Cooperation, and Moroccan Expatriates, “Statement by Royal Office: Spain considers the autonomy initiative presented by Morocco as the basis, the most serious, realistic and credible, for the resolution of the dispute about the Moroccan Sahara, 18.03.2022, <https://www.diplomatie.ma/en/statement-royal-office-spain-considers-autonomy-initiative-presented-morocco-basis-most-serious-realistic-and-credible-resolution-dispute-about-moroccan-sahara> (Accessed on 21 June 2022).

³⁸⁹ Royaume du Maroc, “L’Initiative marocaine pour la négociation d’un statut d’autonomie de la région du Sahara”, https://www.maroc.ma/fr/system/files/documents_actualite/initiative_marocaine.pdf (Accessed on 21 June 2022).

Spain's change of policy regarding the Western Sahara issue illustrated Morocco's active use of its leverage on an EU member state to influence its position. Spain has not been the only country to suffer from retaliatory measures from Morocco in response to its position on the issue. Indeed, in March 2021, Morocco suspended diplomatic contacts with Germany and recalled its ambassador following Berlin's criticism of US President Donald Trump's decision to recognize Morocco's sovereignty over the disputed territory (El Barakah 2021). In late 2021, Germany declared that Morocco's autonomy plan was "an important contribution to a solution",³⁹⁰ which led to a renewal of the ties between the two countries (Euractiv 2022). In May 2022, the Netherlands also announced their support for the Moroccan's autonomy plan, stating that it was "a serious and credible contribution to the UN-led political process" (Le Matin 2022).

Finally, the case of Sweden is another illustration of how Morocco has leveraged EU member states' dependency on Rabat to shape their position on the Western Sahara issue. Historically, Sweden's position has been to not recognize Moroccan sovereignty over the disputed territory (Schöldtz and Wrange 2006). However, diplomatic tensions erupted in October 2015 because of rumors that Stockholm would recognize the SADR (Morocco World News 2016). In response, Morocco announced that it would boycott all Swedish companies and products, including IKEA, which led Sweden to drop its plan to recognize the SADR (Morocco World News 2016). In 2018, the Swedish Parliament recognized Morocco's autonomy plan as a possible basis for negotiation (Morocco World News 2018). However, Sweden remains committed to the UN-led process and the Saharawi's right to self-determination. In November 2021, Sweden voted against a Council's decision to appeal a General Court of the EU ruling, which annulled the agricultural and fisheries partnership agreements between the EU and Morocco because they applied to Western Sahara. In a statement, Sweden explained that "questions pertaining to Western Sahara must be handled with respect for international law" and that the General Court ruling was "in line with past rulings by the Court of Justice and with Sweden's position" (Council of the European Union 2021c: 14).

In summary, member states' coherence toward Morocco has historically been divided. Whereas the older member states have always backed the UN-led resolution process, the new ones had historically supported Western Sahara's right to self-determination, as illustrated by their votes at the UNGA. The two main actors in the issue are France and Spain. France has always supported a solution under the UN process. However, it has insisted that such a solution should suit Morocco's interests, not hesitating to use its position at the UNSC to protect Rabat. Spain had historically supported the Saharawi people's right to self-determination before shifting its position radically in 2022, following pressure from the Moroccan government and Madrid's dependency on Rabat's cooperation on migration issues. Finally, Sweden has been the most active country in defending the interests of the Western Sahara. However, Morocco's active leverage have meant that Stockholm's actions have remained limited. As a result, we have observed a low level of coherence among member states since 2000. There has been a gradual convergence since 2021, with more and more EU countries

³⁹⁰ Germany Federal Foreign Office, "Germany and Morocco: Bilateral relations", 13.12.2021, <https://www.auswaertiges-amt.de/en/aussenpolitik/morocco/235776> (Accessed on 21 June 2022).

supporting Morocco’s autonomy plan. However, this coherence, driven by security and migration interests, has favored Rabat. As a result, we do not expect the EU to develop a joined-up approach toward Morocco regarding the Western Sahara issue.

6.2.3 Economic stakes of cooperation

As explained in the analytical framework, for the economic stakes of cooperation we present the intensity of cooperation between the EU and Morocco in the three sectors, as well as the degree of dependence of Morocco on its sectoral cooperation with the EU. Therefore, we take into account the short-term (intensity of cooperation) as well as the medium- and long-term (degree of dependence) effects that limiting or ending cooperation could have on Morocco.

6.2.3.1 Trade

Even though the EU is Morocco’s main trade partner, trade relations between the two parties must be classified as moderate. In 2021, commercial exchanges between the two partners reached 43 billion euros.³⁹¹ Morocco imported 25 billion euros worth of goods from the EU while exporting 18 billion euros to the single market. Even though these data make the EU Morocco’s first trade partner, the numbers’ comparison to EU trade with other countries that will be done below explains why we classify this intensity of cooperation as moderate. Trade between the EU and Morocco has steadily increased since 2002, except in 2009 due to the financial crisis, as well as in 2020 when we see a significant drop due to the COVID crisis. Figure 19 shows the evolution of trade between the EU and Morocco. The table is constructed from the Moroccan perspective, meaning that the export and import lines correspond to what Morocco exports or imports to the EU.

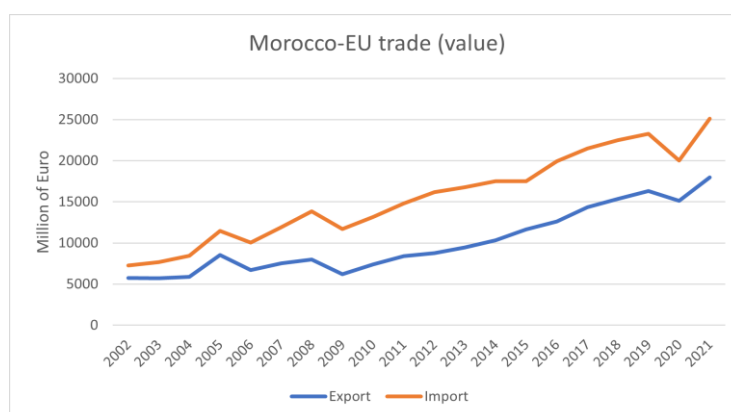


Figure 19: Morocco-EU trade (value)
Source: Eurostat, “Extra-EU trade by partner (EXT_LT_MAINEU)”

Regarding the degree of Moroccan dependence on cooperation with the EU in the trade sector, we examine the proportion of trade with the EU compared to Morocco’s other trading partners. For Morocco, the EU is by far its primary trade partner. On average, since 2000, 43%

³⁹¹ Eurostat, “Extra-EU trade by partner (EXT_LT_MAINEU)”, *Op. Cit.*

of Morocco’s imports have come from the EU, while 52% of Morocco’s exports go to the EU (Figures 20 and 21).³⁹² These figures also highlight that while Morocco’s dependence on its trade with the EU remains strong, it has declined since the start of the twenty-first century. Indeed, whereas the exports to the EU reached a peak of 76% in 2005 and the imports of 61% in 2002, both the exports and the imports dropped below the 50% mark between 2008 and 2015. Since 2014, the percentage of trade with the EU in Morocco global trade is increasing again.

One of the main takeaways from Figures 20 and 21 is that Morocco’s trade is less diversified than Israel and Switzerland. Whereas there was a substantial drop in the EU’s proportion of trade relative to other partners between 2008 and 2014, the importance of the EU market has increased again since 2014. The figures showing the percentage of Morocco’s international trade that its three principal partners represent, illustrate Morocco’s dependency on the EU. The share of Morocco’s second and third most important partners (the US, China, or India, depending on the years) in Morocco’s international trade has increased only slightly for the imports. It has stagnated at around 5% for the exports.

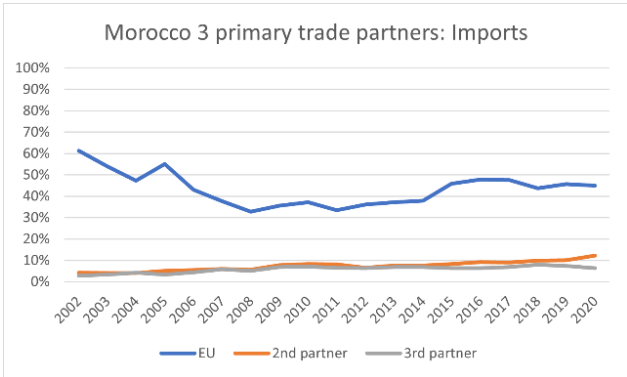


Figure 20: Morocco 3 primary trade partners: Imports
Source: UN Comtrade Database

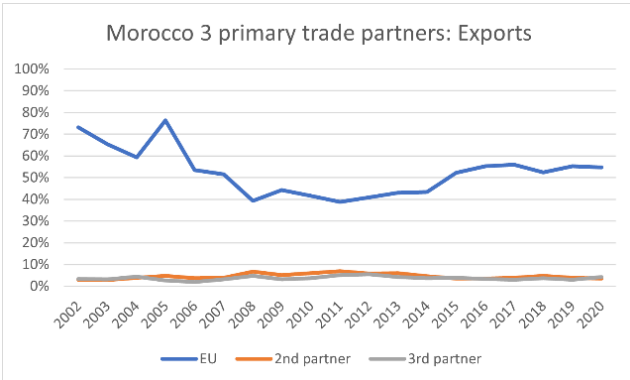


Figure 21: Morocco 3 primary trade partners: Exports
Source: UN Comtrade Database

Morocco has signed several trade agreements with different partners. As of 2022, Morocco has signed free trade agreements with the EFTA countries (1997), Egypt (1998), Jordan (1998),

³⁹² UN Comtrade Database, <https://comtrade.un.org/data/> (Accessed on 6 July 2022).

Tunisia (1999), the United Arab Emirates (2001), the US (2004), Turkey (2004), the UK (2019), and is also part of the African Continental Free Trade Area (AfCFTA).³⁹³ However, these trade agreements have not allowed Morocco to diversify its trade partners. For example, the US is one of Morocco's main trade partners but accounts only for approximately 6% of Morocco's international trade. Among the other countries with which Morocco has signed a free trade agreement, Turkey was, in 2020, the partner with who Morocco had the most exchanges. However, it only accounted for 4% of Morocco's international trade.³⁹⁴ Trade with Jordan, for instance, represented only 0.08% of Morocco's trade in 2020. Finally, Morocco's regional economic integration with the Arab Maghreb Union (AMU) (Mauritania, Algeria, Tunisia, and Libya) is not significant in terms of trade for Morocco either. In 2019, trade within the AMU represented only 1.6% of Morocco's trade, down from 2018.³⁹⁵ As a result, even though Morocco has signed agreements with other partners to diversify its trade, those agreements have not diminished Morocco's dependence on the EU in terms of trade which remains significant.

On the side of the EU, Morocco is not one of the EU's main trade partners. In terms of ranking, and on average since 2000, Morocco represents the EU's 30th source of imports and 22nd export destination.³⁹⁶ We have seen with Figures 19 and 20 that EU-Morocco trade decreased between 2008 and 2014. Morocco's ranking in terms of source of EU imports follows the same trend: Morocco went from 28th partner of the EU in 2002 to the 36th partner in 2011, before rising to 23rd place in 2021. However, even though Moroccan imports from the EU in terms of value have experienced the same decline between 2008 and 2014, Morocco's ranking in terms of destination of EU exports has remained stable. Indeed, between 2002 and 2015, Morocco's ranking in EU export destinations was between 25th and 23rd. In 2018, Morocco became the EU's 19th preferred export destination.

Similar to Israel, the relative importance of Morocco for the EU in trade is minor. Indeed, Figures 22 and 23 illustrate how the evolution of EU-Morocco trade compares to the EU's three main trade partners: China, the US, and Russia. Whereas EU-Morocco trade has substantially increased since 2014, it is hardly noticeable in those charts. On the other hand, the increase in EU's exports to Morocco is a bit more visible but still remains far from the level of growth of the EU's other main partners. As a result, the EU is not dependent on its trade with Morocco. Indeed, on average, since 2002, imports from Morocco represent 0.6% of the EU's total imports, whereas the average for the EU exports to Morocco is 1%.³⁹⁷

³⁹³ Ministère de l'Industrie et du Commerce, "Commerce extérieur: Accords commerciaux", <https://www.mcinet.gov.ma/fr/content/commerce-exterieur> (Accessed on 7 July 2022).

³⁹⁴ UN Comtrade Database, *Op. Cit.*

³⁹⁵ Direction générale du Trésor, "Maroc : Profil du commerce extérieur du Maroc", <https://www.tresor.economie.gouv.fr/Pays/MA/profil-du-commerce-exterieur-du-maroc> (Accessed on 7 July 2022).

³⁹⁶ Eurostat, "Extra-EU trade by partner (EXT_LT_MAINEU)", *Op. Cit.*

³⁹⁷ Eurostat, "Extra-EU trade by partner (EXT_LT_MAINEU)", *Op. Cit.*

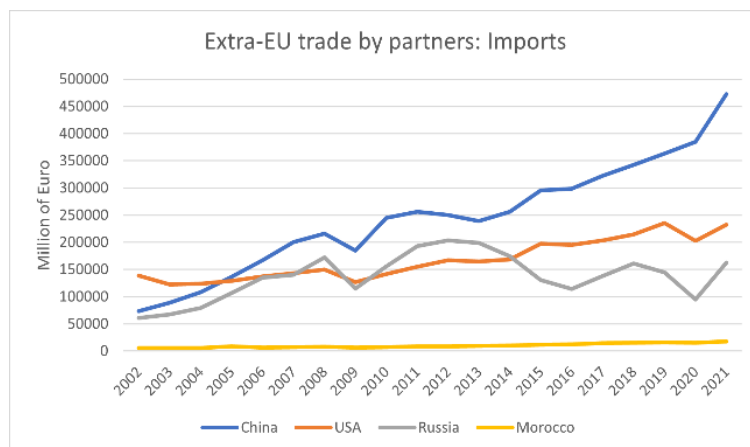


Figure 22: Extra-EU trade by partners: Imports (MO)
Source: Eurostat, "Extra-EU trade by partner (EXT_LT_MAINEU)"

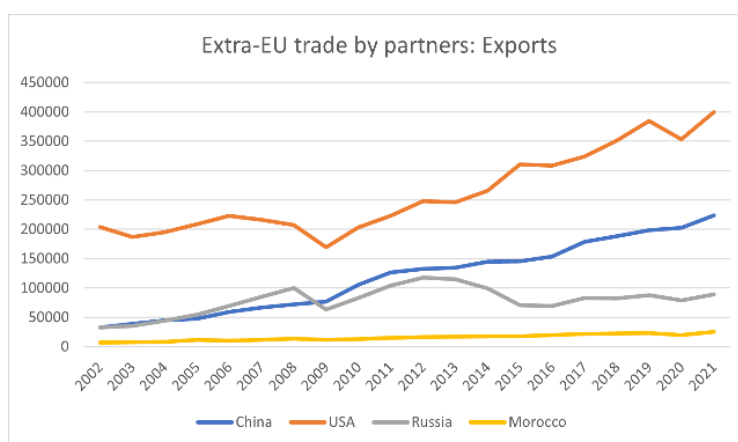


Figure 23: Extra-EU trade by partners: Exports (MO)
Source: Eurostat, "Extra-EU trade by partner (EXT_LT_MAINEU)"

In conclusion, the intensity of cooperation between the EU and Morocco in trade is moderate. The EU is Morocco's leading trading partner, but the exchange between the two entities does not reach the same intensity levels as the EU's trade with other countries. Morocco is, on average, the EU's 26th largest trading partner. However, Morocco's dependence on the EU in trade is high. Indeed, even though trade with the EU declined between 2008 and 2014, it has since returned to its previous levels. The EU now represents the destination for more than 50% of Moroccan exports and the source of 45% of Moroccan imports. Moreover, despite several free trade agreements, Morocco's economy remains little diversified and is highly dependent on the EU.

6.2.3.2 Research and innovation

For research and innovation, we analyze Morocco's status in the 6th, 7th, and 8th EU Framework Programs for Research and Technological Development which correspond to FP6, FP7, and Horizon 2020. For each of these programs, we then report the main statistics regarding Morocco's participation (number of participations, net EU contribution) and how Morocco compares to EU member states and other third countries. We will also look at the status of Morocco in the new EU program: Horizon Europe. Finally, we analyze Morocco's

national research and innovation strategy and if it has partnerships with non-EU countries to understand how reliant it is on grants obtained through EU research and innovation programs.

Morocco has never been associated with the EU framework programs. However, Morocco and the EU have, for the first time, opened negotiations in 2021 to grant Morocco an associated-country status in the EU's new research framework program: Horizon Europe.³⁹⁸ Even though Morocco was not associated with previous EU framework programs, a science and technology cooperation agreement signed between the EU and Morocco in 2003 provided for Morocco's participation in the EU framework programs.³⁹⁹ As a result, it has participated to FP6, FP7, and Horizon 2020 as a third country.

Morocco's third-country status in the previous EU research framework programs explains that its participation statistics for FP7 and Horizon 2020 are less successful than those of Switzerland and Israel. Table 26⁴⁰⁰ contains the statistics for Morocco's participation in FP7 and Horizon 2020. It includes the number of projects in which Moroccan institutions have participated, as well as the amount of funding received from the EU. For both Morocco's participation and funding received, it also contains the ranking of Morocco in comparison with every country participating in these programs, including EU member states, and among third countries, thus excluding EU member states. Unfortunately, we could not find the statistics for FP6.

	FP6	FP7	Horizon 2020
Participation	Not available	133	89
Rank (total)		44	54
Rank (third countries)		17	26
Net EU contribution (EUR)	Not available	13'717'699	8'347'339
Rank (total)		44	55
Rank (third countries)		16	27

Table 26: Morocco's participation to EU framework programs (2007-2020)

Sources: European Commission

³⁹⁸ European Commission, "The European Commission concludes first negotiation round on Horizon Europe association with Morocco", *News*, Brussels, 05.10.2021, https://ec.europa.eu/info/news/european-commission-concludes-first-negotiation-round-horizon-europe-association-morocco-2021-oct-05_en (Accessed on 16 June 2022).

³⁹⁹ Official Journal of the European Union, "Agreement on scientific and technical cooperation between the European Community and the Kingdom of Morocco", L 37, 10.02.2004, [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22004A0210\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22004A0210(01)&from=EN) (Accessed on 11 July 2022).

⁴⁰⁰ Statistics for this table are taken from: European Commission, "Dashboard: FP7 Participation Details", <https://webgate.ec.europa.eu/dashboard/sense/app/eaf1621c-67ce-4972-a07b-dddba31815c1/sheet/3d13a5cb-1ef0-4c26-ac4d-51346b7b3f2d/state/analysis> (Accessed on 8 July 2022) for FP7; European Commission, "Dashboard: H2020 Participations", <https://webgate.ec.europa.eu/dashboard/sense/app/93297a69-09fd-4ef5-889f-b83c4e21d33e/sheet/PbZJnb/state/analysis> (Accessed on 8 July 2022) for Horizon 2020.

Even though Morocco was not associated with FP7 and Horizon 2020, its participation was successful compared to similar countries in the region. Indeed, if we exclude the Southern Mediterranean countries associated with the EU's framework programs (Israel for FP7 and Horizon 2020, and Tunisia for Horizon 2020), Morocco was the country in the region with the highest number of participations in FP7 and Horizon 2020. Moreover, regarding the EU contribution, Morocco was the second largest beneficiary of EU funds among Southern Mediterranean countries behind Egypt in FP7 and the largest beneficiary in Horizon 2020. Finally, Morocco has also participated in a coordination role under the FP7 program four times.

Besides its participation in EU framework programs, Morocco is also involved in several other multilateral cooperation frameworks. Indeed, it participates in Eranetmed, Arimnet, Leap-Re, Fosc, Susfood-Coreorganic, Prima, Sussfood2-Fosc, and Biodivrestore.⁴⁰¹ All these multilateral frameworks involve cooperation with EU partners. In parallel, Morocco has also developed bilateral cooperation with three countries: France, Germany, and Tunisia.⁴⁰² Finally, Morocco is also a member of several international organizations working in the field of scientific research and innovation: the Islamic World Educational, Scientific and Cultural Organization; the Arab Organization for Education, Science, and Culture; the Federation of Arab Scientific Research Councils; and the African Regional Center for Space Science and Technology in French Language.⁴⁰³

The picture of Morocco's international cooperation in research and innovation is one of high dependence on the EU. Indeed, all the multilateral cooperation frameworks in which Morocco participates are under the EU's umbrella. Moreover, Morocco's bilateral cooperation is limited and includes two EU member states out of the three countries with whom Morocco has bilateral agreements. Finally, Morocco's involvement in international organizations is the only aspect in which Rabat cooperates with countries outside the EU. Indeed, these frameworks gather Arab or African countries. Unfortunately, the budgets of these international organizations are not available. However, in comparison with Horizon Europe, it is undoubtedly lower.

To conclude, the intensity of cooperation between Morocco and the EU in research and innovation is low. Indeed, even though Morocco has been able to participate in several projects under FP7 and Horizon 2020, the fact that it has never been granted an associated-country

⁴⁰¹ Ministère de l'Enseignement Supérieur, de la Recherche Scientifique et de l'Innovation, "Coopération et Partenariat dans le domaine de la Recherche : Coopération Multilatérale", <https://www.enssup.gov.ma/en/publications/categories/Coop%C3%A9ration%20Multilat%C3%A9rale> (Accessed on 12 July 2022).

⁴⁰² Ministère de l'Enseignement Supérieur, de la Recherche Scientifique et de l'Innovation, "Coopération et Partenariat dans le domaine de la Recherche : Coopération Bilatérale", <https://www.enssup.gov.ma/en/publications/categories/Coop%C3%A9ration%20Bilat%C3%A9rale> (Accessed on 12 July 2022).

⁴⁰³ Ministère de l'Enseignement Supérieur, de la Recherche Scientifique et de l'Innovation, "Coopération et Partenariat dans le domaine de la Recherche : Coopération avec les organisations internationales", <https://www.enssup.gov.ma/en/cooperation-et-partenariat-dans-le-domaine-de-la-recherche> (Accessed on 12 July 2022).

status has considerably limited its participation. However, this will most likely change if Morocco concludes its ongoing negotiations with the EU on associating with Horizon Europe. On the other hand, Morocco’s dependence on cooperation with the EU in research is high. Indeed, except for its participation in several international organizations that gather Arab and African countries, Morocco’s international collaboration is firmly anchored in the European network. The multilateral cooperation networks in which Morocco participates are all under the EU’s umbrella, and its bilateral cooperation includes two EU member states out of three agreements.

6.2.3.3 Aviation

Relations in air transport between the EU and Morocco are governed by the Euro-Mediterranean Aviation agreement signed in 2006.⁴⁰⁴ The agreement integrates Moroccan air transport into the EU market by allowing all airlines based in the EU and Morocco to operate flights between any airports in the EU and Morocco. It also provides for market and regulatory convergence, as well as harmonization of rules on diverse topics, such as flight safety and security or protection of the environment. Statistics for EU-Morocco air passengers are available since 2007.⁴⁰⁵ Between 2007 and 2019, before the COVID crisis, the average number of annual passengers on a flight between an EU country and Morocco was 11’511’915. In proportion, this number means that Morocco represented the origin or destination of 2% of all passengers on a flight between the EU and a third country.

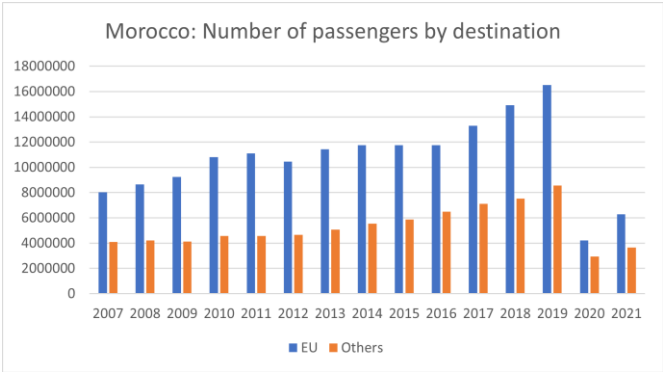


Figure 24: Number of passengers by destination (Morocco)
 Source : Eurostat, Direction Générale de l’Aviation Civile

For Morocco, the EU is its most important partner in aviation. Figure 24⁴⁰⁶ illustrates the share of the EU in the total number of passengers arriving or departing from Morocco. On average,

⁴⁰⁴ Official Journal of the European Union, Euro-Mediterranean Aviation Agreement between the European Community and its Member States, of the one part, and the Kingdom of Morocco, of the other part, L 386, 29.12.2006, [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22006A1229\(04\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22006A1229(04)&from=EN) (Accessed on 14 June 2022).

⁴⁰⁵ Eurostat, “International extra-EU air passenger transport by reporting country and partner world regions and countries (AVIA_PAEXCC)”, https://ec.europa.eu/eurostat/databrowser/view/AVIA_PAEXCC/default/table?lang=en&category=avia.avia_pa.avia_pae (Accessed on 12 July 2022).

⁴⁰⁶ Statistics for this table is taken from: Eurostat, “International extra-EU air passenger transport by reporting country and partner world regions and countries (AVIA_PAEXCC)”,

since 2007, 67% of air passengers arriving or departing from Morocco are coming from or going to the EU. The figure illustrates a significant increase since 2017. Indeed, the number of passengers rose from 11.8 million in 2016 to 16.5 million in 2019. In addition to its air transport agreement with the EU, Morocco has signed over 90 bilateral agreements with other countries, including an Open Sky agreement with the US (Direction Générale de l'Aviation Civile 2019: 5).

Relations in air transport between Morocco and the EU have a moderate level of intensity. Indeed, since 2007, around 11.5 million passengers have traveled between the two destinations per year on average. However, Morocco is highly dependent on its access to the EU air transport market as 67% of passengers arriving to or departing from Morocco have an EU country as their origin or destination.

6.2.3.4 Conclusion

In summary, sectoral cooperation between the EU and Morocco in the trade sector has a moderate level of intensity. However, Morocco's dependence on its access to the EU market is high because of the undiversified nature of its international trade. Research is the sector with the lowest intensity of cooperation between the two partners. Indeed, Morocco has not been associated to the EU framework programs until 2021. However, similar to the trade sector, Morocco's international relations in research are almost uniquely with Europe. Therefore, its dependence on cooperation with the EU in the research sector is high. Finally, relations between the EU and Morocco in aviation have a moderate level of intensity. However, more than 65% of passengers in Morocco arrive or go to the EU. As a result, Morocco is also highly dependent on its relations with the EU in the aviation sector.

As a result, according to the third hypothesis, we expect the EU to mobilize first the trade and aviation sector in a joined-up approach. Even though Morocco is highly dependent on its relations with the EU in the research sector, the low level of intensity of relations between the two partners make this sector the least likely to be develop in a joined-up approach.

Sector	Intensity of cooperation	Degree of dependence
Trade	Medium	High
Research	Low	High
Aviation	Medium	High

Table 27: Summary of the economic stakes of cooperation for Morocco in the three sectors

https://ec.europa.eu/eurostat/databrowser/view/AVIA_PAEXCC/default/table?lang=en&category=avia.avia_pa.avia_pae (Accessed on 12 July 2022) for EU-MO data; (Direction Générale de l'Aviation Civile 2019; InfoMédiaire 2021), and Direction Générale de l'Aviation Civile, "Chiffres clés 2021", <https://www.aviationcivile.gov.ma/> (Accessed on 12 July 2022) for Morocco total data in air transport.

6.3 EU-Morocco relations and the joined-up approach

In this section, we analyze EU-Morocco relations according to the two dimensions of the conceptualization of the joined-up approach: foreign policy, and sectoral cooperation. We find that the EU has not developed a joined-up approach toward Morocco in any of the two dimensions. Instead, it is Morocco that has suspended the foreign policy dialogue with the EU following the CJEU decisions to annul the application of EU-Morocco agreements to the Western Sahara territory. In reaction, the EU has tried to dissociate the Western Sahara issue from the sectoral cooperation. As a result, the EU does not try to influence the resolution of the disputed territory issue through its cooperation with Morocco.

6.3.1 Foreign Policy

6.3.1.1 Legal level

The legal level analysis of the foreign policy dimension of EU-Morocco relations focuses on the general market access agreements as well as the conclusions from the European Council and the Foreign Affairs Council. Regarding the general market access agreements, we analyze the Association Agreement, the two Action Plans adopted within the framework of the ENP, the Advanced Status, and the Euro-Moroccan partnership for shared prosperity. In the final part of the analysis of the foreign policy dimension, we analyze the high-level political dialogue between the EU and Morocco. In this section, we will proceed with a legal and an interactional level of analysis. The legal analysis focuses on the EU's statements at the Association Council meetings with Morocco, while the interactional level analysis studies whether foreign policy issues have impacted the tenure of the Association Council.

General market access agreements

We do not find any instance of a joined-up approach in the EU-Morocco AA. The text does not mention the Western Sahara issue or allude to it. The political dialogue section of the agreement intends to address the "security and stability in the Mediterranean region and in the Maghreb", and ensure "peace, security and regional development".⁴⁰⁷ As a result, it does not make any allusion to the Western Sahara issue. In addition, the treaty simply states that the agreement shall apply "to the territory of the Kingdom of Morocco".⁴⁰⁸ Therefore, it does not differentiate between Morocco and Western Sahara. Although the formulation of the scope of the AA does not necessarily mean that it includes Western Sahara in the territory of Morocco, it does not exclude it either.

We found similar results in the two Action Plans adopted by the EU and Morocco in 2005 and 2013. The first observation is that none of these documents mention Western Sahara. In the

⁴⁰⁷ Official Journal of the European Communities, L 70, *Op. Cit.*, Art. 3 and 4.

⁴⁰⁸ *Ibid.*, Art. 94.

sections covering cooperation on international issues or security questions, the two documents do not allude to the disputed territory. Instead, they insist on strengthening the political dialogue and cooperation on issues like the CSDP, the UN regional conflict resolution efforts, terrorism, or peace and security in Africa.⁴⁰⁹ The mention of the 'UN regional conflict resolution efforts' could indirectly refer to the Western Sahara issue and the MINURSO. However, while this may indirectly refer to this issue, it is not a joined-up approach as the wording is vague and open to interpretation. Thus, it does not force Morocco's hand in engaging in a resolution of the conflict since Western Sahara is not mentioned directly in the documents. The second observation is that although these action plans introduce elements of conditionality, these do not constitute a joined-up approach regarding the Western Sahara issue. Indeed, these only link the implementation or further development of the plans to the efforts made by Morocco to fulfill the objectives laid out in these documents. For instance, the documents state that "the rate of progress on this ambitious plan will depend on the efforts and concrete achievements in meeting jointly agreed priorities".⁴¹⁰ As a result, there is no mention that further integration between the EU and Morocco should be conditioned to the resolution of the Western Sahara issue.

The last two documents analyzed in this section are the joint document on Morocco's Advanced Status and the Euro-Moroccan partnership for shared prosperity. The joint document granting Morocco an Advanced Status does not mention the Western Sahara issue either. Regarding bilateral cooperation in security matters, it seeks to increase collaboration in the fight against criminality, border control, or in the fight and prevention of drugs.⁴¹¹ As a result, it does not refer to regional instability or conflict resolution efforts that might have alluded to the Western Sahara issue. Regarding the 2019 Euro-Moroccan partnership for shared prosperity, this document is the only one among the general agreements analyzed in this section that mentions Western Sahara. However, the paragraph addressing the disputed territory does not constitute a joined-up approach. Indeed, it states that both the EU and Morocco "reaffirm their support for the efforts made by the UN Secretary-General to continue the political process aiming to reach a just, realistic, pragmatic, lasting and mutually acceptable political solution" (Council of the European Union 2019c: 10). Furthermore, the EU "welcomes the serious and credible efforts led by Morocco, to this end" (Council of the European Union 2019c: 10). Therefore, the document does not condition the development of EU-Morocco relations to a peaceful settlement of the conflict. Hence, it does not constitute a joined-up approach.

In summary, this analysis reveals that the EU does not develop a joined-up approach toward Morocco on the Western Sahara issue in the general agreements. Besides the Euro-Moroccan partnership for shared prosperity, there is no mention of the case in the other documents. Moreover, the 2019 document simply states that both partners support the UN process and that the EU welcomes Morocco's efforts to find a solution. As a result, there is no evidence of a joined-up approach in those documents.

⁴⁰⁹ EU/Morocco Action Plan, *Op. Cit.*, pp. 7-8 ; (Council of the European Union 2013d: 6-7).

⁴¹⁰ EU/Morocco Action Plan, *Op. Cit.*, p. 1.

⁴¹¹ Document conjoint UE-Maroc sur le renforcement des relations bilatérales/ Statut Avancé, *Op. Cit.*, p. 3.

For the following part of the legal level, we focus on the conclusions of the foreign policy council formations: the European Council and the Foreign Affairs Council. The analysis of Morocco's mentions in these two councils reveals that Western Sahara is not on the EU's agenda, with only two conclusions addressing the issue in the past two decades (see Table 28). Foreign policy is the issue which is the issue most discussed in the European and Foreign Affairs councils, with 31 out of 47 mentions. These two councils' formations have also addressed sectoral issues on 14 occasions. We have only found one instance in the European Council conclusions regarding the joined-up approach. However, this approach does not address the Western Sahara issue. As a result, there is no joined-up approach observed toward Morocco regarding Western Sahara in these councils' conclusions.

Code / Source	European Council	Foreign Affairs Council	TOTAL
Type of issue: diplomatic disagreement (WS)	0	2	2
Type of issue: foreign policy	6	25	31
Type of issue: sectoral	3	11	14
TOTAL TYPE OF ISSUE	9	38	47
Joined-up approach: soft	1	0	1
Joined-up approach: strong	0	0	0
TOTAL JOINED-UP APPROACH	1	0	1

Table 28: Code-Document Table: Type of issue and joined-up approach codes / Foreign policy councils

We start the presentation of the results regarding Morocco's mentions in the European and Foreign Affairs council with the mentions concerning foreign policy type of issues. As reported in Table 28, there are thirty-one mentions of foreign policy types of issues in these conclusions. Among the six mentions in the European Council conclusions, three of them concern the Action Plan signed in the framework of the ENP (European Council 2004: 16, 2005a: 12, 2005b: 22). Similar to the Israeli case; these conclusions do not elaborate specifically on Morocco. Instead, they welcome the negotiations and signing of action plans with several ENP countries, namely Jordan, Israel, Tunisia, Moldova, Ukraine, the Palestinian Authority, and Morocco. The European Council also welcomes the new Moroccan Constitution (European Council 2011a: 1, 2011b: 14), as well as the renewal of the diplomatic ties between the two partners in 2019 following the freeze of the Association Council (European Council 2019: 3).

The Foreign Affairs Council's conclusions address a variety of foreign policy issues. Among the twenty-five mentions, seven cover the implementation of the ENP, and the Action Plan negotiated in this framework (Council of the European Union 2003b: 32-4, 2004b: 9-10, 2004c: 12, 2005b: 9, 2005c: 9, 2006d: 10, 2007e: 7), and five concern the preparation or inform on the tenure of the Association Council between the EU and Morocco (Council of the European Union 2005d: 42, 2007f: 23, 2008i: 2, 2013a: 15, 2014l: 18). We found eleven mentions addressing several aspects of EU-Morocco relations, such as the tenure of an EU-Morocco Summit

(Council of the European Union 2010b: 13), the political dialogue (Council of the European Union 2004h: 32), and bilateral cooperation in terrorism (Council of the European Union 2015d: 7), crisis management operation (Council of the European Union 2010h: 17), ESDP operations (Council of the European Union 2007i: 25), and the promotion of democratic principles (Council of the European Union 2006h: 9). The conclusions also deal with Morocco's advanced status (Council of the European Union 2008e: 14), the ENP (Council of the European Union 2006d: 10), the signature of a protocol to the AA to take account of new member states' accession to the EU (Council of the European Union 2005e: 14) and evaluate the financial support of the EU towards the Kingdom (Council of the European Union 2020c: 5) as well as deplore the terrorist attacks perpetuated in Casablanca in 2003 (Council of the European Union 2003f: 25). Finally, the conclusions of the Foreign Affairs Council also deal with subjects not related to EU-Morocco bilateral relations. Thus, the Council encourages regional integration in the Maghreb (Council of the European Union 2013e: 12-3), dialogues with Morocco and other Arab countries on the Israeli-Palestinian conflict (Council of the European Union 2018e: 5), and wishes to enhance cooperation with the UN, ECOWAS, and Morocco regarding the Mano River Union (Council of the European Union 2002c: 5-6).

Regarding the sectoral type of issues, we have found fourteen mentions. The three instances in the European Council conclusions concern the implementation of projects to combat trafficking (European Council 2005b: 13), the opening of negotiations on the DCFTA (European Council 2013b: 4), and the EU financial support to Morocco for its efforts to prevent illegal migration (European Council 2018: 2). Concerning, the Foreign Affairs Council, its conclusions address several sectors of cooperation, namely trade (Council of the European Union 2011f: 13, 2011e: 8, 2012f: 12), mobility (Council of the European Union 2002d: 6, 2011g: 11), agriculture (Council of the European Union 2011h: 11), aviation (Council of the European Union 2018a: 12, 2021d: 12), research (Council of the European Union 2003g: 36, 2003b: 35), as well as Morocco's access to the EU programs (Council of the European Union 2007g: 20).

Finally, the Western Sahara issue is the last aspect studied in these conclusions. We have found only two documents that mention this issue in all the documents analyzed. The first mention of Western Sahara is found in 2004. However, it does not address the issue specifically. Indeed, it appears in a paragraph where the Council lists all the subjects discussed with Morocco during their fourth Association Council meeting. The Western Sahara issue is the last subject to be listed after the AA, the Barcelona Process, the ENP, terrorism, the Middle East, Iraq, the EU Strategic Partnership for the Mediterranean and the Middle East, and non-proliferation (Council of the European Union 2004h: 32). The second occurrence appears in 2018. It follows the 2016 CJEU ruling, which stated that the Association and Liberalization Agreements concluded between the EU and Morocco did not apply to Western Sahara. As a result, in its conclusions, the Foreign Affairs Council adopts a decision that extends the tariff preferences in the AA with Morocco to Western Sahara to favor the development of the disputed territory and reinvigorate the partnership with Morocco (Council of the European Union 2018d: 6). As a result, the two mentions of the Western Sahara issue do not deal directly with the conflict. Indeed, the first one simply mentions it in a list of subjects addressed during the Association

Council, and the second one concerns the adoption of a decision to comply with the CJEU ruling. Therefore, no conclusion presents the EU’s position on the disagreement.

There is only one instance of a joined-up approach identified in these conclusions. However, it does not concern the Western Sahara issue. While welcoming the Moroccan announcement of the establishment of a consultative committee to prepare a revision of the constitution, the EU notes that “progress by partners towards transformation will drive EU support” (European Council 2011a: 1). Therefore, the EU implies that progress made by Morocco toward democratic transformation will generate additional financial support from the EU. This is a joined-up approach as the EU offers support if Morocco undertakes specific domestic reforms.

As a result, the conclusions of the EU foreign policy actors do not address the resolution of the Western Sahara issue and do not contain any instance of a joined-up approach on this subject. We have seen in the previous sections that the EU’s position regarding this issue is to support the UN-led process. Moreover, we have also found that member states have historically been divided on the subject. Thus, the fact that the conclusions of the EU foreign policy actors do not address the resolution of the Western Sahara issue and that no joined-up approach is observed is not surprising and in line with our theoretical expectations.

EU’s statements at the Association Council

The last part of the legal level analysis focuses on the ‘foreign policy documents’ published by the EU. For Morocco, we have selected the EU’s statements issued at the Association Council meetings. There have been fourteen meetings of the Association Council between its inception in 2000 and 2019. We have collected the EU’s statements from the Council’s document register. We were able to gather thirteen EU statements. We could not find the 2014 statements on the EU website. Besides the 2014 Association Council meeting, the analysis of the EU’s statements does not include the 2019 one either. Indeed, in 2019, the EU did not issue a statement as it was a joint declaration with Morocco presenting the Euro-Moroccan partnership for shared prosperity. As this partnership has already been analyzed above, we did not include it in our data for this section. As a result, our analysis covers twelve EU statements (Council of the European Union 2000d, 2001b, 2003h, 2004i, 2005f, 2007j, 2008j, 2009f, 2010i, 2012i, 2013f, 2015e).

Code / Source	Foreign policy documents (Association Council)
Type of issue: diplomatic disagreement (WS)	19
Type of issue: foreign policy	204
Type of issue: sectoral	186
TOTAL	409

Table 29: Code-Document Table: Type of issue codes / Foreign policy documents

For these twelve statements, we have coded every paragraph according to the type of issue it addresses. There are 409 paragraphs coded in the twelve EU statements (see Table 29). Foreign policy and sectoral types of issues are almost equally covered in the EU statements. Regarding

foreign policy, the EU addresses Morocco's role in the ENP, its relations with its Maghrebi neighbors, cooperation regarding terrorism, as well as the Kingdom's human rights policy. The sectoral issues mentioned in these statements cover the state of Moroccan's economy, review sectoral cooperation between the two partners and identify new opportunities for potential future collaboration, primarily in trade, agriculture, fisheries, aviation, and research.

The EU statements on the occasion of the Association Council with Morocco are the documents that address the Western Sahara issue the most. Whereas we found only two mentions of the diplomatic disagreement in the European Council and Foreign Affairs Council conclusions, it is mentioned nineteen times in the EU statements. Each of the twelve statements addresses the issue. These mentions are all very similar. On each occasion, the EU states that it remains concerned about the issue which causes regional disruption. The EU also reaffirms that it fully supports the efforts made by the UN to find a "just, lasting and mutually acceptable solution that will allow self-determination for the people of Western Sahara". However, although the EU addresses Western Sahara in each of its statements, it does not develop a joined-up approach toward Morocco. Indeed, it does not mention that the development of the EU-Morocco partnership depends on the resolution of the conflict, as it does with Israel and the MEPP. Instead, the EU welcomes Morocco's efforts and contribution to the process. As a result, the EU does not try to influence Morocco's position on the conflict by conditioning bilateral cooperation on a peaceful settlement of the issue.

There are only three instances in the EU statements that link two issues. Two of these instances concern the EU's financial assistance to Morocco. In its statements, the EU declares that the financial aid it grants to Morocco is dependent on the tangible progress made by the Kingdom regarding its reforms toward a more democratic form of governance (Council of the European Union 2008j: 14, 2013f: 10). The other instance links Morocco's participation to EU agencies and programs to its progress on the implementation of the action plans (Council of the European Union 2007j: 3). Thus, these three cases of a joined-up approach are not related to the Western Sahara issue.

To conclude, we did not find any attempt at developing a joined-up approach by the EU toward Morocco regarding the Western Sahara conflict in the legal level analysis of the foreign policy dimension. We started with analyzing the AA, the action plans, the joint document on Morocco's Advanced Status, and the Euro-Moroccan partnership for shared prosperity. Besides the Euro-Moroccan partnership for shared prosperity, we did not find a single mention of the issue in the other documents. Moreover, the 2019 document simply states that both partners support the UN process and that the EU welcomes Morocco's efforts to find a solution. Furthermore, regarding the conclusions of the two foreign policy council formations, we found that these documents do not address the resolution of the Western Sahara issue and do not contain any instance of a joined-up approach on this subject. Finally, the EU's statements during the Association Council meetings with Morocco are the only documents to regularly address the Western Sahara issue. However, there is no joined-up approach developed in these statements. Indeed, the EU states that although it remains concerned about

the conflict, its position is to support the UN-led process. As a result, the EU does not try to link the deepening of its partnership with Morocco to a peaceful resolution of the conflict.

6.3.1.2 Interactional level

Turning to the interactional level analysis, we focus on the high-level political dialogue between the EU and Morocco and investigate whether disagreements over the Western Sahara issue have altered this dialogue. To conduct this analysis, we first focus on the meetings of the Association Council. This discussion forum is the highest institutionalized political dialogue between the EU and Morocco. We find that the tenure of the Association Council meetings has been significantly impacted by the diplomatic disagreement between the EU and Morocco. However, this was done at the initiative of Morocco.

In December 2015, the CJEU published a decision that annulled the agreement in the form of an exchange of letters between the European Union and the Kingdom of Morocco on reciprocal liberalization measures for agricultural products because it approved the application of the agreement to Western Sahara (Court of Justice of the European Union 2015). In reaction, Morocco first decided to suspend its relations with the European Delegation in Rabat in January 2016. According to the media, all the Moroccan ministries had been instructed to cease all their cooperation with their European counterparts (El Ouardighi 2016). In February 2016, Morocco officialized this decision and announced the freeze of Morocco's relations with the EU institutions in reaction to the CJEU's decision (Medias24 2016). The Moroccan government declared that: "the Sahara is not a trivial or secondary matter; it is a vital issue. (...) We will be obliged to suspend all communication with the EU until we have guarantees that we will be treated as an essential and leading partner in the future" (Medias24 2016).

The EU reacted quickly to this decision by the Moroccan government. The day after Morocco announced its decision to freeze all relations with Brussels, the EU issued a statement. In this statement, the EU recalled that it had "reacted quickly to the judgment of the General Court of the EU of 10 December 2015 (...) by deciding unanimously to appeal against the decision".⁴¹² The EU added that it was committed "to remain in contact with the Moroccan authorities (...) to provide further clarification and assurances in response to Morocco's concerns in order to fully re-establish contact and cooperation as soon as possible".⁴¹³ One week after Morocco's decision, Federica Mogherini visited Rabat. During the press conference following its meeting with her Moroccan counterpart, the EU High Representative stated that "the EU remains convinced that the agreements between Morocco and the European Union are not a violation of international law and as such an appeal has been filed, the agricultural agreement otherwise remains in force" (AfricaNews 2016). She then noted that "the European Union and Morocco will work as true partners on these issues" (AfricaNews 2016).

⁴¹² European External Action Service, "Statement by the Spokesperson on EU-Morocco relation", 26.02.2016, https://www.eeas.europa.eu/node/2924_en (Accessed on 31 August 2022).

⁴¹³ *Ibid.*

However, despite the EU's efforts and commitments to revive the political dialogue, this freeze of relations lasted for three years. As a result, no Association Council was held in 2016, 2017, and 2018. Finally, the EU and Morocco re-established the Association Council in 2019 and presented the Euro-Moroccan partnership for shared prosperity. In an interview in the margins of the meeting, the Moroccan Foreign Affairs Minister, Nasser Bourita, expressed to Agence Europe that the freeze of the relations was "due to attacks on the partnership from those who were not satisfied with the evolution of the partnership" (Agence Europe 2019). He also expressed that for three years, Morocco carried out reflection on ways of improving its relations with the EU and that the re-establishment of the Association Council was a good occasion "to relaunch the partnership, but also to proceed with its institutional and legal overhaul" (Agence Europe 2019).

As a result, the interactional level analysis reveals that the EU has not used a joined-up approach toward Morocco regarding the Association Council meeting and the high-level political dialogue. Instead, Morocco has decided to suspend its relations with the EU following the CJEU decision to annul the agricultural agreement because it applied to Western Sahara. Following Morocco's decision, the EU tried to keep the dialogue open, and the High Representative visited Morocco a few days after its announcement in 2016 to convince its partner to continue to cooperate. Therefore, no joined-up approach is observed in the interactional level of the foreign policy dimension either.

6.3.1.3 Conclusion

There is no joined-up approach developed by the EU toward Morocco regarding the Western Sahara issue in the foreign policy dimension. The analysis of the general market access agreements and the European and Foreign Affairs Councils' conclusion highlight that Western Sahara does not appear in these documents. The only document discussing the issue is the EU's statements at the Association Council meetings with Morocco. However, there is no joined-up approach developed in these statements. Indeed, the EU states that although it remains concerned about the conflict, its position is to support the UN-led process. The only instances of a joined-up approach observed in the legal level concern Morocco's participation in EU agencies and programs and the financial support it receives from the EU. Here, the joined-up approach developed by the EU is the use of a 'carrot'. The EU states that if Morocco makes progress in democratic transformation and in the implementation of the action plans, it will receive additional financial support and participates to more EU programs and agencies.

In the interactional level, we found that the Association Council has been suspended following the CJEU decisions on the scope of EU-Morocco agreements. However, this was done at the initiative of Morocco to show its disapproval of the CJEU judgements. In reaction, the EU has tried to keep the dialogue open and revive the political relations with Rabat.

Table 30 summarizes the results for the foreign policy dimension.

Aspect	Joined-up approach	Cases of a joined-up approach
General market access agreements	No	
EC and FAC conclusions	Yes (but not concerning Western Sahara)	- Progress made in democratic transformation will generate additional financial support
EU statements at the Association Council	Yes (but not concerning Western Sahara)	- Progress made in democratic transformation will generate additional financial support - Morocco's participation to EU agencies and programs depends on the implementation of the action plans
Interactional level	No	- It is Morocco that has suspended the Association Council

Table 30: Summary of the findings for the foreign policy dimension

6.3.2 Sectoral cooperation

6.3.2.1 Legal level

According to the conceptualization, the legal level focuses on the sectoral agreements, the participation in EU programs, and the conclusions of the Council formations dealing with sectoral issues, namely the Trade, Transport, and Competitiveness councils.

Sectoral agreements

The EU has not used the sectoral agreements in a joined-up approach toward Morocco to influence the Western Sahara issue. Compared to the Israeli case, and as has already been demonstrated in the literature (Kassoti 2017; Rubinson 2010), this indicates a certain inconsistency in the EU's approach to the disputed territories. While the EU has introduced a territorial clause in its agreements with Israel to show its dissatisfaction with the Israeli settlement project, such a clause is not included in the EU's agreements with Morocco. According to Gordon and Pardo (2015), this difference is explained by the free trade agreement that the EU has signed with the PLO, while it has not signed any agreement with any entity claiming authority over Western Sahara. Therefore, the territorial scope of the EU-Morocco agreements does not overlap with any other agreement, whether or not it includes Western Sahara. This is the main difference with Israel, where the territorial scope of the agreements would overlap with agreements with the Palestinian Authority if they applied to the settlements.

The signature or negotiation with Morocco on new sectoral agreements has not been impacted either by the Western Sahara issue. For instance, the DCFTAs talks have been suspended since 2014. However, this was at the initiative of Morocco. Rabat suspended the talks to conduct its

own impact study “due to concerns about the effects the DCFTA would have on certain sectors and indeed on the wider economy” (Naïm 2017; Teevan 2019: 12). Although the EU (El Hourri 2019), as well as the 2019 joint declaration establishing a partnership for shared prosperity (Council of the European Union 2019c: 5), have called for the relaunch of negotiations, there has been no round of negotiations since 2014 due to Morocco’s concerns about the impact of a possible DCFTA on its economy. As a result, the suspension of the DCFTA negotiations is unrelated to disagreements over Western Sahara and is not the EU’s initiative.

Nevertheless, several sectoral agreements have been impacted by the Western Sahara issue. However, these actions came from the EP and the CJEU, not the Council or the Commission. As reported in section 6.1.3, the EP and the CJEU have exploited their institutional prerogatives to put the Western Sahara issue on the agenda of EU-Morocco relations. For example, in 2011, the EP rejected the EU-Morocco fisheries protocol arguing that it was unclear whether the agreement directly benefited the Sahrawi people.⁴¹⁴ The CJEU stroke down deals in agriculture (Court of Justice of the European Union 2016, 2021), fisheries (Court of Justice of the European Union 2018a, 2021), and aviation (Court of Justice of the European Union 2018b) arguing that they remained valid for Morocco as long as they do not apply to Western Sahara.

In response to these CJEU judgments, the EU and Morocco reached an agreement in 2019 that extended the tariff preferences laid down in the Association Agreement to products originating in Western Sahara.⁴¹⁵ In December 2020, the European Commission published a Staff Working Document on the implementation of the agreement. The report demonstrates that the agreement is being implemented smoothly and delivering benefits for Western Sahara and its population in terms of exports, economic activity, and employment (European Commission 2020).

Therefore, in the sectoral agreements, there is no joined-up approach developed by the EU. Indeed, despite the disruptions caused by the CJEU and the European Parliament, the European Commission and the Council have always tried to find a solution that would allow it to continue its cooperation with Morocco. For instance, the EU has appealed the CJEU decisions regarding the annulation of the agreement on agriculture. Following the CJEU decisions, the EU and Morocco have worked together to find solutions that comply with the judgments. The European Commission noted in a report in 2020 that this cooperation with the Kingdom to comply with the CJEU decisions had “facilitated the resumption of a fruitful dialogue with Morocco, which is expected to lay the foundations for the development of closer

⁴¹⁴ European Parliament, “Explanatory Statement: Recommendation on the draft Council decision on the conclusion of a Protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial compensation provided for in the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco”, 11226/2011 – C7-0201/2011 – 2011/0139(NLE), 29.11.2011, https://www.europarl.europa.eu/doceo/document/A-7-2011-0394_EN.html (Accessed on 22 June 2022).

⁴¹⁵ Official Journal of the European Union, “Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Morocco on the amendment of Protocols 1 and 4 to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part”, [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22019A0206\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22019A0206(01)&from=EN) (Accessed on 22 June 2022).

relations (...) to the mutual benefit of the EU and Morocco” (European Commission 2020: 3). As a result, the EU has not developed a joined-up approach toward Morocco in the sectoral agreements, despite the actions that went in this direction by the EP and the CJEU.

Participation in EU programs

Regarding Morocco’s participation in EU programs, we did not observe a joined-up approach developed by the EU. Indeed, Morocco’s involvement in EU research and innovation programs has continuously improved over time. The 2019 Euro-Moroccan partnership for shared prosperity explicitly provided Morocco’s participation in the EU programs in the field of research (Erasmus +, PRIMA, Horizon 2020, Horizon Europe) (Council of the European Union 2019c: 6). Morocco’s participation in Erasmus + has been successful. It ranks first among the African countries, second among the Southern Mediterranean region, and eighth in the world in terms of participation.⁴¹⁶ Morocco’s involvement in PRIMA has also been successful. In 2021, it ranked second in terms of research projects selected, behind Italy (EcoActu 2021). Finally, Morocco opened negotiations with the EU in 2021 to join, for the first time, the EU research framework program, Horizon Europe, as an associated country.⁴¹⁷ As a result, Morocco’s participation in EU programs has not been altered by the political tensions related to the Western Sahara issue.

Formations of the Council dealing with sectoral issues

Regarding the last aspect of the legal level, the mentions of Morocco in the Council of the EU formations dealing with sectoral issues are sporadic and very limited (Table 31). Since 2000, among the 199 conclusions from the Competitiveness, Trade, and Transport councils, we found only fifteen mentions of Morocco and no joined-up approach. Moreover, the fifteen mentions only deal with sectoral issues, and there is no mention of foreign policy or diplomatic disagreement issues. The six mentions in the Competitiveness Council cover different topics that are not necessarily related to the research sector. The two references to research concern the Council’s authorization to open negotiations with Morocco on its participation in the PRIMA program (Council of the European Union 2017d: 19, 2018b: 19). The other non-research related mentions include the adoption of a decision approving the signing of the Euro-Mediterranean aviation agreement with Morocco (Council of the European Union 2006i: 19), the adaptation of protocols to the AA (Council of the European Union 2017d: 22), and the signing or amendment of the Sustainable Fisheries Partnership Agreement (Council of the European Union 2018f: 15, 2021e: 16).

Regarding the Trade Council, we did not find any mention of Morocco in its conclusions.

⁴¹⁶ National Erasmus+ Office – Morocco, International Credit Mobility, <https://erasmusplus.ma/icm/#~:text=Avec%205538%20de%20bourses%20de,pays%20partenaires%20des%20cinq%20continents>) (Accessed on 20 June 2022).

⁴¹⁷ European Commission, “The European Commission concludes first negotiation round on Horizon Europe association with Morocco”, *Op. Cit.*

Finally, the Transport Council has mentioned Morocco nine times. Seven of these mentions concern the Aviation Agreement between the EU and Morocco. These conclusions involve the adoption of the negotiation mandate for the agreement (Council of the European Union 2004j: 21, 2004k: 12), the opening of the negotiations (Council of the European Union 2004l: 40, 2005g: 22), the signing of the agreement (Council of the European Union 2006j: 23, 2006k: 40), and its amendment to take account of the accession of new member states to the EU (Council of the European Union 2009a: 16). The remaining two mentions are the signing of a cooperation agreement on a civil global navigation satellite system (Galileo) (Council of the European Union 2006k: 41), and a decision authorizing certain member states to accept Morocco's accession to the 1980 Hague convention on the civil aspects of international child abduction (Council of the European Union 2015f: 16).

To sum up, we do not find any sign of a joined-up approach in the conclusions of the sectoral formations of the Council. The mentions of Morocco are rare and limited to the negotiations and signing of new agreements in their field. Furthermore, we do not find any mention of a foreign policy or diplomatic disagreement issue. As a result, similar to our other two cases, these findings highlight that these formations of the Council do not touch on the diplomatic disagreement and focus on sectoral cooperation only.

	Competitiveness Council conclusions	Trade Council conclusions	Transport Council conclusions	Total
Type of issue: Sectoral	6	0	9	15
Type of issue: Foreign policy	0	0	0	0
Type of issue: diplomatic disagreement	0	0	0	0
Total	6	0	9	15

Table 31: Code-Document Table: Mentions of Morocco/Sectoral Council conclusions

6.3.2.2 Interactional level

For the interactional level of the sectoral cooperation, we analyze if Morocco's access to informal ministers' meetings, expert groups, committees, and agencies has been restricted due to the disagreement with the EU over the Western Sahara issue. We also analyze if the EU-Morocco joint committees have been suspended, and the EU's internal organization.

Access to informal ministers' meetings

Morocco does not have access to the EU informal ministers' meeting. Indeed, according to the database presented in the Switzerland chapter, which gathers third countries' participation in these meetings since 2017, Morocco has never been invited. The third countries participating informally in these meetings are often the EFTA countries, sometimes the candidate countries, and occasionally countries from the Eastern Partnership. Therefore, from the data available,

the Southern Mediterranean countries have never been invited to participate in these meetings. The document on Morocco's Advanced Status, as well as the 2013 Action Plan, provided for "the participation on an ad hoc basis of the ministers of the sectoral departments of Morocco with their European counterparts in meetings on the margins of the regular meetings of the Council of Ministers of the EU" (Council of the European Union 2013d: 6).⁴¹⁸ However, we did not find any evidence of this participation in our database. This may be because our database only includes formal participation in informal ministerial meetings, and the documents we rely on may not capture Morocco's ad hoc participation. As a result, we cannot assess whether the diplomatic disagreement has limited Morocco's involvement in these meetings.

Access to EU expert groups

For Morocco's access to EU expert groups, we have analyzed the composition of all EU expert groups, active and closed, operating under the leadership of the DGs responsible for the three sectors (TRADE, MOVE, and RTD). We can find these data on the European Commission's "Register of Commission Expert Groups and Other Similar Entities".⁴¹⁹ Our analysis finds that Morocco only participates, as an observer, in one expert group which is under DG RTD's lead: The Commission expert group to act as European Open Science Cloud Steering Board.⁴²⁰ Participation in this expert group is based on countries' status in the EU research framework program. Because Morocco is currently negotiating an agreement with the EU to be granted an associated status in Horizon Europe, it can participate in this expert group. This is the only active or closed group in which Morocco has ever been involved. As a result, we cannot assess whether the political tensions between 2016 and 2019 would have impacted Morocco's access to EU expert groups.

Access to EU agencies

The next step of the interactional level analysis focuses on Morocco's access to EU agencies. More specifically, we consider Morocco's access to the agencies' main and secondary bodies and whether this access has evolved over time due to the diplomatic disagreement. Morocco has a bilateral agreement with five agencies. To analyze whether the diplomatic disagreement has impacted Morocco's access to these agencies' main and secondary bodies, we first distinguished between agencies with a new regulation since 2016, when Morocco froze its diplomatic relations with the EU institutions. For agencies with new regulations since 2016, we then distinguish between those where Morocco's access to the agency's bodies has changed with the new regulations and those where it has not. Then, for those agencies where Morocco access has changed, we distinguish whether better access has been granted to Morocco or whether Moroccan access has been restricted. Finally, the other agencies, where Morocco's

⁴¹⁸ Document conjoint UE-Maroc sur le renforcement des relations bilatérales/ Statut Avancé, *Op. Cit.*, p. 2.

⁴¹⁹ European Commission, "Register of Commission Expert Groups and Other Similar Entities", <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups?lang=en> (Accessed on 22 August 2022).

⁴²⁰ <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=3756> (Accessed on 1 September 2022).

access to the bodies has not changed, are classified according to whether Morocco participates in the agencies' bodies or not. The results are illustrated in Table 32.

New regulation since 2016				No new regulation since 2016	
Change in MO access		No change in MO access		-	
Access granted	Access restricted	MO participates	MO does not participate	MO participates	MO does not participate
			EASA (2018) BEREC (2018) EUIPO (2017) EUROPOL (2016)	ETF (2008)	

Table 32: Morocco's access to EU agencies main and secondary bodies

Morocco's participation in the EU agencies is limited. Out of the five agencies with whom Morocco has an agreement, it has access to only one agency's main and secondary bodies. Moreover, this access is not specific to Morocco. As we have already discussed in the Israeli chapter, the 2008 ETF regulation introduced an amendment that granted partner countries three seats as observers in the Governing Board meetings.⁴²¹ These three representatives for partner countries are "appointed by the Commission from a list of candidates proposed by those countries on the basis of their experience and expertise".⁴²² The new regulation gives Morocco, alongside all the other partner countries, the possibility to propose a candidate for the representative position. However, a Moroccan representative will not be guaranteed to be chosen as there are 29 partner countries, including Morocco.⁴²³ Therefore, this new amendment is not intended to grant unique access to governing bodies specifically to Morocco.

Morocco could access the EIT MSRSG, composed of one representative from each member state and each associated country to Horizon Europe. Therefore, if Morocco signs an association agreement with the EU for Horizon Europe, it could get access to the MSRSG. However, for the time being, the deal has not been signed, and Morocco is not listed as a member of the MSRSG on the EIT website.⁴²⁴ These results indicate that the EU has not developed a joined-up approach toward Morocco in its access to EU agencies.

Joint committees

Eight EU-Morocco sub-committees have been established under the AA (European Commission 2008). The three sectors studied in this research are covered by one sub-committee. Cooperation in trade is addressed by the "Industry, trade, and services" sub-committee. In addition, there is a sub-committee on "Research and innovation", and the

⁴²¹ Official Journal of the European Union, L 354, Art. 7.1, *Op. Cit.*
⁴²² *Ibid.*, Art. 7.2.
⁴²³ ETF, "Countries", <https://www.etf.europa.eu/en/regions-and-countries/countries> (Accessed on 22 August 2022).
⁴²⁴ EIT, "Member States Representatives Group: Representatives and Substitutes", <https://eit.europa.eu/who-we-are/our-stakeholders-partners/member-states-representatives-group/representatives-and> (Accessed on 1 September 2022).

“Transport, environment, and energy” sub-committee covers the aviation sector. Each sub-committee should meet “whenever circumstances require and at least once a year” (European Commission 2008). Our interviews with both EU and Moroccan officials have revealed that despite the tensions at the political level and the suspension of the Association Council by Morocco, the three sub-committees related to the sectors under study have continued to meet regularly.⁴²⁵ The interviewees mentioned that the freezing of the relations of relations was mainly about the visibility of cooperation more than the cooperation itself. Therefore, the sub-committees continued to meet regularly, and the channels of discussion at the sectoral level remained open. It was also reported that the EU insisted on maintaining contact and cooperation. As a result, there is no joined-up approach developed by the EU toward Morocco in the joint committees. Instead, despite Morocco’s decision to suspend the Association Council between 2016 and 2019, the EU insisted on pursuing sectoral cooperation.

EU’s internal organization

The last aspect of the interactional level, the EU’s internal organization, looks at whether the EU has adopted a coordinated and centralized approach toward Morocco. We consider that centralizing the EU’s external relations with Morocco would be the most significant degree of a joined-up approach. This would imply that one institution has the lead and can impose the line to adopt toward Morocco on all the other institutions. First, we analyze the issues addressed by the different formations of the Council in their conclusions. Second, we investigate the internal organization of the EU via interviews with EU officials. The analysis reveals that the EU’s external relations with Morocco are coordinated but not centralized.

For the first part of the EU’s internal organization, we analyze the conclusions of all the different Council formations. This corresponds to the conclusions of the foreign policy actors (European Council, Council of Foreign Affairs, and the Association Council) and the sectoral actors (Trade, Competitiveness, and Transport councils). We investigate the topics addressed in these conclusions and differentiate between three topics: diplomatic disagreement (Western Sahara), foreign policy, and sectoral issues. We expect that the foreign policy actors’ conclusions should address the three topics if the EU develops a joined-up approach toward Morocco. On the other hand, if the EU’s external relations with Morocco are centralized, we should expect the majority of Morocco’s mentions to be concentrated on the conclusions of a single actor.

We created a code-document table (Table 33) to conduct this analysis from the Council of the EU conclusions database. On one side, we have the three ‘type of issue’ codes: diplomatic disagreement (Western Sahara), foreign policy, and sectoral. On the other side, we have the six different actors responsible for conducting the EU’s external relations with Morocco: the European Council, Council of Foreign Affairs, Association Council, Trade, Competitiveness, and Transport councils. We distinguished these six actors into two groups: foreign policy actors and sectoral policy actors.

⁴²⁵ Interviews 6, 17, 19, 20, 22.

The code-document table, therefore, illustrates the number of occurrences of the three different types of issues in the six documents. These results could indicate a joined-up approach as the mentions of the diplomatic disagreement are almost all centralized in the EU statements at the Association Council. Indeed, nineteen of the twenty-one mentions of Western Sahara appear in these statements. We have seen in the legal level of the foreign policy dimension that these mentions present the EU's position on the issue, supporting the UN-led process to find a mutually acceptable solution for all parties. We did not find any attempt at developing a joined-up approach in these statements. Nevertheless, the fact that the mentions addressing the Western Sahara issue are concentrated in one document indicates a centralization of the EU's policy on this matter. Therefore, the centralization of the EU's policy regarding Western Sahara and Morocco consists in supporting the activities carried out by the UN and not getting involved in the resolution of the conflict by instrumentalizing EU-Morocco cooperation.

Regarding the other actors, the table also illustrates that they deal in the majority with issues that belong to their fields of competence. On the one hand, the mentions in the European and Foreign Affairs councils are mainly foreign policy ones. On the other hand, the sectoral policy actors of the Council only address sectoral matters as there is no mention of the diplomatic disagreement nor any other foreign policy issue in their conclusions.

Actor	European Council	Foreign Affairs Council	EU-Morocco Association Council	Trade Council	Competitiveness Council	Transport Council	TOTAL
Type of actor	Foreign policy actors			Sectoral policy actors			
Type of issue: Diplomatic disagreement	0	2	19	0	0	0	21
Type of issue: Foreign policy	6	25	204	0	0	0	235
Type of issue: Sectoral	3	11	186	0	6	9	215
TOTAL	9	38	409	0	6	9	471

Table 33: Code-document table (Actor/Type of issue)

For the second part of our assessment of the EU's internal organization, we analyze if the EU has developed a coordinated and centralized approach toward Morocco. We find that the EU's action is coordinated but to a lesser extent than the other two case studies. We also did not find evidence of centralization in the EU's internal organization. Therefore, there is no joined-up approach developed by the EU in this aspect of the analysis.

On the internal side, there seems to be a certain level of coordination of the EU. However, this coordination does not seem as strong as in the other two case studies. During the interviews, EU officials said that the EEAS ensures that EU relations with Morocco are coordinated.⁴²⁶

⁴²⁶ Interviews 6, 7, and 12.

However, this coordination appears to be less institutionalized than in EU relations with Switzerland and Israel. Indeed, while DG officials said that they keep the EEAS informed on their relations with their Moroccan counterparts, they also stated that this was dependent on the needs.⁴²⁷ They also found that internal coordination meetings organized by the EEAS were less institutionalized for Morocco than for other countries.⁴²⁸ Nevertheless, there is still a certain level of EU coordination. In the Council, the Mashreq/Maghreb (MAMA) group is responsible for defining the EU policy toward countries of the region. In these meetings of member states' officials, the EEAS is always present, as well as representatives of some DGs when relevant.⁴²⁹ An EEAS official told the author that during the three years of diplomatic tensions between the EU and Morocco (2016-19), the EEAS and DGs had a concerted approach in their relations with Morocco to ensure that there was no difference in process or treatment of sectors of cooperation.⁴³⁰ The coordination seems to be less developed with the EU delegation in Rabat. EU officials responsible for sectoral policies in Morocco said that they did not have regular contact with the EEAS.⁴³¹ They also mentioned that there was a database containing briefings and reports about Morocco in Brussels but that officials in the Delegation do not have access to this information.⁴³²

On the external side of coordination, the role of the EEAS has evolved with the 2019 Euro-Moroccan partnership for shared prosperity. Before that, the participation of the EEAS in the sectoral sub-committees depended on the issue. If a committee treated an issue with a political dimension, the EEAS was involved. In contrast, if it was a technical matter, it was more in the background.⁴³³ The Euro-Moroccan partnership for shared prosperity reorganized EU-Morocco relations around six sectors of cooperation. An EEAS official told the author that with this reorganization around six blocks, the role of its organization was likely to increase because these blocks being larger and covering more aspects of cooperation, it would therefore require a more constant involvement of the EEAS.⁴³⁴ However, this interview took place in 2019 just after the establishment of the partnership for shared prosperity. Therefore, we cannot assess whether the implementation of the partnership around the six blocks actually increased the role of the EEAS as foreseen by this official.

Moroccan representatives, on the other hand, confided that while they recognize that the EU has a certain level of coordination, they do not perceive it in their relations.⁴³⁵ They underlined that the EEAS was sometimes not involved in sectoral meetings with a political dimension, such as fiscality.⁴³⁶ They also pointed out that the EU policy level was disconnected from actual sectoral cooperation on the ground. They feel that the ambition level was too high compared

⁴²⁷ Interview 7.

⁴²⁸ Interview 7.

⁴²⁹ Interview 1.

⁴³⁰ Interview 12.

⁴³¹ Interview 19.

⁴³² Interview 19.

⁴³³ Interview 12.

⁴³⁴ Interview 12.

⁴³⁵ Interviews 18, 21, and 22.

⁴³⁶ Interview 21.

to genuine collaboration. In contrast, the DGs have a more realistic and objective assessment.⁴³⁷ Overall, Moroccan officials reckon that the EU is coordinated, but they do not feel this coordination in their bilateral relations with their European counterparts.

Finally, we do not find evidence of centralization of the EU's relations with Morocco in its internal organization. According to an interview with an EU official in Rabat, there is no directive from the EEAS to the DGs as to the position they should adopt in their relations with Morocco.⁴³⁸ As a result, it seems that the DGs can act autonomously in their relations with Morocco and do not have to follow a guideline imposed by the EEAS.

6.3.2.3 Conclusion

Our analysis reveals that the EU has not used a joined-up approach toward Morocco in the sectoral cooperation aspect of their relations. Indeed, no instances of a joined-up approach were observed in the legal or the interactional levels. Instead, the EU seemed to actively pursue a policy of dissociating the sectoral cooperation with Morocco from the Western Sahara issue. For example, when the EP and the CJEU took action against some agreements because they applied to Western Sahara, the EU central institutions appealed these decisions and stood with the Moroccan government. Another example is Morocco's freezing of diplomatic relations in 2016 and the suspension of the Association Council. In reaction, the EU tried to keep sectoral cooperation open to revive the relations. These two cases illustrate that even when other actors linked the two issues, the EU attempted to separate the Western Sahara question from the sectoral cooperation with Morocco. According to an EU official, this policy is a pragmatic and realistic view explained by European interests in maintaining good relations with Morocco, particularly regarding migration control.⁴³⁹ As the Sahara is a vital issue for the Moroccan government in its domestic policy, the EU would not want the partnership developed with Morocco in security matters to be affected by tensions over the disputed territory.

⁴³⁷ Interview 18.

⁴³⁸ Interview 20.

⁴³⁹ Interview 12.

6.4 Synthesis

This chapter on EU-Morocco relations reveals that the EU has not attempted to develop a joined-up approach toward Morocco regarding the Western Sahara issue. Instead, Morocco has suspended the foreign policy dialogue with the EU following the CJEU decisions to annul the application of EU-Morocco agreements to the Western Sahara territory. In reaction, the EU has tried to dissociate the Western Sahara issue from sectoral cooperation. Table 34 summarizes the results for the two dimensions as well as the sectors.

In this section, we synthesize the findings and confront the results with the hypotheses.

6.4.1 Summary of the results

Our historical overview of EU-Morocco relations has highlighted that these bilateral relations have always been characterized by a high degree of interdependence. The economic and social links between Morocco and its former colonial power, France, placed the Kingdom in a situation of strong dependence. As a result, Morocco has continuously attempted to develop and strengthen its relations with the EU. In the context of the end of the Cold War, the EU developed a regional policy for the Mediterranean region. Within the framework of these regional policies, Morocco immediately sought recognition from Brussels for its status as a privileged partner and requested a relationship that would be “more than association and less than admission”. Morocco signed with the EU an AA, an ambitious action plan within the framework of the ENP and obtained the recognition of its ‘advanced status’ in 2008. The second decade of the twenty-first century marked a shift in the relations of dependence between the EU and Morocco. Following the Arab Spring, the EU set aside its integrationalist approach and searched for its own interests in its external relations, which were the stability of neighboring countries to guarantee the security of the EU and its member states. Thus, although the reforms undertaken by Morocco in the wake of the Arab Spring and in the context of its agreements with the EU did not meet the EU’s expectations in terms of democratic standards, the fact that the Kingdom is one of the few stable countries in the region has solidified its status as a privileged partner of the EU. In addition, the EU’s practice of outsourcing border control and security responsibilities, including counterterrorism, to third countries has placed the EU in a position of dependence on them. Morocco has distinguished itself by cooperating with the EU in security and counterterrorism. Its borders with Spain have also put it in a favorable position vis-à-vis the EU and allowed Rabat to gain leverage. Indeed, the power asymmetry between the two partners decreased during this period due to Brussels’ dependence on Rabat regarding migration and security. In some situations, Morocco has not hesitated to use this dependence of the EU to advance its interests.

Dimension	Sub-dimension	Joined-up approach	Instances
Foreign Policy	General market access agreement	NO	
	EC and FAC conclusions	<u>YES (but not concerning Western Sahara)</u>	- Progress made in democratic transformation will generate additional financial support
	EU statements at the Association Council	<u>YES (but not concerning Western Sahara)</u>	- Progress made in democratic transformation will generate additional financial support - Morocco's participation to EU agencies and programs depends on the implementation of the action plans
	Interactional level	NO	- Suspension of the Association Council but at the initiative of Morocco
Sectoral cooperation	Sectoral agreements	<u>NO</u>	
	Participation in EU programs	<u>NO</u>	
	Sectoral formations of the Council	NO	
	Informal ministers' meetings	NO	
	Expert groups	NO	
	Agencies	NO	
	Joint committees	NO	
Sectors	EU's internal organization	NO	
	Trade	NO	
	Research	NO	
	Aviation	NO	

Table 34: Recapitulation of the results for the Moroccan case

In parallel, the issue of Western Sahara has come back on the agenda of relations between the EU and Morocco during the same period in which Morocco has gained some leverage over the EU because it cooperated on security matters. The actions by the EP and the CJEU to exclude Western Sahara from the scope of application of EU-Morocco agreements have indeed directly impacted EU-Morocco relations. Following the first decision by the CJEU in December 2015, Morocco decided to suspend the political dialogue with the EU and canceled the Association Council for three years. As a result, the EU was forced to respond on the issue, despite its long-standing policy of not getting involved and supporting the UN-led process, because of disagreements among its member states on the position to adopt. In this chapter, we have analyzed this EU's response and investigated whether it has developed a joined-up approach toward Morocco on the Western Sahara issue.

Our analysis has shown that the EU has not developed a joined-up approach toward Morocco in any of the studied dimensions. In the foreign policy dimension, we did not find any mention of Western Sahara in the AA, the two action plans, or the joint documents on Morocco's Advanced Status. The Euro-Moroccan partnership for shared prosperity is the only one to mention the issue. However, it states that both partners support the UN process and that the EU welcomes Morocco's efforts to find a solution. Regarding the conclusions of the two foreign policy council formations, we found that these documents do not address the resolution of the Western Sahara issue and do not contain any instance of a joined-up approach on this subject. The EU's statements at the Association Council meetings with Morocco are the only documents to address the Western Sahara issue regularly. However, there is no joined-up approach developed in these statements as the EU states that although it remains concerned about the conflict, its position is to support the UN-led process. The interactional level shows similar results. When Morocco decided to suspend its relations with the EU following the CJEU decision to annul the agricultural agreement because it applied to Western Sahara, the EU tried to keep the dialogue open, and the High Representative visited Morocco a few days after its announcement in 2016 to convince its partner to continue to cooperate. Therefore, no joined-up approach is observed in the interactional level of the foreign policy dimension either.

This analysis also reveals that the EU has not used a joined-up approach toward Morocco in the sectoral cooperation dimension of their relations. Indeed, no instances of a joined-up approach were observed in the legal or interactional levels. Instead, the EU seemed to actively pursue a policy of dissociating the sectoral cooperation with Morocco from the Western Sahara issue. For example, when the EP and the CJEU took action against some agreements because they applied to Western Sahara, the EU central institutions appealed these decisions and stood with the Moroccan government. Another example is Morocco's freezing of diplomatic relations in 2016 and the suspension of the Association Council. In reaction, the EU tried to keep sectoral cooperation open to revive the relations. These two cases illustrate that even when other actors linked the two issues, the EU attempted to separate the Western Sahara question from the sectoral cooperation with Morocco. According to the interviews, this policy is explained by European interests in maintaining good relations with Morocco, particularly regarding migration control. Moreover, as the Sahara is a vital issue for the Moroccan

government in its domestic policy, the EU would not want the partnership developed with Morocco in security matters to be affected by tensions over the disputed territory. Finally, the analysis of the EU's internal organization has shown that the EU's policy regarding Western Sahara is centralized in the EU statements at the Association Council. However, these statements are limited to recalling that the EU's position is to support the UN-led process to find a mutually acceptable solution for all parties. As a result, these statements do not impose the line to adopt to all the EU services regarding Morocco and the Western Sahara issue. In addition, although there is a certain level of coordination inside the EU, it is less institutionalized than with Switzerland and Israel. This indicates that DGs have more leeway in their sectoral relations and that the EEAS exercises less control. The fact that there is no centralization confirms these findings.

The analysis of the Moroccan case reveals that the EU has not developed a joined-up approach toward Morocco regarding the Western Sahara issue. Before 2015 and the CJEU decisions, Western Sahara was not mentioned in the agreements between the EU and Morocco. The CJEU decisions put the issue back on the agenda of EU-Morocco relations. However, the EU actively tried to dissociate the problem from its sectoral cooperation with Morocco. Indeed, driven by its interests in security cooperation with the Kingdom, the EU does not want to alienate Morocco by introducing the Western Sahara issue into their relations. In addition, the analysis of the scope conditions highlighted that member states' coherence regarding Western Sahara was low. As a result, even if the central European Institutions would have wanted to develop a joined-up approach toward Morocco regarding Western Sahara, disagreements among the member states would likely have hampered it.

Proving that there is no joined-up approach is more challenging than showing evidence that such an approach has been developed. Nevertheless, we consider that there are two main evidences that the EU does not develop a joined-up approach toward Morocco: the mentions of Western Sahara in the EU's documents and the EU's reaction to the CJEU judgments and Morocco's decision to suspend the political dialogue with Brussels.

Throughout this chapter, we have analyzed the Council's conclusions in foreign policy and sectoral formations of the Council, as well as EU statements on the occasion of the Association Council with Morocco. The first takeaway from these analyses is that Western Sahara is only mentioned in the EU statements at the Association Council. Indeed, we only found two mentions outside these statements, which did not address the issue. The second observation is that although the EU statements mention the Western Sahara issue, the EU states that it supports the UN-led process and does not allude to any kind of instrumentalization of its partnership with Morocco to resolve the dispute. If the EU had developed a joined-up approach toward Morocco, it would have appeared in these statements. Therefore, we argue that the absence of a joined-up approach in this statement is evidence that the EU does not develop a joined-up approach toward Morocco.

The EU's reaction to the CJEU judgments and Morocco's suspension of the political dialogue is the other evidence that no joined-up approach has been developed toward Morocco. The

CJEU judgments put the Western Sahara issue on the agenda of EU-Morocco relations. Moreover, Morocco's decision to suspend the political dialogue with Brussels' institutions increased the issue's salience. Therefore, if the EU had tried to develop a joined-up approach toward Rabat, it would have done so in this context. However, our analysis has shown that the EU has done the opposite of a joined-up approach. Indeed, it has tried to dissociate the issue of Western Sahara from bilateral cooperation to limit the impact on collaboration and revive the partnership. As a result, this constitutes evidence that the EU has not developed a joined-up approach toward Morocco.

To complete the analysis, interviews with officials from both sides gave us information regarding the EU's internal organization. We gained knowledge indicating that the coordination ensured by the EEAS was relatively soft compared with the other two case studies. Indeed, whereas there is a certain level of coordination, it is less institutionalized than for other countries. Moreover, interviews with Moroccan officials revealed that although they reckon that the EU is coordinated, they did not feel it in their contacts with their European counterparts. Finally, the interviews also confirmed that there is no centralization in the EU's relations with Morocco as no institution oversees all aspects of the cooperation and gives strict instructions to the DGs on the line to take.

6.4.2 Confrontation of the results with the hypotheses

Following this summary of the main findings in the Moroccan case, we confront these results with the three hypotheses. As a reminder, we postulated when the nature of the diplomatic disagreement concerns the single market, and the more coherent the foreign policy positions of EU member states toward a third country, the more likely the EU is to develop a joined-up approach. We also postulated that the higher the economic stakes of sectoral cooperation with a third country, the more likely the EU would use them in a joined-up approach. The findings corroborate the first and second hypothesis. Regarding the third hypothesis, it is impossible to assess it as the EU does not develop a joined-up approach toward Morocco.

For the hypothesis about the nature of the diplomatic disagreement, we found that Western Sahara is a CFSP issue. Moreover, Western Sahara also represents an issue of paramount importance for Morocco. A country's position on the question can define the state of its relations with Morocco. Due to the nature of the disagreement, its importance for Morocco, and the EU's reliance on a good relationship with Rabat for security matters, it was unlikely to observe a joined-up approach developed by the EU according to the first hypothesis. The results have confirmed this hypothesis. Indeed, the EU has not developed a joined-up approach toward Morocco. Instead, during the tensions caused by the CJEU decisions, the EU has tried to dissociate sectoral cooperation with Morocco from foreign policy considerations. The fact that Morocco is negotiating for the first time an associated status in Horizon Europe also illustrates that the DGs have pursued their sectoral objectives independently of the tensions at the political level.

We showed that the member states' coherence regarding the Western Sahara issue has historically been divided. Whereas the older member states have always backed the UN-led resolution process, the new ones had historically supported Western Sahara's right to self-determination, as illustrated by their votes at the UNGA. We have also found that two main actors are active on the issue: France and Spain. While France has always supported a solution under the UN process, it has also insisted that such a solution should suit Morocco's interests, not hesitating to use its position at the UNSC to protect Rabat. On the other hand, Spain had historically supported the Saharawi people's right to self-determination before shifting its position radically in 2022, following pressure from the Moroccan government and Madrid's dependency on Rabat's cooperation on migration issues. Finally, Sweden had been the most active country in defending the interests of Western Sahara. However, Morocco's active leverage has meant that Stockholm's actions have remained limited. Therefore, we have observed a low level of coherence among member states since 2000. There has been a gradual convergence since 2021, with more and more EU countries supporting Morocco's autonomy plan. As a result, this coherence, driven by security and migration interests, has favored Rabat. Following these observations, we did not expect the EU to develop a joined-up approach toward Morocco regarding the Western Sahara issue, which has been verified in the analysis.

Finally, because the EU has not developed a joined-up approach toward Morocco, it is impossible to confirm or refute the third hypothesis.

7. Conclusion

This chapter presents a synthesis of this research, a comparative analysis of the results and a conclusion. We recall the main steps that structured our research in the first section. In the second section, we present a synthesis of the main results for each of the three case studies. The third section compares the results from the scope conditions and the dependent variable and draws some conclusions and observations. Finally, we conclude this research by discussing its contribution, limits, and the perspectives it opens.

7.1 Reminder of the approach developed in this thesis

The object of study of this research stems from the realization that since the beginning of the twenty-first century, the EU's external influence has mainly developed along two axes: foreign and sectoral policies. On the one hand, foreign policy encompasses the development of traditional, state-like, diplomatic relations with the creation of the EEAS alongside the CFSP. Even though the EU made advances in foreign policy and diplomatic integration, it is still assumed to remain primarily an economic giant but a political dwarf in international relations. On the other hand, the EU also exerts its influence in third countries through cooperation within policy sectors and the diffusion of its sector-specific rules and norms. This functionalist extension draws on and deepens interdependence between the EU and its neighbors and therefore constitutes a source of influence and power for the EU. However, these two vectors of influence have evolved independently from each other. In 2016, the EU published its Global Strategy, which sets the objective of "becoming more joined up across our external policies, between Member States and EU institutions, and between the internal and external dimensions of our policies" (European External Action Service 2016: 11). The joined-up approach mentioned in the Global Strategy aims to bundle EU capabilities and integrate action in both areas, thereby enhancing the EU's capacity to promote its foreign policy priorities abroad.

Our research assesses whether the EU has developed a joined-up approach by integrating its sectoral relations with its foreign policy objectives in its relations with third countries. Therefore, the main research question asks to what extent the European Union adopts a joined-up approach in its external relations with associated countries, and if so, why and under what conditions (Q1). This research also aims to generate a more complete understanding of the factors that fuel or impede the development of a joined-up approach by trying to understand how this approach differs across countries (Q1a) and sectors (Q1b). Finally, it also attempts to understand if there is variation over time in developing the joined-up approach and the factors behind it (Q2).

To answer those research questions, we have developed an innovative analytical framework that integrates the two levels of the EU's external action at the heart of the joined-up approach:

foreign policy and external governance. We have reviewed the different strands of literature related to these two fields. The literature focusing on EU foreign policy has underlined the relative weakness in the EU's capacity. Even though the supranational level has improved its capacities and institutional resources in foreign policy, it is still undermined by the member states' inability to agree on common positions and policies. On the other hand, scholars studying EU external action from the inside-out have underscored the influence the EU enjoys in third countries through externalizing its norms and rules and the participation of third countries in EU policies.

However, the literature review shows that these two strands of literature remain somewhat isolated from each other. Even though the foreign policy literature has hinted at the potential use of sectoral policies to serve foreign policy objectives, it does not look at the explicit instrumentalization by the EU of its sectoral policies from a foreign policy perspective. Similarly, although the literature on EU external action from the inside out recognizes the EU's potential external influence through its sectoral policies, it is only loosely coupled to foreign policy structures and objectives. The literature review also acknowledges similar trends in the EU's foreign policy and external differentiation strategies. On the foreign policy front, the EU has adopted a more rationalistic approach that places its interests and those of its member states at the center of its concerns, to the detriment of the normative approach that aimed to export European regulations, norms, and values to neighboring countries through progressive integration. Regarding sectoral cooperation with third countries, the EU has gradually restricted external differentiation by conditioning the participation of third countries to an EU sectoral policy to a set of stricter conditions, seemingly fearing too much diversity. Therefore, both kinds of literature point to similar trends, namely a more rationalist approach adopted by the EU in its external relations based on pursuing its interests.

We have developed a theoretical framework against this background of a rationalist turn in the EU's external relations. First, drawing on conditionality, issue-linkage, and the actorness literature, we propose an innovative approach in which we argue that sectoral policies can be seen as potential resources already at the EU's disposal. The EU can therefore mobilize them to enhance its capabilities in its external relations and hence promote its consolidation as a foreign policy actor. Second, we propose a conceptualization of the joined-up approach. This conceptualization distinguishes between two dimensions of the EU's relations with a third country in which the joined-up approach can be identified: foreign policy, and sectoral cooperation. Foreign policy covers the general foreign policy relations between the EU and a third country. It includes the overarching market access agreements, European and Foreign Affairs councils' conclusions, the general foreign policy documents outlining the EU's position toward a third country, and the high-level political dialogue. Sectoral cooperation focuses on relations at the sectoral level. In this dimension, we analyze the sectoral agreements, third countries' participation in EU programs, and the conclusions of the Council of the EU formations dealing with sectoral issues. This dimension also includes third countries' access to EU sectoral bodies, such as informal ministers' meetings, expert groups, and agencies, as well as the joint committees between the EU and a third country, and the EU's internal organization.

Drawing on this framework, we have developed three hypotheses. The first two hypotheses aim at predicting the conditions under which a joined-up approach is more likely to develop, while the third hypothesis predicts which sectors will be mobilized first by the EU. The two scope conditions identified in these hypotheses are the nature of the diplomatic disagreement and the member states' coherence. We argue that when the nature of the diplomatic disagreement concerns the single market, and the more coherent the foreign policy positions of EU member states toward a third country, the more likely the EU is to develop a joined-up approach. The last hypothesis identifies which sectors are more likely to be mobilized first in the development of a joined-up approach. Accordingly, we argue that the higher the economic stakes of cooperation with the EU in a specific sector for a third country, the more likely the EU is to develop a joined-up approach with this sector. Finally, we have applied an X-centered co-variational analysis to conduct our research, that relies on EU institutional documents and forty-one interviews with EU, Swiss, Israeli, and Moroccan officials.

7.2 Presentation of the results for the cases studied

This section presents a short summary of the main findings for the three cases studied. We will then compare these results and draw some observations and conclusions in the following section.

7.2.1 Switzerland

According to the hypotheses and the values regarding Switzerland's first two scope conditions, it constituted the most likely case to observe a joined-up approach. Indeed, the member states' coherence is strong regarding the IFA, which is a single market related issue. Regarding the sectors, we argued that the three sectors are likely to be mobilized, with trade being the first, followed by research and aviation. Our analysis reveals that the EU has developed a strong joined-up approach toward the Swiss Confederation regarding the IFA issue. We have found a strong joined-up approach in the two dimensions analyzed: foreign policy, and sectoral cooperation.

The main evidence in the development of a joined-up approach by the EU is the 2012 conclusions on relations with Switzerland. In these conclusions, the Council states that "the conclusion of any negotiation regarding the participation of Switzerland in the internal market is, in particular, dependent on solving the institutional issues" (Council of the European Union 2012a: 5, 2014d: 7, 2017a: 1-2). The application of the 2012 conclusions has been observed in the sectoral cooperation aspect of our analysis. Indeed, we have found that since 2012 the EU has frozen all current negotiations with Switzerland on new market access agreements and the updates of existing market access agreements. As a result, the negotiations and signature of agreements on cabotage rights in the aviation sector have been suspended. In addition, the signing of agreements in electricity and health have also been suspended even though the negotiations have been concluded and the agreements ready to be signed. Moreover, due to

the static nature of the bilateral agreements, particularly the MRA, the freeze of the agreements' update has already impacted several sectors of the Swiss economy. In addition to the sectoral agreements, the EU has also mobilized Switzerland's participation in EU programs in its joined-up approach. As a result, Switzerland has not been granted an associated country status in the new EU research framework program, Horizon Europe. Concerning Switzerland's participation in EU informal meetings, EU expert groups, and EU agencies, we found some limitations of Swiss access due to the IFA. However, for the participation in informal meetings, this limitation happened only during the French Council Presidency. Regarding Swiss participation in EU expert groups and agencies, it was instead a consequence of new EU regulations that limited its access rather than an explicit exclusion. The development of a strong joined-up approach by the EU has also been observed in the EU's internal organization. We have found strong coordination and centralization in the EU's internal organization regarding relations with Switzerland. Our analysis has revealed that the SG has become the leading actor governing the bilateral ties. Every DG must obtain its approbation before collaborating with Switzerland. This centralization ensures that relations with Switzerland are coordinated and follow the line prescribed by the 2012 conclusions that no new market access agreement should be signed with Switzerland as long as there is no institutional framework governing the bilateral relations.

Regarding the sectors mobilized in this joined-up approach, our findings reveal that trade was the first sector to be mobilized by the EU in a joined-up approach regarding the IFA. Indeed, the 2012 Council conclusions, which represent the first instance of a strong joined-up approach developed by the EU, link the signature of market access agreements to the conclusion of the IFA. The research sector has been the second to be mobilized in the joined-up approach. The 2018 draft regulation on Horizon Europe was published when the Federal Council expressed its first doubts regarding the draft agreement, and the final regulation and program guide of Horizon Europe confirming Switzerland's non-association with the framework program were published when the Federal Council decided to walk off the negotiations. Finally, the air transport sector has been the least impacted by the IFA. Even though negotiations on cabotage rights have been suspended because of the IFA, sectoral cooperation has continued.

As a result, these findings corroborate the three hypotheses. Because the disagreement concerns a single market issue, it falls under the Commission's responsibility. The Commission's leadership means that it has higher authority to on the DGs to implement the EU's policy across all aspects of the cooperation with Switzerland. Through its SG, which exercises a role of supervision and centralization on the DGs, the EU's action is strongly coordinated and centralized. This ensures that all aspects of the EU-Switzerland relations apply the line adopted in the Council's conclusions. Moreover, because the IFA concerns directly the DGs' interests, the latter are more inclined to let foreign policy considerations alter their sectoral cooperation. In addition, member states' coherence has facilitated the development of a joined-up approach toward Switzerland by the EU. Explained by the willingness to keep a united front in the context of Brexit, the Commission has received the full backing of the member states to develop and implement its policy toward Switzerland.

7.2.2 Israel

According to the hypotheses and the values regarding the first two scope conditions for Israel, we expected to observe a soft joined-up approach between 2000 and 2015. Indeed, the member states' coherence has evolved over time. Whereas it was strong between 2000 and 2015, it fell to a low level between 2016 and 2019. Moreover, the Israeli-Palestinian conflict is an issue that falls under the CFSP. Therefore, according to Figure 1, the combination of values for the scope conditions between 2000 and 2015 indicated that the EU was likely to develop a soft joined-up approach toward Israel during this period, while no joined-up approach was expected to be observed after that. Regarding the sectors, we expected the EU to mobilize first the research sector in a joined-up approach, followed by the market liberalization agreement in the aviation sector, and finally, trade. Our analysis reveals that the EU has made several attempts at developing a joined-up approach toward Israel regarding the Israeli-Palestinian conflict, albeit not in all aspects of its relations or in a consistent manner. Foreign policy is the dimension in which we have found the most and strongest forms of a joined-up approach developed by the EU. In contrast, the sectoral agreements are the only component in which we have seen instances of a joined-up approach in the sectoral cooperation dimension.

The main event in EU-Israel relations is the no upgrade policy implemented in 2009 in reaction to the Cast Lead Operation launched by Israel in Gaza in 2008. Before 2009, the EU had already expressed in foreign policy instances that the settlements were not recognized as part of the territory of Israel. Since 2009, the joined-up approach has become stronger. The EU reaffirmed its decision to exclude the settlements from the scope of all agreements between the EU and Israel and offered a Special privileged Partnership to Israel in the event of a final peace agreement. Moreover, no Association Council met between 2013 and 2022 due to the veto by some member states to express their dissatisfaction with the lack of progress in the Middle East Peace Process. In the sectoral cooperation dimension, the two instances of a joined-up approach are the no upgrade policy implemented since 2009 and the territorial clause introduced in every EU-Israel agreement, which effectively excludes the settlements from the scope of these agreements. However, we have demonstrated that the no upgrade policy is very softly implemented and that these are the only two instances of a joined-up approach identified in our analysis. Indeed, the diplomatic disagreement has not affected Israel's participation in the EU research framework program. There have been calls from MEPs recently to freeze Israel's involvement as long as there is no progress in the peace process, but the EU has decided not to follow suit. Also, the diplomatic disagreement has not affected Israel's access to EU ministers' informal meetings, EU agencies, expert groups, and the sectoral sub-committees between the EU and Israel. Regarding the EU's internal organization, our analysis demonstrates that the EU's relations with Israel are highly coordinated but not centralized. The EEAS is adopting a coordinating role by ensuring that the no upgrade policy of the EU is respected in every aspect of the sectoral cooperation with Israel. However, we did not find any sign of centralization in the EU's internal organization. Indeed, no "line to take" is imposed on the DGs, which enjoy a significant level of autonomy in conducting their bilateral sectoral cooperation with their Israeli counterparts.

Regarding the sectors mobilized in this joined-up approach, the findings demonstrate that the research sector has not been used in a joined-up approach by the EU toward Israel. On the contrary, despite calls from MEPs to suspend Israel from Horizon Europe, the EU has signed an agreement associating Israel with the new research framework program in 2021. Furthermore, in the aviation sector, we have shown that despite the no upgrade policy implemented since 2009, a Euro-Mediterranean Aviation Agreement was signed with Israel in 2013. Finally, in trade, cases of a joined-up approach have been observed. Indeed, with the technical arrangement, the EU has excluded goods originating in the settlements from preferential treatment under the AA. Moreover, the no upgrade policy has meant that despite its outdated nature and the absence of specific important sectors, such as services, the AA cannot be updated.

Our findings corroborate our first two hypotheses on the conditions favoring the development of a joined-up approach. Indeed, we have found instances of joined-up approach between 2000 and 2015, when there was member states' coherence. However, these instances of joined-up approach were softly implemented and did not impact all aspects of the bilateral relations, hence the classification as "soft". Moreover, these instances of a joined-up approach disappeared in 2016. Therefore, these results indicate that when there is coherence among the member states, the development of a joined-up approach can still be observed in a CFSP issue. On the other hand, the third hypothesis is refuted. However, we argue that this supports our observation that the EU has developed only a very soft form of joined-up approach toward Israel and that these relations are characterized by an ambivalence between strained political and prosperous sectoral relations. Indeed, if the EU wanted to influence Israel's position in the peace process, it would have mobilized the research and aviation sectors. But this is not the case. We argue that the cases of joined-up approach observed in the trade sector are due to the fact that the EU cannot upgrade the AA without breaching the no upgrade policy line. Conversely, in the research and aviation sectors, the EU has found a way to deepen its relations with Israel by arguing that if a country in the Southern Mediterranean region enjoys a certain level of integration with the EU, then Israel can achieve the same status. The AA is the main agreement impacted by the no upgrade policy because the EU cannot use a similar argument, which is why our results are incongruent with our hypothesis. The soft and inconsistent implementation of the joined-up approach indicates that these policies implemented by the EU serve as a normative justification for the EU. Thus, the EU can justify sticking to its position in the Israeli-Palestinian conflict by referring to the territorial clause or the non-upgrade policy while deepening its sectoral cooperation with Israel.

7.2.3 Morocco

According to the hypotheses and the values regarding Morocco's first two scope conditions, it constituted the least likely case to observe a joined-up approach. Indeed, the member states' coherence is low regarding Western Sahara, which is a CFSP issue. Regarding the sectors, we expected the EU to mobilize first the trade and aviation sectors in a joined-up approach. Even though Morocco is highly dependent on its relations with the EU in the research sector, the

low intensity of relations between the two partners makes this sector the least likely to be developed in a joined-up approach. This analysis reveals that the EU has not attempted to develop a joined-up approach toward Morocco regarding the Western Sahara issue. Instead, it is Morocco that has suspended the foreign policy dialogue with the EU following the CJEU decisions to annul the application of EU-Morocco agreements to the Western Sahara territory. In reaction, the EU has tried to dissociate the Western Sahara issue from sectoral cooperation.

In the foreign policy dimension, we found close to no mention of the Western Sahara issue in all the documents analyzed. The only exception is the EU's statements at the Association Council. However, although these statements mention the topic regularly, they do not indicate a joined-up approach. It states that the EU's position is to support the UN-led process, and although it raises its concerns about the issue, it does not hint at any potential impact of the conflict on EU-Morocco relations. The Western Sahara issue has impacted the high-level political dialogue. However, this was done at the initiative of Morocco, which suspended its political ties with the EU following the CJEU decision to annul the agricultural agreement because it applied to Western Sahara. The EU's response has been to try to keep the dialogue open.

We did not find any instance of a joined-up approach in the sectoral cooperation dimension either. Inversely, the EU seemed to actively pursue a policy of dissociating the sectoral cooperation with Morocco from the Western Sahara issue. For example, when the EP and the CJEU took action against some agreements because they applied to Western Sahara, the EU central institutions appealed these decisions and stood with the Moroccan government. Another example is Morocco's freezing of diplomatic relations in 2016 and the suspension of the Association Council. In reaction, the EU tried to keep sectoral cooperation open to revive the relations. These two cases illustrate that even when other actors linked the two issues, the EU attempted to separate the Western Sahara question from the sectoral cooperation with Morocco. This policy is explained by European interests in maintaining good relations with Morocco, particularly regarding migration control. Moreover, as the Sahara is a vital issue for the Moroccan government in its domestic policy, the EU would not want the partnership developed with Morocco in security matters to be affected by tensions over the disputed territory. This explains the reluctance of the EU to develop a joined-up approach. Finally, the analysis of the EU's internal organization has shown that the EU's policy regarding Western Sahara is centralized in the EU statements at the Association Council. However, these statements are limited to recalling that the EU's position is to support the UN-led process to find a mutually acceptable solution for all parties. As a result, these statements do not impose the line to adopt to all the EU services regarding Morocco and the Western Sahara issue. We also found that although there is a certain level of coordination inside the EU, it is less institutionalized than with Switzerland and Israel. This indicates that DGs have more leeway in their sectoral relations and that the EEAS exercises less control. The fact that there is no centralization confirms these findings.

The findings in the Moroccan case corroborate the first two hypotheses. The low level of member states' coherence combined with the CFSP nature of the Western Sahara issue

indicated that it was unlikely to observe the development of a joined-up approach toward Morocco, which has been verified. We have found that instead of developing a joined-up approach toward Morocco to resolve the Western Sahara issue, the EU has tried to dissociate the bilateral cooperation from the political tensions caused by the CJEU decisions. The member states' position has gradually converged over time, however, in favor of Rabat. Morocco's instrumentalization of Spain's dependency on migration has resulted in 2022 with a significant shift by Madrid in favor of the Moroccan's autonomy plan. Rabat has also used its leverage on Sweden, the most vocal member state in defending the interests of Western Sahara, to limit its actions. Regarding the nature of the disagreement, we have found that the EEAS' role, the leading institution in a CFSP issue, is limited to ensuring coordination but that there is no aspect of centralization. Moreover, this coordination essentially aims to find a solution to pursue cooperation with Morocco while considering the CJEU decisions. Therefore, there is no aspect of a joined-up approach involved. Overall, the case of Morocco highlights the rationalist and interest-oriented turn of the EU's foreign policy that we have identified in the analytical framework. Indeed, the EU has prioritized good diplomatic relations with Morocco at the expense of using its leverage to influence the Western Sahara issue to protect cooperation regarding security issues such as migration and counterterrorism.

7.3 Comparative analysis

Based on the hypotheses from the analytical framework, our theoretical expectations for developing a joined-up approach were that it was likely to occur with Switzerland, between 2000 and 2015 in a soft version with Israel, and unlikely to occur with Morocco (see Table 35). As the summary of the results presented in the precedent section has demonstrated, these expected outcomes have been verified. In this comparative analysis, we first discuss the differences, similarities, and main findings regarding the scope conditions before discussing the three aspects of the joined-up approach.

Case study	Nature of the disagreement	MS coherence	Outcome expected	Outcome observed
Switzerland	Single market	Strong	Joined-up	Joined-up
Israel	CFSP	Variation	Soft joined-up between 2000 and 2015	Soft joined-up between 2000 and 2015
Morocco	CFSP	Weak	No joined-up	No joined-up

Table 35: Theoretically expected outcome and outcome observed according to the scope conditions

7.3.1 Scope conditions

7.3.1.1 Nature of the diplomatic disagreement

The nature of the diplomatic disagreement has proven to be a factor fostering the development of a joined-up approach. The impact of this factor is most visible in the sectoral cooperation dimension and the EU's internal organization sub-dimension of the joined-up approach. The theoretical underpinnings of the first hypothesis showed that DGs are reluctant to let foreign policy objectives influence their pursuit of EU economic interests. Accordingly, we argued that when the disagreement concerns a third country's access to the single market, i.e., an overarching market access agreement, the joined-up approach will be more likely to be implemented as the sectoral DGs are more likely to let foreign policy considerations alter their external sectoral cooperation when the foreign policy objective matches their interests. The comparison between the Swiss and Israeli cases illustrates how DGs act when the nature of the diplomatic disagreement concerns a CFSP issue or an overarching market access agreement.

In the relations with Switzerland, the nature of the diplomatic disagreement means that this issue falls under the responsibility of the Commission. As a result, the latter has been able to ensure a coordinated and centralized approach across all aspects of cooperation with Switzerland, through its SG. Our analysis has revealed that the DGs have consistently applied this line to follow. In the EU relations with Israel, the nature of the diplomatic disagreement means that this issue falls under the responsibility of the EEAS. Although the latter has ensured that the EU's action is coordinated and that relations at the sectoral level respect the EU's no upgrade policy, we demonstrated that the implementation of the no upgrade policy was relatively soft. The EU has signed several agreements with Israel, and political disagreements do not impact the bilateral relations between technocrats. In addition, we found in our interviews that DG officials had a different perception of the coordination aspect depending on whether they were dealing with Switzerland or Israel. On the one hand, DG officials responsible for relations with Switzerland seemed more inclined to apply the line dictated by the SG. On the other hand, officials working with Israel seemed more reluctant and sought to find ways to deepen their sectoral cooperation while taking into account the no upgrade policy. Regarding Morocco, we found no centralization and no line to follow for the DGs. However, this is more because the EU has not taken a position on the Western Sahara issue besides supporting the UN-led process, rather than the nature of the disagreement.

Nevertheless, the Israeli case has also demonstrated that a joined-up approach can be observed even in situation when the nature of the diplomatic disagreement concerns a CFSP issue. Indeed, until 2015, the EU has developed a joined-up approach toward Israel through the exclusion of the settlements from the scope of application of EU-Israel agreements, and the no upgrade policy. We argued that this joined-up approach was possible because there was a coherence of EU member states during this period. We have also underlined that the decrease

in the joined-up approach observed since 2016 coincided with a drop in the member states' coherence, but also with the rationalist turn observed in the EU foreign policy's strategy.

In summary, the nature of the diplomatic disagreement favors the development of a joined-up approach as it directly empowers the Commission to ensure stronger forms of coordination and centralization across its services. Yet, the Israeli case has demonstrated that when there is member states' coherence, a soft joined-up approach can still be developed in CFSP issue. However, this might be less likely to happen following the change in the EU foreign policy's strategy since 2015. Our results cannot confirm a causal link between the change in EU foreign policy's strategy and the decrease in the development of a joined-up approach, but they do indicate some correlation.

7.3.1.2 Member states' coherence

As expected, the member states' coherence has appeared as a critical aspect in developing a joined-up approach by the EU. Although the IFA is a matter of competence of the Commission, the coherence of the member states on the Swiss file has allowed the Commission to have support in implementing its coordinated and centralized system regarding all aspects of its relations with Switzerland. The joined-up approach developed regarding the sectoral agreements – the suspension of negotiations for all new market access agreements and updates of the existing ones – is based on Council's conclusions. The member states are involved in the procedure of formulation of these conclusions. Therefore, this constitutes an indicator of how the coherence of member states can translate into the development of a joined-up approach even when the issue falls under the strict competence of the Commission.

The member states' coherence impact on the development of the joined-up approach has also been illustrated in the Israeli and Moroccan cases. Regarding Israel, we have witnessed a joined-up approach during the periods in which the member states' positions were aligned, despite the CFSP nature of the diplomatic disagreement. However, since 2016 and the polarization of the member states' position, there have been no instances of a joined-up approach observed. Significantly, the EU has been unable to issue any Council conclusions on the Middle East Peace Process since 2016 due to the divergence of opinions among the member states. With Morocco, the difference of positions of the member states on the Western Sahara issue means that the different formations of the Council do not mention Western Sahara. The only documents in which the subject is mentioned are the EU's statements at the Association Council. However, these statements state that the EU supports the UN-led process. This position represents the lowest common denominator between the member states. As a result, the EU does not get involved regarding Western Sahara due to the divergence of opinion among the member states.

Nevertheless, our findings also demonstrate that the coherence of member states does not necessarily translate into the development of a joined-up approach. Inversely, division among member states can lead to a joined-up approach in specific situations. Morocco is an

illustration of member states' coherence that does not translate into the development of a joined-up approach. We have shown that member states have historically been divided over the Western Sahara issue. Nevertheless, we have witnessed a gradual convergence since 2021, with more and more EU countries supporting Morocco's autonomy plan. However, this coherence, driven by security and migration interests, has favored Rabat. Therefore, although this coherence is recent and its impact on EU-Morocco relations cannot yet be fully assessed, this evolution seems to favor the non-development of a joined-up approach. Indeed, as EU member states align more with Morocco, it reduces the likelihood that the EU will develop a joined-up approach regarding the Western Sahara issue.

On the other hand, Israel represents a case where division among member states can still result in a joined-up approach under specific conditions. One of the indicators of a joined-up approach developed toward Israel is the suspension of the Association Council between 2014 and 2022 due to the lack of progress in the peace process. However, this suspension of the Association Council is due to the veto imposed by some member states on holding this high-level meeting. Therefore, this instance of a joined-up approach is not a result of the member states' coherence but of the right of veto that member states have on foreign policy issues.

7.3.1.3 Sectors

For the third scope condition, the economic stakes of cooperation, we have found that the order of mobilization of these sectors in a joined-up approach depends on the interests of the EU in pursuing a joined-up approach. With Switzerland, the EU has developed a strong joined-up approach. Its main goal is to influence the Swiss government's position on the IFA. As a result, in this case, the sectors mobilized in the joined-up approach follow our third hypothesis. Namely, the trade sector, which is the one with the highest economic stakes, has been mobilized first, followed by the research sector and aviation. In trade, the EU has linked the signature of market access agreements to the conclusion of the IFA. In the research sector, Switzerland has not been granted an associated-country status in Horizon Europe because of its reluctance to sign the IFA. Finally, negotiations on an agreement on cabotage rights have been stopped in the aviation sector.

However, with Israel, we have demonstrated that rational objectives drive the joined-up approach for the EU rather than a determination to force Israel's hand in the peace process. This means that, while the EU still condemns Israeli settlements and actions that alter the peace process, it is not willing to let these foreign policy considerations hinder its economic interests to further deepen its sectoral cooperation with Israel. The mobilization of the sectors in the soft joined-up approach developed toward Israel illustrate this. The research sector, which is the one with the highest economic stakes, has not been mobilized by the EU, despite some calls by MEPs. Instead, trade was the least likely of our sectors and is the one that has been impacted most by the joined-up approach. Moreover, the impact on trade is more an indirect consequence of the no upgrade policy. We have shown that the EU's implementation of the no upgrade policy is relatively soft. The EU thought process is that Israel cannot be offered a

level of integration that other countries from the Southern Mediterranean do not have. As a result, we can presume that if a country from the region were to sign a third-generation trade agreement with the EU, Israel would probably be offered the same type of agreement despite the no upgrade policy. As a result, the mobilization of the trade sector seems to be more of an indirect consequence of the EU's foreign policy stance reflected in the non-upgrade policy rather than a genuine willingness on the part of the EU to influence the Israeli position in the peace process.

Finally, sectoral cooperation with Morocco has not been impacted by foreign policy tensions. Here, the EU seems to be using sectoral cooperation to get closer to Rabat by dissociating it from foreign policy considerations. As a result, despite the political tensions between the two partners that have erupted since 2015, Morocco is currently negotiating its association to Horizon Europe. In trade, although negotiations on a DCFTA have been suspended at the initiative of Morocco, the EU reaffirmed during the 2019 Association Council its desire to relaunch negotiations "on the basis of the expected benefits for both parties" (Council of the European Union 2019c: 5).

In summary, trade has been the most mobilized sector in a joined-up approach across the case studies. All market access agreements negotiations with Switzerland have been suspended and the AA with Israel cannot be updated, despite its outdated nature. In a spectacular move, the research sector has been mobilized toward Switzerland. Despite calls from the European and Swiss scientific communities to "stick to science" and associate Switzerland, the EU has maintained its position. However, the EU has not applied the same "sanction" on Israel. Despite internal calls to suspend Israel's associated status in Horizon Europe until significant progress could be observed in the peace process, an association agreement has been signed in December 2021. Similarly, Morocco is currently negotiating an associated status for the first time. These results indicate that research can be a powerful sector to mobilize in a joined-up approach, but that the EU is reluctant to use it unless it develops a strong joined-up approach, as with Switzerland. Finally, the aviation sector has not been mobilized by the EU. The EU and Israel have signed a comprehensive air transport agreement despite the no upgrade policy. The only instance of a joined-up approach developed by the EU in the aviation sector is the negotiations on cabotage rights with Switzerland. However, this is a minor issue that is more an indirect consequence of the decision to suspend negotiations on all market access agreements than a real willingness on the part of the EU to mobilize a high-stakes sector to send a message across.

7.3.2 Dependent variable

Our case studies show variation in the development of the joined-up approach in the two dimensions. Foreign policy appears as the first dimension in which the joined-up can be observed, followed by sectoral cooperation.

The first point that emerges from comparing the three cases for the foreign policy dimension is that we found different degrees of salience regarding the diplomatic disagreements. With Switzerland, the results highlight the relative absence of Switzerland in the European and Foreign Affairs councils' conclusions. These actors barely mention any issue related to this country. Moreover, there is no mention of the IFA in these conclusions. Instead, all the statements on the IFA are concentrated in the Council's conclusions on relations with Switzerland. These findings already indicated the centralized aspect of the EU's relations with the Swiss Confederation. Inversely, Israel and the Israeli-Palestinian conflict appear repeatedly in these conclusions. We highlighted in the previous section that the mentions of Israel and the conflict are highly dependent on the member states' coherence and, consequently, have dropped since 2016. This difference in the mentions of Israel and the Middle East Peace Process and Switzerland and the IFA issue is due to the nature of the disagreement. Since the Israeli-Palestinian conflict is a CFSP issue, it is not a surprise that it repeatedly appears in these councils' conclusions as these are the actors responsible for defining the EU's position on the issue. On the other hand, the IFA is not an issue that falls under the realm of CFSP, which explains its absence from these councils' conclusions. We also found that these actors do not address Western Sahara, although this is an issue that would fall under the CFSP mechanism. Here, the explanation is that the EU does not have an active policy on Western Sahara and, instead, relies on the UN process.

Our second point is that foreign policy is the dimension in which the joined-up approach is decided. For example, it is the Council's conclusions on relations with Switzerland that contain the basis upon which the EU has developed a joined-up approach toward the Swiss confederation, namely that no market access agreement could be signed with Switzerland as long as there is no institutional framework governing the relations. With Israel, the no upgrade policy is also found in a foreign policy document, the EU's statement at the Association Council. Similarly, the exclusion of the settlements from the scope of EU-Israel relations and the offer of a Special Privileged Partnership also appears in foreign policy documents, namely the Foreign Affairs Council conclusions. As a result, foreign policy is the dimension in which the joined-up approach is decided. Identifying a joined-up approach in the foreign policy dimension does not necessarily mean that we will also find it in the sectoral one, as we will develop below. However, if there is no joined-up approach in this aspect, it is unlikely to be found elsewhere. Morocco is an illustration of the last point. We did not find any instance of a joined-up approach in the foreign policy dimension, which explains why no joined-up approach was identified in sectoral cooperation.

Whereas we found some forms of joined-up approach toward Switzerland and Israel in foreign policy dimension, the sectoral cooperation highlight the differences in the implementation of this approach.

On the one hand, the EU has implemented a joined-up approach in all aspects of its relations with Switzerland. Due to the Swiss Federal Council's reluctance to sign the IFA, all negotiations regarding sectoral market-access agreements have been suspended. In addition, Switzerland has lost its associated country status in the EU research framework program, and

its access to the sectoral bodies, i.e., expert groups, agencies, and informal ministers' meetings, has been restricted. Finally, the EU has established a centralized system to govern its relations with Switzerland. The SG has acted as supervisor of sectoral relations with Switzerland. All DGs must report on all their interactions with their Swiss colleagues and obtain the green light before any collaborative action. Moreover, the reorganization of the EU's relations with Switzerland by placing this country directly under the responsibility of the SG has reinforced this centralizing tendency in the governance of relations with Switzerland.

On the other hand, EU-Israel relations at the sectoral level have barely been impacted by the tensions at the political level. Indeed, despite the no upgrade policy decided by the EU in 2009, the two partners have signed multiple agreements, such as the Euro-Mediterranean Aviation Agreement. Moreover, Israel's access to EU sectoral bodies has not been restricted. For example, despite some calls from within the EU to suspend Israel's association with the new EU research framework program due to the lack of progress in the peace process, the EU has decided not to follow suit and has signed an agreement with Israel in 2021 conferring its status of an associated state in Horizon Europe. The EU's internal organization of its relations with Israel also differs from Switzerland's. Whereas there are some aspects of coordination, there is no centralization. As a result, sectoral DGs only have to ensure that the no upgrade policy is respected, do not have to report to one organization on their daily work with their Israeli counterparts, and do not have a strict line to follow.

The comparison between the Swiss and Israeli cases regarding the implementation of the joined-up approach decided in the foreign policy dimension shows significant differences. Whereas the joined-up approach has been applied consistently across all aspects of the EU's relations with Switzerland, the sectoral ties with Israel have not been impacted by this approach, except for the upgrade of the AA, which we have already touched upon above. We argue that this difference is explained by the EU's interests in the development of the joined-up approach.

With Switzerland, the IFA represents an issue that directly impacts the core interests of the EU. Indeed, we have seen in the literature review on differentiated integration that the EU "increasingly attempts to ensure market homogeneity by concluding agreements with a dynamic adaptation to the *acquis*, its uniform interpretation, as well as an independent surveillance and judicial enforcement" (Gstöhl 2015: 866). This insistence on protecting the market homogeneity has been illustrated by the EU's position in the negotiations with the UK after the Brexit vote when the EU made clear that "there can be no cherry-picked access to the single market, the four freedoms are indivisible and relations should be governed by an overarching institutional framework" (Wachowiak and Zuleeg 2021: 16). In summary, protecting the market homogeneity is a core interest of the EU which Brexit has exacerbated. Therefore, with one member state leaving the Union for the first time, third countries' access to the market has become an issue of high importance for Brussels, which has imposed stricter conditions on third countries to value EU membership and avoid a disintegration process. As a result, Switzerland's reluctance to sign the IFA is an issue that directly threatens the EU's

interests and explains why it has developed such a strong joined-up approach in all aspects of cooperation with Switzerland.

On the other hand, the Israeli-Palestinian conflict is an important issue for the EU's foreign policy, which has always been a defender of the two-state solution. However, this foreign policy position has increasingly opposed the EU's economic interests in Israel. The development of the Israeli economy in the last decades and its emergence as an innovation hub have stimulated the EU's appetite for deepening its sectoral cooperation with Israel. Therefore, the EU has found itself in a situation of tension between its foreign policy position and its economic interests. This ambivalence explains the soft joined-up approach developed by the EU toward Israel, which can only be found in the foreign policy dimension of their relations. Thanks to its soft implementation of the approach, the EU has been able to pursue its sectoral cooperation with Israel to serve its economic interests while still defending a normative position on the foreign policy front.

The case of Morocco is particularly illustrative of the interest-driven approach by the EU. Our analysis has demonstrated that Western Sahara is not on the EU's agenda. The first reason for that is the division among the member states on the issue, which explains that the EU has instead limited itself to support the UN-led process. However, when the Western Sahara issue was put back on the table in 2015 by the CJEU decision, the EU has actually done the opposite of a joined-up approach. Whereas Morocco has reacted to the decision by suspending the political dialogue with Brussels' institutions, the EU has tried to dissociate sectoral cooperation from foreign policy considerations. Indeed, it has insisted that sectoral cooperation should continue to revive the partnership altered by the CJEU decision. This reaction by the EU is explained by its interests and dependence on cooperation with Morocco on security and migration issues. Therefore, even though the EU does not officially recognize Morocco's sovereignty over Western Sahara, its security interests and the need to maintain good diplomatic relations with Rabat explain the non-development of a joined-up approach toward Morocco. This is also illustrated by the difference between Morocco and Israel's cases regarding the territories' definition in the agreements. We have shown that the definition of Israel's territory and the exclusion of settlements from the scope of application was explicitly mentioned in the Israel-EU agreements, whereas this does not appear in the agreements with Morocco. This demonstrates a certain inconsistency on the part of the EU, explained by the pursuit of its own interests rather than by normative considerations, which has already been noted in the literature (Kassoti 2017).

7.4 Concluding remarks: contribution of the research, limits, and perspectives

Based on this summary of the results, the central thesis of our research is that there is an evolution in the EU's external action toward a more joined-up approach when it serves the EU's rational interests. As a result, our research contributes to the emerging EU foreign policy literature that has identified a shift in the EU's logic of external relations from a value-based

approach to a more rationalistic, interest-based approach (Mac Ginty et al. 2021; Pomorska and Noutcheva 2017). Putting into practice the “principled pragmatism” approach outlined in the Global Strategy, the EU prioritizes the stability of its neighboring countries and seeks to defend its interests rather than risk polarizing the governments of these countries by trying to influence their position on a conflict – which does not directly affect the EU – to defend a normative position. Therefore, the joined-up approach is an instrument at the EU’s disposal that can be mobilized to support the EU’s interests.

Our research also contributes to the external governance and coherence literature. With regard to external governance, the literature underlined the considerable power enjoyed by the EU outside its borders through the externalization of its norms (Lavenex 2014), the attraction of its market (Damro 2012), and the use of conditionality (Schimmelfennig and Sedelmeier 2004). However, the integration of this sectoral influence with foreign policy considerations remained a gap in this literature. Our research attempts to fill part of this gap by demonstrating how the EU can instrumentalize in a bargaining strategy the dependence of third countries on sectoral cooperation, market access, and participation in specific programs.

Concerning the coherence literature, research on the trade-foreign policy nexus has underlined that the EU institutional structure, and difference in the objectives pursued by trade and foreign policy officials, made the coherence of these two policies difficult and unlikely (Bossuyt et al. 2020; Elsig 2007; Gebhard and Norheim-Martinsen 2011; Meunier and Nicolaïdis 2011; Peterson 2007; Stetter 2004; Vanhoonacker 2011). Our research contributes to this field by showing that horizontal coherence between the DGs and foreign policy can be achieved under certain circumstances. The factor identified in our study that favors this coherence is the nature of the diplomatic disagreement. When the disagreement concerns single market access, the issue falls under the Commission’s leadership which increases the likelihood of developing a joined-up approach for two reasons. First, the Commission has the leadership on issues closer to the interests of the DGs, such as the general framework of relations with a third country. Because this kind of issue is more aligned with the interests of the DGs, it increases the likelihood of coherence. The Swiss case has illustrated this point. Because the IFA aims to protect the internal market’s homogeneity, this aligns more with the DGs’ interests than a CFSP issue, such as resolving the Israeli-Palestinian conflict. As a result, the DGs are more willing to let foreign policy considerations impact their sectoral cooperation with the third country in such a situation. Second, one factor identified by the literature as impeding horizontal coherence was the EU institutional structure which is fragmented between areas subject to supranational logic and intergovernmental logic (Stetter 2004). Our research illustrates that the Commission’s leadership can help circumvent this problem. As the DGs are directly attached to the Commission, the latter has more power to impose a line of action, as illustrated in the analysis of the Swiss case. Through its SG, the Commission has set a line to follow for every DG cooperating with Switzerland. Our research has shown that this line has been observed and respected in every aspect of EU-Switzerland relations. This highly coordinated and centralized internal organization of the EU has resulted in significant horizontal coherence in the conduct of the EU’s external relations with Switzerland.

Although we conducted our research systematically and different methodological approaches supported our results, there are still some limitations. In this section, we identify some limitations and highlight prospects for future research that emerge from them.

The first limitation identified is the case selection. In our research, we have selected three cases that varied according to our first two scope conditions: member states' coherence and the nature of the diplomatic disagreement. According to their values, we have selected one most-likely case, which had a positive value for member states' coherence and the nature of the diplomatic disagreement, i.e., Switzerland. One least-likely case, which had a negative value for member states' coherence and the diplomatic disagreement, i.e., Morocco. Finally, one case in the middle of this continuum with a variation for the member states' coherence and a CFSP issue, i.e., Israel. We have selected these cases because our research investigated whether the EU developed a joined-up approach and, if so, under what conditions. As a result, it made sense to select these cases because if we could not observe a joined-up approach in the most-likely case; we could have concluded that it would be doubtful to observe it elsewhere. Furthermore, once we observed a joined-up approach in the most likely case, comparison with the other two cases allowed us to highlight the factors that differ between the three cases and explain why the EU does or does not develop such an approach. However, our research does not cover all the possible combinations of values for the two scope conditions. It would be interesting to replicate a similar methodological approach to cases with polarizing values for the two scope conditions. For instance, one could ask: what happens if there is a low coherence among member states on a single market access issue?

Another point relating to the case selection is that we only analyzed cases where we expected a negative joined-up approach, in other words, the use of a stick. However, a joined-up approach could also be used as a positive incentive, like a carrot, when the EU's objective is not to sanction a third country for its policies but rather to encourage the third country to move closer. Such a case could be EU-Ukraine relations from 2000 until the war in 2022. Indeed, one could investigate whether the EU has offered Ukraine closer or favorable sectoral cooperation at some point to ensure that it does not fall back in the Russian sphere of influence. Such a case study would help grasp a more complete understanding of the joined-up approach.

The second limitation of our research is that there is no data available outside of the interviews for some aspects of our analysis. These aspects include third countries' informal access to EU sectoral bodies, e.g., expert groups, and the EU's internal organization. We rely heavily on interviews with EU and third countries officials for these aspects. Therefore, we exposed ourselves to several issues. The first one is the accessibility of these officials. In our research, we interviewed most of the relevant actors. However, we could not get in contact with members of the Moroccan mission to the EU, officials from the Moroccan Civil Aviation Authority, and representatives of the Israeli Foreign Affairs Ministry. Therefore, although we still managed to gather sufficient information to analyze these cases, there might be some aspects that we have missed due to the impossibility of arranging these interviews. The second issue with the interviews is that, for some aspects, it is challenging to cross-check and verify the information. For instance, there is no publicly available data regarding the EU's internal

organization. As a result, we could only trust the interviewees when they stated that it exists an internal note inside the Commission that every DG should report every aspect of its cooperation with Switzerland and obtain the SG's green light before doing anything. To overcome this problem, we have applied the principle that every piece of information obtained in the interviews can be considered plausible only if a minimum of two different sources confirm it. Lastly, although we were able to collect original data from these interviews, we cannot be sure that some aspects may have been kept secret by the officials.

Finally, our research focuses only on the development of the joined-up approach by the EU and not on its effectiveness or impact and perception in the associated third countries. Regarding the effectiveness, the Swiss case indicates that the joined-up approach has not fulfilled its primary objective of getting the Federal Council to sign the IFA. Therefore, future research could explore how the joined-up approach affects the cost-benefit calculation of a third country in the position it adopts toward the EU. Another aspect of the joined-up approach that we have not touched upon, which requires future attention, is its impact on internal debates in third countries. The reception of the joined-up approach in third countries can have positive or negative consequences for the EU. On the one hand, it might trigger internal pressure on the third country's government by the sectors affected by the joined-up approach to comply with the EU's position. In Switzerland, some communities directly impacted by the joined-up approach have called on the Federal Council to find a solution. For instance, the umbrella organization of Swiss universities called on the Federal Council to continue negotiations on the IFA before it announced the end of the talks in May 2021.⁴⁴⁰ Economiesuisse, a national federation representing the interests of the Swiss business community, published a position paper in February 2022 asking the Federal Council to unblock the European policy and to find a solution to save the bilateral agreements (Economiesuisse 2022). On the other hand, the tough stance adopted by the EU in a joined-up approach and the politicization of sectoral ties could tarnish the image and attractiveness of the EU. Moreover, these retaliatory practices could serve the arguments of populists and fuel Eurosceptic discourses. As a result, one could explore how the joined-up approach is perceived in third countries and whether it has a positive or negative impact on the objective sought by the EU.

⁴⁴⁰ Swissuniversities, "Accord-cadre avec l'UE: Swissuniversities demande la poursuite des discussions pour assurer la participation de la Suisse aux programmes de recherche et de formation de l'UE", 17.05.2021, <https://www.swissuniversities.ch/fr/organisation/documentation/positions/accord-cadre-avec-lue-swissuniversities-demande-la-poursuite-des-discussions-pour-assurer-la-participation-de-la-suisse-aux-programmes-de-recherche-et-de-formation-de-lue> (Accessed on 14 September 2022).

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Annexes

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