

Activation of Article 42(7) TEU France's request for assistance and Member States' responses

SUMMARY

Following the terrorist attacks in Paris on 13 November 2015, France requested aid and assistance from the other Member States based on Article 42(7) TEU. This represented the first activation of the mutual assistance clause since it was introduced by the Lisbon Treaty in 2009. Member States expressed their solidarity and political support to France instantly and unanimously. Within days, several Member States, including Germany and the United Kingdom, decided on a series of initial contributions. More decisions are expected in the days and weeks to come from several other Member States, subject, in some cases, to parliamentary approval. This will allow France to reconsider its engagements and redeploy its military. Furthermore, it could contribute to enhancing intelligence-sharing and the stepping-up of counter-terrorism cooperation. There is also a window of opportunity to strengthen political cooperation, as Member States are expressing their full support for the Vienna process with a view to a diplomatic solution to the crisis in Syria.



In this briefing:

- Context
- France's request for aid and assistance under Article 42(7) TEU
- Member States' responses to France's requests
- Main references
- Annex: Table of Member States' responses to France's requests

Context

On 16 November 2015, French President François Hollande qualified the Paris terrorist attacks of Friday 13 November 2015 as '[actes de guerre](#)' and announced France's decision to activate Article 42(7) TEU (mutual assistance clause). The French Minister for Defence, Jean-Yves le Drian, used the Foreign Affairs Council meeting in Brussels the next day to ask his counterparts to provide aid and assistance on the basis of the above-mentioned article.

France's request for aid and assistance under Article 42(7) TEU

EU Defence Ministers expressed their 'unanimous and full support to France and their readiness to provide all the necessary aid and assistance' under Article 42(7) TEU when they met on 17 November 2015 at the Foreign Affairs Council. Their [conclusions](#) also underlined that 'no formal decision or conclusion by the Council' was legally required to activate the mutual assistance clause. At political level, this was perceived both as a sign of flexibility and as an opportunity to accelerate the decision-making process. At a [joint press conference](#) with the French Minister for Defence, the High Representative/Vice-President of the European Commission, Federica Mogherini, confirmed that 'we need no further formality to move on'. The French Minister for Defence called it first and foremost 'a political act' and announced that discussions with the different Member States would take place at bilateral level.

Article 42(7) TEU stipulates that EU Member States have 'an obligation of aid and assistance by all the means in their power' in case a Member State has been 'the victim of armed aggression on its territory'. For a full analysis of the legal implications of the invocation of Article 42(7) TEU, as well as France's decision to revert to this article rather than invoking Article 222 TFEU (solidarity clause) or Article 5 of the Washington Treaty (NATO's mutual defence clause), see the November 2015 EPRS briefing: '[The EU's mutual assistance clause – First ever activation of Article 42\(7\) TEU](#)'.

France's requests centre around two main axes: (1) support – by pooling of capabilities – for France's operations in Iraq and Syria (the Levant); and (2) support to France in other theatres so as to enable it to reduce some of its engagements there and redeploy its troops. Defence Minister, Jean-Yves le Drian mentioned France's engagements in the Sahel, the Central African Republic and Lebanon. (See Table 1 for details of French commitments.)

As reported by *Europe Defence and Diplomacy (EDD) No 845*, France [presented its operational requests](#) to the EU Ambassadors in the Political and Security Committee (PSC) on 24 November 2015. The requests included support for operations in the Levant (Syria and Iraq) and the Sahel, as well as an increase in contributions by EU Member States to EU and UN operations in Africa, in order to relieve French forces. According to the same [source](#), France also called on other Member States to take part in the air strikes in Syria. The above requests are of a military nature, but cooperation in other areas, such as home affairs and intelligence-sharing, is not excluded. France has been [asking](#) for greater European cooperation in these matters, particularly since the *Charlie Hebdo* attacks of January 2015.

As part of an intensive [series of diplomatic visits](#) in the last week of November, President Hollande met with the UK Prime Minister, David Cameron, the German Chancellor, Angela Merkel, and the Italian Prime Minister, Matteo Renzi, to discuss the kind of support the three countries are willing to provide under Article 42(7) TEU. On 23 November 2015, President Hollande also saw European Council President Donald

Tusk, but this meeting was framed as a broader discussion on [European security and external borders](#), as the European institutions have no role in the activation of the mutual assistance clause.

Some academics, such as Professor Alexander Mattelaer speaking to Parliament's Sub-Committee on Security and Defence (SEDE) on 1 December 2015, have deplored the absence of a debate at European Council level on the activation of Article 42(7) TEU and argued that 'if Article 42(7) is really about mutual defence – about the EU going to war – then it would surely be a matter for the European Council to decide, because if declaring war is not about defining the general political direction of the Union, then what is?'

Table 1 – French military engagements: Levant, Lebanon, Sahel, Central African Republic

Mission	No of troops
Operation Chammal (Syria & Iraq)	3,500
Operation Barkhane (Sahel)	3,500
Operation Sangaris (Central African Republic)	900
Operation FINUL/Daman (Lebanon)	900
EUTM Mali (Mali)	15
EUMAM RCA (Central African Republic)	20
MINUSMA (Mali)	20
MINUSCA (Central African Republic)	10
MINURCAT (Central African Republic & Chad)	

Sources: French Ministry of Defence; EEAS, UN, B2Pro, EPRS.

Member States' responses to France's requests

Bilateral discussions have taken place, or are still on-going, between the French Ambassador and national authorities (Ministers for Foreign Affairs, Ministers for Defence, Prime Ministers and/or their offices) in the respective capitals regarding the type of assistance to be provided.

Several Member States have received specific requests from France (for an overview, see the table below). Six Member States have already decided on their contribution. In two Member States – the United Kingdom and Germany – the decision was put to their parliaments. In Slovenia, debates were held in parliamentary committees, whilst in [Belgium](#), [Estonia](#) and Slovakia there was a government decision. More decisions are to be expected on contributions to CSDP operations and UN missions, some requiring parliamentary approval, as is the case in Latvia and Lithuania.

With regard to **military assistance**, Member States' intentions can be grouped as follows: 1) contributions to airstrikes as part of operations in the Levant (Syria and Iraq); 2) logistical support to the operations in the Levant (Syria and Iraq); 3) support to French operations in Africa; 4) support to EU missions and 5) support to UN missions. The United Kingdom engaged in [airstrikes in Syria](#) and announced that it would allow French aircraft to use the [Royal Air Force Akrotiri base](#) in Cyprus. Nearly half of the 27 other Member States have decided, or are about to decide, to increase their contributions to EU and/or UN missions in the Sahel, Mali, the Central African Republic and in the Mediterranean. [Lithuania](#) is the only Member State considering taking part in the French operation in the Sahel.

With regard to **non-military cooperation**, several Member States expressed their support for stepping up [intelligence sharing](#) and foreign policy cooperation, the latter within the framework of the [Vienna negotiations on Syria](#). Further progress is needed in the area of home affairs, where both Member States and the EU institutions have a major role to play (i.e. with regard to exchange of information, justice and criminal

matters, counter-terrorism, border cooperation, and asylum, resettlement and return policies). These issues will be further discussed at the European Council meeting on 17 - 18 December 2015.

Further references

['After Paris: why \(now\) the Lisbon Treaty'](#), Missiroli, A., EUISS Issue Alert 50/2015.

['European security after the Paris attacks'](#), Faleng, G., CEPS Commentary, 24 November 2015.

['EU mutual assistance is more than defence'](#), Biscop, S., Egmont Commentaries, 19 November 2015.

['Invoking the EU's Mutual Assistance Clause. What it says, what it means'](#), Rehl, J., Egmont Commentaries, 20 November 2015.

['Opérations extérieures. Où sont engagés les soldats européens ? Revue de détail pays par pays'](#), Gros-Verheyde, N., B2Pro, 9 December 2015.

['Le déploiement français en opérations extérieure et intérieure : 31.000 hommes et femmes'](#), Gros-Verheyde, N., B2Pro, 9 December 2015.

Disclaimer and Copyright

The content of this document is the sole responsibility of the author and any opinions expressed therein do not necessarily represent the official position of the European Parliament. It is addressed to the Members and staff of the EP for their parliamentary work. Reproduction and translation for non-commercial purposes are authorised, provided the source is acknowledged and the European Parliament is given prior notice and sent a copy.

© European Union, 2015.

Photo credits: © alfonsoism / Fotolia.

eprs@ep.europa.eu

<http://www.eprs.ep.parl.union.eu> (intranet)

<http://www.europarl.europa.eu/thinktank> (internet)

<http://epthinktank.eu> (blog)

Annex 1: Member States' responses to France's requests under Article 42(7) TEU

Member State	Request	Decision	Member States' contributions						
			Support to operations in the Levant		French operations in Africa	EU CSDP Operations	UN Operations	Intelligence cooperation	Political cooperation
			Syria	Iraq					
Austria		No				Informal information on 20 trainers to EUTM Mali ¹			
Belgium	Yes	Yes - in part ²	<u>1 frigate escorting French aircraft carrier</u>	<u>Airstrikes in rotation with the Dutch</u>		under analysis	under analysis		
Bulgaria	<u>No</u>	No							
Croatia	<u>No</u>	<u>No</u>							
Cyprus	<u>On-going bilateral discussions</u>		<u>Use of airbase and port infrastructure</u>						
Czech Republic	<u>No</u>	No				<u>Increased contribution to EUTM Mali</u>			
Denmark			No assistance envisaged under Article 42(7) TEU due to the Danish ' <u>opt-out</u> ' in CSDP.						
Estonia	Yes	<u>Yes</u> (decision on 07/12/2015)				<u>Increased contribution to EUTM Mali from 8 to 10 military personnel</u>			

¹ No publicly available information on Austria.

² Other possible contributions are being analysed and must be approved by the Belgian Federal Government.

Member State	Request	Decision	Member States' contributions						
			Support to operations in the Levant		French operations in Africa	EU CSDP Operations	UN Operations	Intelligence cooperation	Political cooperation
			Syria	Iraq					
Finland	Yes	No		<u>Stepping up support in training armed forces in Erbil</u>		<u>Increase support in Mali and the Mediterranean</u>			
Germany	Yes <u>Meeting Hollande / Merkel</u> (25/11/2015)	Yes (Parliament vote on Syria on 04/12/2015)	- 1,200 troops ³ - 1 frigate escorting French aircraft carrier - Tornado reconnaissance jets - air-to-air refuelling.	<u>On-going training of Kurdish Peshmerga fighters</u>			<u>Increased support in Mali</u>		<u>Support to the diplomatic process in Vienna</u>
Greece	Ongoing bilateral discussions	No	<u>No military involvement.</u>					<u>Existing intelligence cooperation</u>	
Hungary	<u>Awaiting further bilateral discussions</u>	No					<u>Parliament vote on extending peacekeeping missions in Somalia and CAR</u>		
Ireland		No					<u>Possible participation in MINUSMA</u>	<u>Enhance intelligence-sharing. Strengthen the fight against terrorism.</u>	

³ 1,200 troops, no combat role, at the latest until 31/12/2016.

Member State	Request	Decision	Member States' contributions						
			Support to operations in the Levant		French operations in Africa	EU CSDP Operations	UN Operations	Intelligence cooperation	Political cooperation
			Syria	Iraq					
Italy	<u>Meeting Hollande / Renzi</u> (26/11/2015)	No	<u>No military involvement envisaged at this stage.</u>	<u>Already engaged in Iraq.</u> No airstrikes envisaged at this stage.			Increase by 100-150 of military participation in UNIFIL Lebanon.		Support to the diplomatic process in Vienna
Latvia	<u>Yes</u> (30/11/2015)	Subject to Parliamentary approval		<u>On-going training of Iraqi Armed Forces</u>		<u>Possible increased support to EUTM Mali</u>			
Lithuania	<u>Yes</u>	Draft mandate regarding MINUSMA submitted to Parliament		<u>Possible to send 1 trainer in Iraq to contribute to training of Iraqi police</u>	<u>Possible participation on Operation Barkhane</u>	<u>Possible increased support to EU CSDP operations in Mali and CAR</u>	<u>Possible participation in MINURCAT and MINUSMA</u>		
Luxembourg		No	<u>No participation envisaged in Syria.</u>			<u>Possible further contribution in Mali or the Central African Republic</u>	<u>Fostering counter-terrorism cooperation</u>		
Malta		No	<u>Assistance shall be provided but with full respect of Malta's neutrality.</u>						
Netherlands	Yes	Not yet	<u>On-going debate on future airstrikes in Syria</u>	<u>Airstrikes in rotation with Belgium</u> <u>Ongoing training of armed forces</u>				<u>Intelligence sharing / border surveillance</u>	

Member State	Request	Decision	Member States' contributions							
			Support to operations in the Levant		French operations in Africa	EU CSDP Operations	UN Operations	Intelligence cooperation	Political cooperation	
			Syria	Iraq						
Poland	On-going bilateral consultations		<u>No military involvement.</u> <u>Logistical support to be considered.</u>						<u>Intelligence support</u>	<u>Humanitarian aid for Syrian refugees</u>
Portugal		No				<u>Possible contribution in Mali and CAR.</u>				
Romania	<u>Yes</u>	No	Possible use of <u>airfields</u> ; no further official information.							<u>Humanitarian aid for Syria / only remaining EU Embassy in Damascus</u>
Slovakia		<u>Yes</u> (27/11/2015)				<u>Participation in EUTM MALI (5 military personnel/ 6 months)</u>				
Slovenia	Yes	Yes (<u>debate in the parliamentary committees</u> 22/11/2015)				<u>Increased participation in EUTM Mali from 4 to 10 military personnel</u>				
Spain	No	No (possibly after the 20/12/2015 elections)				<u>Possible contribution to Mali or the Central African Rep.</u>			<u>Exchange of information with anti-terrorist services</u>	

Member State	Request	Decision	Member States' contributions						
			Support to operations in the Levant		French operations in Africa	EU CSDP Operations	UN Operations	Intelligence cooperation	Political cooperation
			Syria	Iraq					
Sweden	Yes	Pending (parliamentary debates 20 & 26 November 2015)		<u>Stepping up support in training Iraqi Armed Forces</u> Possible logistics		Possible increased contribution in Mali		<u>Closer cooperation / information exchange on countering radicalisation</u>	
United Kingdom ⁴	Yes <u>Meeting Hollande / Cameron</u> (23/11/2015)	Yes	Airstrikes started immediately after <u>parliament vote</u> on 02/12/2015.	- French aircraft use of the <u>RAF Akrotiri airbase</u> in Cyprus - <u>HMS Defender air-defence destroyer</u> - Air-to-air refuelling					Diplomatic support at the UN regarding <u>Resolution 2249</u>

⁴ Unofficial information on possible support to EUTM Mali and enhanced engagement in Chad and Nigeria.