

July 2016

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 the Lisbon Treaty introduced it 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 contributions. More decisions followed or are still pending, subject, in some cases, to parliamentary approval. This allows France to reconsider its engagements and redeploy its military.

There is also a window of opportunity to strengthen political cooperation, as Member States have expressed their full support for a diplomatic solution to the crisis in Syria. Furthermore, it could contribute to enhancing intelligence-sharing and the stepping up of counter-terrorism cooperation, particularly in the aftermath of the 22 March 2016 terrorist attacks in Brussels.

This is the second update of a [briefing](#) published in December 2015 and first [updated](#) in April 2016.



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Context

On 16 November 2015, French President François Hollande characterised 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.

France's requests centred 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.)

Article 42(7) TEU stipulates that EU Member States have 'an obligation of aid and assistance by all the means in their power' if 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](#)'.

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.¹ 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 inconceivable. France has been [asking](#) for greater European cooperation in these matters, particularly since the *Charlie Hebdo* attacks of January 2015. Following the Brussels terrorist attacks of 22 March 2016, the French Interior Minister, Bernard Cazeneuve, reiterated the call to [strengthen](#) European cooperation on counter-terrorism.

As part of an intensive [series of diplomatic visits](#) in the last week of November 2015, 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.

¹ On 30 March 2016, the French Ministry of Defence announced that it will end [Operation Sangaris](#) in the Central African Republic in 2016. France will contribute troops to the EU and UN missions present in the country.

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)	1 000
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](#) (20.6.2016); [EEAS](#), [UN](#), [B2Pro](#), [EPRS](#).

Member States' responses to France's requests

Bilateral discussions have taken place, or are still ongoing, between the French Ambassadors 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. On several [occasions](#), including the [informal meeting](#) on 4-5 February 2016 of EU Ministers of Defence, French Defence Minister, Jean-Yves Le Drian, underlined the political solidarity expressed to France following the activation of Article 42(7)TEU.

Several Member States have received specific requests from France (for an overview, see the table below). Thirteen Member States have already decided on their initial contribution. In six Member States – Latvia, Lithuania, Germany, the Netherlands, Slovakia and the United Kingdom – the decision was put to their parliaments. In Slovenia, debates were held in parliamentary committees, whilst in [Belgium](#), [Estonia](#), [Finland](#), Luxembourg, and [Romania](#) there was a government decision. In [Sweden](#) the government defined the initial contribution, whilst several debates have already taken place in parliament. The Swedish Parliament recently [approved](#) the selling of ammunition to France. An increased contribution to EUTM Mali is still under consideration and will require parliamentary approval. The four Visegrad countries (Czech Republic, Hungary, Poland and Slovakia) are [considering](#) their possible contribution as a group.

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, for the period during which the Charles de Gaulle aircraft carrier was deployed.² Nine Member States, as outlined in the table below, have decided to increase their contributions to EU and/or UN missions in the Sahel, Mali, the Central African Republic and in the Mediterranean. [Lithuania](#) initially considered taking part in the French operation in the Sahel. It finally decided to send up to 40 soldiers to the UN Multidimensional Integrated Stabilisation Mission in Mali (MINUSMA). Two German Transall C-160 aircrafts were recently [deployed](#) in support of MINUSMA, EUTM Mali and the French operation in the Sahel. At the [Franco-British Summit](#), held on 3 March 2016 in Amiens, the two countries evoked the possibility of British support for Operation Barkhane in the Sahel. In the light of the contributions announced so far by Member States, some [experts](#) consider the outcome of the bilateral

^{2 2} The French aircraft carrier was [withdrawn](#) from theatre in March 2016.

negotiations following the activation of the Article 42(7) TEU clause to be rather disappointing. Furthermore, [analysts](#) point to Member States' diverging foreign policy priorities and to the absence of 'strategic consensus', which hampers common action at the European level.

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 [peace 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](#), particularly through the newly established [Europol European Counter-Terrorism Centre](#); border cooperation; and asylum, resettlement and return policies). These issues were further discussed at the European Council meetings in [December 2015](#) and [March 2016](#).

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.

['La clause de défense mutuelle \(42.7\) activée. Qui se mobilise ? Comment?'](#), Gros-Verheyde, N., B2Pro, 14 December 2015 (updated February 2016).

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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 ³									
Belgium	Yes	Yes	<u>Decision on airstrikes in Syria</u> ⁴ <u>1 frigate escorting French aircraft carrier</u>				Strengthening contribution from 90 to 175 military to <u>EUTM Mali</u> for 4 months <u>Command of EUTM Mali as of 1 July 2016 for 12 months</u>		
Bulgaria	<u>Yes</u>	No							
Croatia	Yes	<u>No</u>					<u>Possibly munitions for Mali</u>		
Cyprus ⁵	<u>Ongoing bilateral discussions</u>		<u>Use of airbase and port infrastructure</u>						
Czech Republic ⁶	Yes (Visegrad framework)	Not yet ⁷					<u>A possible increased contribution to EUTM Mali</u>		

³ On 17 December 2015, the Austrian Parliament Main Committee ('Hauptausschuss') extended Austrian participation in EU and UN operations. In addition, Austria will participate in the MINUSMA and EUNAVFOR MED SOPHIA operations. On 23 February 2016 a written parliamentary question was addressed to the Federal Minister for Defence and Sports asking for the type of support offered by Austria to France following the activation of the Article 42(7) TEU clause. Austria offered, pending approval by the Federal Government, 100 flight hours of the air transport system C-130 for EU- or UN-mandated missions.

⁴ The Belgian Armed Forces were already engaged in airstrikes against ISIS in Iraq, in rotation with the Dutch Armed Forces, prior to the activation of the Article 42(7) TEU clause. Possible engagement in airstrikes against ISIS in Syria was mentioned on 3 March 2016 in the Belgian House of Representatives. The Belgian Federal Government decided on 13 May 2016 to contribute six F-16s to airstrikes against ISIS in Syria from July 2016 onwards.

⁵ The Cypriot Minister for Defence, Christophoros Fokaides, met with the new French Ambassador to Cyprus, René Troccaz, on 11 March 2016 to discuss bilateral cooperation in security and defence. Cooperation on information sharing has been strengthened following the Paris attacks.

⁶ The four Visegrad countries (Czech Republic, Hungary, Poland and Slovakia) were approached collectively, multilateral discussions are ongoing.

⁷ The Czech Armed Forces' contributions to operations abroad for the 2017-2018 period are currently being discussed in Parliament. This includes the possible strengthening of the Czech contribution to EUTM Mali and the deployment of Special Forces as part of MINUSMA.

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					
Denmark			No assistance envisaged under Article 42(7) TEU due to the Danish ' <u>opt-out</u> ' in CSDP. ⁸						
Estonia⁹	Yes	<u>Yes</u> (decision on 7.12.2015)					<u>Increased contribution to EUTM Mali from 8 to 10 military personnel</u>		
Finland¹⁰	Yes	<u>Yes</u> – in part (decision on 11.12.2015)		<u>Greater support for training armed forces in Erbil</u>			<u>Possible strengthening of contribution to MINUSMA</u> <u>Possible expansion of contribution to UNIFIL Lebanon</u>		
Germany¹¹	Yes <u>Meeting Hollande / Merkel</u> (25.11.2015)	Yes <u>(Parliament vote on Syria on 4.12.2015)</u>	- <u>1 200 troops</u> ¹² - 1 frigate escorting French aircraft carrier / protection at sea (about 300 personnel). - <u>6 Tornado reconnaissance jets</u> / reconnaissance (400 to 500 personnel). - air-to-air refuelling (≈150 personnel). - additional support staff (≈50 personnel).	<u>Ongoing training of Kurdish Peshmerga fighters</u>	<u>2 Transall C-160 aircraft in support of French activities in the Sahel</u>		<u>Increased support to MINUSMA, by 650 soldiers</u>	<u>Military intelligence cooperation</u>	<u>Support to the diplomatic process in Vienna</u>

⁸ Since April 2016, Denmark has been contributing to airstrikes in Syria following a US request. Denmark has been part of the US-led coalition against ISIS since October 2015.

⁹ Estonia will contribute to the US-led broad-based international coalition against ISIS, by possibly providing up to 10 servicemen to train Iraqi security forces.

¹⁰ Finland has also offered logistical support in the form of flight hours from its Strategic Airlift Capability (SAC) share.

¹¹ For an overview of the German contribution, see the publication by the German Bundestag research service of 21 March 2016.

¹² 1 200 troops, no combat role, until 31.12.2016 at the latest.

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						
Greece	Ongoing bilateral discussions	No	<u>No military involvement</u>						<u>Existing intelligence cooperation</u>	<u>Support to the peacemaking process in Syria</u>
Hungary	Yes (Visegrad framework)					<u>Up to 15 personnel to EUTM Mali</u>	<u>Parliament vote on extending peacekeeping missions in Somalia and CAR</u>			
Ireland	<u>Bilateral discussions</u>	No				<u>Possible increased participation to EUTM Mali</u>	<u>Possible participation in MINUSMA</u>	<u>Enhance intelligence-sharing. Strengthen the fight against terrorism.</u>		
Italy	<u>Meeting Hollande / Renzi (26.11.2015)</u>		<u>No military involvement envisaged at this stage.</u>	<u>Already engaged in Iraq. Helicopters and 130 military staff in Erbil</u> No airstrikes envisaged at this stage.			<u>Increase by 100-150 of military participation in UNIFIL Lebanon.</u>			<u>Support to the peace-talks on Syria</u>
Latvia	<u>Yes (30.11.2015)</u>	<u>Yes (14.1.2016)</u>	<u>Possible engagement of up to 10 soldiers in the fight against ISIS</u>	<u>Ongoing training of Iraqi Armed Forces</u>		<u>Possible increased support to EUTM Mali</u>	<u>Participation of up to 3 military in MINUSMA (Parliament approval)¹³</u>			

¹³ In June 2016, the Latvian parliament approved the government's request to extend participation in MINUSMA.

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					
Lithuania	<u>Yes</u>	Yes (22.12.2016)						<u>Participation of up to 40 soldiers in MINUSMA (Parliament approval¹⁴)</u>	
Luxembourg ¹⁵		Yes (9.12.2015)	<u>No participation envisaged in Syria.</u>			<u>Increased participation from 1 to 2 officers in EUTM Mali</u> Financial contribution to capacity-building projects.		<u>Fostering counter-terrorism cooperation</u>	
Malta		No	<u>Assistance</u> will be provided but with full respect for Malta's neutrality.						

¹⁴ The Lithuanian parliament approves the maximum number of soldiers deployable on external operations. The maximum number set for 2015 was 265 soldiers, while only up to 130 soldiers are to be deployed in external operations for the 2016-2017 period.

¹⁵ The Luxembourg financial contribution in response to France's request for assistance under Article 42(7) TEU is estimated at €2 million.

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					
Netherlands¹⁶	<u>Yes</u>	Yes (executive decision 29.1.2016/ <u>parliament approval 10.2.2016</u>)	<u>Decision on airstrikes in Syria¹⁷</u>	<u>Intensification of training of armed forces¹⁸</u> <u>Provision of non-lethal support to the Iraqi armed forces</u> <u>Contribution to the armament of Peshmerga in Iraq</u>		Increase contribution to EUCAP SAHEL Mali		<u>Intelligence sharing / border surveillance</u>	<u>Measures supportive to the peace process in Syria</u>
Poland¹⁹	Ongoing bi- and multilateral (Visegrad framework) consultations	<u>Not yet</u>	<u>Logistical support to be considered.</u>					<u>Intelligence support</u>	<u>Humanitarian aid for Syrian refugees</u>
Portugal²⁰	Yes					Possible contribution to EUNAVFOR MED/Sophia (2nd semester 2016)	<u>1 squad with up to 160 soldiers to MINUSCA</u> Possible contribution of 1 C-130 Hercules in Mali.		

¹⁶ A possible contribution to Mali and the Sahel is currently examined.

¹⁷ The Dutch Armed Forces were already engaged in airstrikes against ISIS in Iraq, in rotation with the Belgian Armed Forces, prior to the activation of the Article 42(7) TEU clause.

¹⁸ A Mobile Support Team of about 25 personnel has been deployed since 1 April 2016

¹⁹ On 4 January 2016, the Polish Minister for Defence declared that the Polish Military Special Forces' presence in different theatres could be strengthened. As of 20 June 2016 until 31 December 2016, Poland will contribute two Polish contingents, four F-16s (aerial reconnaissance) and Special Forces (advice and training to Iraqi Armed Forces) to the US-led coalition against ISIS.

²⁰ A possible contribution of 32 soldiers to train Iraqi Armed Forces within the framework of the international coalition against ISIS is planned for the second semester of 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					
Romania	<u>Yes</u> ²¹	<u>Yes</u>	<u>Possible use of airfields; no further official information.</u>	<u>Training of Armed Forces</u>		<u>Increased participation from 2 to 10 personnel in EUTM Mali</u> <u>Increased contribution from 2 to 5 in EUMAM RCA</u>	<u>Up to 15 personnel in MINUSMA</u>		<u>Humanitarian aid for Syria / only remaining EU Embassy in Damascus</u>
Slovakia		<u>Yes</u> (executive decision 27.11.2015/ parliament approval 1.12.2015)				<u>Participation in EUTM MALI (up to 5 military personnel/ 6 months)</u> ²²			
Slovenia	Yes	<u>Yes</u> (debate in the parliamentary committees 22.11.2015)				<u>Participation in EUTM Mali with 5 military personnel</u>			
Spain	<u>No</u> (pending the appointment of a new government)	No	<u>Possible support in Syria.</u>			<u>Possible contribution to Mali or the Central African Rep.</u>		<u>Exchange of information with anti-terrorist services</u>	

²¹ A report issued in February 2016 by the French Senate confirms that Romania has decided on its contribution.

²² On 6 March 2016, two military experts were deployed for six months to EUTM Mali.

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 ²³	Yes	Yes		<u>Stepping up support in training Iraqi Armed Forces</u> Possible logistics		<u>Possible increased contribution to EUTM Mali</u> <u>Continue to contribute to EUMAM CAR</u> (2 staff officers)	Envisages extending its MINUSMA contribution (250 deployed personnel) beyond 30 June 2016, pending parliamentary approval. Tactical air transport (1 TP84) in support of MINUSMA. <u>Possibly one C-130 Hercules in support of MINUSMA.</u>	<u>Closer cooperation / information exchange on countering radicalisation</u>	
United Kingdom ²⁴	Yes <u>Meeting Hollande / Cameron</u> (23.11.2015)	Yes	Airstrikes started immediately after <u>parliament vote</u> on 2.12.2015.	- French aircraft use of the <u>RAF Akrotiri airbase</u> in Cyprus. ²⁵ - <u>HMS Defender air-defence destroyer.</u> - Air-to-air refuelling.	<u>Possible contribution to Operation Barkhane</u>				Diplomatic support at the UN regarding <u>Resolution 2249</u>

²³ In December 2015 the Swedish Government announced its possible contributions, most of which will be effective from late spring/early summer 2016 or even 2017. The increased contribution to EUTM Mali, still under discussion, will require parliamentary approval. As part of logistical support, Sweden offers flight hours from its Strategic Airlift Capability share as well as military equipment. On 19 May 2016, the Swedish Parliament approved the Government's proposal on selling ammunition to France. A review of the Swedish contribution will take place in autumn 2016, in light of existing needs and in accordance with what other Member States have pledged. Several debates were held in the Swedish parliament on 20 and 26 November 2015, 22 and 26 January and 11 February 2016.

²⁴ Unofficial information on possible support to EUTM Mali and on enhanced engagement in Chad and Nigeria.

²⁵ The French aircraft carrier was withdrawn from theatre in March 2016.