

April 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 an updated version of a [Briefing published in December 2015](#).*



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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 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.)

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'](#).

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.<sup>1</sup> 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. 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, 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.

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<sup>1</sup> 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
<a href="#">Operation Chammal</a> (Syria & Iraq)	3,500
<a href="#">Operation Barkhane</a> (Sahel)	3,500
<a href="#">Operation Sangaris</a> (Central African Republic)	900
<a href="#">Operation FINUL/Daman</a> (Lebanon)	900
<a href="#">EUTM Mali</a> (Mali)	15
<a href="#">EUMAM RCA</a> (Central African Republic)	20
<a href="#">MINUSMA</a> (Mali)	20
<a href="#">MINUSCA</a> (Central African Republic)	10
<a href="#">MINURCAT</a> (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 ongoing, 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. On several [occasions](#), including the 4-5 February 2016 [informal meeting](#) 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 five Member States – Latvia, Lithuania, Germany, the Netherlands 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, [Romania](#) and Slovakia there was a government decision. In [Sweden](#) the government defined the initial contribution, pending parliamentary approval, whilst several debates have already taken place in parliament. More decisions are to be expected on contributions to CSDP operations and UN missions, some requiring parliamentary approval.

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](#) 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). Following the [Franco-British Summit](#) held on 3 March 2016 in Amiens, the United Kingdom is currently exploring the possibility of providing [support](#) to Operation Barkhane in the Sahel within the framework of its Article 42(7) TEU contribution. In the light of the contributions announced so far by Member States, some [experts](#) consider the outcome of the bilateral 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](#) and will, most probably, be considered further at the June 2016 meeting of the Heads of State or Government.

## 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'](#), Rehr, 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 <sup>2</sup>										
Belgium	Yes	Yes - in part <sup>3</sup>	<u>Intention to contribute to airstrikes, subject to parliamentary approval</u> <u>1 frigate escorting French aircraft carrier</u>	<u>Already engaged in airstrikes in rotation with the Dutch</u>		Strengthening contribution from 90 to 175 military to EUTM Mali for 4 months <u>Command of EUTM Mali as of 1 July 2016 for 12 months</u>				
Bulgaria	<u>No</u>	No								
Croatia	<u>No</u>	<u>No</u>				<u>Possibly munitions for Mali</u>				
Cyprus <sup>4</sup>	<u>Ongoing 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. <sup>5</sup>							

<sup>2</sup> 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. At the time of publication of this briefing, the answer of the government was still outstanding.

<sup>3</sup> Other possible contributions are being analysed and must be approved by the Belgian Federal Government. The possible engagement in airstrikes against ISIS in Syria was evoked on 3 March 2016 in the Belgian House of Representatives and should be followed by a parliamentary debate, once the government defines the modalities of engagement in Syria.

<sup>4</sup> The Cyprus 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.

<sup>5</sup> Denmark envisages contributing to airstrikes in Syria following a US request. Denmark has been part of the US-led coalition against ISIS since October 2015.

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					
<b>Estonia</b>	Yes	<u>Yes</u> (decision on 07/12/2015)				<u>Increased contribution to EUTM Mali from 8 to 10 military personnel</u>			
<b>Finland<sup>6</sup></b>	Yes	<u>Yes</u> (decision on 11/12/2015)		<u>Stepping up support in training armed forces in Erbil</u>		<u>Increase support in Mali and the Mediterranean</u>	<u>Strengthen contribution to MINUSMA, possibly beyond 20 persons</u> <u>Expand contribution to UNIFIL Lebanon</u>		
<b>Germany</b>	Yes <u>Meeting Hollande / Merkel</u> (25/11/2015)	Yes (Parliament vote on Syria on 04/12/2015)	- <u>1,200 troops<sup>7</sup></u> - 1 frigate escorting French aircraft carrier / protection at sea (about 300 personnel). - <u>6 Tornado reconnaissance jets / reconnaissance</u> (400 to 500 personnel). - air-to-air refuelling (≈150 personnel). - additional support staff (≈50 personnel).	<u>Ongoing training of Kurdish Peshmerga fighters</u>			<u>Increased support to MINUSMA, by 650 soldiers</u>		<u>Support to the diplomatic process in Vienna</u>
<b>Greece</b>	Ongoing bilateral discussions	No	<u>No military involvement.</u>					<u>Existing intelligence cooperation</u>	

<sup>6</sup> Finland also offered logistical support in the form of flight hours from its Strategic Airlift Capability (SAC) share.

<sup>7</sup> 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					
Hungary	<u>Awaiting further bilateral discussions</u>	No				<u>Possible contribution 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. No airstrikes envisaged at this stage.</u>			Increase by 100-150 of military participation in UNIFIL Lebanon.		Support to the peace-talks on Syria
Latvia	<u>Yes (30/11/2015)</u>	<u>Yes (14/01/2016)</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 three military in MINUSMA (Parliament approval)</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					
Lithuania	<u>Yes</u>	Yes (22/12/2016)					<u>Participation of up to 40 soldiers in MINUSMA (Parliament approval<sup>8</sup>)</u>		
Luxembourg <sup>9</sup>		Yes (09/12/2015)	<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 of Malta's neutrality.						

<sup>8</sup> 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.

<sup>9</sup> 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					
Netherlands <sup>10</sup>	Yes	Yes (executive decision 29/01/2016/parliament approval 10/02/2016)	<u>Decision on airstrikes in Syria</u>	<u>Already engaged in airstrikes in rotation with Belgium</u> <u>Intensification of training of armed forces</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>
Poland <sup>11</sup>	Ongoing bilateral consultations	Not yet	<u>No military involvement. Logistical support to be considered.</u>					<u>Intelligence support</u>	<u>Humanitarian aid for Syrian refugees</u>
Portugal	Yes	Not yet				<u>Possible contribution in Mali and CAR.</u>	Possible strengthening of the contribution to MINUSCA		
Romania	Yes <sup>12</sup>	Yes	<u>Possible use of airfields; no further official information.</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>

<sup>10</sup> A possible contribution to Mali and the Sahel is currently examined.

<sup>11</sup> The Polish Minister for Defence declared that Polish Military Special Forces' presence in different theatres could be strengthened.

<sup>12</sup> A report issued in February 2016 by the French Senate confirms that Romania has decided on its contribution.

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					
<b>Slovakia</b>		Yes (27/11/2015)				<u>Participation in EUTM MALI (5 military personnel/ 6 months)</u>			
<b>Slovenia</b>	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>			
<b>Spain</b>	<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>	

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 <sup>13</sup>	Yes	Yes		<u>Stepping up support in training Iraqi Armed Forces</u> Possible logistics		<u>Possible increased contribution to EUTM Mali</u> Continue to contribute to EUMAM CAR (2 staff officers)	Envisages extending its MINUSMA contribution beyond 30 June 2016, pending parliamentary approval Tactical air transport (1 TP84) in support of MINUSMA	<u>Closer cooperation / information exchange on countering radicalisation</u>	
United Kingdom <sup>14</sup>	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 - HMS Defender <u>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>

<sup>13</sup> The Swedish Government announced in December 2015 its possible contributions, most of which will be effective from late spring/early summer 2016 or even 2017. The increased contribution to EUTM Mali will require parliamentary approval. As part of logistical support, Sweden offers flight hours from its Strategic Airlift Capability share as well as military equipment. 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).

<sup>14</sup> Unofficial information on possible support to EUTM Mali and on enhanced engagement in Chad and Nigeria.