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**Mutual defence clause (Article 42(7) TEU)****European Parliament resolution of 21 January 2016 on the mutual defence clause (Article 42(7) TEU)  
(2015/3034(RSP))**

(2018/C 011/09)

*The European Parliament,*

- having regard to Title V of the Treaty on European Union (TEU) and in particular Article 42(7) thereof,
  - having regard to Articles 2(4) and 222 of the Treaty on the Functioning of the European Union (TFEU),
  - having regard to its resolution of 22 November 2012 on the EU's mutual defence and solidarity clauses: political and operational dimensions <sup>(1)</sup>,
  - having regard to the Charter of the United Nations, and in particular to the provisions of Chapter VII and Article 51 thereof,
  - having regard to the statement of the President of the French Republic in the French Congress on 16 November 2015 that France was at war,
  - having regard to the conclusions on defence and security adopted by the European Council on 19-20 December 2013 and 25-26 June 2015,
  - having regard to the outcome of the Foreign Affairs Council meeting (of defence ministers) on 17 November 2015,
  - having regard to Rule 123(2) and (4) of its Rules of Procedure,
- A. whereas on 13 November 2015 multiple terrorist attacks took place in Paris, taking the lives of at least 130 people from more than 26 nations, and whereas the EU Member States have suffered several terrorist attacks since 2004, in which hundreds were killed and several thousand injured;
- B. whereas the French Government officially invoked the mutual defence clause of Article 42(7) TEU following the terrorist attacks in Paris on 13 November 2015;
- C. whereas solidarity, aid and mutual assistance among the Member States, including through recourse to Union means, form part of the foundations of the EU;
- D. whereas, following the invocation by France of the mutual defence clause, the EU Member States have towards France an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the UN Charter; emphasising that prevention of conflicts and attacks is preferable to dealing with their consequences;
- E. whereas combating international terrorism is considered to be a priority for the EU, and whereas pursuing the principle of solidarity requires action at home as well as abroad; whereas the internal and external dimensions of EU security are necessarily and closely linked; whereas an EU joint strategy is needed;
- F. whereas the security and defence architecture provided for by the Treaties is not yet fully implemented; whereas the Member States are responsible for achieving progress in the area of the security and defence of the Union;

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<sup>(1)</sup> OJ C 419, 16.12.2015, p. 138.

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- G. whereas the EU needs to strengthen its cooperation with the North Atlantic Treaty Organisation (NATO) in order to make the security and defence policies established within the two frameworks increasingly compatible, in particular when a Member State is the victim of armed aggression on its territory, which includes terrorist attacks;
- H. whereas the EU institutions need to be more active in security and defence policy, and promote the implementation of all the provisions on security and defence policy enshrined in the Treaties, including those on the particular role of NATO in European and transatlantic security and defence; whereas the EU institutions must support all the Member States in their endeavours to implement those provisions fully;
- I. whereas Article 42(6) TEU on permanent structured cooperation should be activated among those Member States that wish to cooperate closely with each other;
- J. whereas the EU has adopted a counter-terrorism strategy which relies on both Community instruments and intergovernmental assets in the field of common foreign and security policy (CFSP); whereas this strategy proposes that EU actions are organised around four objectives, namely prevention, protection, pursuit and response;
- K. whereas the EU response to terrorism includes the promotion of democracy, dialogue and good governance in order to tackle the root causes of violent extremism;
1. Condemns in the strongest terms the horrifying terrorist attacks perpetrated by Daesh; expresses its deepest sympathy, solidarity and condolences to all the victims of terror attacks and their families;
  2. Acknowledges and welcomes the unanimous support given to France by all EU Member States; welcomes the readiness of all Member States to provide the full necessary aid and assistance;
  3. Recalls that the mutual defence clause was invoked for the first time; considers that the current case must serve as a catalyst for in-depth political discussions on the multidimensional nature of European security and defence;
  4. Notes with satisfaction the additional contributions of capabilities made available in the fight against terrorism; calls on all Member States to maintain their unconditional and enduring support and to sustain their contributions for as long as necessary; notes France's role as a catalyst in this common endeavour and encourages the competent EU institutions to provide and sustain their support as necessary;
  5. Considers that invoking the mutual defence and solidarity clauses under the Treaties is first and foremost a political matter; underlines the fact that, when these clauses are invoked, both the European Council and the European Parliament are the place for the political debate;
  6. Expresses concerns that managing aid and assistance under the mutual defence clause on a bilateral basis — as in this case — will not be possible for all Member States; calls therefore on the European Council to give impetus to the further development of the mutual defence clause and build on the role of the relevant EU institutions as facilitators;
  7. Recalls its invitation, in previous resolutions, to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy to propose practical arrangements and guidelines for ensuring an effective response in the event that a Member State invokes the mutual defence clause, as well as an analysis of the role of the EU institutions should that clause be invoked; considers it regrettable, however, that no analysis and no guidelines were available when the mutual defence clause was activated for the first time, leading to the current situation requiring ad hoc measures, ad hoc management and ad hoc cooperation;

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8. Considers that the establishment of practical arrangements and guidelines for the future activation of the mutual defence clause remains an urgent priority; stresses that the drawing up of these guidelines should take into account the lessons learned from the first activation of Article 42(7);
  9. Calls on the Council and the Member States to urgently develop and adopt a policy framework which helps to guide the implementation of Article 42(7) TEU and contains a time frame, a review clause and monitoring mechanisms; is deeply convinced that all national, bilateral or multilateral actions following the activation of Article 42(7) should be notified to the Council and be made public at the same time;
  10. Notes that the solidarity clause in Article 222 TFEU would make it possible to put all relevant EU means at the disposal of France and other Member States directly engaged in the fight against terrorism; recalls that Article 222 TFEU is specifically designed to deal with the consequences of the terrorist attacks in Europe and addresses poor levels of cooperation and coordination between national law enforcement agencies in Europe;
  11. Is convinced that, drawing on existing capacities in the Member States and at Union level, the EU needs a permanent civil-military headquarters at strategic and operational levels, and that this structure should be tasked with strategic and operational contingency planning, including for collective defence as provided for by Articles 42(7) and 42(2) TEU and the future application thereof in close cooperation with relevant NATO structures;
  12. Takes the view that the current activation of Article 42(7) TEU should be the catalyst for unleashing the potential of all the security- and defence-related Treaty provisions that should follow suit; recalls in this context the importance of fully and correctly applying the Defence Package, comprising Directives 2009/81/EC on defence procurement and 2009/43/EC on intra-community transfers;
  13. Calls on all European countries to continue to offer every support in the fight against terrorism and to take a rigorous approach at home and abroad;
  14. Expresses deep concern that those central to the Paris attacks appear to have been citizens of EU countries and were born and lived in the EU, and calls therefore for appropriate measures to control the movement of weapons, explosives and terrorist suspects;
  15. Urges the Member States to set up structured information-sharing and operational cooperation between border management, police and other law enforcement agencies, as well as intelligence-sharing by interconnecting national databases and fully exploiting existing frameworks such as Europol's secure information and intelligence platform (SIENA) and by maximising the use of other Europol platforms and services;
  16. Insists on a comprehensive approach towards de-radicalisation, including efforts at national level directed towards young people, the prevention of violent extremism, and counter-terrorism which focuses on strengthening social cohesion, crime prevention, targeted policing and security activities based on an individual suspicion or concrete threat determined by people, not machines; emphasises, moreover, the need to tighten up rules on the acquisition and possession of weapons, export rules and the fight against the illegal trafficking of weapons;
  17. Calls for an EU common foreign policy on the future of Syria and the broader Middle East in coordination with all relevant actors; considers that this policy should be an integral part of the future EU Global Strategy;
  18. Considers the activation of the mutual assistance clause a unique opportunity to establish the grounds for a strong and sustainable European Defence Union; is of the opinion that only with an autonomous security and defence capability will the EU be equipped and ready to face the overwhelming internal and external security threats and challenges;
  19. Instructs its President to forward this resolution to the President of the European Council, the President of the European Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Secretary General of the North Atlantic Treaty Organisation, the United Nations Secretary-General, the President of the United States and the US Secretary of Defence.
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