



State of the Union 2018: Making the EU a stronger global actor – European Commission proposes more efficient decision-making in Common Foreign and Security Policy

Brussels, 12 September 2018

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On 12 September 2018, on the occasion of his State of the Union Address, President Jean-Claude **Juncker** said: *"We must improve our ability to speak with one voice when it comes to our foreign policy. This is why today the Commission is proposing to move to qualified majority voting in specific areas of our external relations. Not in all but in specific areas: human rights issues and civilian missions included. This is possible on the basis of the current Treaties and I believe the time has come to make use of the passerelle clause which allows us to move to qualified majority voting – the "lost treasure" clause of the Lisbon Treaty."*

Today, the European Commission has suggested ways to improve the European Union's ability to play a greater and more efficient role on the global stage. In particular, President **Juncker** has proposed that Member States make use of existing EU rules to move from unanimity to qualified majority voting in certain areas of the EU's Common Foreign and Security Policy (CFSP). This would allow the EU to become a stronger global actor, better able to shape global events and to shoulder international responsibilities.

The Commission has identified **three specific areas** where this can be done to ensure that the EU better promotes its values globally, defends its interests and takes swift decisions to: (1) respond collectively to attacks on human rights (2) apply effective sanctions and (3) launch and manage civilian security and defence missions.

Tapping into the potential of the Treaties

Through successive Treaty changes, Member States have gradually moved towards increased decision-making by qualified majority. Existing Treaty provisions, which allow for more flexibility in Common Foreign and Security Policy matters, remain however largely unused. This is the case with Articles 31(2) and 31(3) of the Treaty on European Union (TEU) – the great potential of which has, so far, remained untapped. In today's complex, connected and contested world, the time has come to use these existing tools to empower the EU to protect its citizens, promote collective interests and ensure stability in its neighbourhood and beyond.

While the EU's Common Foreign and Security Policy has been strengthened considerably over recent years, there are still a number of instances where unanimity has hampered effective decision-making and prevented the EU from acting quickly and robustly. The European Commission has, therefore, identified concrete areas where the EU's ability to act could be greatly improved. In the Communication presented today, the European Commission outlines where the Council could tap into the potential of the existing Treaties in order to increase the use of qualified majority voting while maintaining a culture of consensus-building within the EU. Increasing the efficiency of decision-making in foreign policy is even more essential in view of a possible future enlargement of the European Union.

More specifically, the European Commission invites Leaders to agree at the Summit in Sibiu on 9 May 2019 to **broaden the scope of Qualified Majority Voting** in Common Foreign and Security Policy, by using Article 31(3) TEU, the so-called "*passerelle clause*" according to which the European Council may authorise (by unanimity) the Council to act by qualified majority in certain Common Foreign and Security Policy cases. These relate to:

1. Positions on human rights issues in international fora;
2. Decisions to establish sanctions regimes;
3. Decisions on civilian Common Foreign and Security Policy missions.

Qualified Majority Voting strengthens the Union and helps build consensus

In other areas where qualified majority is the rule – notably EU trade policy – experience shows that it not only strengthens the EU's role as a global actor but also results in more effective decisions. The prospect of a vote by qualified majority is a powerful catalyst to engage Member States in building effective consensus and achieving unity. Consensus also means greater ownership of the decisions taken.

Moreover, the Treaty provides for a number of tailor-made safeguards to protect core interests and prerogatives of the Member States in the Common Foreign and Security Policy: Decisions with military and defence implications are excluded from qualified majority voting (Article 31(4) TEU). In addition, Article 31(2) TEU foresees an 'emergency brake' that allows a Member State to object to a decision being taken by qualified majority for "vital and stated reasons of national policy".

Background

The following policy areas continue to be systematically adopted by unanimity: taxation, social security or social protection, the accession of new countries to the EU, operational police cooperation and the Common Foreign and Security Policy – even if the Treaties provide for possibilities to resort to more flexible forms of decision-making.

The Treaty on the European Union foresees the possibility to move from today's general rule of unanimity for the adoption of Common Foreign and Security Policy decisions to qualified majority voting. Article 31(2) TEU already enables the Council to decide by qualified majority in certain predefined cases. The specific Common Foreign and Security Policy "passerelle clause" in Article 31 (3) TEU empowers the European Council to further extend qualified majority voting in Common Foreign and Security Policy matters, if Member States unanimously agree to do so. Both Treaty provisions reflect the belief that an efficient, timely and credible Common Foreign and Security Policy might gradually move away from unanimity voting, at least in certain selected areas.

As recognised by the [2017 Rome Declaration](#), adopted on the occasion of 60th anniversary of the Treaty of Rome, the need for a strong EU is more important than ever. In order for the Union to become a stronger global actor, President **Juncker** suggested in his [State of the Union Address 2017](#) "*to look at which foreign policy decisions could be moved from unanimity to qualified majority voting*", which would contribute to making the EU a more efficient global actor. With this objective, the [Meseberg Declaration](#) on Renewing Europe's promises of security and prosperity, by German Chancellor Angela Merkel and French President Emmanuel Macron in June 2018 also called "*to look into new ways of increasing the speed and effectiveness of the EU's decision making in our Common Foreign and Security Policy*" and "*explore possibilities of using majority vote in the field of the Common Foreign and Security Policy in the framework of a broader debate on majority vote regarding EU policies*".

For more information:

[FACTHSEET: Qualified Majority Voting: A Tool to Making Europe's Foreign and Security Policy more Effective](#)

[European Commission Communication A stronger global actor: a more efficient decision-making for EU Common Foreign and Security Policy](#)

[President Juncker's State of the Union Address 2018](#)

ANNEX: Article 31 TEU

1. Decisions under this Chapter [*CHAPTER 2 - SPECIFIC PROVISIONS ON THE COMMON FOREIGN AND SECURITY POLICY*] shall be taken by the European Council and the Council acting unanimously, except where this Chapter provides otherwise. The adoption of legislative acts shall be excluded.

When abstaining in a vote, any member of the Council may qualify its abstention by making a formal declaration under the present subparagraph. In that case, it shall not be obliged to apply the decision, but shall accept that the decision commits the Union. In a spirit of mutual solidarity, the Member State concerned shall refrain from any action likely to conflict with or impede Union action based on that decision and the other Member States shall respect its position. If the members of the Council qualifying their abstention in this way represent at least one third of the Member States comprising at least one third of the population of the Union, the decision shall not be adopted.

2. By derogation from the provisions of paragraph 1, the Council shall act by qualified majority:
- when adopting a decision defining a Union action or position on the basis of a decision of the

European Council relating to the Union's strategic interests and objectives, as referred to in Article 22(1),

- when adopting a decision defining a Union action or position, on a proposal which the High Representative of the Union for Foreign Affairs and Security Policy has presented following a specific request from the European Council, made on its own initiative or that of the High Representative,
- when adopting any decision implementing a decision defining a Union action or position,
- when appointing a special representative in accordance with Article 33.

If a member of the Council declares that, for vital and stated reasons of national policy, it intends to oppose the adoption of a decision to be taken by qualified majority, a vote shall not be taken. The High Representative will, in close consultation with the Member State involved, search for a solution acceptable to it. If he does not succeed, the Council may, acting by a qualified majority, request that the matter be referred to the European Council for a decision by unanimity.

3. The European Council may unanimously adopt a decision stipulating that the Council shall act by a qualified majority in cases other than those referred to in paragraph 2.
4. Paragraphs 2 and 3 shall not apply to decisions having military or defence implications.
5. For procedural questions, the Council shall act by a majority of its members.

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