



ARTICLE 42(7) TEU

THE EU'S MUTUAL ASSISTANCE CLAUSE

Article 42(7) TEU is the European Union's mutual assistance clause. Once activated by an attacked Member State, all other Member States have to provide assistance in response. The article thus guarantees solidarity amongst Member States in case of an armed aggression against any one of them. This assistance can, for example, range from diplomatic support and technical or medical assistance to civilian or military aid, among others. Member States have regularly held table-top and scenario-based exercises on the activation and implementation of the mutual assistance clause. These exercises also cover hybrid scenarios or large-scale cyberattacks. Article 42(7) TEU is consistent with commitments under NATO, which is and will remain the foundation of collective defence for its members.

Article 42(7) TEU: If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter. This shall not prejudice the specific character of the security and defence policy of certain Member States.

Commitments and cooperation in this area shall be consistent with commitments under the North Atlantic Treaty Organisation, which, for those States which are members of it, remains the foundation of their collective defence and the forum for its implementation.

Article 42(7) has been invoked only once so far, by France, following the Paris terrorist attacks of 13 November 2015. In response, Member States expressed solidarity and support to France. France specifically requested the other Member States to provide increased contributions to the international fight against terrorism. This allowed France to reinforce its Opération Sentinelle, launched after the January 2015 Charlie Hebdo terrorist attacks, which deployed around 10 000 soldiers and 4 700 police and gendarmes.



Legal basis and threshold: Article 42(7) of the Treaty on European Union (TEU) was introduced with the Lisbon Treaty. It clearly sets out its legal threshold: an (I) armed aggression (II) on the territory of a Member State. The attack must originate from abroad and its scope covers attacks by state and non-state actors. If these conditions are met, it is a political and sovereign decision of Member States to invoke this clause. Once activated it creates a legally binding obligation on all Member States to provide assistance to the attacked Member State.



Assistance: The nature of the provided aid and assistance is determined on a case-by-case basis, based on the request of the attacked Member State, and can include both civil and military assistance. It should address the requirements and needs of the attacked Member State.



Implementation: The Article itself does not define how it should be implemented. This provides a lot of flexibility for the attacked Member State(s) to implement it in a way that best responds to the respective armed aggression. This is a key strength of this article. While the Treaty does not explicitly foresee a role for EU Institutions in the implementation, the attacked Member State can request such support, for example with regard to coordinating the overall assistance.





Other international organisations: The Article takes into account the specific character of the security and defence policies of Member States, such as neutrality or commitments under NATO, which remains the foundation of the collective defence for those States that are NATO Allies. The mutual assistance clause also refers to Article 51 of the United Nations Charter, providing for the right to self-defence in the event of an armed attack.



Links and coordination with other EU mechanisms: Depending on the broader context of the armed aggression, other EU instruments or crisis response tools may be activated in parallel with Article 42(7). These may comprise instruments managed by the European Commission, such as Article 222 of the Treaty on the Functioning of the EU, also known as the solidarity clause, that provides assistance in case of a terrorist attack or a natural or man-made disaster. Coordination between the different instruments is crucial to ensure a comprehensive EU response to the situation.



Exercises and lessons learned: To further increase common understanding on the implementation of Article 42(7) and boost readiness and resilience, EU Member States regularly hold scenario-based discussions and exercises, exploring the cyber, hybrid, maritime, and spatial domains. This strengthens the EU's security and defence policy and improves our ability to act more quickly and efficiently in crises. In the Strategic Compass, Member States have committed to continue to invest in their mutual assistance under Article 42(7) to be able to act with urgency and determination in case of an armed aggression against one or several Member State(s).

