



Policy Brief: Article 42(7)

Andrew GALEA ROBERTS / November 2025

Executive Summary

Since the Treaty of Lisbon came into effect in 2009, the EU has had its own collective defence clause, much like the North Atlantic Treaty's Article 5. It has not however, been treated in discourse in the same way, in part due to the EU's (until now) hands off policy in the field of defence. How can we change the way that it is perceived, to shift the rather dormant EU defence policy to adapt to today's world?

Context

Since it was founded in 1949, NATO has been the gold standard of defence alliances. Through its founding treaty's 5th Article, it has guaranteed a blanket of peace over its members by promising retribution from all in the case of an attack.

A European equivalent has, however, been in effect even longer than this, though it is seldom evoked in the media or even in political discourse. Since the 1948 Treaty of Brussels¹, the Western Union, later the Western European Union has had a mutual defence clause, which unlike NATO's Article 5, contains an explicit reference to military aid in the case of an attack.

Treaty of Brussels, Article IV:

If any of the High Contracting Parties should be the object of an armed attack in Europe, the other High Contracting Parties will, in accordance with the provisions of Article 51 of the Charter of the United Nations, afford the Party so attacked all the military and other aid and assistance in their power.

This provision lasted until 2009, when the Treaty of Lisbon absorbed the WEU into the EU, and a new mutual defence clause came into effect: Article 42(7).

While this new article does not have as catchy a title as NATO's Article 5, (or even the MToB Article 5), it is framed in the context of the rest of the EU's CSDP commitments, which take up the other 6 sections of Article 42 of the Treaty on European Union, but it also lacks the mention of military aid, instead leaving the form of aid up to interpretation.

Treaty on European Union, Article 42(7):

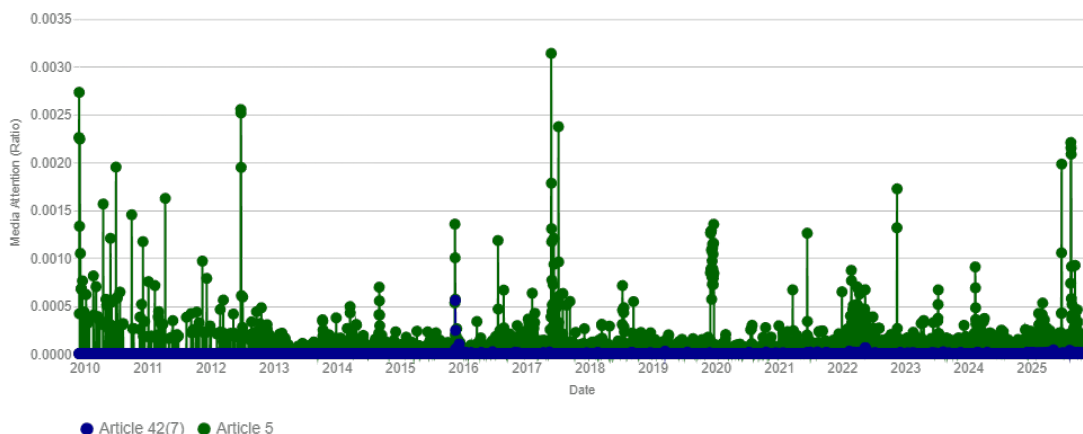
If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter. This shall not prejudice the specific character of the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

It also reiterates the primacy of NATO obligations for the members who are part of that alliance.

This has set the stage for an almost inactive EU defence policy, as even the treaties defer to NATO for most defence purposes.

Media Attention Over Time: Article 5 vs. Article 42(7)



Policy Critique

In today's world however, this has to change. In the context of both Trump presidencies as well as both invasions of Ukraine, the EU has realised that an independent defence capacity is a useful tool for the hostile world.

The Strategic Compass of 2022 outlines the steps that need to take place by 2030. This document mentions Article 42(7), though these mentions are solely reiterating its use, and existence.

When France activated this article in November 2015, in the aftermath of the terror attacks in Paris, it is widely believed that it did so for political reasons, highlighting the EU's CSDP clauses compared to NATO (with Article 5's only activation also coming in the aftermath of terror attacks). Although this activation led to certain acts aiding France, and more generally, the fight against terror, these were mostly in the framework of existing operations and structures, such as the UK and Germany 'stepping up military action in Iraq and Syria'.

This highlighted the unstructured response to the Article's invocations, and demonstrates the need for a change in how the Article is treated when activated, such that the EU can continue to develop its strategic autonomy.

In the next section, I shall detail three policy recommendations that can strengthen the implementation of this Article, in order from easiest to most difficult.

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POLICY RECOMMENDATIONS

1. Press Release

The European Council should release a statement clarifying and committing member states to Article 42(7). This will help generate both knowledge of the Article, as well as strengthen its provisions, removing doubt on its enactment and follow through should any EU member state come under attack.

2. CFSP Decision

Similar to the situation of PESCO, stemming from Articles 42(6) and 46, and its activation in Decision 2017/2315, and the possible activation of a CSDP Task under Article 44, which is part of the Strategic Compass 2022. The Council should make a decision regarding the consequences of the activation of Article 42(7), outlining a formal structure for response, a guarantee on this response, and possibly the integration of the EU's Rapid Deployment Capacity outlined in the Strategic Compass.

3. Treaty Reform

The strongest change is reforming the Article to remove the primacy of NATO, re-adding a clear reference to military aid, as well as setting up a formal structure as in Policy Recommendation 2. This will prove most difficult as it not only requires unanimity, but also shifts the direction of the CSDP, as well as the EU in general. This reaction is not yet necessary, though may become so in the future.

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