Article 42(7) TEU and the EU's Defence Future

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More than fifteen years after the Lisbon reforms entered into force, Article 42(7) of the Treaty on European Union (TEU), frequently termed the mutual defence clause, has remained as one of the least addressed policy instruments within the Union's security framework. Its initial purpose was to expand Pan-European solidarity, especially in an armed aggression scenario against one of the Member States. Yet, the legal provision, as comprehensive as it appears, has been invoked only once since its implementation with the Lisbon Treaty in 2009. The underutilised nature of the clause can be explained by the existence of the North Atlantic Treaty Organisation and its infamous Article 5, which has historically been the key "promise" that the Member States rely upon for their security.[1] However, growing concerns

over US unpredictability and the perceived erosion of Pax Americana have incentivised the European allies to decouple from its transatlantic partner, while simultaneously looking for other defence partners. Moreover, as emphasised by the Trump administration, it is also in the best interest of the US that the EU evidently becomes more self-reliant, especially in the sphere of national security. These concerns have been further confirmed by the controversial 2025 National Security Strategy of the United States, where Section IV C, specifically addresses Europe and the Union, calling for enhanced European responsibility in defence matters.[2]

While the topic of defence for the European nations is mainly considered to be of a political nature, there are equally important legal implications that must be addressed in connection to the Union's own mutual defence obligations under EU law. Firstly, Article 42(7) TEU establishes notably robust obligations, stating that '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…'. From the legal perspective, this exact choice of words leaves little room for interpretation in comparison with NATO's Article 5, which uses the phrase 'such action as it deems necessary', providing that, theoretically, no military equivalent measures have to be taken as part of the obligatory assistance. On top of that, another unequal divergence appears between the two provisions, where the TEU article provides for a considerably lower threshold, relying on the use of 'armed aggression', while NATO's article requires a clear 'armed attack'. This often overlooked point could have especially disastrous implications for certain NATO member states that rely primarily on the alliance's defence guarantees.

Crucially, participation in Article 42(7) TEU is further shaped by uneven Member State engagement, as countries such as Malta, Austria, Cyprus and Ireland maintain neutrality-based positions, while Denmark historically held a defence opt-out prior to its 2022 removal, thereby reinforcing the fragmented nature of the EU's collective defence framework.

Although Article 5 is formally triggered by an 'armed attack', its phrasing allows for considerable interpretative flexibility, which is extremely dangerous at times when the US credibility is diminishing, and Europe's adversaries are displaying growing assertiveness.[3]

Still, this ambiguity is further reflected in recent state practice, where an Iranian-made drone hit a British air base in Cyprus in an unexpected security incident, but instead of invoking the Article 42(7) TEU, the Cypriot authorities requested bilateral assistance, arguing that the mutual defence clause seemingly lacked legal clarity.[4] This incident further highlights the current defence crisis in the EU, which is further fueled by legal shortcomings.

Yet, the EU's senior officials have recently been briefed on various measures that could reinforce the operationalisation of the mutual defense clause. It was conducted through tabletop exercises where potential scenar-

ios were played out, including both NATO and non-NATO Member States. As stated by the High Representative, these efforts were meant to identify the legal gaps in the EU law provision. However, while these exercises reflect a growing willingness to engage with the clause in practical terms, they currently remain non-binding and hypothetical in nature.[5]

Nevertheless, as robust as the TEU Article seems, its current legal strength should not be overstated, since it remains significantly under-utilised, with France being the sole Member State to invoke the article in 2015 after the deadly terror attacks in Paris.[6] It must also be noted that the assistance measures were not arranged through a unified EU mechanism but rather through bilateral aid agreements. Still, the comparison between the two articles reveals that the central issue has never solely been the legal side. Rather, it concerns the political credibility of collective defence commitments and the extent to which, mainly, European states can continue to rely on the long-term reliability of the protection from the United States as the principal security guarantor. Accordingly, the debate surrounding Article 42(7) TTEU increasingly extends beyond mere questions of legal interpretation and into the broader European strategic and political autonomy.

Translating these legal frameworks into reality shows that, fundamentally, collective defence is based on political trust, not just a simple treaty. The growing perception of an untrustworthy transatlantic partner has triggered a political debate within the Union, regarding its autonomy. Since the United States has been utilising Article 5 to condition its security guarantees on transactional terms, such as the persistent threats of troop withdrawals and sudden reallocations of military deployments, European officials have been forced to re-evaluate the practical utility of Article 42(7) TEU.

The necessity of this alternative option becomes clearer when we look into the internal alliance problems NATO's countries are having. Collective defence requires a unified consensus on threat perception, which is difficult to sustain when internal issues affect the strategies. A prime example is the diplomatic friction surrounding Greenland's sovereignty. This situation has damaged the relations between the US administration and Denmark, which extended to the whole of the EU. This crisis, which started with aggressive tariff threats from the US and the deployment of forces by Denmark and eight NATO allies, shows that internal friction can threaten the stability of an alliance, just as severely as external problems. By weaponising economic leverage against a fellow member state, the US administration showed that the leader of NATO, and accordingly Article 5, could pose a direct threat to the economy and territory of its smaller allies. This conflict over Greenland forced European authorities to realise that NATO offers little to no protection when it comes to internal conflicts, making a continental alternative imperative.

This internal stability further explains why Europe is looking to Article 42(7) to be a replacement for NATO. Since the EU's clause operates through

a decentralised, intergovernmental framework, it allows member countries to cooperate under bilateral assistance that is tailored to a specific crisis. This gives Europe an upper hand, since NATO's decision-making is gridlocked because of

Ultimately, the difference between these treaties can be seen in their invocation history, which serves as an indicator of the shifting dynamics of the West. NATO's Article 5 was triggered for the first and only time after the September 11 terrorist attacks, which was an unprecedented demonstration of European solidarity used to validate and secure the transatlantic bond. The European allies took measures to help defend the United States, expecting a dependable strategic partnership. On the other hand, when France invoked the EU Article 42(7) after the Paris attacks in 2015, it was under a highly political calculation. By not going through NATO protocol, France avoided a Washington-dominated intervention, preventing its own autonomy, and successfully managed European assistance to share their military burdens. This contrast shows the political reality of European security: while NATO's Article 5 is still a volatile, American-led sector, the EU's Article 42(7) is being considered to be the primary mechanism for a self-reliant Europe.

In essence, the debate surrounding the EU's mutual defence clause cannot in any way be separated from the broader objective of the Union's envisioned strategic autonomy. The notion of greater self-reliance, especially in defence matters, has been present in the EU's decision-making for decades, yet credible action has only emerged in recent years. Through frameworks such as Security Action for Europe (SAFE), Permanent Structured Cooperation (PESCO), and Act in Support of Ammunition Production (ASAP), the Union has translated strategic ambition into concrete capability development, particularly focusing on areas of joint procurement, defence production and industrial coordination. Nevertheless, despite the growing ambitions in Brussels, defence policy and military capabilities remains primarily within the competence of Member States, which substantially limits the extent to which the EU can act autonomously.

Even so, the mutual defence clause has gained increased attention in policy discussions, and its relevance is likely to expand in the near future. It could gradually evolve into a more operational instrument of collective defence, but before that, clearer procedural guidelines and preagreed frameworks must be negotiated to reduce ambiguities and delayed responses. This would facilitate the resolution finding in cases such as the aforementioned attack on Cyprus territory, where a lack of procedural guidelines led to uncertainty in response. In such a case, the establishment of predefined response pathways could considerably reduce the current uncertainty that seemingly arises in situations falling within the scope of the clause.

At the same time, this evolution could be reinforced by broader progress in areas where (partial) autonomy could be realistically achieved, or where it

is already present. Sectors such as cyber defence and military mobility could be among those that are more deeply integrated across the Member States.

Consequently, the analysis of Article 42(7) TEU demonstrates that its significance is increasingly shaped by its evolving political role within the European security architecture. While the clause remains formally robust and legally binding, its uneven and limited application reflects the continued reliance of Member States on NATO's collective defence guarantees. At the same time, diverging strategic priorities and rising geopolitical tensions between Europe and the United States have gradually reshaped the operational context of the provision. Rather than functioning as a direct substitute for NATO's Article 5, the TEU clause is more plausibly developing into a complementary mechanism that may gain more substantial operational relevance in the future, notably if supported by more defined procedures and stronger Member State coordination. Thus, its effectiveness will depend on the extent to which political fragmentation within the Union can be realistically reduced and existing defence initiatives can be converted into coherent and predictable response mechanisms.

Accordingly, the clause may evolve into a practical anchor for constrained but significant European-led collective action, particularly in fields where cooperation is already expanding. Its future relevance will ultimately depend on whether Member States can reconcile political willingness with the Union's broader strategic ambitions.

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