



2022/2142(INI)

22.3.2023

OPINION

of the Committee on Foreign Affairs

for the Committee on Constitutional Affairs

on the implementation of *passerelle* clauses in the EU Treaties
(2022/2142(INI))

Rapporteur for opinion: Tineke Strik

PA_NonLeg

SUGGESTIONS

The Committee on Foreign Affairs calls on the Committee on Constitutional Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- A. whereas a growing number of threats, including Russia's war of aggression against Ukraine, the continued rise of authoritarianism worldwide, the assertive foreign policy of the People's Republic of China, the climate emergency and the impact of the COVID-19 pandemic, are profoundly reshaping the EU's immediate geopolitical environment and are urging it to play a stronger and more coherent role in the international arena; whereas in the light of a possible future enlargement of the Union, internal reform and the abolition of unanimity becomes even more pressing; whereas the present *de facto* requirement of Council unanimity in all matters under Title V of the Treaty on European Union (TEU) is one of the major shortcomings of the EU, affecting its ability to act and making it unfit to tackle many of today's challenges; whereas a reform of the EU's decision-making processes should therefore be a priority for Member States in order to ensure that the EU is able to react more swiftly to the proliferation of new and emerging challenges;
- B. whereas the potential for fast, efficient and effective foreign policy, security and defence action, as set out in particular in Articles 48(7) and 31(3) TEU, has yet to be realised owing to the lack of common threat perception and of a culture of strategic cooperation and political will from the Member States;
- C. whereas *passerelle* clauses, activated by unanimous vote of the Council or European Council, could be used to immediately switch from the requirement of unanimity to qualified majority voting (QMV) in specific policy areas, with the exception of decisions with military implications or those in the area of defence, which would immediately enhance the efficiency of decision-making in the field of the EU's common foreign and security policy (CFSP); whereas doing so would allow the EU to respond more swiftly and decisively to the dramatic change to the European security environment as a result of Russia's war of aggression against Ukraine; whereas the use of QMV could also shield the EU from third-country pressure and divide-and-rule tactics;
- D. whereas the Conference on the Future of Europe showed that citizens want more efficient decision-making in the field of foreign and security policy through the use of QMV instead of unanimity;
- E. whereas the Czech Presidency of the Council sent a letter to the Member States with a list of specific policy areas that could be switched to QMV;
- F. whereas the Czech Presidency listed 11 concrete actions in foreign affairs and the Common Security and Defence Policy (CSDP) related to the Articles 24, 27, 28, 29, 37, 39, 41, 42, and 44 TEU;
 - 1. Deplores the fact that *passerelle* clauses have never been used in the field of the CFSP

owing to Member States' lack of political will and contrary to Parliament's clear position on the matter and the recommendations of citizens in the context of the Conference on the Future of Europe; takes the view that emerging global challenges and the Union's immediate geopolitical environment and security instability, notably due to Russia's war of aggression against Ukraine, clearly require the EU to adopt swifter and more efficient decision-making processes;

2. Strongly believes that the Council's unanimity-based decision-making process in matters falling under Title V TEU is deeply inadequate to effectively respond to emerging international challenges and crises and shape the EU's pro-active and decisive external action on the global stage; acknowledges that *passerelle* clauses could improve the efficiency of the EU's decision-making if activated; is of the opinion, however, that *passerelle* clauses have considerable flaws stemming from the requirement of unanimity for their activation, and that Treaty change is therefore necessary; calls on the Member States to demonstrate the political will to limit the use of unanimity by using *passerelle* clauses as well as to overcome the practice of imposing vetoes on matters related to the Union's external action for the purposes of obtaining concessions in unrelated policy areas;
3. Urges the Swedish and upcoming Spanish and Belgian Council Presidencies to follow up on the initiative of the Czech Council Presidency in an effective way, starting by adding the use of *passerelle* clauses in specific areas in the field of the CFSP and relevant Commission external action to the agenda of the first Council meeting following the adoption of the present report, and to decide on its activation without delay and by no later than the end of this parliamentary term;
4. Recalls that Article 48(7) and Article 31(3) TEU contain *passerelle* clauses that can enable the switch from unanimity to QMV in areas that fall under Title V TEU; calls on the Member States to make full use of *passerelle* clauses, in particular that contained in Article 31(3) TEU, without further delay, especially in priority areas;
5. Urges the Member States to continue working on building their common threat perception and a culture of strategic cooperation, alongside political will, and to switch to QMV as a matter of priority for decisions in certain areas of the CFSP and relevant Commission areas of external action, starting within a year, by activating the *passerelle* clauses for priority areas; insists that these priority areas include all decision-making regarding the Union's sanctions regimes, notably the EU Global Human Rights Sanctions Regime as well as any measures related to Russia's war of aggression against Ukraine, including restrictive measures, defence assistance, and financial and economic support and interim steps in the EU accession process; urges Member States to give consideration to switching to QMV for some Council decisions pertaining to the CSDP, with the exception of the mutual defence clause in Article 42(7) TEU, and for the creation and deployment of military missions under the CSDP that do not involve an executive mandate;
6. Urges the Council to make greater use of the flexibility provided for in Article 31(2) TEU; calls on the European Council to explore the adoption of a greater number of decisions related to the CFSP and relevant Commission external action, in line with the Union's strategic interests and objectives under Article 22(1) TEU, both those

concerning EU relations with a specific country or region and those of a thematic nature, and thereby to enable qualified majority voting under Article 31(2) TEU;

7. Invites the Member States, where appropriate, to make greater use of enhanced cooperation in the fields of CFSP and relevant Commission external action and to consider the adoption of decisions in line with the provisions for qualified majority voting set out in Articles 330 and 333(1) of the Treaty on the Functioning of the European Union (TFEU);
8. Insists that any activation and implementation of *passerelle* clauses regarding Title V TEU must not delay nor form a pretext for any lack of political will to facilitate, the convening of a convention by activating the procedure for revising the Treaties provided for in Article 48 TEU, with the objective, inter alia, of enshrining QMV for all matters relating to the CFSP and relevant Commission areas of external action in the Treaties;
9. Reiterates the need for strong parliamentary oversight of the CFSP, CSDP and Commission external action to ensure accountability and democratic legitimacy; calls on the Council, the Commission and the European External Action Service to proactively engage with Parliament and keep it informed; commits itself to improving the efficiency of its oversight mechanisms, in particular where doing so could contribute to speeding up decision-making within the Council;
10. Reiterates that pending the activation of *passerelle* clauses and the full application of QMV in areas of the CFSP and relevant Commission areas of external action, the option for constructive abstention enshrined in Article 31 TEU should be used more often to overcome potential deadlocks imposed by Member States;
11. Calls for *passerelle* clauses to be used also for those areas where responsibilities have been conferred upon the EU.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	22.3.2023
Result of final vote	+: 48 -: 10 0: 2
Members present for the final vote	Alviina Alametsä, Alexander Alexandrov Yordanov, François Alfonsi, Maria Arena, Petras Auštrevičius, Traian Băsescu, Włodzimierz Cimoszewicz, Michael Gahler, Kinga Gál, Klemen Grošelj, Bernard Guetta, Sandra Kalniete, Dietmar Köster, Andrius Kubilius, Ilhan Kyuchyuk, David Lega, Miriam Lexmann, Leopoldo López Gil, Antonio López-Istúriz White, Lukas Mandl, Pedro Marques, Fulvio Martusciello, David McAllister, Vangelis Meimarakis, Sven Mikser, Francisco José Millán Mon, Matjaž Nemeč, Gheorghe-Vlad Nistor, Demetris Papadakis, Kostas Papadakis, Tonino Picula, Manu Pineda, Thijs Reuten, Nacho Sánchez Amor, Isabel Santos, Mounir Satouri, Jordi Solé, Sergei Stanishev, Tineke Strik, Hermann Tertsch, Dragos Tudorache, Thomas Waitz, Charlie Weimers, Isabel Wiseler-Lima, Salima Yenbou, Bernhard Zimniok, Željana Zovko
Substitutes present for the final vote	Engin Eroglu, Georgios Kyrtos, Sergey Lagodinsky, Erik Marquardt, Pina Picierno, Mick Wallace, Elena Yoncheva, Javier Zarzalejos, Milan Zver
Substitutes under Rule 209(7) present for the final vote	Annika Bruna, Clare Daly, Margarida Marques, Javier Moreno Sánchez

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

48	+
PPE	Alexander Alexandrov Yordanov, Traian Băsescu, Michael Gahler, Sandra Kalniete, Andrius Kubilius, David Lega, Leopoldo López Gil, Antonio López-Istúriz White, David McAllister, Lukas Mandl, Fulvio Martusciello, Vangelis Meimarakis, Francisco José Millán Mon, Gheorghe-Vlad Nistor, Isabel Wiseler-Lima, Javier Zarzalejos, Željana Zovko, Milan Zver
Renew	Petras Auštrevičius, Engin Eroglu, Klemen Grošelj, Bernard Guetta, Georgios Kyrtos, Ilhan Kyuchyuk, Dragoș Tudorache, Salima Yenbou
S&D	Maria Arena, Włodzimierz Cimoszewicz, Dietmar Köster, Margarida Marques, Pedro Marques, Sven Mikser, Javier Moreno Sánchez, Matjaž Nemeč, Demetris Papadakis, Pina Picerno, Tonino Picula, Thijs Reuten, Nacho Sánchez Amor, Isabel Santos
Verts/ALE	Alviina Alametsä, François Alfonsi, Sergey Lagodinsky, Erik Marquardt, Mounir Satouri, Jordi Solé, Tineke Strik, Thomas Waitz

10	-
ECR	Hermann Tertsch, Charlie Weimers
ID	Annika Bruna, Bernhard Zimniok
NI	Kinga Gál, Kostas Papadakis
PPE	Miriam Lexmann
The Left	Clare Daly, Manu Pineda, Mick Wallace

2	0
S&D	Sergei Stanishev, Elena Yoncheva

Key to symbols:

+ : in favour

- : against

0 : abstention