

Policy Brief

Qualified Majority Voting in EU Foreign Policy: Mapping Preferences

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Introduction

The Common Foreign and Security Policy (CFSP) is one of the EU's last bastions of unanimous decision-making. The idea of introducing qualified majority voting (QMV) is as old as the policy area itself.

#EU
#QMV
#CFSP

In recent years, the idea has received political tailwind. In 2017, then Commission President Jean-Claude Juncker [suggested](#) looking “at which foreign policy decisions could be moved from unanimity to qualified majority voting”. In the [Meseberg Declaration](#) of June 2018, the French President and the German Chancellor provided their backing by declaring the intention to “explore possibilities of using majority votes in the field of the Common Foreign and Security Policy”. In September 2018, the Commission published a [Communication](#) with a concrete proposal for a gradual extension. The new Commission President Ursula von der Leyen has continued to push for an extension of QMV. She explicitly [tasked](#) the High Representative for Foreign Affairs and Security Policy / Vice-President of the Commission (HR/VP) Josep Borrell to pursue the issue.

How realistic is this pursuit, considering that a passage to QMV requires (ironically) unanimity among the member states? This policy brief maps member state preferences on the extension of QMV. The overview is based on a confidential expert survey with diplomatic sources from the member states conducted in late 2019. The survey led to a fourfold classification:

1. Six member states are **in favour** of an extension of QMV to CFSP.
2. France is the only member state **in favour of linking the extension of QMV to CFSP with QMV in EU tax policy**.
3. Eleven member states (including the United Kingdom pre-Brexit) are either **sceptical, ambiguous, or have not finalised their position**.
4. Ten member states are **opposed**.

The following briefly summarises the proposal of the Juncker Commission (henceforth ‘Juncker proposal’) before providing an overview of member state preferences. The policy brief concludes with a discussion of alternatives and future paths.

1. The Juncker Proposal: What's in it and why?

Juncker's initiative was an answer to a growing tendency of one or a few member states to block, delay or dilute common EU positions or actions (see Box 1). As the Commission [stressed](#), many of these obstacles to reaching agreement did not reflect unbridgeable differences in long-term interests, but rather parochial interests unrelated to the specific issue at stake.

Box 1: One or few member states standing in the way of a common EU voice (2016-2019)

July 2016

- o Hungary and Greece delayed and watered down EU statement on the dispute between China and the Philippines on territorial claims in the South China Sea.

February 2017

- o Hungary blocked renewal of arms embargo against Belarus until all other members agreed to exempt a certain category of small arms. Hungary displayed a similar approach regarding renewals in 2018 and 2019.

March 2017

- o Hungary derailed EU consensus by refusing to sign a joint letter denouncing the reported torture of detained lawyers in China.

June 2017

- o Greece blocked EU statement in the United Nations Human Rights Council in Geneva on China's human rights record.
- o Greece delayed imposition of targeted sanctions against Venezuela in response to the undermining of the democratically elected National Assembly.

May 2018

- o Hungary, Czechia and Romania blocked EU statement condemning the relocation of the United States (US) Embassy to Jerusalem.

February 2019

- o Italy blocked EU statement recognising Guaidó as Venezuela's interim president.
- o Greece and Cyprus blocked EU statement regarding Russia's failure to comply with the Intermediate-Range Nuclear Forces (INF) Treaty.
- o Hungary and Poland blocked final Declaration of the EU-Arab League Summit due to a provision on migration.

April 2019

- o France blocked EU statement condemning Khalifa Haftar's military offensive on Libya's capital.

May 2019

- o Hungary attempted at the last minute to block EU statement at the UN Security Council criticising Israel. The statement was eventually presented on behalf of 27 EU member states.

October 2019

- o Hungary blocked EU statement condemning Turkey's operation in Syria.

November 2019

- o Hungary blocked EU statement condemning US decision to no longer consider Israeli settlements as illegal.

Note: The list is not exhaustive. Source: Various media sources and European Commission (2018).

The Commission proposal focused on three CFSP areas where it deemed progress achievable: EU sanctions, positions on human rights in international fora, and the civilian Common Security and Defence Policy (CSDP). It suggested using two legal clauses:

1. The 'enabling clause' (Art. 31(2) Treaty on European Union (TEU)) enables the Council to decide by QMV in certain predefined cases, notably regarding the implementation of unanimous European Council or Council decisions. The Commission suggested using QMV when amending listings of all EU sanctions regimes. In addition, the European Council was encouraged to adopt thematic or geographical strategies by unanimity setting out the scope for implementation by QMV in the Council.

2. The ‘**passerelle clause**’ (Art. 31(3) TEU) is the more controversial clause as it allows the European Council to decide on a permanent passage to QMV. The Juncker Commission suggested extending QMV to the three policy areas mentioned above.

To counter sovereignty-related concerns, the Communication underlined the Treaty’s **two CFSP-specific** safeguards. First, these clauses do not apply to decisions having military or defence implications (Art. 31(4) TEU). Second, the Treaty includes an ‘emergency brake’ (Art. 31(2) TEU). Any member state can object to a decision being taken by QMV for “vital and stated reasons of national policy”. In this case, the Council can refer the matter to the European Council for a decision by unanimity.

2. Four categories of member state preferences

EU member states have traditionally been at odds regarding the use of QMV within the CFSP – and they still are today. The passerelle clause stands at the centre of the political controversy. Juncker’s respective proposals were discussed at various levels throughout 2018 and 2019, including in the Foreign Affairs Council, in the Political and Security Committee and among Political Directors of the Ministries of Foreign Affairs. The member states’ preferences can be grouped into four broad categories (see Table 1), explained in greater detail below.

Table 1: Preferences on the use of the passerelle clause for CFSP

Member state	Position
Austria	Ambiguous / sceptical / position not finalised
Bulgaria	Ambiguous / sceptical / position not finalised
Belgium	In favour
Croatia	Opposed
Cyprus	Opposed
Czech Republic	Opposed
Denmark	Ambiguous / sceptical / position not finalised
Estonia	Opposed
Finland	In favour
France	Issue linkage
Germany	In favour
Greece	Opposed
Hungary	Opposed
Ireland	Ambiguous / sceptical / position not finalised
Italy	Ambiguous / sceptical / position not finalised
Latvia	Opposed
Lithuania	Opposed
Luxembourg	Ambiguous / sceptical / position not finalised
Malta	Opposed
The Netherlands	In favour
Poland	Opposed
Portugal	Ambiguous / sceptical / position not finalised
Romania	Ambiguous / sceptical / position not finalised
Slovakia	Ambiguous / sceptical / position not finalised
Slovenia	Ambiguous / sceptical / position not finalised
Spain	In favour
Sweden	In favour
UK (before Brexit)	Ambiguous / sceptical / position not finalised

Source: The table is based on confidential accounts from diplomatic sources on member state preferences as expressed in various high-level meetings held in 2018-19. Member state positions are subject to change. For a map of preferences, see *Report of the Munich Security Conference (2020)*

2.1 In favour

One of the key takeaways from Table 1 is the fact that, with six member states, the proponents of an extension of QMV to CFSP represent a clear minority. It is worth noting that this category includes Western European member states only. Even within this small group, positions are nuanced. Germany, Finland and Belgium can be counted as outspoken and traditional driving forces on this dossier. The underlying logic is that the introduction of QMV would lead to more efficient decision-making and a more effective EU foreign and security policy. Spain, Sweden and the Netherlands are open to the idea, but slightly more cautious.

2.2 In favour of issue linkage

France seems to be the lone proponent of any linkage between the extension of QMV to CFSP and tax issues. Paris thus seeks to combine two Juncker [Commission proposals](#). This linkage fits with Macron's general thrust towards deepening European integration. However, several member states such as Ireland, Luxembourg and Denmark oppose the extension of QMV to tax policy.¹ Linking these two dossiers – both at the heart of national sovereignty – does not make reaching progress on either any easier.

2.3 In the 'grey zone'

Eleven member states (including pre-Brexit United Kingdom) can be classified as being in a grey zone. This relatively broad category includes those that have not finalised their position or that are either sceptical or cautious.² The underlying reasons are diverse. Some, such as Italy, argue that QMV would not make the CFSP more effective as it would entail systematic deviations from common positions or actions. Others such as Denmark have no finalised position and are cautious for domestic reasons. The Danish government [would have to seek a mandate](#) from its parliament to take a position in the Council. This, it is assumed, would trigger heated domestic debate with opposition from left and right. The grey zone also includes a range of smaller states such as neutral Ireland and Luxembourg that would easily be outvoted if QMV were to be introduced. Pre-Brexit UK represents a special case. A clear past opponent, it has not been vocal on the topic in the more recent discussions to avoid interference with the debate on the EU's future.

2.4 Opposed

Ten member states constitute the group of opponents. These notably include Hungary and Greece, which have made regular use of their veto on foreign policy dossiers in recent years (see Box 1). The prevalence of Eastern and Southern member states in this group is remarkable. In some cases, opposition reflects broader Eurosceptic attitudes and nationalist sovereignty reflexes. These are linked to a general wariness regarding an ever more powerful Franco-German couple driving the EU towards deeper integration. Strategic and economic interests linked to relations with the US, China and Russia may also play a role in some cases. Without their veto, member states could no longer do them 'foreign policy favours' in the same way.

3. Ways out of the deadlock

The overview of member state preferences shows that the time is not ripe for an extension of QMV to the CFSP via the passerelle clause. Even so, von der Leyen and HR/VP Borrell have promised to take the issue forward. What options do they have?

1 According to media reports Czechia, Denmark, Estonia, Finland, Hungary, Latvia, Lithuania, Luxembourg, Malta, Sweden and Poland were opposed to the initiative while Austria, Belgium, France, Germany, Greece, Portugal, and Spain were either in favor or open to it: <https://www.br.de/nachrichten/deutschland-welt/eu-wird-das-vetorecht-in-steuerfragen-bald-abgeschafft,RPJxWLT>; <https://www.euractiv.com/section/economy-jobs/news/eu-wants-end-to-member-state-veto-on-tax/>

2 In some cases, the lines between skeptical and outright opposed are not clear-cut.

3.1 Going less controversial

The Commission and HR/VP could explore some of the Juncker proposal's less controversial elements. This includes a more systematic use of constructive abstention. According to Art. 31(1) TEU, a member state can formally abstain in a unanimous vote. In this case, it does not have to apply the decision, but accepts that it binds the Union. This option was discussed at several of the high-level meetings regarding QMV in CFSP in 2018-9 and promoted by the [Finnish Council Presidency](#). Many member states that oppose the use of the passerelle clause are open to it.

However, it is questionable whether this would change anything. So far, it has only been used once when Cyprus abstained in relation to the establishment of the EU's rule of law mission EULEX Kosovo in 2008. Constructive abstention could be a viable option for neutral countries in some situations. It is less likely that it would prevent countries from using their leverage as regards their interests vis-à-vis the US or China for example.

3.2 Gradually moving towards a critical mass

The Juncker proposal suggested a gradual approach. In the case of the **civilian CSDP**, it proposed prioritising QMV for rule of law capacity building and security sector reform missions. Alternatively, it suggested that at least all decisions on the implementation of civilian CSDP missions be taken by QMV in the Council. In the field of **sanctions**, it called on the Council to consistently use QMV when amending the listings of all EU sanctions regimes. The Council had already done so in the past in cases that were not deemed too sensitive. Going beyond the Juncker proposal, the extension of QMV to **human rights policy** could be discussed again in the context of the Action Plan on Human Rights and Democracy that the Council and Commission [are to agree](#) this year.

A gradual approach might bring only minor efficiency gains but could introduce a **culture of QMV** that might dissipate concerns among sceptics. Over time, this could convince a critical mass of member states. To this end, it is crucial to underline and explain the Treaty's safeguards, especially the abovementioned 'emergency brake'. This is particularly relevant for countries where the issue can be expected to trigger domestic controversy such as Denmark.

Given a critical mass of proponents, reflections on a **cross-issue package deal** could become relevant again. As [suggested](#) by the European Parliament's Committee on Constitutional Affairs, the broader issue of extending QMV could be discussed in the context of the Conference on the Future of Europe.

3.3 Exploring alternative paths

The extension of QMV to CFSP is no silver bullet. After all, member states would always be able to make use of the emergency brake. The EU and its members will thus have to explore alternative paths towards more efficient and effective EU external action. Three options could be considered:

1. Tasking the foreign ministers: As his predecessors, the HR/VP can task member state foreign ministers to speak on behalf of the EU. The EU then benefits from the standing and expertise of the member states while they retain ownership. Recent examples include Finnish Foreign Minister Pekka Haavisto [negotiating](#) on behalf of the EU on Sudan and German Foreign Minister Heiko Maas [representing](#) the EU in the mediation regarding the Libyan conflict.

2. Strengthening the HR/VP's diplomatic voice: Rather than issuing declarations *on behalf of the EU-27* after lengthy negotiations, the HR/VP could, more often, publish his own statements within the parameters of agreed EU policy. One example was Borrell's [statement](#) on the Middle East Peace Plan put forward by US President Donald Trump. While a [declaration](#) on behalf of the 27 stated that the EU would study and assess the proposal, Borrell's own statement denounced it as being contrary to the EU's commitment to a negotiated two-State solution.

3. Considering a different legal basis: The Juncker proposal [stated](#) that where a matter does not relate to CFSP “but to the external aspects of a policy governed by the Treaty on the Functioning of the European Union, the corresponding legal bases should be used for taking decisions, thereby not applying the unanimity rule.” This would only be relevant for certain cases but is worth exploring for a Commission that calls itself ‘geopolitical’ and seeks to bolster the external dimensions of internal EU policies.

Conclusion

This policy brief provides a first comprehensive overview of member state preferences regarding the extension of QMV to CFSP. Although positions frequently shift and are at times not clear-cut, it shows that the time is not ripe for a permanent passage to QMV. There is a divide between traditional Western European protagonists and mostly Southern and Eastern opponents with a relatively large grey zone in the middle.

The Commission, the HR/VP and the proponents among the member states should continue pushing for a gradual introduction of a culture of QMV within the CFSP and make this part of the broader debate on the future of the EU. Simplifying decision-making rules is, however, only one ingredient for more efficient and effective EU external action. If it wants to play a role despite increasing geopolitical competition, the EU and its member states must, above all, work towards greater strategic convergence, bolster civilian and military instruments, and become much better at aligning the intergovernmental and supranational policies.³

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³ For more concrete recommendations, see: https://hertieschool-f4e6.kxcdn.com/fileadmin/user_upload/4-FOREIGN-SECURITY-POLICY-koenig-1.pdf

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