

Qualified Majority Voting in the EU's Common Foreign and Security Policy

Morning programme (room ZAE1)

9.30-9.45	Registration
9.45-10.00	Welcome by Louise van Schaik (Head of EU & Global Affairs Unit, Clingendael Institute) and Ronald Wormgoor (MFA the Netherlands)
10.00-12.45	Joint meeting of the Group of Friends on QMV - Expert Group & Sounding Board

Session 1. Step-by-step transition to QMV: Passerelle clauses & alternatives, 10.00-11.15

The use of Qualified Majority Voting (QMV) in the Common Foreign and Security Policy (CFSP) has been a much debated issue. Commission President Ursula von der Leyen has proposed introducing QMV in the field of human rights statements, civilian CSDP missions and sanctions, in order for the EU to act swiftly on these matters in an increasingly tense geopolitical context, and to make the institutional set-up of the Union enlargement-fit. Currently, the Treaty prescribes that Council decisions in the field of CFSP are taken by unanimity or in case of certain implementing decisions by qualified majority. When voting by unanimity the Treaty allows for abstention of votes and constructive abstention of votes. However, in practice the Council often takes decisions by consensus, especially with regard to Council positions. In only few occasions, decisions are made by QMV.¹ The current Treaty allows for a step-by-step transition to QMV by the application of (general or specific) passerelle clauses for instance for the establishment of a civilian mission. The dilemma that the use of these clauses creates, however, is that to decide to apply these, unanimity is required. An alternative to QMV that generates less controversy, is to make more use of the option of constructive abstention, which allows member states to adhere to national specificities (for example neutrality) without vetoing the decision altogether.

In this session, we will jointly discuss the current legal possibilities for more effective decision-making in CFSP, and how they work out in political practice. We will discuss the various passerelle clauses – being the general passerelle clause, the passerelle clause on CFSP, the enabling clause, the passerelle clause on enhanced cooperation – and alternatives, including the pros and cons. Questions that will be addressed are:

- What are the current legal possibilities for QMV and why are they underused?
- What is the preferred method to achieve QMV in CFSP?
- What are legal alternatives (constructive abstentions, intergovernmental cooperation, etc) and how do these work in current and future political practice?

¹ 1) when adopting a decision defining a Union action or position on the basis of a decision of the European Council; 2) when adopting a decision defining a Union action or position, on a proposal of the HR following a specific request from the European Council; 3) when adopting any decision implementing a decision defining a Union action or position; and 4) when appointing a special representative.

Speakers: Annegret Bendiek (SWP)²
Ramses Wessel (University Groningen)³

Moderated discussion: Rem Korteweg (Clingendael Institute)

11.15-11.30: Short break

Session 2: Political short-cuts and safety margins, 11.30-12.30

In this session, we will move from discussing the current legal possibilities towards discussing the political ways to moving forward. What does it take to win over opponents of QMV? What safety margins or short-cuts can be brought in? One option to incrementally transition to using QMV in CFSP is to introduce the use of an ‘emergency brake’. The Treaty already allows for an emergency brake in the few occasions when implementing decisions by QMV. This means that Member States can block the use of QMV ‘for vital and stated reasons of national policy’. To overcome resistance to extending the use of QMV in CFSP, one option is to accompany this with such emergency clauses. In addition, another short-cut would be to discuss package solutions, thereby linking QMV to other policy areas. Questions that will be addressed in this session include:

- What could an ‘emergency brake’ look like? How would it work in practice?
- How to ensure that it does not become a veto in disguise?
- What are the trade-offs that Member States are willing to make in order to pursue QMV in CFSP?
- What is the political feasibility and desirability of are different potential package solutions?

Speaker: Juha Jokela (Finnish Institute of International Affairs)⁴

Moderated discussion: Teun Janssen (Clingendael Institute)

Wrap-up session: key take-aways and instructions afternoon by Saskia Hollander (Clingendael Institute), 12.30-12.45

12.45-13.45: Lunch

Afternoon programme

14.00-15.30: Parallel sessions of the Expert Group and Sounding Board

Expert Group (room ZAE1), chaired by Niklas Wagner (MFA Germany) and Robert Zimmerman (MFA the Netherlands)

- What are short-term and long-term actions towards more effective decision-making: where to start working with QMV and related instruments to increase the effectiveness of CFSP?
- What are perceptions of QMV among EU27 Member States: how to find common ground, build confidence, address legitimate concerns to harness support for QMV in CFSP?
- Identify concrete steps and planning for the following period.

² See: [SWP Comment](#): Annegret Bendiek, Ronja Kempin and Nicolai von Ondarza (2018), “Qualified Majority Voting and Flexible Integration for a More Effective CFSP?”

³ See: [Report for the EP](#): Ramses Wessel & Viktor Szép (2022), “The implementation of Article 31 of the Treaty on European Union and the use of Qualified Majority Voting.”

⁴ See: [FIIA Report](#): Niklas Helwig, Juha Jokela, Clara Portela (eds. 2020), “Sharpening EU Sanctions Policy Challenges and Responses in a Geopolitical Era.”

Sounding Board (room ZAD1), moderated by Teun Janssen (Clingendael Institute)

14.00-14.15: Short round of takeaways morning session

14.15-14.30: Reflections on QMV by Adriaan Schout (Clingendael Institute), including how to address:

- political implications of QMV on national sovereignty?
- legitimate concerns to harness support for QMV in CFSP?

14.30-15.15: Moderated discussion on themes including:

- What are potential alternative tracks not discussed in the morning sessions?
- What should be the main themes and focus points for the sounding board?

15.15-15.30: Practical wrap-up: where to go from here? Reflections on our role as Sounding Board? How do we stay connected? What are the topics for a potential next session?

Joint closing session, 15.30-16.00

- Closing remarks by the chairs of the Expert Group (Niklas Wagner (MFA Germany) and Robert Zimmerman (MFA the Netherlands)).
- Feedback from the Sounding Board meeting and practical next steps (Saskia Hollander, Clingendael Institute).

N.B. The discussions will be held under Chatham House Rule.