



Paper I of IV - the Strategic Case Why Article 42.7 Must Be Made Real Curated by Robin Ashby May-July 2026

"The citizens of Europe are tired of the strategic babble of their leaders... They should stop talking and start acting." — Frederic Mauro, IRIS, October 2021

Article 42.7 of the Treaty on European Union is the EU's mutual defence clause — legally binding on all member states, invoked once, and largely unknown outside specialist circles. It is, in the common diplomatic phrase, a paper tiger: a commitment that exists on paper without the institutional machinery, military capacity, or political credibility to make it real. This paper — the first in a series of four — addresses the strategic case: why the clause matters, what threatens its credibility, and what structural gaps must be closed. Papers II, III and IV address the institutional architecture, capabilities, and the industrial and procurement foundation respectively.

I. The Legal Architecture: Three Layers

For many years — and from the perspective of member states on NATO's eastern flank in particular — the EU's defence treaty provisions were treated primarily as political declarations. NATO remained the primary and effective guarantor of European security; the treaty clauses were aspirational architecture rather than operational reality. Russia's full-scale invasion of Ukraine in February 2022, and the subsequent deterioration of the security environment across the EU's eastern and northern flanks, have demonstrated the need to begin using these mechanisms more practically and operationally. The question is no longer whether to activate the legal architecture. It is how.

A. Article 42.7 TEU: The Mutual Defence Clause

Article 42.7 states 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. The word 'obligation' is not qualified by the diplomatic escape clause found in NATO's Article 5, which allows each ally to take 'such action as it deems necessary.' Article 42.7 is, on its face, a harder commitment. Yet its practical impact has been far weaker — invoked once, by France following the Paris attacks of November 2015, producing a warm but improvised response: bilateral offers of intelligence sharing, force redeployments, logistical support. No common command. No pre-agreed plan. No single point of coordination.

Article 42 TEU also states that the Common Security and Defence Policy shall include the progressive framing of a common Union defence policy that will lead to a common defence, when the European Council, acting unanimously, so decides. This is the long-term horizon. Progress in the short and medium term must be pursued within existing treaties while preparing for future adaptation when necessary. Defence remains an intergovernmental issue unless the European Council decides unanimously to establish common defence — a constraint that shapes every institutional proposal in this series.

B. Article 222 TFEU: The Solidarity Clause

Less frequently cited but increasingly relevant is Article 222 of the Treaty on the Functioning of the European Union — the Solidarity Clause. This provides for joint action in the event of terrorist attacks or major disasters, with member states acting jointly in a spirit of solidarity.

In the hybrid warfare context that defines the most likely near-term threat scenarios — drone attacks on critical infrastructure, undersea cable sabotage, cyber attacks on energy systems, coordinated disinformation accompanying grey zone military pressure — the boundary between Article 42.7 armed aggression and Article 222 terrorist or disaster scenarios is precisely where the most operationally demanding situations will arise. A cable cut near Irish waters, a drone campaign against Baltic port infrastructure, a cyber attack on a member state's power grid: these may not constitute 'armed aggression' in the conventional sense that triggers 42.7, but they are not peacetime incidents either. The institutional machinery needed for 42.7 and 222 is substantially the same; building it serves both simultaneously.

C. The Petersberg Tasks Framework

The Petersberg Tasks — humanitarian and rescue, peacekeeping, and crisis management including peace enforcement — constitute the operational middle ground between Article 222 civilian emergency and Article 42.7 collective defence. They are the primary framework within which neutral and non-aligned member states can contribute meaningfully to European collective security without constitutional friction, and the framework within which the EU's existing operational experience has been built.

Together these three layers constitute a legal architecture of genuine depth. The gap is not legal. It is operational and political.

II. The Strategic Context: A Closing Window

The urgency of building collective defence machinery is not abstract. The Mind the Gap series published by Defence Viewpoints in 2026 documents the strategic environment in detail; this paper builds on that foundation rather than duplicating it.

The central finding is a closing window. Russia's military has been significantly degraded by the Ukraine war but retains the capacity for hybrid operations, grey zone pressure, and limited conventional action. Analysts and senior EU officials assess that Russia requires approximately five years to reconstitute sufficient conventional capability to threaten large-scale aggression against NATO or EU territory — a window running roughly from 2026 to 2031. Building collective defence architecture after that window closes is too late for deterrence, which must be established before a threat is tested.

The American variable compounds the urgency. Discussions on reducing US forces in Europe began in 2026. A brigade withdrawal from Germany was announced, prompting Congressional concern. The credibility of Article 5 — like the credibility of Article 42.7 — depends not only on legal text but on the forces and command structures that give it operational meaning. A reduced physical presence changes the deterrence calculation regardless of formal treaty commitments. This dynamic has accelerated the 'Europeanisation of NATO' — the assumption by European allies of greater responsibility for the continent's conventional defence while the US focuses on the Indo-Pacific and retains the nuclear backstop.

US Indo-Pacific rebalancing creates a specific European opportunity alongside the risk. A European fleet-in-being capable of taking on Atlantic and Mediterranean blue water missions releases American carrier strike groups for Pacific contingency planning — serving both European strategic autonomy and the transatlantic alliance simultaneously. Paper II addresses the maritime dimension in detail.

The most likely near-term scenarios for Article 42.7 or Article 222 activation are hybrid: cable sabotage in the Atlantic or Baltic, drone campaigns against critical infrastructure, grey zone military pressure in contested areas, coordinated cyber attacks accompanying conventional

military signalling. The Joint Expeditionary Force's activation of NORDIC WARDEN in January 2025 — tracking threats to undersea infrastructure and monitoring Russian shadow fleet vessels across the Baltic and North Seas — demonstrates that sub-Article 5 collective response to hybrid threats is achievable when the frameworks exist. The EU needs equivalent frameworks linked explicitly to Articles 42.7 and 222.

III. The Five Gaps

Credible collective defence requires five things simultaneously: clarity (adversaries must believe the commitment is real); speed (response must be fast enough to matter); capacity (members must have forces worth committing); coordination (those forces must be able to operate together); and political will (governments must be prepared to act, not just legislate). Article 42.7 currently delivers none of these reliably.

NATO's Article 5 has teeth not because of superior wording — Article 42.7 may actually be stronger in that respect — but because of what surrounds it: SHAPE, decades of integrated planning, standardised procedures, pre-positioned forces, and accumulated credibility built through continuous exercise and demonstrated commitment. The EU has the legal obligation. It has, as yet, no equivalent institutional surround. The bilateral frameworks — Lancaster House 2.0, Trinity House, Lunna House — and the minilateral structures — JEF and NORDEFECO — provide working models of what that surround can look like. The task is connecting them to the EU legal architecture.

IV. Command and Control: The Central Missing Piece

Of all the gaps, command and control is the most fundamental. Without a credible command architecture, every other element of European collective defence lacks the nervous system needed to function. This is also where the most consequential and least publicly acknowledged debate in European defence has been taking place — and where the most significant structural development of 2026 has now occurred.

A. What Currently Exists — and What It Cannot Do

The EU's current operational headquarters is the Military Planning and Conduct Capability (MPCC), whose Director General is double-hatted as head of the EU Military Staff within the European External Action Service. The MPCC commands small non-combat missions outside the EU's borders — training missions in Somalia, Mozambique, and elsewhere. It has a permanent staff of 60, with 94 augmentees available in a crisis. A study for the European Parliament found that commanding even the EU's 5,000-strong Rapid Deployment Capacity would require a permanent MPCC staff of 250. From 60 permanent staff commanding training missions to an operational headquarters capable of planning and executing Article 42.7

collective defence is not an incremental step. It is a generational one.

B. The Dutch Position: Full EU Autonomy

The maximalist position — associated broadly with Benelux thinking and the Commission's institutional instincts — holds that the EU needs a fully autonomous command and planning capability, independent of NATO, capable of planning and executing the full spectrum of collective defence operations without American enablers. Commissioner Kubilius's proposal for a permanent 100,000-strong European army and a European Security Council represents the most senior public expression of this view. The logic is coherent: if US commitment is genuinely conditional, a European defence structure that depends on NATO's integrated command is not actually autonomous. You cannot build a European pillar on foundations you do not control.

C. The Anglo-French Position: The European Pillar of NATO

The more pragmatic position — broadly shared by France and the United Kingdom — holds that the correct answer is to strengthen the European contribution within NATO's existing architecture rather than build a parallel structure. Writing jointly in *The Economist* ahead of the NATO Ankara Summit, Commission President von der Leyen and NATO Secretary General Rutte articulated this explicitly: 'To stay transatlantic, we have to become more European'. They outlined a clear division of labour: NATO oversees command structure, capabilities and standards; the EU is responsible for industry, investment and regulation. Von der Leyen had earlier, at the Munich Security Conference in February 2026, declared that 'the time has come to bring Europe's mutual defence clause to life' and that 'mutual defence is not optional for the EU, it is an obligation' — as direct a political endorsement of the Article 42.7 argument as this series could have hoped for.

D. The European Pillar Made Operational: The JFC Command Transfer

The most significant concrete development in European defence command architecture in decades occurred on 6 February 2026, when NATO allies agreed a new distribution of senior officer responsibility:

- The United Kingdom takes over command of Joint Force Command Norfolk, previously led by the United States.
- Italy takes over command of Joint Force Command Naples, previously led by the United States.
- Germany and Poland share command of Joint Force Command Brunssum on a rotational basis.

The result: all three four-star Joint Force Commands — NATO's operational-level headquarters responsible for planning and directing forces in crisis and conflict — are now led by Europeans. The United States retains SACEUR and the three theatre component commands: Allied Air Command, Allied Land Command, and Allied Maritime Command.

This is the Anglo-French position made operational rather than aspirational. European officers commanding the JFCs is the European pillar of NATO given institutional form. It validates the graduated autonomy argument — Europeans taking primary responsibility for operational command at the conventional level while the US retains strategic nuclear and enabler roles. With European officers now on both sides of any MPCC-SHAPE coordination table, the political friction in developing a European Defence Planning Process coherent with NATO's NDPP diminishes considerably.

E. The Graduated Autonomy Resolution

The three-tier architecture this series argues for now has concrete institutional expression:

- EU crisis management and Petersberg operations: MPCC, to be expanded substantially, with an explicit Article 42.7 and Article 222 planning mandate.
- Grey zone and hybrid scenarios below NATO Article 5 threshold: a European Defence Planning Process coherent with but distinct from NATO's NDPP, with pre-agreed tiered response frameworks and structured liaison between expanded MPCC and the European-commanded JFCs.
- Full-spectrum high-intensity collective defence: NATO's integrated command, now led at operational level by European JFC commanders, with US nuclear backstop and strategic enablers. SACEUR remains American.

F. Solving the Unanimity Problem

Article 42.7 invocation requires EU unanimity — a potentially fatal delay in a fast-moving hybrid scenario. The solution does not require treaty change. Constructive abstention already exists in EU treaty law: a member state can formally abstain without blocking a decision. If formally adopted as the operating procedure for Article 42.7 invocation decisions, a recalcitrant member excludes itself from collective action rather than preventing it. Combined with pre-agreed tiered response frameworks — modelled on JEF's operational experience with NORDIC WARDEN — Article 42.7 activation can trigger a pre-agreed menu of options rather than an open-ended deliberation.

V. Political Pre-Commitment and Total Defence

Institutional architecture is necessary but not sufficient. The deterrent value of Article 42.7 depends on whether potential adversaries believe European governments will act on the commitment when tested. Several member states have dramatically increased defence spending since 2022. European Allies and Canada increased core defence investments by more than \$139 billion in 2025 alone. The NATO Ankara Summit of July 2026 announced more than \$50 billion in new procurements at the Defence Industry Forum. But spending increases without coordination produce fragmentation, not capability. Political pre-commitment must encompass not only spending levels but spending coherence: what capabilities are being bought, how they interoperate, and what collective plans they serve.

Any serious European Defence Union must also address the societal dimension that Finland, Sweden, and the Baltic states have embedded in their national security frameworks under the concept of Total Defence. The resilience of civilian infrastructure and institutions to hybrid attack is not a supplement to military capability. It is a precondition for it. The hybrid scenarios most likely to trigger Article 42.7 or Article 222 are precisely those against which Total Defence resilience is most relevant.

VI. Conclusion to Paper I

Article 42.7 is not a weak foundation for European collective defence. On paper it is arguably stronger than NATO's Article 5. Its weakness is not legal but operational and political — the absence of the machinery, capacity, and credibility needed to transform obligation into deterrence. The window for building this machinery is open but closing.

The JFC command transfer of February 2026 is the most significant structural development in European defence command architecture in decades — the European pillar of NATO given operational form. The von der Leyen/Rutte Economist article and the Ankara Summit declaration confirm that the political direction is set. The bilateral agreements and the minilateral frameworks of JEF and NORDEFECO provide the operational building blocks.

Paper II addresses the institutional architecture: the communautaire assets, the maritime dimension, and the working models of JEF and NORDEFECO. Paper III addresses the capability layers — missiles, drones, Galileo, sanctions, and the neutral state contribution. Paper IV addresses the industrial and procurement foundation.

The tiger has always had claws. It is time to use them.

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Cross-references: Mind the Gap III, VI, and VIII (hybrid threat taxonomy, rapid Arctic procurement, closing window and American conditionality). All published at defenceviewpoints.co.uk, 2026.

About the Author

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Since 2026 Robin has been using Claude, Anthropic's AI model (version Sonnet 4.6 for this series). All such papers include a specific logo declaring the source of research, structure and document production. Curation, direction, analytical judgements, arguments and original insights, and some source materials, are the author's. The buck stops with him.

Editorial note: This series was substantially drafted before the NATO Ankara Summit of 7-8 July 2026 and associated recent developments in European defence architecture. A commentary paper addressing those developments — including the JFC command transfer, the Coalition of the Willing anti-ballistic missile coalition, the Defence Industry Forum announcements, and the evolution of EU sanctions enforcement — will follow shortly after publication of this 4 part series in Defence Viewpoints