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› Shadows of Unanimity: Rethinking Decision-Making in EU Foreign and Security Policy^{*}

- › The debate on unanimity in EU foreign policy is often framed in overly simplistic terms. There are in fact four forms of unanimity, each performing a different political and institutional function and therefore requiring a different policy response.
- › The effectiveness of EU foreign policy depends not only on voting rules but also on political will. In many cases, unanimity provides a convenient excuse for political divisions rather than constituting their underlying cause.
- › The current Treaties already provide more flexibility than is commonly assumed. Existing mechanisms could significantly improve EU decision-making without requiring Treaty change.

Since the inception of the European integration process, the EU's foreign and security policy has evolved unevenly, alternating between periods of stagnation and significant progress towards greater coordination between EU institutions and member states. This evolution has been shaped both by changes in the international landscape and by national governments' varying willingness to share competences in a policy area closely tied to national sovereignty.

A pivotal moment in this process was the Treaty of Lisbon (signed in 2007 and in force since 2009), which introduced significant innovations to strengthen the coherence of the Union's external action, streamline its institutional framework and improve its decision-making mechanisms. The creation of the post of High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission (HR/VP), alongside the establishment of the European External Action Service (EEAS), was meant to ensure greater continuity and international visibility for the EU. At the same time, the Treaty sought to reduce fragmentation across the various dimensions of European external action by fostering closer coordination among diplomatic, economic and security instruments.

Despite these advances, the EU's Common Foreign and Security Policy (CFSP) retains a strongly intergovernmental nature, with national executives playing a predominant role and tending to prioritise their respective strategic and foreign policy interests. The frequent reliance on unanimity in decision-making makes it difficult to formulate common positions when member states' interests diverge, often limiting the speed and effectiveness of EU action. Consequently,

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the Union's ability to act as a unified geopolitical actor remains contingent on the political will of national governments and their willingness to align around shared objectives.

Russia's aggression against Ukraine has further highlighted the limitations but also the potential of the EU's foreign and security policy, against the backdrop of renewed geopolitical assertiveness among the Union's strategic rivals and partners alike. The war has prompted member states to strengthen political coordination, rapidly adopt sanctions packages and increase economic, military and humanitarian support for Kyiv. At the same time, it has demonstrated the need to equip the EU with more effective tools to address large-scale international crises and ensure greater strategic autonomy in the field of security and defence.

Further efforts are needed to make the governance of the Union's foreign and security policy more effective. This requires a combination of streamlined decision-making procedures capable of overcoming the rigidities inherent in the unanimity requirement and more flexible operational mechanisms that allow groups of member states willing to cooperate more closely. At the same time, action in the defence sector is essential to strengthen Europe's operational capabilities, improve industrial and technological coordination and consolidate the EU's international credibility as a strategic and security actor.

Necessary, negotiable, inevitable and instrumental: Understanding unanimity in EU foreign policy

Within the CFSP framework, the European Council and the Council of the EU generally act unanimously. Unanimity serves the purpose of ensuring that all member states – including smaller ones – can fully exercise their prerogatives in foreign, security and defence policy. Moreover, the need to reach agreement among 27 member states can foster greater strategic convergence. On the other hand, unanimity is frequently cited as a primary cause of the CFSP's ineffectiveness, as it has often contributed to delayed or suboptimal European action.

An analysis of recent practice allows for a more precise assessment of the function and impact of unanimity in Council decision-making on the CFSP, as well as consideration of whether and how it might be overcome under the current Treaties. To this end, four distinct types of unanimity can be identified: necessary, negotiable, inevitable and instrumental.

The first category – *necessary* unanimity – encompasses decisions on the launch of EU crisis management actions, particularly those of a military nature (Article 42(4) TEU), as these entail the deployment of armed forces that remain under national control. Decisions concerning the Common Security and Defence Policy (CSDP), including the launch of a mission, are adopted unanimously by the Council on a proposal from the HR/VP or an initiative by a member state. Since 2003, the EU has launched more than forty missions and operations in various regions of the world. There are currently 22 CSDP missions and operations: thirteen civilian, eight military and one civil-

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military.¹ The same rules apply to the 5,000-strong Rapid Deployment Capacity envisaged in the Strategic Compass, adopted in 2022 just weeks after Russia's invasion of Ukraine.² However, the document encourages greater flexibility in decision-making through recourse to constructive abstention and the use of Article 44(1) TEU, under which "the Council may entrust the implementation of a task to a group of Member States which are willing and have the necessary capability", acting "in association" with the High Representative.

Sanctions are the most significant example of 'negotiable unanimity'. They are one of the tools available to the EU to pursue the objectives of the CFSP. The Council adopts decisions imposing sanctions unanimously, on a proposal from the HR/VP (Article 29 TEU). Once the political decision has been adopted, the HR/VP and the European Commission jointly submit a proposal for a regulation implementing the sanctions regime, which the Council then approves by qualified majority (Article 215 TFEU). Since the 2000s, the EU has made extensive use of this instrument against countries such as Iran, North Korea and Russia, pursuing objectives that include protecting human rights, preventing and managing conflicts, countering the proliferation of weapons of mass destruction and combating terrorism.

Since 2022, the EU has adopted twenty packages of sanctions against the Russian Federation. The decision-making process has rarely been straightforward, despite broad convergence among member states on supporting Ukraine in response to the Russian aggression. In particular, the EU had to contend with vetoes by former Hungarian Prime Minister Viktor Orbán's government, which used its power to block decisions both for domestic political purposes and to position itself internationally. Budapest's opposition was overcome through a series of compromises, particularly in the energy sector, given Hungary's continued dependence on Russian oil and gas. Concessions included allowing Hungary to continue receiving oil through the Druzhba pipeline, thereby exempting it from the full embargo on Russian crude; introducing longer transition periods for implementing the embargo on seaborne oil; providing European support for energy-infrastructure projects in Hungary, such as terminals for liquefied natural gas and refineries; and, in the most recent packages, temporary opt-out clauses allowing Hungary to defer the application of the most restrictive measures until alternative suppliers could be identified.

Other cases illustrate what may be termed 'inevitable unanimity'. A case in point is the decision of 24 February 2026 to grant Ukraine 90 billion euros in financial assistance for 2026, financed through EU loans backed by the margin of the EU budget.³ Because unanimity among the 27 member states could not be secured, the participating states initially proceeded through enhanced cooperation under Article 20 TEU. This, however, did not remove the unanimity constraint altogether. The aid package required amendments to the EU's

¹ European External Action Service (EEAS), *Missions and Operations*, updated 15 July 2026, https://www.eeas.europa.eu/node/410425_en.

² Council of the EU, *A Strategic Compass for Security and Defence*, 14 March 2022, https://www.eeas.europa.eu/node/410976_en.

³ European Parliament and Council of the EU, *Regulation (EU) 2026/467 of 24 February 2026 Implementing Enhanced Cooperation on the Establishment of the Ukraine Support Loan for 2026 and 2027*, <http://data.europa.eu/eli/reg/2026/467/oj>.



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Multiannual Financial Framework Regulation, a step that remained subject to unanimous approval in the Council. Hungary therefore retained the ability to block the package, invoking the damage to the Druzhba pipeline and Ukraine's refusal to support its repair as the motivation. Only after Péter Magyar's victory over Orbán in the Hungarian parliamentary elections of April 2026 did Budapest lift its opposition, allowing the Council to adopt the necessary amendments unanimously on 23 April 2026.⁴ The case shows that, although Treaty mechanisms may temporarily circumvent unanimity, the latter can re-emerge at a subsequent procedural stage as an unavoidable legal requirement.

Finally, in some cases, the failure to achieve unanimity is used instrumentally to justify an inability – or, more precisely, a lack of political will – to adopt decisions at the European level. A significant example of 'instrumental unanimity' is the proposed suspension of the EU-Israel Association Agreement in response to human rights violations in the Gaza Strip.⁵ Suspending the Agreement – a move advocated in particular by Spain, Ireland and Belgium – would have required unanimity. However, this objective was deemed unrealistic from the outset because of the declared opposition of member states including Germany, Italy, Hungary, Austria and the Czech Republic. Subsequently, at the urging of certain member states and sections of civil society, the Commission proposed in September 2025 a partial suspension limited to the Agreement's trade component – a measure that would have required a qualified majority.⁶ Yet even this proposal has not been approved, highlighting that a lack of political consensus among member states cannot be overcome simply by changing the decision-making procedure.

Beyond unanimity: Flexibility, differentiation and defence integration in the EU

In an international climate marked by a return to power politics and direct threats to European security – and with the EU no longer able to rely on the transatlantic defence umbrella – it can no longer afford to forgo a more agile and effective foreign and security policy. Given the absence of a favourable political context for Treaty revision, this goal can be pursued by combining streamlined decision-making procedures and more flexible operational mechanisms with targeted measures in the defence sector.

Introducing qualified majority voting (QMV) in those areas where the existing Treaties already allow it could bring significant benefits to EU foreign policy. It would enhance the Union's capacity to act, not only because blocking a decision would require more than one member state, but also because, over time, member states at risk of finding themselves in the minority would be

⁴ Council of the EU, *Council Finalises €90 Billion Support Loan to Ukraine*, 23 April 2026, <https://www.consilium.europa.eu/en/press/press-releases/2026/04/23/council-finalises-90-billion-support-loan-to-ukraine>.

⁵ European Union, *Euro-Mediterranean Agreement Establishing an Association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part*, Official Journal of the European Communities L 147, 21 June 2000, http://data.europa.eu/eli/agree_international/2000/384/oj.

⁶ European Commission, *Commission Proposes Suspension of Trade Concessions with Israel and Sanctions on Extremist Ministers of the Israeli Government and Violent Settlers*, 17 September 2025, https://ec.europa.eu/commission/presscorner/detail/en/ip_25_2112.



»» **Alternative mechanisms could enhance the Union's capacity to decide and act by applying forms of flexible cooperation and integration**

encouraged to intensify negotiations, build alliances and contribute to reaching agreement.

European institutions and national leaders have repeatedly put forward proposals in this direction. European Commission President Ursula von der Leyen included a shift to qualified majority voting in her first State of the Union address in 2020, explicitly referring to decisions on human rights and sanctions.⁷ The European Parliament has consistently and vocally supported extending qualified majority voting to foreign and security policy. In his 2024 report on European competitiveness, Mario Draghi highlighted the need for a unified EU foreign policy and effective decision-making mechanisms, advocating a shift from unanimity to qualified majority voting.⁸

Despite growing institutional and political support for greater decision-making flexibility within the CFSP, member states have yet to demonstrate the political will needed to activate the instruments already provided for in the Treaties. In particular, the 'passerelle' clause set out in Article 31(3) TEU could be used to allow the European Council, acting unanimously, to authorise the Council of the EU to adopt decisions by qualified majority in specific areas of the CFSP that do not have military or defence implications. However, attempts to move in this direction have produced no results. Other Treaty-based mechanisms, such as constructive abstention (Article 31(1) TEU) and enhanced cooperation (Article 20 TEU and Articles 326-334 TFEU), have rarely been used.

Nevertheless, alternative mechanisms could enhance the Union's capacity to decide and act by applying forms of flexible cooperation and integration in the field of foreign and security policy. It is necessary to consider which form of flexibility is most appropriate and what measures are required to ensure not only its effectiveness but also the sustainability of its governance and its democratic legitimacy.

Informal mechanisms of differentiation – namely, so-called 'coalitions of the willing' – have gained ground. This naturally raises questions about the compatibility of flexible integration with the preservation of the Union's political and legal unity. To mitigate these risks, it is crucial to establish mechanisms that ensure coherence among the various differentiated formats, as well as alignment with the EU's shared objectives and decisions. When intergovernmental differentiation initiatives are established outside the framework of the Treaties, their connection to the EU's institutional structure should therefore be guaranteed. One interesting example is the 2015 Joint Comprehensive Plan of Action (JCPOA) on Iran's nuclear programme, in which the High Representative was closely involved in the negotiations led by the 'E3' group (France, Germany and the United Kingdom) and the Council of the EU provided political and operational backing through the adoption of sanctions.

Finally, in a scenario of increased differentiation, democratic legitimacy and accountability must be preserved through specific parliamentary mechanisms – such as ad hoc committees and/or enhanced forms of interparliamentary

⁷ European Commission, *State of the Union Address by President von der Leyen at the European Parliament Plenary*, 16 September 2020, https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_20_1655.

⁸ Draghi, Mario, *The Future of European Competitiveness. Part A: A Competitiveness Strategy for Europe*, September 2024, https://commission.europa.eu/node/32880_en.



» Strengthening the EU foreign and security policy does not require a single, all-purpose solution to unanimity

cooperation – and genuine engagement with European citizens through consultation, information and dialogue.

In the defence sector, the Treaty established Permanent Structured Cooperation (PESCO) among member states that meet higher criteria for military capabilities and have made more binding commitments with a view to the most demanding missions (Article 42(6) TEU). Decisions on the establishment of PESCO, as well as the admission of a participating member state and the suspension of its participation, are taken by the Council by qualified majority – an exception to the unanimity principle. Unlike enhanced cooperation, which under the Lisbon Treaty requires the participation of at least nine member states, PESCO has no minimum threshold of participants.

Although PESCO was already provided for by the Lisbon Treaty, it was launched only in November 2017, as part of the implementation of the EU Global Strategy, but has largely failed to fulfil its mission.⁹ Broad participation has diluted political cooperation among participating countries, with the result that PESCO has been drastically deprioritised over the years. Moreover, projects carried out within the PESCO framework have rarely addressed critical capability gaps, instead being largely unambitious, underfunded and poorly coordinated.¹⁰

A political initiative by a core group of member states to rethink and relaunch PESCO could mark a turning point towards deeper integration in the defence sector. First and foremost, this would entail participating states developing shared capability projects – particularly major platforms and strategic enablers – which should, wherever possible, be procured and managed jointly. A renewed PESCO should also possess an operational capability. Its members would therefore need to share a force capable of independently conducting operations beyond the EU's borders; the size, tasks and governance of such a force would need to be clearly defined. In the future, initiatives currently undertaken outside the EU framework – such as the 'coalition of the willing' on Ukraine – could be integrated into a renewed PESCO, with the aim of linking them to EU institutions and aligning them with foreign policy objectives pursued at the European level. Appropriate mechanisms could also be devised to enable and facilitate the participation of third countries, such as the United Kingdom.

Strengthening the EU foreign and security policy does not require a single, all-purpose solution to unanimity. The different functions that unanimity performs call for a pragmatic combination of reforms and flexible arrangements, tailored to the political and institutional context. Greater use of the passerelle clause to introduce qualified majority voting would limit obstruction and foster compromise in some areas of the CFSP. Treaty-based mechanisms such as constructive abstention and enhanced cooperation could also enable willing and capable member states to act when full consensus cannot be reached. Differentiated, extra-treaty formats of foreign policy cooperation provide

⁹ EEAS, *Shared Vision, Common Action: A Stronger Europe. A Global Strategy for the European Union's Foreign and Security Policy*, June 2016, https://www.eeas.europa.eu/node/36116_en.

¹⁰ From 2018 to 2025, PESCO has generated a total of 83 collaborative projects spanning the five operational domains of land, maritime, air, space and cyber. Nine have now closed, with 74 still ongoing. See European Defence Agency, *EU Agrees 11 More PESCO Projects, Looks to Next Phase*, 27 May 2025, <https://www.pesco.europa.eu/?p=4776>; *Progress Report 2025: EU's Ambitions Take Shape through PESCO*, 1 October 2025, <https://www.pesco.europa.eu/?p=4828>.



additional flexibility, provided that they remain connected to EU institutions, aligned with common objectives and subject to appropriate democratic oversight. In the defence sector, a more ambitious PESCO would provide deeper capability development and operational cooperation. Member states committed to a stronger EU role in foreign and security policy should make more systematic use of these mechanisms, which can help shifting decision-making away from the logic of the veto towards one of negotiation, coalition-building and collective action. Their successful application would demonstrate the added value of a more flexible Union, strengthen confidence in deeper integration and, over time, help build the political momentum for more far-reaching Treaty reform.

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