

## The Council's decision-making powers in the field of the CFSP

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## The Council's decision-making powers in the field of the CFSP

The Council is the main forum for consultation and decision in the field of the common foreign and security policy (CFSP) established by the 1992 Treaty on European Union (Title V of the EU Treaty). This constitutes the second pillar of the European Union and is subject to the method of intergovernmental cooperation.

Pursuant to Article 16 of the EU Treaty, the Member States inform and consult one another within the Council on any matter of foreign and security policy of general interest in order to ensure that the Union's influence is exerted as effectively as possible by means of concerted and convergent action. The common foreign and security policy includes all questions relating to the security of the Union, including the progressive framing of a common defence policy, which might lead to a common defence, should the European Council so decide (Article 17 of the EU Treaty).

The Treaty of Amsterdam clarifies the respective powers and responsibilities of the European Council and the Council of the Union and reinforces the latter's decision-making capacity. Under Article 13 of the EU Treaty, the Council:

- takes the decisions necessary for defining and implementing the common foreign and security policy on the basis of the general guidelines defined by the European Council,
- recommends common strategies to the European Council and implements them, in particular by adopting joint actions and common positions,
- ensures the unity, consistency and effectiveness of action by the Union.

The Council is thus responsible in particular for determining joint actions and common positions.

**Joint actions** relate to specific situations where operational action by the Union is deemed to be required. They lay down their objectives, scope, the means to be made available to the Union, if necessary their duration, and the conditions for their implementation. Joint actions commit the Member States in the positions they adopt and in the conduct of their activity (Article 14 of the EU Treaty).

**Common positions** define the approach of the Union to a particular matter of a geographical or thematic nature. Member States must ensure that their national policies conform to the common positions (Article 15 of the EU Treaty).

Any Member State or the Commission may refer to the Council any question relating to the common foreign and security policy and may submit proposals to the Council (Article 22 of the EU Treaty). In practice, even if the proposal originates from a Member State or the Commission, it is the Presidency of the Council that takes it over and assumes responsibility for its precise formulation. Decisions relating to the CFSP are taken by the Council acting unanimously (Article 23 of the EU Treaty). By way of derogation from this rule, the Council acts by a qualified majority:

- when it adopts joint actions or common positions or takes any other decision on the basis of a common strategy,
- when it adopts any decision implementing a joint action or a common position.

The qualified majority rule does not apply when a member of the Council is opposed to the adoption of a decision on important national policy grounds, nor does it apply to decisions having military or defence implications.

In CFSP matters, the Council is assisted by a Political Committee, which became the Political and Security Committee (PSC) following the Treaty of Amsterdam reform. Since the entry into force of the Treaty of Nice, the PSC, with the Council's prior authorisation, may take decisions concerning the political control and strategic direction of a crisis-management operation (Article 25 of the EU Treaty).