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BLOG
— POST

The EU could and should put an end to unanimity when it comes to sanctions



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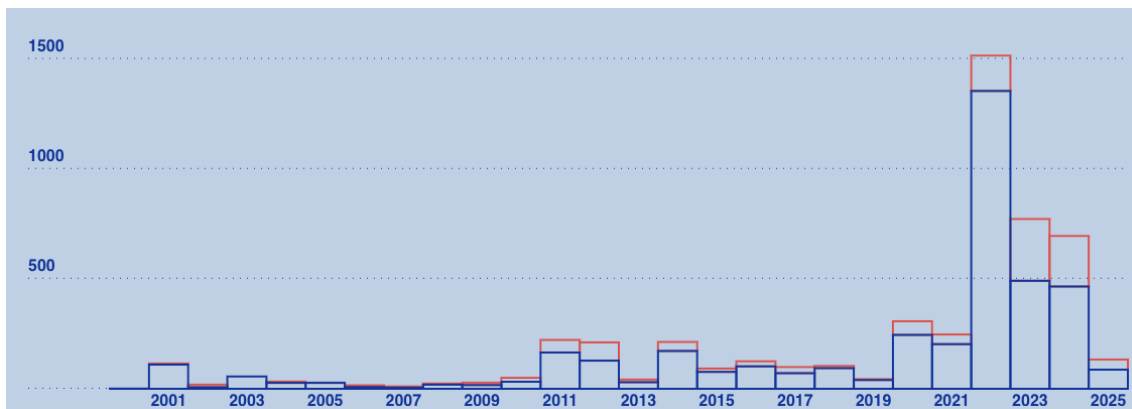
Sanctions are currently the EU's main foreign policy tool, but the way they are currently adopted, by unanimity, makes them very fragile. However, the Treaty provides for the possibility of adopting them by qualified majority.

The European Union has no army. To counter the existential threat posed by Vladimir Putin's imperialist Russia after Donald Trump's reversal of alliance, it is supporting the strengthening of its Member States' defence capabilities with the recently adopted ReArm Europe plan. But the main tool it has at this stage to oppose its enemies remains sanctions.

I • Sanctions, the Union's main external policy tool

The European Union can impose sanctions on sectors, individuals or organisations to prohibit their investment in Europe, block trade, refuse visas or seize their assets in the Union. There are currently [36 different European sanctions regimes](#) targeting 4,024 individuals and 1,167 entities of 81 different nationalities.

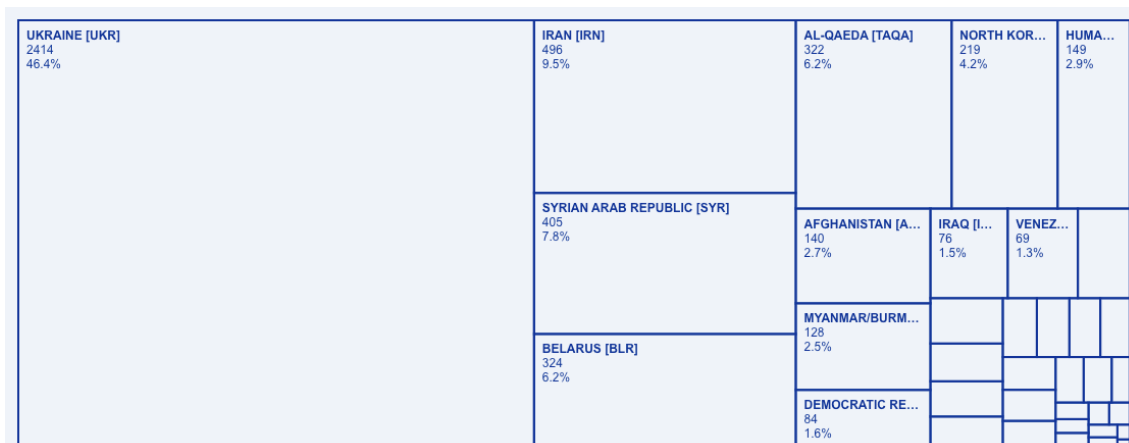
The chart shows the number of active listings of individuals (in blue) and entities (in red) by year.



▲ Source: European Union

Sanctions regimes sizes

This chart shows the volume and composition of different sanctions regimes based on the number of listings under each regime and entities, and the number of individuals under financial sanctions and travel bans.



▲ Source: European Union

But by far the most significant European sanctions are [those against Russia following the war of aggression against Ukraine](#). They currently target 1,876 individuals, including President Vladimir Putin and Foreign Minister Sergei Lavrov, and 538 entities, such as the FSB and the Russia Today media. These measures alone account for 46.5% of the total number of sanctions imposed by the European Union today.

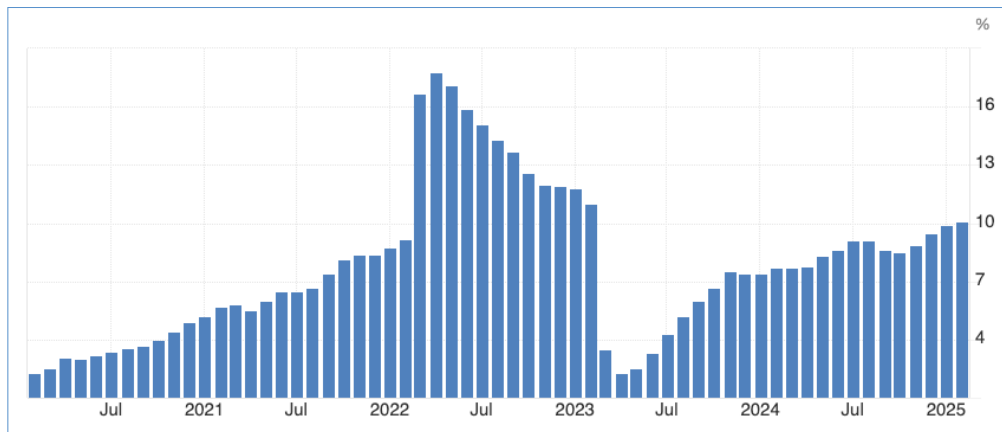
II • Sanctions have exhausted the Russian economy

The effectiveness of such measures has been debated for several years. However, you only have to watch the Kremlin-appointed television presenter [Vladimir Solovyov regularly belch live on air against the seizure of his Italian villas](#) and his inability to travel to Western Europe to measure the extent to which this affects Russian oligarchs and Vladimir Putin’s propagandists. More fundamentally, the ban on exports of sensitive

products has had a significant effect not only on Russia’s military industries, but also on its oil industry and air transport. Russia has had to make massive use of [munitions and equipment from North Korea](#) and Iran in order to continue the war.

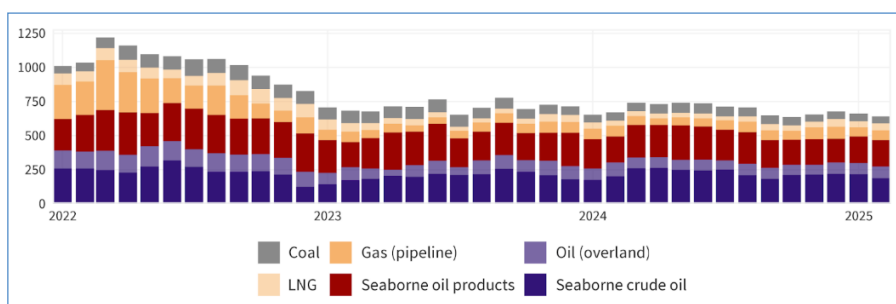
In 2024, Russia also had to [decommission 58 aircraft that had become too dangerous due](#) to a lack of spare parts. And foreign exchange earnings from Russian fossil fuel exports have been halved since the spring of 2022. Inflation has soared in Russia, officially exceeding 10% a year last February, and the rouble has lost 40% of its value since mid-2022, even though the election of Donald Trump has restored some colour to it in recent weeks. To defend the rouble and (unsuccessfully) combat inflation, the Russian central bank has had to raise interest rates to 21%, stifling all economic activity not directed towards the war. Finally, as a result of the sanctions, the Russian economy has become highly dependent on that of its large neighbour and Russia is increasingly becoming a Chinese colony.

Russia Inflation Rate



▲ Source : Federal State Statistics Service

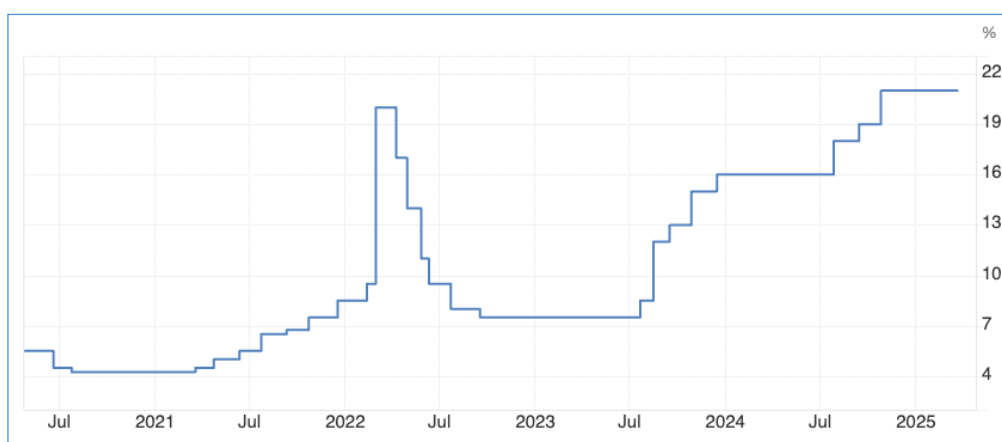
Russia’s fossil fuel export revenue (Million eur per day)



▲ Source : CREA analysis based on Kpler, Marine Traffic, ENTSOG and customs data



Russia Interest Rate



▲ Source : Central Bank of Russia

There are, of course, many attempts to circumvent these sanctions, via the countries of Central Asia in particular, which the European Union is combatting. But circumventing sanctions, even when it succeeds, is always accompanied by high additional costs, longer lead times and limited quantities of products.

Sanctions have certainly not prevented Vladimir Putin from continuing his war for the past three years, but in the long run they are gradually draining the Russian economy. This is one of the reasons why the U turn in US policy is particularly galling: contrary to what we often hear, time was not on Putin's side...

III • The possibility of a single state blocking sanctions makes the EU very vulnerable

However, European sanctions are not imposed for an indefinite period. They must be renewed regularly. Those concerning Russia's aggression against Ukraine must be renewed every six months. And since 2022, this renewal has systematically given rise to a showdown, with Viktor Orban's Hungary threatening not to accept it and thus to drop all the sanctions. Viktor Orban regularly uses this lever to extort exorbitant concessions from the EU and its 26 other Member States. This was the case again [mid March when the sanctions were renewed](#) against some 2,414 Russian individuals and entities tar-

geted by the EU. This was also the case a few weeks ago when [the sectoral sanctions against Russia were renewed](#).

Until now, Viktor Orbán has always ended up bending at the last moment, but in the context of the reversal of alliances initiated by Donald Trump, the danger of such a stalemate increases. And in any case, the fact that the only effective tool of the Union to counter its enemies is at the mercy of one or two Member States likely to betray it poses a major political problem in itself. It is high time to put an end to it, not only in the specific case of Orbán's Hungary, but more broadly for the future.

[Article 7 of the Treaty on European Union](#) does provide for the possibility of depriving a Member State of its voting rights in the Council *“in the event of a serious and persistent breach by [that] Member State of the values referred to in Article 2 [of the EU Treaty]”*. However, such a declaration must be made unanimously, and many Member States are reluctant to use this “nuclear weapon”.

However, this would not be the only way of getting around the blocking, not only of Hungary but also of a small minority of Member States if others were to join it. The Common Foreign and Security Policy is certainly one of the rare areas where the unanimity rule still applies under the Treaty on European Union. But [in Title 5 of this Treaty, which defines this policy, Article 31](#) states that *“by way of derogation from paragraph 1 [which provides for unanimity], the Council shall act by a qualified majority :*

- *When adopting a decision defining a Union action or position on the basis of a decision of the European Council on the Union's strategic interests and objectives, as referred to in Article 22(1) [which means in the area of foreign and security policy]*
- *When it adopts a decision defining a Union action or position on a proposal from the High Representative of the Union for External Affairs and Security Policy submitted in response to a specific request from the European Council on its own initiative or on the initiative of the High Representative.*
- *When it adopts any decision implementing a decision defining a Union action or position”*.

This is precisely what sanctions are all about. The European Council of Heads of State and Government decides unanimously to impose sanctions on Russia, to continue to do so or to extend the scope of the sanctions to new areas. The Council of the European Union, in its Foreign Affairs configuration, adopts the measures necessary for the practical implementation of this decision on a proposal from the High Representative of the Union.

IV • Sanctions could (and should) be adopted by qualified majority.

Logically, therefore, and in full compliance with the Treaty, there is no reason to consider that this type of decision should itself be taken unanimously within the Council of the European Union, agreeing to submit each time to blackmail by Viktor Orbán's Hungarian Minister of Foreign Affairs, as has been the case since 2022.

This possibility has long been discussed within the European institutions, but until now many Member States, including France, have always been categorically opposed to abandoning the unanimity rule when adopting implementation measures for sanctions.

They fear that in future they will lose their own veto power in matters of foreign and security policy, since the possibilities opened up by Article 31 for qualified majority are in practice very broad if they start to be used. They also fear that they will bog down the European Council by transferring to the leader the whole debate on the details of each sanctions.

In a context where the threats to the Union have become major and where the double-dealing of a few Member States could help its enemies to destroy the EU, it is nevertheless high time to give the Union a real capacity to act in the field of foreign and security policy by finally abandoning the unanimity rule for implementation measures on sanctions. If “normal” qualified majority voting seems too broad a formula, the 27 could possibly agree, without amending the Treaty, to only implement in practice in this particular area a vote by a stricter super-qualified majority, or even a unanimous vote minus two States, for example.

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