

AMENDMENT FORM

Suggestion for amendment of Article 39, Part I of the Constitution

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Article I-39: Specific provisions for implementing common foreign and security policy

1. The European Union shall conduct a common foreign and security policy, based on the development of mutual political solidarity among Member States, the identification of questions of general interest and the achievement of an ever-increasing degree of convergence of Member States' actions.
2. The European Council shall identify the Union's strategic interests and determine the objectives of its common foreign and security policy. The Council of Ministers shall frame this policy within the framework of the strategic guidelines established by the European Council and in accordance with the arrangements in Part Three of the Constitution.
3. The European Council and the Council of Ministers shall adopt the necessary decisions.
4. The common foreign and security policy shall be put into effect by the Union's Minister for Foreign Affairs and by the Member States, using national and Union resources.
5. Member States shall consult one another within the Council and the European Council on any foreign and security policy issue which is of general interest in order to determine a common approach. Before undertaking any action on the international scene or any commitment which could affect the Union's interests, each Member State shall consult the others within the Council or the European Council. Member States shall ensure, through the convergence of their actions, that the Union is able to assert its interests and values on the international scene. Member States shall show mutual solidarity.
6. The European Parliament shall be regularly consulted on the main aspects and basic choices of the common foreign and security policy, and shall be kept informed of how it evolves.

7. Decisions relating to the common foreign and security policy shall be adopted by the ~~European Council and the Council, of Ministers~~ **acting by qualified majority** ~~unanimously, excluding matters with military defence implications, except in the cases referred to in Part Three of the Constitution.~~ Discussion shall be based on a proposal from a Member State, from the Union's Minister for Foreign Affairs or from the Minister with the Commission's support. Laws and framework laws are excluded.
8. ~~The European Council may unanimously decide that the Council should act by qualified majority in cases other than those referred to in Part Three of the Constitution.~~
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Explanation (if any):

In WG VII there was a large consensus on introducing QMV as a general rule for decision-making in the Council. This is an essential requirement to avoid CFSP inertia and encourage a pro-active CFSP. The existence of constructive abstention allows participation in the implementation based on national political interests whereas the 'emergency brake' will sufficiently guarantee the protection of vital national interests.

Paragraph 8 is not necessary if qualified majority is the general rule of decision-making.