

AMENDMENT FORM

Suggestion for amendment of Article : 30

Suggestion for protocol :

By Mr : Dick Roche

Status : - Member

1. The common security and defence policy ~~which~~ is an integral part of the common foreign and security policy. **It** shall provide the Union with an operational capability which makes use of military and civilian means. The Union may deploy them on tasks outside the Union **as specified in Article 17 in Part Two, Title B of the Constitution** to preserve peace and strengthen international security in accordance with the principles of the United Nations Charter.
2. The common security and defence policy shall include the progressive framing of a common defence policy for the Union. This ~~will~~ **might** lead to a common defence, ~~when~~ **should** the European Council, acting unanimously, so decides. It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements.

The policy of the Union in accordance with this Article shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation (NATO), under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework.

3. Member States shall make military and civilian capabilities available to the common security and defence policy, to contribute to the objectives defined by the Council. Member States ~~shall~~ undertake progressively to improve ~~their military~~ **such** capabilities.

A European ~~Armaments~~ **Military Capabilities and Strategic Research** Agency shall be established to identify operational requirements, to put forward measures to satisfy those requirements, to contribute to identifying and, where appropriate, implementing any

measure needed to strengthen the industrial and technological base of the defence sector, and to assist the Council in evaluating the improvement of ~~its~~ **the** military capabilities **available to the common security and defence policy**.

Those Member States which establish multinational forces together may also make those forces available to the common security and defence policy.

4. Decisions on the implementation of the common security and defence policy, including those initiating a task as referred to in this Article, shall be adopted by the Council acting unanimously on a proposal from the Union's Minister for Foreign Affairs or from a Member State. The Minister for Foreign Affairs may propose the use of both national resources and Union instruments, together with the Commission where appropriate.
5. The Council may entrust the execution of a task, within the Union framework, to a group of Member States. The execution of such a task shall be governed by Article 18 in Part Two, Title B, of the Constitution.
6. [Those Member States which fulfil higher criteria for military capabilities and which have made more binding commitments to one another in this area with a view to more demanding tasks shall establish structured cooperation within the Union framework. Such cooperation shall be governed by the provisions of Article 20 of Part Two, Title B, of the Constitution.]
7. [Until such time as the European Council has acted in accordance with paragraph 2 of this Article, closer cooperation shall be established, in the Union framework, as regards mutual defence. Under this cooperation, if one of the Member States participating in such cooperation is the victim of armed aggression on its territory, the other participating States shall give it aid and assistance by all the means in their power, military and other, in accordance with Article 51 of the United Nations Charter. The detailed arrangements for participation in this cooperation and its operation, and the relevant decision-making procedures, are set out in Article 21 of Part Two, Title B, of the Constitution.]
8. The European Parliament shall be consulted on the main aspects and basic choices of the common security and defence policy, and shall be kept informed of how it develops.

Explanation (if any) :

The amendment at subsection 1 makes clear the ‘tasks’ referred to are those outlined at article 17 of Part II. The amendment at subsection 2 reinstates language from the current Article 17 TEU regarding the possibility of a common defence. The amendment at subsection 3 proposes the title of European Military Capabilities Agency.

Subsection 6 : Much is already possible in this area under existing Treaty provisions concerning constructive abstention. The Praesidium’s commentary on this article states that operations undertaken by a group of Member States under structured cooperation provisions “would not be Union operations”. In these circumstances, such a provision in the Treaty is not appropriate.

Subsection 7: Provision for a possible EU common defence is already contained in current Treaty provisions and that this is for decision both by the European Council acting unanimously and by Member States in accordance with their respective constitutional requirements (Art 17 TEU). Inclusion of a further such provision in the Treaty is not appropriate.