

AMENDMENT FORM

Suggestion for amendment of Article : 30 (Part 1)

Suggestion for protocol :

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Status : - Alternate

Article 30: Common security and defence policy

1. The common security and defence policy, which is an integral part of the common foreign and security policy, 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 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 **might** ~~will~~ lead to a common defence, **should** ~~when~~ the European Council, acting unanimously, so decides.¹ 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 **develop** ~~improve~~² their military **and civilian**¹ capabilities.²

¹ Corresponds better to the present Article 17.1, which was a compromise negotiated in Nice and would be very difficult to re-open.

² “Improve” should be replaced by the more flexible word “develop”.

The development of military capabilities will be supported by cooperation between the Member States in the field of armaments.³ ~~A European Armaments 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 military capabilities~~

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~~ **Commission** 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.~~⁴

¹ As stated in the first sentence, civilian capabilities should also be included

² Second sentence should be moved/attached to first sentence, as proposed

³ I support the establishment of a European Armaments and Strategic Research Agency, but it should be mentioned in Part II in the Constitution. No other EU agencies are mentioned in Part I.

⁴ It is an important task to create better means to provide the EU with efficient means to carry out all types of crisis management operations, but the means proposed in this article is not conducive to such aims. It raises a number of political problems.

All Member States should participate in this process. Allowing for *flexible integration* in the ESDP area, including the creation of “restricted Councils” and other restricted EU bodies, may create divisions within this field. It is also a very doubtful solution to make arrangements for a group of Member States to carry out operations using the Unions' structures without a decision taken by the Member States.

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.~~¹
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.

Flexible integration may easily hamper the development of the Union's crisis management capacity, rather than encourage such a development. *Flexible implementation* of ESDP activities can be handled within today's existing provisions, and is furthermore being addressed in the proposed new article 30(5). The established working methods for capability development which have proven to be efficient, such as those developed for instance within the ECAP process, can serve as a point of departure for deepened and intensified cooperation.

¹ Allowing for flexible integration in this area may create divisions between the Member States, and thereby undermine the Union's political will to unite in the work of promoting international peace and security. The strength of ESDP lies in its capacity to gather all the Member States in common conduct, and the proposal in this article only risks to weaken the ESDP. Both Nato and the WEU already exist for those states that wish to commit themselves to mutual defence guarantees.