

## AMENDMENT FORM

### Suggestion for amendment of Article I-40

**By Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives and Mr Sören Lekberg, national parliament representative.**

**Status :**        - **Members: Hjelm-Wallén and Lekberg**  
                     - **Alternates: Petersson**

---

#### Article I-40: Specific provisions for implementing the common security and defence policy

1. The common security and defence policy shall be an integral part of the common foreign and security policy. It shall provide the Union with an operational capability drawing on assets civil and military. The Union may use them on missions outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter. The performance of these tasks shall be undertaken using capabilities provided by the Member States.
2. The common security and defence policy shall include the progressive framing of a common Union defence policy. This **might** ~~will~~ lead to a common defence, **should** ~~when~~ the European Council, acting unanimously, so decides.<sup>1</sup> 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 civilian and military capabilities available to the Union for the implementation of the common security and defence policy, to contribute to the objectives defined by the Council. Those Member States which together establish multinational forces may also make those forces available to the common security and defence policy.

Member States shall undertake progressively to **develop** ~~improve~~<sup>2</sup> their military **and civilian**<sup>3</sup> capabilities.

---

<sup>1</sup> Corresponds better to the present Article 17.1 of the TEU, which is a carefully negotiated compromise not to be re-opened.

<sup>2</sup> "Improve" should be replaced by the more flexible word "develop".

<sup>3</sup> As stated in the first sentence, civilian capabilities should also be included.

**The development of military capabilities will be supported by cooperation between the Member States in the field of armaments.<sup>4</sup>** ~~A European Armaments, Research and Military Capabilities 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, to participate in defining a European capabilities and armaments policy, and to assist the Council in evaluating the improvement of military capabilities.~~

4. European decisions on the implementation of the common security and defence policy, including those initiating a mission 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 in order to maintain the Union's values and serve its interests. The execution of such a task shall be governed by Article [III-206 (ex Article 18)] of the Constitution.
6. ~~Those Member States whose military capabilities meet higher criteria and which have made more binding commitments to one another in this area with a view to more demanding missions shall establish structured cooperation within the Union framework. Such cooperation shall be governed by the provisions of Article [III-208 (ex Article 20)] of the Constitution.~~<sup>5</sup>
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~~

---

<sup>4</sup> I support the establishment of a European Armaments Agency, but it should be mentioned in Part II in the Constitution. No other EU agencies are mentioned in Part I.

<sup>5</sup> 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.

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.

~~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 or other, in accordance with Article 51 of the United Nations Charter. In the execution of closer cooperation on mutual defence, the participating Member States shall work in close cooperation with the North Atlantic Treaty Organisation. The detailed arrangements for participation in this cooperation and its operation, and the relevant decision-making procedures, are set out in Article [III 209 (ex Article 21)] of the Constitution.~~<sup>6</sup>

8. The European Parliament shall be regularly consulted on the main aspects and basic choices of the common security and defence policy, and shall be kept informed of how it evolves.

---

<sup>6</sup> 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.