

AMENDMENT FORM

Suggestion for amendment of Article : I-40

By Ms: Danuta Hübner

Status : - Member

<u>Article I-40: Specific provisions for implementing the common security and defence policy</u>	<u>Article I-40: Specific provisions for implementing the common security and defence policy</u>
<p>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.</p> <p>2. The common security and defence policy shall include the progressive framing of a common Union defence policy. This will lead to a common defence, when 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.</p> <p>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.</p>	<p>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.</p> <p>2. The common security and defence policy shall include the progressive framing of a common Union defence policy. This will lead to a common defence, when 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.</p> <p>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.</p>

<p>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.</p> <p>Member States shall undertake progressively to improve their military capabilities. 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.</p> <p>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.</p> <p>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.</p> <p>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</p>	<p>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.</p> <p>Member States shall undertake progressively to improve their military capabilities. 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.</p> <p>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 <u>Representative Affairs</u> or from a Member State. The Minister for Foreign <u>Representative Affairs</u> may propose the use of both national resources and Union instruments, together with the Commission where appropriate.</p> <p>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.</p> <p>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</p>
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<p>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.</p> <p>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 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.</p> <p>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.</p>	<p>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. <u>Enhanced cooperation of countries which wish to develop their civilian and military capabilities that can be used in the EU crisis management may be established with the consent of other member States and in accordance with the general provisions of the article I-43 of the treaty. This cooperation should remain open for other non participating Member States and the Council should be regularly informed on its development.</u></p> <p>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 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. <u>Notwithstanding the provisions of para.2 of this article the Brussels Treaty shall be used by those Member States willing to embark on a common defence as the vehicle for the realisation of the mutual commitments. For this purpose it will be open for the accession of all Member States upon the terms described in the Part III.</u></p> <p>8. The European Parliament shall be regularly consulted on the main aspects and basic choices of the common security and</p>
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Explanation (if any) : Giving the present state of the development of the ESDP it will be premature to prescribe the ultimate goal in its development as being a common defence. The proposed establishment of the structured cooperation is not sufficiently well described and it seems premature at this stage of the development of the CFSP.
The clause of the mutual defence enshrined in the Constitutional Treaty should be based on the reliable commitments and mechanisms of an implementation. It should also take account of all the implications such a clause could have for the transatlantic relations as well as the commitments stemming from the NATO membership of several EU countries. The Brussels Treaty offers ready-to-use tool which can be easily adapted to the current membership pattern until the Council decides in the spirit of para.2.