

AMENDMENT FORM

Title VI: The Democratic life of the Union

Suggestion for amendment of Article I-43: Enhanced cooperation

By Members: Mr Andrew Duff, Mr Paul Helminger, Lord MacLennan

Article I-43: Enhanced cooperation

1. Member States which wish to establish enhanced cooperation between themselves within the framework of the Union's non-exclusive competences may make use of its institutions and exercise those competences by applying the relevant provisions of the Constitution, subject to the limits and in accordance with the procedures laid down in this article and in Articles [III-318 to III-325 (ex Articles I to P)] of the Constitution.

Enhanced cooperation shall aim to further the objectives of the Union, protect its interests and reinforce its integration process. Such cooperation shall be open to all Member States when it is being established and at any time, in accordance with Article [III-321 (ex Article L)] of the Constitution.

2. Authorisation to proceed with enhanced cooperation shall be granted by the Council as a last resort, when it has been established within the Council that the objectives of such cooperation cannot be attained within a reasonable period by the Union as a whole, and provided that it brings together at least one third of the Member States. The Council shall act in accordance with the procedure laid down in Article [III-322 (ex Article M)] of the Constitution, *after having obtained the consent of the European Parliament.*
3. Only representatives of the Member States participating in enhanced cooperation shall take part in the adoption of acts adopted within the Council. All Member States may, however, take part in the deliberations of the Council.

Unanimity shall be constituted by the participating States only. A qualified majority shall be defined as a majority of the votes of the participating Member States, representing at least three fifths of the population of those States.

Acts adopted in the framework of enhanced cooperation shall bind only participating Member States. They shall not be regarded as an *acquis* which has to be accepted by candidates for accession to the Union.

Explanation:

The European Parliament has got to be included in the decision to trigger the mechanism of enhanced cooperation.