

## AMENDMENT FORM

### Suggestion for amendment of Article 32b (2) (Enhanced Cooperation)

By Mr Michael Frendo:

Status : - Member

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#### Article 32b (Enhanced Cooperation)

2. ~~Authorisation to proceed with~~ Enhanced cooperation ~~may be undertaken only as a 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 applying the other relevant provisions of the Constitution~~, and provided it brings together at least one third of the Member States. The Council shall act in accordance with the procedure laid down in Article M of the Constitution.

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**Explanation (if any) :** Enhanced cooperation as a measure of last resort should be a principle of Union law subject to judicial interpretation. The article as proposed by the Praesidium removes this important check, and instead renders the issue of "last resort" as something which is established by the mere fact that Council so decides. This could lead to enhanced cooperation becoming a method of governance rather than an exceptional measure of last resort, in extremis, when all else fails. Enhanced cooperation, although particularly important in an enlarged Union, should remain a safety valve not a method of governance, in the interests of a Union which moves forward compactly.