

AMENDMENT FORM

Suggestion for amendment of Article : 32b Title V - Enhanced Cooperation

By Ms / Mr : **Dick Roche** : Representative of the Government of Ireland

Status : - Member

Article 32b (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 I to P of the Constitution.

Enhanced cooperation is aimed at furthering the objectives of the Union, at protecting its interests and at reinforcing its process of integration. Such cooperation shall be open to all Member States when it is being established and at any time, in accordance with 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 M of the Constitution.

3. Only representatives of the Member States participating in enhanced cooperation shall take part in the adoption of acts adopted within the Council. All the 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.~~ **the same proportion of the weighted votes and the**

same proportion of the number of the Council members concerned as laid down in [Article X of this Constitution].

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

Explanation (if any) : Arrangements for QMV, regarding the voting weights of Member States and the necessary thresholds of support, were, with considerable difficulty, agreed at Nice as part of a package which includes also arrangements for the Commission and for the European Parliament. These weighted arrangements strike an appropriate balance between demographic considerations and the interests of Member States. They have yet to be tested and should continue to apply.

While no amendment is suggested in relation to the proposed threshold of one-third, consideration might be given to ensuring that the application of this threshold does not have the unintended effect of leading to competition between groups of Member States.