

AMENDMENT FORM

Part III - Title V Chapter II: Common Foreign and Security Policy

Suggestion for amendment of Article : III-196

By Members: Mr Giuliano Amato, Mr Elmar Brok and Mr Andrew Duff

Article III-196 (ex Article 9)

1. European decisions under this Chapter shall be taken by the Council of Ministers acting unanimously. Abstentions by members present in person or represented shall not prevent the adoption of such decisions.

When abstaining in a vote, any member of the Council of Ministers may qualify its abstention by making a formal declaration under the present subparagraph. In that case, it shall not be obliged to apply the European decision, but shall accept that the latter commits the Union. In a spirit of mutual solidarity, the Member State concerned shall refrain from any action likely to conflict with or impede Union action based on that decision and the other Member States shall respect its position. If the members of the Council of Ministers qualifying their abstention in this way represent at least one third of the Member States representing at least one third of the population of the Union, the decision shall not be adopted.

2. By derogation from paragraph 1, the Council of Ministers shall act by qualified majority:

- (a) when adopting European decisions on Union actions and positions on the basis of a European decision of the European Council relating to the Union's strategic interests and objectives, as defined in [Article III-189(1)] of this Title;
- (b) when adopting a decision on a Union action or position, on a proposal which the Minister puts forward to it following a ~~specific~~ request to him from the European Council made at its own initiative or that of the Minister;
- (c) when adopting any European decision implementing a Union action or position;
- (d) when adopting a European decision concerning the appointment of a special representative in accordance with [Article III-198 (ex 11)] of this Chapter.
- (e) ***when adopting a decision on the initiative of the Minister for Foreign Affairs with the support of the Commission.***

If a member of the Council of Ministers declares that, for vital and stated reasons of national policy, it intends to oppose the adoption of a European decision to be taken by qualified majority, a vote shall not be taken. The Council of Ministers may, acting by a qualified majority, request that the matter be referred to the European Council for decision by ***qualified majority***.

3. The European Council may decide unanimously that the Council of Ministers shall act by a qualified majority in cases other than those referred to in paragraph 2.

4. Paragraphs 2 and 3 shall not apply to decisions having military or defence implications.

Explanation:

In 2(b) we delete the reference to a 'specific' request on the grounds that this is an unnecessary constraint on the discretion of the Foreign Minister.

We add an additional and essential trigger to QMV - that is, the initiative of the Minister with the support of the Commission. This proposal has had the support of a majority of Members of the Convention and of the Working Group.