

AMENDMENT FORM

Suggestion for amendment of Article : III - 196

Suggestion for protocol :

By Mr : Dick Roche

Status : - Member

1. Decisions under this Chapter shall be taken by the Council 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 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 decision 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 qualifying their abstention in this way represent [at least one third of the Member States representing at least one third of the population] the decision shall not be adopted.

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

- when adopting any European decision implementing a **decision on** Union action or position;
- when adopting a European decision concerning the appointment of a special representative in accordance with Article III - 198.

If a member of the Council declares that, for ~~vital~~ **important** and stated reasons of national policy, it intends to oppose the adoption of a decision to be taken by qualified majority, a vote shall not be taken. The Council may, acting by a qualified majority, request that the matter be referred to the European Council for decision by unanimity. **A Member State may not prevent the Council from taking such a vote..**

3. The European Council may decide unanimously that the Council shall act by a qualified majority in cases other than those referred to in paragraph 2 above.
- 4 Paragraph 2 and 3 shall not apply to matters having military or defence implications.

Explanation (if any) :

The provisions for constructive abstention should accurately reflect the arrangements for qualified majority set out in Article I – 24 and the related Protocol.

A Member State should not invoke the ‘emergency brake’ procedure set out at subsection 2 to prevent the Council taking a vote to refer an issue to the European Council where a Member State has already raised a concern under the provisions of the same subsection.