

AMENDMENT FORM

Suggestion for amendment of Article : 196 (ex Article 9), part III of the Constitution

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Status : **Tiilikainen, Kiljunen, Vilén - Members**
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Article III-196 (ex Article 9)

1. European decisions under this Chapter shall be taken ~~by~~ the Council acting ~~unanimously~~ **by a qualified majority**. 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 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 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 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.~~

If a member of the Council 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 may, acting by a qualified majority, request that the matter be referred to the European Council for decision by unanimity.

[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.]

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

tions.

Explanation (if any) :

In the Convention there has been a large consensus on introducing QMV as a general rule for decision-making in the Council. This is an essential requirement to avoid CFSP inertia and encourage a pro-active CFSP. The existence of constructive abstention allows participation in implementation based on national political interests whereas the 'emergency brake' would sufficiently guarantee the protection of vital national interests.

Paragraph 3 is not necessary when qualified majority is the general rule of decision-making.