

## AMENDMENT FORM

### Title B - Part II

#### Suggestion for amendment of Article : 9

**By Members:** Mr Andrew Duff, Mr Lamberto Dini, Mr Paul Helminger, Mr Dimitrij Rupel, Mr Peeter Kreitzberg, Mr Algirdas Gričius, Mr Puiu Hasotti, Mr Jelko Kacin, Mr Zekeriya Akçam and Mr Eugenijus Maldeikis; **and Alternate Members:** Mr Willem Van Eekelen, Lord MacLennan of Rogart, Mr Nesrin Uzun, Mr Marios Matsakis, Mrs Androula Vassiliou, Mr Istvan Szent-Ivanyi, Mr Péter Eckstein-Kovacs, Mr Ibrahim Ozal and Mr Gintautas Sivickas.

**Status :**        **Members and alternate members.**

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#### *Article 9*

1. Decisions under this Chapter shall be taken by the Council acting unanimously.  
Abstentions by *Member States* 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 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. *[delete]*

2. By derogation from paragraph 1, the Council shall act by qualified majority:
  - when adopting decisions on Union actions and positions on the basis of a European Council decision relating to the Union's strategic interests and objectives, as defined in Article 2(1) of this Title;

- when acting on the basis of a joint proposal by the [*Minister of Foreign Affairs/Secretary of the Union*] and the Commission, as defined in Article 2(2);
- when adopting any decision implementing a decision on Union action or position;
- when appointing a special representative in accordance with Article 11 of this Chapter.

If a member of the Council declares that, for 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  
*[delete]*

This paragraph shall not apply to decisions having military or defence implications.

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.

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**Explanation:**

*In paragraph one, we have removed the possibility of Member States voting by proxy.*

*We have removed at the end of paragraph 1 sub- paragraph 2, the mention of a threshold of 'constructive abstentions'. As the decision to proceed is taken by unanimity, it seems pointless to create further obstacles, even if many member states abstain, but do not want to block an action - precisely the point of constructive abstention.*

*In paragraph 2, we prefer the title Secretary of the Union as being less confusing with the traditional nomenclature of national ministers of foreign affairs.*

*At the end of paragraph 2, we remove the requirement of unanimity in the European Council. It is for the European Council to decide on how to resolve the problem.*