

AMENDMENT FORM

Suggestion for amendment of Article : 9 of Part II, Title B

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 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 more than one third of the votes weighted in accordance with Article X of the Constitution, the decision shall not be adopted.

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 **Union** Minister for Foreign Affairs 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 for decision by unanimity. **A Member State may not prevent the Council from taking such a vote.**

~~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.

4 Paragraph 2 and 3 of this Article shall not apply to matters having military or defence implications.

Explanation (if any) : Amendments to this article clarify that a Member State may 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. It should also be made clear that the provisions of both subsections 2 and 3 shall not apply to matters having military or defence implications. It will be necessary to review the provisions of this article with regard to decision-making in light of the relevant institutional articles in Part I and Part II.