

## AMENDMENT FORM

### Title B - Part II

#### Suggestion for amendment of Article 9

By Mr. Adrian Severin

Status : Alternate Member

---

The paragraph 1 should be modified as follows:

1. Decisions under this Chapter shall be taken by the Council acting **by enhanced qualified majority, except the decisions implying a military action when unanimity shall be used.** Abstentions by members present in person or represented shall not prevent the adoption of such decisions.

**In those cases when the Council should decide by unanimity**, 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.

---

#### Explanation:

*1. Replacing unanimity by enhanced qualified majority will imply adding a new paragraph to the Article 17 b as follows: **When The European Council or the Council take decisions by enhanced qualified majority, such a majority shall consist of four [three] fifths of Member States, representing at least four [three] fifths of the population of the Union.***

*2. Constructive abstention does make sense only in the case of unanimity*