

AMENDMENT FORM

Suggestion for amendment of Article : Article 9

Suggestion for protocol :

By: Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Matti Vanhanen, Riitta Korhonen

Status : Tiilikainen, Kiljunen, Vanhanen - Members
Peltomäki, Korhonen - Alternates

Article 9

1. Decisions under this Chapter shall be taken ~~by in~~ 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 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 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.

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.~~

Explanation (if any) :

Explanation 9(1 and 2): In WG VII there was 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.

Explanation 9(3): The paragraph is not necessary when qualified majority is the general rule of decision-making.