

AMENDMENT FORM

Suggestion for amendment of Article 10

By : TIMOTHY KIRKHOPE MEP

Status : MEMBER

PRAESIDIUM	TIMOTHY KIRKHOPE MEP
Article 10 1. When the Union has defined a common approach within the meaning of Article 29(5), there shall be close coordination between the activities of the Union's Minister for Foreign Affairs and the Ministers for Foreign Affairs of the Member States. 2. The diplomatic missions of the Member States and the delegations of the Union shall cooperate in third countries and in international organisations, and shall contribute to formulating and implementing a common approach.	<i>DELETE</i>

AMENDMENT FORM

Suggestion for amendment of Article : 14 of Part II, Title B

Suggestion for protocol :

By Mr : Dick Roche

Status : - Member

1. Member States shall coordinate their action in international organisations and at international conferences. They shall uphold the Union's positions in such fora. The Union's Minister for Foreign Affairs shall organise this coordination.

In international organisations and at international conferences where not all the Member States participate, those which do take part shall uphold the Union's positions.

2. Without prejudice to paragraph 1 and Article 6(3) of this Title, Member States represented in international organisations or international conferences where not all the Member States participate shall keep the latter informed of any matter of common interest.

Member States which are also members of the United Nations Security Council will concert and keep the other Member States fully informed. Member States which are members of the Security Council will, in the execution of their functions, defend the positions and the interests of the Union, without prejudice to their responsibilities under the provisions of the United Nations Charter.

When the Union has defined a position on a subject which is on the United Nations Security Council agenda, those Member States which sit on the Security Council shall request that the **Union** Minister for Foreign Affairs be asked to present the Union's position.

3. **In situations where it is not possible or practical for the Union's Minister for Foreign Affairs to deliver the Union's position in an international organisation or body or at an international conference, the Union's position shall be presented by a Member State which is a member of that international organisation or body, or represented at that international conference, according to a system of rotation drawn up for this purpose by**

the Member States which are member of that international organisation or body, or represented at that international conference.

Explanation (if any) : It will not be possible or practical for the Union Minister for Foreign Affairs to present the Union position in all international organisations, bodies or conferences. An alternative arrangement is proposed to take account of such circumstances.

AMENDMENT FORM

Suggestion for amendment of Article : 15 of Part II, Title B

Suggestion for protocol :

By Mr : Dick Roche

Status : - Member

The diplomatic and consular missions of the Member States and the Union delegations in third countries and international conferences, and their representations to international organisations, shall cooperate in ensuring that the decisions relating to Union positions and actions adopted by the Council are complied with and implemented. They shall ~~step up cooperation~~ **cooperate** by exchanging information and carrying out joint assessments.

They shall contribute to the implementation of the provisions referred to in Article 7(2) of Part One of the Constitution on the protection of European citizens in the territory of a third country. Member States shall establish the necessary rules among themselves and start the international negotiations required to secure this protection.

Explanation (if any) : The reference to Member States ‘shall step up cooperation’ should be updated to read ‘shall cooperate’.

AMENDMENT FORM

Suggestion for amendment of Article : 16 of Part II, Title B

Suggestion for protocol :

By Mr : Dick Roche

Status : - Member

Without prejudice to Article XX of the Constitution [on the organisation of the Council/Permanent Representatives Committee], a Political and Security Committee shall monitor the international situation in the areas covered by the common foreign and security policy and contribute to the definition of policies by delivering opinions to the Council at the request of the Council or on its own initiative. It shall also monitor the implementation of agreed policies, without prejudice to the responsibility of the Minister for Foreign Affairs.

Within the scope of this title, this Committee shall exercise, under the responsibility of the Council, and in close contact with the Minister for Foreign Affairs, political control and strategic direction of crisis management operations, as defined in Article 17 of this Title.

The Council may authorise the Committee, for the purpose and for the duration of a crisis management operation, as determined by the Council, to take the relevant decisions concerning the political control and strategic direction of the operation.

Explanation (if any) : It may be necessary to revisit the role of the PSC in light of the relevant articles in Part II on institutional questions, which have yet to be published.

AMENDMENT FORM

Suggestion for amendment of Article : 4, Part II, Title B

Suggestion for protocol :

By Mr : Dick Roche

Status : - Member

The European Council shall define the principles of and general guidelines for the common foreign and security policy, including for matters with defence implications.

~~If international developments so require, the President of the European Council shall convene an extraordinary meeting of the European Council in order to define the strategic lines of the Union's policy in the face of such developments.~~

The Council shall take the decisions necessary for defining and implementing the common foreign and security policy on the basis of the strategic lines defined by the European Council.

Explanation (if any) : Article 16.3 of Part I (Institutions section) provides for additional meetings of the European Council.

AMENDMENT FORM

Suggestion for amendment of Article : 5, Part II, Title B

Suggestion for protocol :

By Mr : Dick Roche

Status : - Member

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1. The **Union** Minister for Foreign Affairs, ~~who shall chair the Foreign Affairs Council~~, shall contribute through his proposals towards the preparation of the common foreign and security policy and shall be responsible for implementing the decisions taken by the European Council and the Council.
 2. For matters relating to the common foreign and security policy, the Union shall be represented by the **Union** Minister for Foreign Affairs, who shall conduct the political dialogue on the Union's behalf and shall, **where possible**, express the Union's position in international organisations and at international conferences.

Explanation (if any) : A consensus does not exist that the proposed Union Minister for Foreign Affairs should chair the Foreign Affairs Council.

AMENDMENT FORM

Suggestion for amendment of Article : 8, Part II, Title B

Suggestion for protocol :

By Mr : Dick Roche

Status : - Member

1. Any Member State or the **Union** Minister for Foreign Affairs, acting alone or together with the Commission, may refer to the Council any question relating to the common foreign and security policy and may submit proposals to the Council.
2. In cases requiring a rapid decision, ~~the Minister for Foreign Affairs, of the Minister's own motion, or at the request of a Member State, shall convene~~ an extraordinary Council meeting **shall be convened, at the request of the Union Minister for Foreign Affairs or a Member State**, within forty-eight hours or, in an emergency, within a shorter period.

Explanation (if any) : This amendment is consistent with that proposed to article 5 of Part II, Title B, regarding the chairing of the Foreign Affairs Council.

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.

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

AMENDMENT FORM

Suggestion for amendment of Article : Part II, Title B, Article 3

Suggestion for protocol :

By Ms / Mr : Hain

Status : - Member - ~~Alternate~~

Art 3.3: The Union shall conduct the common foreign and security policy by:

- defining the principles and general guidelines;
- adopting [CFSP dDecisions](#) on:
 - ~~actions of the Union,~~
 - ~~positions of the Union,~~
- strengthening systematic cooperation between Member States in the conduct of policy.

Explanation (if any) :

3.3: to make clear what is a CFSP instrument (same point as at Art 29.3).

AMENDMENT FORM

Suggestion for amendment of Article : Part II, Title B, Article 5

Suggestion for protocol :

By Ms / Mr : Hain

Status : - Member - ~~Alternate~~

Art 5.1: The Minister for Foreign Affairs, who shall chair the Foreign Affairs Council, shall contribute through his proposals towards the preparation of the common foreign and security policy and shall be responsible for implementing the decisions taken by the European Council and the Council.

Art 5.2: For matters relating to the common foreign and security policy, the Union shall be represented by the Minister for Foreign Affairs, who when appropriate and acting on behalf of and at the request of the Council, shall conduct the political dialogue on the Union's behalf and shall express the Union's position in international organisations and at international conferences.

Explanation (if any) :

5.1: Comment: the precise mandate and terms of a "European Foreign Minister" have yet to be agreed. The UK will be proposing amendments to Art 19 of the Institutions Articles. Our response to Art 5.1 will be determined by the eventual amendments to Art 19 of the Institutions articles.

5.2: to make clear that the "European Foreign Minister" is accountable to the Council and does not replace the right of Member States to speak on their own behalf in international organisations.

AMENDMENT FORM

Suggestion for amendment of Article : Part II, Title B, Article 6

Suggestion for protocol :

By Ms / Mr : Hain

Status : - Member - Alternate

CFSP Decisions shall be taken in the following cases:

6.1 Where the international situation requires operational action by the Union, the Council shall take the necessary CFSP dDecisions. A CFSP dDecision shall lay down the objectives, scope, the means to be made available to the Union, if necessary its duration, and the conditions for implementation of the action.

6.2 If there is a change in circumstances having a substantial effect on a question subject to such a CFSP dDecision, the Council shall review the principles and objectives of the action and take the necessary CFSP dDecisions. As long as the Council has not acted, the CFSP dDecision on action by the Union shall stand.

6.3 Such CFSP dDecisions shall commit the Member States in the positions they adopt and in the conduct of their activity.

~~6.4 Whenever there is any plan to adopt a national position or take national action pursuant to such a CFSP decision, information shall be provided in time to allow, if necessary, for prior consultations within the Council. The obligation to provide prior information shall not apply to measures which are merely a national transposition of Council decisions.~~

6.5 In cases of imperative need arising from changes in the situation and failing a Council decision, Member States may take the necessary measures as a matter of urgency having regard to the general objectives of the decision on action by the Union. The Member State concerned shall inform the Council immediately of any such measures.

6.6 Should there be any major difficulties in implementing such a decision, a Member State shall refer them to the Council which shall discuss them and seek appropriate solutions. Such solutions shall not run counter to the objectives of the action or impair its effectiveness.

~~6.7 Art 7~~ The Council shall adopt CFSP Delisions setting out which shall define the approach of the Union to a particular matter of a geographical or thematic nature. Member States shall ensure that their national policies conform to the positions of the Union.

6.8 The Council shall adopt CFSP Decisions setting out strategies to be implemented by the Union in areas where the Member States have important interests in common.

Explanation (if any) :

Art 6.4 see Art 29.5 above (time constraints/practicality)

Art 6.7 = draft Art 7. If we are to merge all 3 CFSP instruments into one « Decision » it would be more logical to have them all in the same Article.

Art 6.8 reflects the existing Treaty language on Common Strategies, in order to make clear its inclusion in CFSP Decisions.

AMENDMENT FORM

Suggestion for amendment of Article : Part II, Title B, Article 8

Suggestion for protocol :

By Ms / Mr :

Status : - Member - ~~Alternate~~

Art 8.1: Any Member State or the Minister for Foreign Affairs, ~~acting alone or together with the Commission~~, may refer to the Council any question relating to the common foreign and security policy and may submit proposals to the Council.

Explanation (if any) :

Art 8.1: if the European Foreign Minister has both a Commission and Council role (as envisaged in Art 5), then there is no need for him to act together with the Commission.

AMENDMENT FORM

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

Suggestion for protocol :

By Ms / Mr : Hain

Status : - Member - Alternate

Art 9.2: By derogation from paragraph 1, the Council shall act by qualified majority:

- when adopting [CFSP dDecisions](#) on Union actions and positions [implementing on the basis of](#) a European Council decision relating to the Union's strategic interests and objectives, as defined in Art 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 Art 2(2);~~
- when adopting any [decision measure](#) implementing a [CFSP dDecision](#) on Union action or position;
- when appointed a Special Representative in accordance with Art 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.~~

~~9.3:~~ The European Council may decide unanimously that the Council shall act by qualified majority in cases other than those referred to in paragraph 2 above.

[9.3: These arrangements shall not apply to decisions having military or defence implications.](#)

Explanation (if any) :

9.2 (first tiret): to clarify nature of CFSP instruments

9.2 (second tiret): same point as at Art 8.1 above

9.2 (third tiret): clearer English – too many references to “decision”

9.2 and 9.3: to make it absolutely clear the ESDP is excluded from these provisions.

FICHE AMENDEMENT

Proposition d'amendement à l'Article: 13, Chapitre 1, Partie II, Titre B

Déposée par MM. Alexandru ATHANASIU et Hubert HAENEL

Qualité: - Membres

Article 13

1. Le Ministre des Affaires étrangères consulte le Parlement européen sur les principaux aspects et les choix fondamentaux de la politique étrangère et de sécurité commune et veille à ce que les vues du Parlement européen soient dûment prises en considération. Le Parlement européen est tenu régulièrement informé par le Ministre des Affaires étrangères de l'évolution de la politique étrangère et de sécurité de l'Union, y compris la politique de la sécurité et de défense.
2. Le Parlement européen peut adresser des questions ou formuler des recommandations à l'intention du Conseil et du Ministre des Affaires étrangères. Il procède chaque année à un débat sur les progrès réalisés dans la mise en œuvre de la politique étrangère et de sécurité commune, y compris la politique de la sécurité et de défense.
3. Les Parlements nationaux sont associés sous une forme appropriée à la mise en œuvre de la politique étrangère et de sécurité commune.

Explication éventuelle : La politique étrangère est un sujet sensible au niveau national. Les parlements nationaux ne peuvent être tenus à l'écart de la mise en œuvre de la politique étrangère et de sécurité commune.

FICHE AMENDEMENT

Proposition d'amendement à l'Article: 5, Chapitre 1, Partie II, Titre B

Déposée par MM. Alexandru ATHANASIU et Hubert HAENEL

Qualité: - Membres

Article 5

1. Le Ministre des Affaires étrangères, qui préside le Conseil des Affaires étrangères, contribue par ses propositions à l'élaboration de la politique étrangère et de sécurité commune et a la responsabilité de la mise en œuvre des décisions prises par le Conseil européen et le Conseil.
2. Pour les matières relevant de la Politique étrangère et de sécurité commune, l'Union est représentée par le Ministre des Affaires étrangères, qui conduit au nom de l'Union le dialogue politique et qui exprime la position de l'Union dans les organisations internationales et au sein des conférences internationales.
3. Les Etats membres, le Conseil et la Commission concourent à la création d'un Service diplomatique commun qui assistera l'action du Ministre des Affaires étrangères.

Explication éventuelle : La mise en place d'un Service diplomatique commun figure parmi les propositions du groupe de travail. Il paraît souhaitable de la reprendre.

AMENDMENT FORM

Suggestion for amendment of Article : 9 (Part II)

By Mr : Henrik Hololei

Status : - Alternate

Article 9

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 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) :

AMENDMENT FORM

Suggestion for amendment of Article : Article 10

Suggestion for protocol :

By Ms / Mr : David Heathcoat-Amory

Status : X - Member - Alternate

Article 10

1. When the Union has defined a common approach within the meaning of Article 29(5), there *shall* **<may>** be close coordination between the activities of *[(Delete) the Union's Minister for Foreign Affairs and]* the Ministers for Foreign Affairs of the Member States.

2. The diplomatic missions of the Member States and the *delegations* **<overseas offices>** of the Union shall cooperate in third countries and in international organisations, and *shall* **<may>** contribute to formulating and implementing a common approach.

Explanation (if any) : This amendment underlines that the offices of the Commission overseas are subject to ministerial control.

The use of 'may' allows rather than obliges member states to coordinate their policies.

AMENDMENT FORM

Suggestion for amendment of Article : Article 11

Suggestion for protocol :

By Ms / Mr : David Heathcoat-Amory

Status : X - Member - Alternate

Article 11

The Council shall, whenever it deems it necessary, appoint, *[Delete : on a proposal from the Minister for Foreign Affairs,]* a special representative with a mandate in relation to particular policy issues. The special representative shall carry out his mandate under the authority of the *[Delete : Minister for Foreign Affairs]* **Chairman of the Council of Ministers.**

Explanation (if any) : This amendment restores the central position of Member States ministers

AMENDMENT FORM

Suggestion for amendment of Article : Article 12

Suggestion for protocol :

By Ms / Mr : David Heathcoat-Amory

Status : X - Member - Alternate

Article 12

The Union may conclude agreements with one or more States or international organisations pursuant to this Chapter, *[Delete : in accordance with the procedure described in Article 33 of this Title]* **by unanimity** .

Explanation (if any) : International agreements should be agreed through unanimity.

AMENDMENT FORM

Suggestion for amendment of Article : Article 13

Suggestion for protocol :

By Ms / Mr : David Heathcoat-Amory, Earl of Stockton

Status : X - Member - Alternate X

Article 13

1. The Minister for Foreign Affairs shall consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and shall ensure that the views of the European Parliament are duly taken into consideration. The European Parliament shall be kept regularly informed by the *[Delete : Minister for Foreign Affairs]* **Commission** of the development of the Union's foreign and security policy, including the security and defence policy.

2. The European Parliament may ask questions of the Council and *[of the Minister for Foreign Affairs]* **Commission** or make recommendations to them. **Responses to such European Parliamentary Questions shall be undertaken in a full and timely manner.** It shall hold an annual debate on *[progress in implementing]* **issues relating to** the common foreign and security policy, including the security and defence policy.

Explanation (if any) : The Commission should retain its present role as a key source of information for MEPs. In so doing, it should undertake that Parliamentary Questions (PQs) directly answer the questions asked, are complete, and are delivered speedily.

AMENDMENT FORM

Suggestion for amendment of Article : Article 14

Suggestion for protocol :

By Ms / Mr : David Heathcoat-Amory

Status : X - Member - Alternate

Article 14

1. Member States *[shall]* **may** coordinate their action in international organisations and at international conferences. They *[shall]* **may** uphold the Union's positions in such fora. *[Delete : The Union's Minister for Foreign Affairs shall organise this coordination.]*

In international organisations and at international conferences where not all the Member States participate, those which do take part shall uphold the Union's positions **where previously adopted.**

2. Without prejudice to paragraph 1 and Article 6(3) of this Title, Member States represented in international organisations or international conferences where not all the Member States participate shall keep the latter informed of any matter of common interest, **subject to working practises on restricted information.**

Member States which are also members of the United Nations Security Council will concert and keep the other Member States fully informed. Member States which are members of the *[Security Council]* **United Nations** will, *[in the execution of their functions]* **in a matter of joint action as determined by EU Council unanimity**, defend the positions and the interests of *[the Union]* **fellow EU members**, without prejudice to their responsibilities under the provisions of the United Nations Charter.

[Delete : When the Union has defined a position on a subject which is on the United Nations Security Council agenda, those Member States which sit on the Security Council shall request that the Minister for Foreign Affairs be asked to present the Union's position.]

Explanation (if any) : The change in tense removes any obligation and renders the article permissive. The second section of 14.1 is modified so that Member States are required to support only duly-formulated and voted-on Union positions.

With respect to 14.2, the first paragraph is amended so that there is no obligation for EU member states to provide other member states with documents from an organisation or association of which they are a member, where those texts carry protective markings (« NATO Secret » etc). The second paragraph opens up the cooperation within the UN to all of its component organisations, while keeping such cooperation voluntary. The third paragraph is deleted, as it would grant the EU equivalence to statehood (only states can accede to the UN) and would further remove independent action and silence national voices.

AMENDMENT FORM

Suggestion for amendment of Article : Article 15

Suggestion for protocol :

By Ms / Mr : David Heathcoat-Amory

Status : X - Member - Alternate

Article 15

The diplomatic and consular missions of the Member States and the *[Delete : Union delegations]* **Commission offices** in third countries and international conferences, and their representations to international organisations, shall cooperate in ensuring that the decisions relating to Union positions and actions adopted by the Council are complied with and implemented. They shall step up cooperation by exchanging information and carrying out joint assessments, **subject to standard operating procedures regarding the transfer and disclosure of protectively-marked material.**

They shall contribute to the implementation of the provisions referred to in Article 7(2) of Part One of the Constitution on the protection of European citizens in the territory of a third country. Member States shall establish the necessary rules among themselves and start the international negotiations required to secure this protection.

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Explanation (if any) : The amendment to « Commission offices » removes all ambiguity that the Commission has « embassies ».

The additional text underlines that such cooperation shall not breach agreements made with third parties with respect to the disclosure of caveated documents.

AMENDMENT FORM

Suggestion for amendment of Article : Article 16

Suggestion for protocol :

By Ms / Mr : David Heathcoat-Amory

Status : X - Member - Alternate

Article 16

Without prejudice to Article XX of the Constitution [on the organisation of the Council/Permanent Representatives Committee], a Political and Security Committee shall monitor the international situation in the areas covered by the common foreign and security policy and contribute to the definition of policies by delivering opinions to the Council at the request of the Council *[Delete: or on its own initiative]*. It shall also monitor the implementation of agreed policies. *[Delete: without prejudice to the responsibility of the Minister for Foreign Affairs.]*

Within the scope of this title, this Committee shall exercise, under the responsibility of the Council, *[and in close contact with the Minister for Foreign Affairs,]* political control and strategic direction of crisis management operations, as defined in Article 17 of this Title.

The Council may authorise the Committee, for the purpose and for the duration of a crisis management operation, as determined by the Council, to take the relevant decisions concerning the political control and strategic direction of the operation.

Explanation (if any) : The Common Foreign and Security Policy must remain intergovernmental, and decided through unanimity. Government Ministers should be the ones to steer it, accountable to their national parliament.

AMENDMENT FORM

Suggestion for amendment of Article : Entwurf der Artikel des Verfassungsvertrags, die das außenpolitische Handeln betreffen

Suggestion for protocol :

By Mr : Joachim Wuermeling

Status : - Alternate

KAPITEL 1: GEMEINSAME AUSSEN- UND SICHERHEITSPOLITIK

A. *Gemeinsame Außenpolitik*

Artikel 11

Der Rat ernennt, wenn er dies für notwendig hält, auf Vorschlag des Ministers für auswärtige Angelegenheiten einen Sonderbeauftragten, dem er ein Mandat für besondere politische Fragen erteilt. Der Sonderbeauftragte übt sein Mandat unter der Leitung des Ministers für auswärtige Angelegenheiten aus. **Er berichtet dem Europäischen Parlament.**

Explanation (if any) :

Verbesserung der parlamentarischen Kontrolle des außenpolitischen Handelns.

AMENDMENT FORM

Suggestion for amendment of Article : Entwurf der Artikel des Verfassungsvertrags, die das außenpolitische Handeln betreffen

Suggestion for protocol :

By Mr : Joachim Wuermeling

Status : - Alternate

KAPITEL 1: GEMEINSAME AUSSEN- UND SICHERHEITSPOLITIK

A. *Gemeinsame Außenpolitik*

Artikel 6

(1) Verlangt eine internationale Situation eine operative Aktion der Union, so nimmt der Rat **mit Zustimmung des Europäischen Parlaments** die erforderlichen Beschlüsse an. In dem jeweiligen Beschluss sind die Ziele, der Umfang, die der Union zur Verfügung zu stellenden Mittel sowie die Bedingungen und erforderlichenfalls der Zeitraum für die Durchführung der Aktion festgelegt.

Explanation (if any) :

Verbesserung der parlamentarischen Kontrolle des außenpolitischen Handelns.

AMENDMENT FORM

Suggestion for amendment of Article : 10 (PART TWO – TITLE B)

Suggestion for protocol :

By Mr : Ingvar SVENSSON

Status : - Alternate

Article 10

1. When the Union has defined a common approach within the meaning of Article 29(5), there shall be close coordination between the activities of ~~the Union's Minister for Foreign Affairs~~ and the Ministers for Foreign Affairs of the Member States.
2. The diplomatic missions of the Member States and the delegations of the Union shall cooperate in third countries and in international organisations, and shall contribute to formulating and implementing a common approach.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 11 (PART TWO – TITLE B)

Suggestion for protocol :

By Mr : Ingvar SVENSSON

Status : - Alternate

Article 11

The Council shall, whenever it deems it necessary, appoint, ~~on a proposal from the Minister for Foreign Affairs,~~ a special representative with a mandate in relation to particular policy issues. ~~The special representative shall carry out his mandate under the authority of the Minister for Foreign Affairs.~~

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 13 (PART TWO – TITLE B)

Suggestion for protocol :

By Mr : Ingvar SVENSSON

Status : - Alternate

Article 13

1. ~~The Minister for Foreign Affairs shall consult the~~ **The European Parliament shall be consulted** on the main aspects and the basic choices of the common foreign and security policy ~~and shall ensure that the~~. **The** views of the European Parliament ~~are~~ **shall be** duly taken into consideration. The European Parliament shall be kept regularly informed ~~by the Minister for Foreign Affairs~~ of the development of the Union's foreign and security policy, including the security and defence policy.
2. ~~The European Parliament may ask questions of the Council and of the Minister for Foreign Affairs or make recommendations to them. It~~ **The European Parliament** shall hold an annual debate on progress in implementing the common foreign and security policy, including the security and defence policy.

AMENDMENT FORM

Suggestion for amendment of Article : 14 (PART TWO – TITLE B)

Suggestion for protocol :

By Mr : Ingvar SVENSSON

Status : - Alternate

Article 14

1. Member States shall **as far as possible** coordinate their action in international organisations and at international conferences. They shall uphold the Union's positions in such fora. ~~The Union's Minister for Foreign Affairs shall organise this coordination.~~

In international organisations and at international conferences where not all the Member States participate, those which do take part shall uphold the Union's positions.

2. Without prejudice to paragraph 1 and Article 6(3) of this Title, Member States represented in international organisations or international conferences where not all the Member States participate shall keep the latter informed of any matter of common interest.

Member States which are also members of the United Nations Security Council will concert and keep the other Member States fully informed. Member States which are members of the Security Council will, in the execution of their functions, defend the positions and the interests of the Union, without prejudice to their responsibilities under the provisions of the United Nations Charter.

~~When the Union has defined a position on a subject which is on the United Nations Security Council agenda, those Member States which sit on the Security Council shall request that the Minister for Foreign Affairs be asked to present the Union's position.~~

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 16 (PART TWO – TITLE B)

Suggestion for protocol :

By Mr : Ingvar SVENSSON

Status : - Alternate

Article 16

Without prejudice to Article XX of the Constitution [on the organisation of the Council/Permanent Representatives Committee], a Political and Security Committee shall monitor the international situation in the areas covered by the common foreign and security policy and contribute to the definition of policies by delivering opinions to the Council at the request of the Council or on its own initiative. It shall also monitor the implementation of agreed policies, without prejudice to the responsibility of ~~the Minister for Foreign Affairs~~. **the Commission.**

Within the scope of this title, this Committee shall exercise, under the responsibility of the Council, and in close contact with the ~~Minister for Foreign Affairs~~ **the Commission**, political control and strategic direction of crisis management operations, as defined in Article 17 of this Title.

The Council may authorise the Committee, for the purpose and for the duration of a crisis management operation, as determined by the Council, to take the relevant decisions concerning the political control and strategic direction of the operation.

AMENDMENT FORM

Suggestion for amendment of Article : 3 (PART TWO – TITLE B)

Suggestion for protocol :

By Mr : Ingvar SVENSSON

Status : - Alternate

Article 3

1. In the context of the principles and objectives of its external action as set out in Article 1 of this Title, the Union shall define and implement a common foreign and security policy covering all areas of foreign and security policy.
2. The Member States shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity.

The Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations.

The Council and the Minister for Foreign Affairs shall ensure that these principles are complied with.

3. The Union shall conduct the common foreign and security policy by:
 - defining the principles and general guidelines,
 - adopting decisions on:
 - actions of the Union,
 - positions of the Union,
 - strengthening systematic cooperation between Member States in the conduct of policy.

AMENDMENT FORM

Suggestion for amendment of Article : 5 (PART TWO – TITLE B)

Suggestion for protocol :

By Mr : Ingvar SVENSSON

Status : - Alternate

Article 5

1. The ~~Minister for Foreign Affairs, who shall chair the Foreign Affairs Council,~~ **Commission** shall contribute through ~~his~~ **its** proposals towards the preparation of the common foreign and security policy and shall be responsible for implementing the decisions taken by the European Council and the Council.
2. For matters relating to the common foreign and security policy, the Union shall be represented by the **Commissioner responsible for this area** ~~Minister for Foreign Affairs,~~ who shall conduct the political dialogue on the Union's behalf and shall express the Union's position in international organisations and at international conferences.

AMENDMENT FORM

Suggestion for amendment of Article : 8 (PART TWO – TITLE B)

Suggestion for protocol :

By Mr : Ingvar SVENSSON

Status : - Alternate

Article 8

1. Any Member State or ~~the Minister for Foreign Affairs, acting alone or together with the~~ Commission, may refer to the Council any question relating to the common foreign and security policy and may submit proposals to the Council.
2. In cases requiring a rapid decision, ~~the Minister for Foreign Affairs, of the Minister's own motion,~~ **the Chair** or at the request of a Member State, shall convene an extraordinary Council meeting within forty-eight hours or, in an emergency, within a shorter period.

AMENDMENT FORM

Suggestion for amendment of Article : 9 (PART TWO – TITLE B)

Suggestion for protocol :

By Mr : Ingvar SVENSSON

Status : - Alternate

Article 9

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 **participating in the decision do not represent a qualified majority** ~~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.~~

AMENDMENT FORM

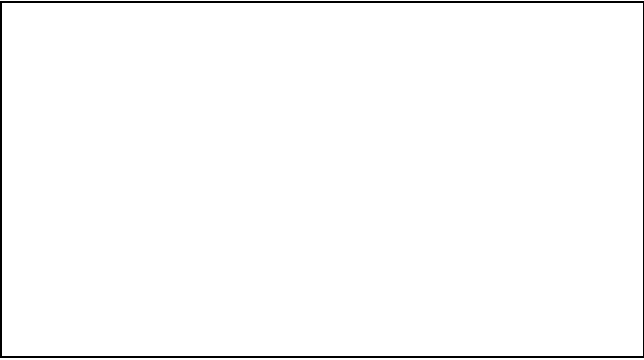
Suggestion for amendment of Article 14

By : TIMOTHY KIRKHOPE MEP

Status : MEMBER

PRAESIDIUM	TIMOTHY KIRKHOPE MEP
<p>Article 14</p> <p>1. Member States shall coordinate their action in international organisations and at international conferences. They shall uphold the Union's positions in such fora. The Union's Minister for Foreign Affairs shall organise this coordination.</p> <p>In international organisations and at international conferences where not all the Member States participate, those which do take part shall uphold the Union's positions.</p> <p>2. Without prejudice to paragraph 1 and Article 6(3) of this Title, Member States represented in international organisations or international conferences where not all the Member States participate shall keep the latter informed of any matter of common interest.</p> <p>Member States which are also members of the United Nations Security Council will concert and keep the other Member States fully informed.</p> <p>Member States which are members of the Security Council will, in the execution of their functions, defend the positions and the interests of the Union, without prejudice to their responsibilities under the provisions of the United Nations Charter.</p>	<p><i>DELETE</i></p>

When the Union has defined a position on a subject which is on the United Nations Security Council agenda, those Member States which sit on the Security Council shall request that the Minister for Foreign Affairs be asked to present the Union's position.



AMENDMENT FORM

Suggestion for amendment of Article 15

By : TIMOTHY KIRKHOPE MEP

Status : MEMBER

PRAESIDIUM	TIMOTHY KIRKHOPE MEP
Article 15 The diplomatic and consular missions of the Member States and the Union delegations in third countries and international conferences, and their representations to international organisations, shall cooperate in ensuring that the decisions relating to Union positions and actions adopted by the Council are complied with and implemented. They shall step up cooperation by exchanging information and carrying out joint assessments. They shall contribute to the implementation of the provisions referred to in Article 7(2) of Part One of the Constitution on the protection of European citizens in the territory of a third country. Member States shall establish the necessary rules among themselves and start the international negotiations required to secure this protection.	<i>DELETE</i>

AMENDMENT FORM

Suggestion for amendment of Article 16

By : **TIMOTHY KIRKHOPE MEP**

Status : **MEMBER**

PRAESIDIUM	TIMOTHY KIRKHOPE MEP
Article 16 Without prejudice to Article XX of the Constitution [on the organisation of the Council/Permanent Representatives Committee], a Political and Security Committee shall monitor the international situation in the areas covered by the common foreign and security policy and contribute to the definition of policies by delivering opinions to the Council at the request of the Council or on its own initiative. It shall also monitor the implementation of agreed policies, without prejudice to the responsibility of the Minister for Foreign Affairs. Within the scope of this title, this Committee shall exercise, under the responsibility of the Council, and in close contact with the Minister for Foreign Affairs, political control and strategic direction of crisis management operations, as defined in Article 17 of this Title. The Council may authorise the Committee, for the purpose and for the duration of a crisis management operation, as determined by the Council, to take the relevant decisions concerning the political control and strategic direction of the operation.	<i>DELETE</i>

AMENDMENT FORM

Suggestion for amendment of Article: 10 (Part Two, CFSP)

By Mr: Erwin Teufel

Status: Member

Text of the Praesidium

(1) When the Union has defined a common approach within the meaning of Article 29(5), there shall be close coordination between the activities of the Union's Minister for Foreign Affairs and the Ministers for Foreign Affairs of the Member States.

Proposed Amendment

(1) When the Union has defined a common approach within the meaning of Article 29(5) **of Part One of the Constitution**, there shall be close coordination between the activities of the Union's Minister for Foreign Affairs and the Ministers for Foreign Affairs of the Member States.

Explanation:

Contrary to the French and English versions, the German version erroneously refers to the Council instead of the Union.

It should be clarified that the reference is to Article 29 Paragraph 5 of Part I of the Constitution.

Remark:

Alas, the German version contains numerous inaccuracies. Beside the error mentioned above, there are further inaccuracies in Article 29 Paragraph 7 of Part I (Council instead of European Council), Article 34 Paragraph 1 of Part II (ECU instead of Euro) and Article 35 Paragraph 1 of Part II (German version: mit "allen" internationalen Organisationen (same as EN); EN: with "all" international organisations; FR avec "toute autre organisation internationale").

The English version of Article 29 of Part II does not correspond with the French and German versions ("unanimously" instead of "by qualified majority").

FICHE AMENDEMENT

Proposition d'amendement à l'Article:	10 (Partie II, PESC)
Déposée par Monsieur:	Erwin Teufel
Qualité:	Membre

Texte du Praesidium

- (1) Hat der Rat ein gemeinsames Vorgehen im Sinne des Artikels 29 Absatz 5 festgelegt, so erfolgt eine enge Koordinierung der Tätigkeiten des Ministers für auswärtige Angelegenheiten der Union und der Tätigkeiten der Minister für auswärtige Angelegenheiten der Mitgliedstaaten.

Amendement proposé

- (1) Hat **die Union** ein gemeinsames Vorgehen im Sinne des Artikels 29 Absatz 5 **des Teils I der Verfassung** festgelegt, so erfolgt eine enge Koordinierung der Tätigkeiten des Ministers für auswärtige Angelegenheiten der Union und der Tätigkeiten der Minister für auswärtige Angelegenheiten der Mitgliedstaaten.

Begründung:

Im Unterschied zur französischen und englischen Fassung spricht die deutsche Fassung irrtümlich vom Rat statt von der Union.

Es sollte klargestellt werden, dass sich der Verweis auf Artikel 29 Absatz 5 des Teils I der Verfassung bezieht.

Anmerkung:

Die deutsche Fassung enthält leider zahlreiche Ungenauigkeiten. Außer dem oben genannten Irrtum finden sich auch Ungenauigkeiten in Artikel 29 Absatz 7 des Teils I (Rat statt Europäischer Rat), Artikel 34 Absatz 1 des Teils II (ECU statt Euro) und Artikel 35 Absatz 1 des Teils II (DE: mit „allen“ internationalen Organisationen, EN: with „all“ international organisations, FR: avec „toute autre“ organisation internationale).

Die englische Fassung von Artikel 29 des Teils II stimmt nicht mit der französischen und deutschen Fassung überein („unanimously“ statt „by qualified majority“).

AMENDMENT FORM

Suggestion for amendment of Article 10, II part

By Ms / Mr : Ms Helle THORNING-SCHMIDT

Status : - Alternate

Article 10

1. When the Union has defined a common approach within the meaning of Article 29(5), *the Union's Minister for Foreign affairs shall be responsible for ensuring a* close coordination between the activities of the Union and the Ministers for Foreign Affairs of the Member States.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article 3, II part

By Ms / Mr : Ms Helle THORNING-SCHMIDT

Status : - Alternate

Article 3, paragraphe 2:

2. The Member States shall support the Union's external and security policy actively *[deletion of 2 words]* in a spirit of loyalty and mutual solidarity.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article 5, II part

By Ms / Mr : Ms Helle THORNING-SCHMIDT

Status : - Alternate

Article 5

1. The Minister for Foreign Affairs, who shall chair the Foreign Affairs Council *and is Vice-President of the Commission*, shall contribute through his proposals towards the preparation of the common foreign and security policy and shall be responsible for implementing the decisions taken by the European Council and the Council.

Explanation (if any) :

To make this article consistent with the text in Article 19, Part I,

AMENDMENT FORM

Suggestion for amendment of Article : 5, Part II – Title B

By Mr: Henning Christophersen, Poul Schlüter, Henrik Dam Kristensen and Niels Helveg Petersen.

Status: Members and alternate members.

1. The Minister for Foreign Affairs, ~~who shall chair the Foreign Affairs Council~~, shall contribute through his proposals towards the preparation of the common foreign and security policy and shall be responsible for implementing the decisions taken by the European Council and the Council.
 2. For matters relating to the common foreign and security policy, the Union shall be represented by the Minister for Foreign Affairs, who shall conduct the political dialogue on the Union's behalf and shall express the Union's position in international organisations and at international conferences.
-

Explanation:

It is of the utmost importance to make sure that the job-description for the Minister for Foreign affairs will work in practice. When giving the same person responsibility for coordinating the Commission's external policies, chairing the Foreign Affairs Council and sharing the right of initiative in the CFSP with the Member States, you run risk of overload. This question should be settled in the context of the general deliberations on the future Presidency of the Council.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 13

Proposition d'amendement au protocole:

Déposée par Madame ou Monsieur : Gianfranco FINI – Francesco SPERONI

Qualité : - Membre - Suppléant

Articolo 13

1. Il ministro degli affari esteri consulta il Parlamento europeo sui principali aspetti e sulle scelte fondamentali della politica estera e di sicurezza comune e provvede affinché le opinioni del Parlamento europeo siano debitamente prese in considerazione. Il Parlamento europeo è regolarmente informato dal ministro degli affari esteri in merito allo sviluppo della politica estera e di sicurezza dell'Unione, compresa la politica di sicurezza e di difesa.
2. Il Parlamento europeo può rivolgere interrogazioni o formulare raccomandazioni al Consiglio e al ministro degli affari esteri. Esso procede ogni anno ad un dibattito sui progressi compiuti nell'attuazione della politica estera e di sicurezza comune, compresa la politica di sicurezza e di difesa.
3. **I Parlamenti nazionali sono regolarmente informati in merito allo sviluppo della politica estera e di sicurezza dell'Unione, compresa la politica di sicurezza e di difesa, conformemente al Protocollo sul ruolo dei Parlamenti nazionali.**

Explication éventuelle :

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 14

Proposition d'amendement au protocole:

Déposée par Madame ou Monsieur : **Gianfranco FINI – Francesco SPERONI**

Qualité : - Membre - Suppléant

Articolo 14

1. Gli Stati membri coordinano la propria azione nelle organizzazioni internazionali e in occasione di conferenze internazionali. In queste sedi essi difendono le posizioni dell'Unione. Il ministro degli affari esteri dell'Unione assicura l'organizzazione di tale coordinamento.

Nelle organizzazioni internazionali e in occasione di conferenze internazionali alle quali non tutti gli Stati membri partecipano, quelli che vi partecipano difendono le posizioni dell'Unione.

2. Fatto salvo il paragrafo 1 e l'articolo 6, paragrafo 3 del presente Titolo, gli Stati membri rappresentati nelle organizzazioni internazionali o nelle conferenze internazionali alle quali non tutti gli Stati membri partecipano, tengono informati questi ultimi in merito ad ogni questione di interesse comune.

Gli Stati membri che sono anche membri del Consiglio di sicurezza delle Nazioni Unite **si concertano con gli altri Stati membri e li tengono** ~~terranno~~ pienamente informati ~~e terranno~~ ~~gli altri Stati membri pienamente informati~~. Gli Stati membri che sono membri del Consiglio di sicurezza **difendono** ~~difenderanno~~, nell'esercizio delle loro funzioni, le posizioni e **gli interessi** ~~l'interesse~~ dell'Unione. ~~fatte salve le responsabilità che loro incombono in forza delle disposizioni della Carta delle Nazioni Unite.~~

Allorché l'Unione ha definito una posizione su un tema all'ordine del giorno del Consiglio di sicurezza delle Nazioni Unite, gli Stati membri che ne fanno parte chiedono che il ministro degli affari esteri sia invitato a presentare la posizione dell'Unione.

Explication éventuelle :

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 16

Proposition d'amendement au protocole:

Déposée par Madame ou Monsieur : Gianfranco FINI – Francesco SPERONI

Qualité : - Membre - Suppléant

Articolo 16

Fatto salvo l'articolo XX della Costituzione [relativo all'organizzazione del Consiglio/Comitato dei Rappresentanti Permanenti], un comitato politico e di sicurezza ~~controlla~~ **segue** la situazione internazionale nei settori che rientrano nella politica estera e di sicurezza comune e contribuisce a definire le politiche formulando pareri per il Consiglio, a richiesta di questo o di propria iniziativa. Esso controlla altresì l'attuazione delle politiche concordate, **d'intesa con il** ~~fatte salve le competenze del~~ ministro degli affari esteri.

Nel quadro del presente titolo il comitato, sotto la responsabilità del Consiglio e in stretto contatto con il ministro degli affari esteri, esercita il controllo politico e la direzione strategica delle operazioni di gestione delle crisi, quali definite all'articolo 17 del presente titolo.

Ai fini di un'operazione di gestione delle crisi e per la durata della stessa, quali sono determinate dal Consiglio, quest'ultimo può autorizzare il comitato a prendere le decisioni appropriate in merito al controllo politico e alla direzione strategica dell'operazione.

Explication éventuelle :

FICHE AMENDEMENT 5

Proposition d'amendement : Capítulo 1, Artículo 4

Déposée par Messieurs : Borrell (miembro), Carnero y López Garrido (suplentes)

Artículo 4

Añadir:

El Consejo Europeo definirá *por mayoría cualificada* los principios y las orientaciones generales de la política exterior y de seguridad común, incluidos los asuntos que tengan repercusiones en el ámbito de la defensa.

Cuando un acontecimiento internacional así lo requiera, el Presidente del Consejo Europeo convocará una reunión extraordinaria del Consejo Europeo a fin de definir las líneas estratégicas de la política de la Unión frente a dicho acontecimiento.

Basándose en las líneas estratégicas definidas por el Consejo Europeo, el Consejo adoptará las disposiciones necesarias para definir y ejecutar la política exterior y de seguridad común.

AMENDMENT FORM

Suggestion for amendment of Article: 5, Part II – Title B

By Ms Sandra Kalniete, Mr Roberts Zile, Ms Liene Liepina, Mr Rihards Piks, Mr Arturs Krisjanis Karins, Mr Guntars Krasts.

Status: - Member: S.Kalniete; L.Liepina; R.Piks
- Alternate: R.Zile; A.K.Karins, G.Krasts

Article 5

1. ~~The Minister for Foreign Affairs~~ **External Representative of the European Union**, ~~who shall chair the Foreign Affairs Council~~, shall contribute through his proposals towards the preparation of the common foreign and security policy and shall be responsible for implementing the decisions taken by the European Council and the Council.
 2. For matters relating to the common foreign and security policy, the Union shall be represented by the ~~Minister for Foreign Affairs~~ **External Representative of the European Union**, who shall conduct the political dialogue on the Union's behalf and shall express the Union's position in international organisations and at international conferences.
-

Explanation (if any):

By vesting powers of the representing of the Commission's external policies, the leading of the Foreign Affairs Council and the sharing of the rights of initiative with the member states in the Common Foreign and Security Policy, the External Representative of the European Union would be overloaded with duties and responsibilities, thus undermining the practical implementation of them.

The Foreign Affairs Council should be chaired by the member states.

AMENDMENT FORM

Title B

Suggestion for amendment of Article : 10

By Members: Voggenhuber, Lichtenberger, Wagener,

Status : Members and alternate members.

Article 10

1. When the Union has defined a common approach within the meaning of Article 29(5), there shall be close coordination between the activities of the Union's Minister for Foreign Affairs and the Ministers for Foreign Affairs of the Member States.

2. The diplomatic missions of the Member States and the delegations of the Union shall **be committed to pool resources and** cooperate in third countries and in international organisations, and shall contribute to formulating and implementing a common approach.

Explanation:

AMENDMENT FORM

Title B

Suggestion for amendment of Article : 13

By Members: Voggenhuber, Lichtenberger, Wagener,

Status : Members and alternate members.

Article 13

1. The Minister for Foreign Affairs shall ~~consult~~ **associate** the European Parliament in **the decision-making** on the main aspects and the basic choices of the common foreign and security policy and shall ensure that the views of the European Parliament **are respected.** ~~duly taken into consideration.~~ The European Parliament shall be kept regularly informed by the Minister for Foreign Affairs of the development of the Union's foreign and security policy, including the security and defence policy.

2. The European Parliament may ask questions of the Council and of the Minister for Foreign Affairs or make recommendations to them. It shall hold ~~an annual~~ debate **at least once a year** on progress in implementing the common foreign and security policy, including the security and defence policy.

Explanation:

AMENDMENT FORM

Title B

Suggestion for amendment of Article : 14

By Members: Voggenhuber, Lichtenberger, Wagener,

Status : Members and alternate members.

Article 14

1. Member States shall coordinate their action in international organisations and at international conferences. They shall uphold the Union's positions in such fora. The Union's Minister for Foreign Affairs shall organise this coordination.

In international organisations and at international conferences where not all the Member States participate, those which do take part shall uphold the Union's positions.

2. Without prejudice to paragraph 1 and Article 6(3) of this Title, Member States represented in international organisations or international conferences where not all the Member States participate shall keep the latter informed of any matter of common interest. **The Council acting by qualified majority in association with the European Parliament shall define the position of the EU on the main topics on the UN Security Councils agenda.** Member States which are also members of the United Nations Security Council will concert and keep the other Member States fully informed. Member States which are members of the Security Council will, in the execution of their functions, **uphold and** defend the positions and the interests of the Union, without prejudice to their responsibilities under the provisions of the United Nations Charter.

When the Union has defined a position on a subject which is on the United Nations Security Council agenda, those Member States which sit on the Security Council shall request that the Minister for Foreign Affairs be asked to present the Union's position. **The European Union shall aim and act to obtain a seat on the UN Security Council.**

Explanation:

AMENDMENT FORM

Title B

Suggestion for amendment of Article : 15

By Members: Voggenhuber, Lichtenberger, Wagener

Status : Members and alternate members.

Article 15

The diplomatic and consular missions of the Member States and the Union delegations in third countries and international conferences, and their representations to international organisations, shall cooperate in ensuring that the decisions relating to Union positions and actions adopted by the Council are complied with and implemented. They shall step up cooperation by exchanging information, **pooling resources** and carrying out joint assessments.

They shall contribute to the implementation of the provisions referred to in Article 7(2) of Part One of the Constitution on the protection of European citizens in the territory of a third country. Member States shall establish the necessary rules among themselves and start the international negotiations required to secure this protection.

Explanation:

AMENDMENT FORM

Title B

Suggestion for amendment of Article : 9

By Members: Voggenhuber: Lichtenberger, Wagener,

Status : Members and alternate members.

Article 9

1. Decisions under this Chapter shall be taken by the Council acting **by qualified majority**. ~~unanimously. Abstentions by members present in person or represented shall not prevent the adoption of such decisions.~~ When **voting against or** abstaining in a vote, any member of the Council may qualify its **vote** ~~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:

AMENDMENT FORM

Suggestion for amendment of Article 16

By Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives and Mr Sören Lekberg, Mr Göran Lennmarker and Mr Kenneth Kvist, national parliament representatives.

Status :

- Member: Hjelm-Wallén, Lekberg and Lennmarker**
- Alternate: Petersson and Kvist**

Article 16

Without prejudice to Article XX of the Constitution [on the organisation of the Council/Permanent Representatives Committee], a Political and Security Committee shall monitor the international situation in the areas covered by the common foreign and security policy and contribute to the definition of policies by delivering opinions to the Council at the request of the Council or on its own initiative. It shall also monitor the implementation of agreed policies, without prejudice to the responsibility of the Minister for Foreign Affairs **or the Commission.**¹

Within the scope of this title, this Committee shall exercise, under the responsibility of the Council, and in close contact with the Minister for Foreign Affairs, political control and strategic direction of crisis management operations, as defined in Article 17 of this Title.

The Council may authorise the Committee, for the purpose and for the duration of a crisis management operation, as determined by the Council, to take the relevant decisions concerning the political control and strategic direction of the operation.

¹ Commission should also be responsible for monitoring the implementation of agreed policies

AMENDMENT FORM

Suggestion for amendment of Article 4

By Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives and Mr Sören Lekberg, Mr Kenneth Kvist and Mr Ingvar Svensson, national parliament representatives.

Status :
- **Member: Hjelm-Wallén and Lekberg**
- **Alternate: Petersson, Kvist and Svensson**

Article 4

The European Council shall define the principles of and general guidelines for the common foreign and security policy, including for matters with defence implications.

If international developments so require, the ~~President~~ **Chair**¹ of the European Council shall convene an extraordinary meeting of the European Council in order to define the strategic lines of the Union's policy in the face of such developments.

The Council shall take the decisions necessary for defining and implementing the common foreign and security policy on the basis of the strategic lines defined by the European Council.

¹ Corresponds with the heading of Article 16 a, Part I, Title IV on Institutions

AMENDMENT FORM

Suggestion for amendment of Article 5

By Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives and Mr Sören Lekberg and Mr Kenneth Kvist, national parliament representatives.

Status :
- **Member: Hjelm-Wallén and Lekberg**
- **Alternate: Petersson and Kvist**

Article 5

1. The Minister for Foreign Affairs, ~~who shall chair the Foreign Affairs Council,~~¹ shall contribute through his proposals towards the preparation of the common foreign and security policy and shall be responsible for implementing the decisions taken by the European Council and the Council.
2. For matters relating to the common foreign and security policy, the Union shall be represented by the Minister for Foreign Affairs, who shall conduct the political dialogue on the Union's behalf and shall express the Union's position in international organisations and at international conferences.

¹ Member States should chair all Council formations.

AMENDMENT FORM

Suggestion for amendment of Article 8

By Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives and Mr Sören Lekberg and Mr Kenneth Kvist, national parliament representatives.

Status :
- **Member: Hjelm-Wallén and Lekberg**
- **Alternate: Petersson and Kvist**

Article 8

1. Any Member State, ~~or the Minister for Foreign Affairs, acting alone or together with~~ **and** the Commission, may refer to the Council any question relating to the common foreign and security policy and may submit proposals to the Council.¹
2. In cases requiring a rapid decision, **the Chair** ~~the Minister for Foreign Affairs, of the Minister's own motion, or at the request of a Member State,~~ shall convene an extraordinary Council meeting within forty-eight hours or, in an emergency, within a shorter period.²

¹ Member States, the Minister for Foreign Affairs and the Commission should equally be able to refer a question or submit proposals to the Council.

² It should be the responsibility of the Chair to convene extraordinary Council meetings. The right to request extraordinary Council meetings need not be spelled out in the Constitution.

AMENDMENT FORM

Suggestion for amendment of Article 9

By Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives and Mr Sören Lekberg and Mr Kenneth Kvist, national parliament representatives.

Status : - **Member: Hjelm-Wallén and Lekberg**
 - **Alternate: Petersson and Kvist**

Article 9

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 **participating in the decision do not represent a qualified majority**¹ ~~qualifying their abstention in this way represent a 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);~~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.

¹ The wording should be adjusted to the decisions-making rules in the Nice Treaty

² This procedure will not be necessary in view of our comments on the institutional articles (Article 19). Enhanced co-operation between the Foreign Minister and the Commission can be achieved through other mechanisms.

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 above.

AMENDMENT FORM

Suggestion for amendment of Article 9 of Part II

By Mr : O'Sullivan and Ponzano

Status : Alternates

Modify the second indent of the second paragraph of Article 9 as follows.

« By derogation from paragraph 1, the Council shall act by qualified majority:

[...]

- when acting on the basis of a joint proposal by the Minister for Foreign Affairs and the Commission, ~~as defined in Article 2(2)~~;*

[...]. »

Explanation :

The proposed text mixes the « inter-pillar » proposals referred to in Article 2 with the proposals limited to CFSP, which are those covered by this Title. The text should not link the two, as the situations covered are different.

In Article 9, the reason for the involvement of the Commission is not because external action issues are involved which go beyond CFSP, but to reflect the conclusions of Working Party VII (see points 7 and 11 of the explanatory note to CONV685/03 : (7) « However, in exercising his/her right of initiative in the field of CFSP, the Minister could seek the support of the Commission; he/she could therefore put forward joint proposals with the Commission in this area. » (11) « As suggested by a large number of members of the Convention, there is provision for more use of QMV. It would be applicable when the Council decides on joint proposals by the Minister and the Commission, and an enabling clause would allow the European Council to extend the use of QMV in the Council on CFSP matters. »)

FICHE AMENDEMENT

Proposition d'amendement à l'article 9 de la partie II

Déposée par M. O'Sullivan et M. Ponzano

Qualité : Suppléants

Modifier le deuxième tiret du paragraphe 2 de l'article 9 comme suit.

« Par dérogation au paragraphe 1, le Conseil statue à la majorité qualifiée :

[...]

- lorsqu'il statue sur la base d'une proposition conjointe du Ministre des Affaires étrangères et de la Commission, ~~telle que définie à l'article 2, paragraphe 2,~~

[...] ».

Explication :

Le texte proposé confond les propositions « inter-piliers » visées à l'article 2 et les propositions dans le domaine de la PESC, qui sont les seules à être envisagées dans ce titre. Il ne faut donc pas de renvoi de l'une à l'autre, s'agissant de situations différentes.

En effet, dans l'article 9, l'intervention de la Commission n'est pas rendue obligatoire par l'existence de matières relevant d'autres aspects de l'action externe que la PESC, mais est au contraire le reflet des conclusions du groupe de travail sur l'action externe (voir les points 7 et 11 de la note explicative du document CONV685/03 : (7) « Cependant, lors de l'exercice de son droit d'initiative pour les questions relevant de la PESC, le ministre pourrait solliciter le soutien de la Commission; par conséquent, il pourrait présenter des propositions conjointes avec la Commission dans ce domaine. » (11) « Ainsi que l'ont proposé de nombreux membres de la Convention, le texte prévoit un recours plus large au vote à la majorité qualifiée (VMQ). Celui-ci serait applicable lorsque le Conseil statue sur des propositions conjointes du ministre et de la Commission, et une clause d'habilitation permettrait au Conseil européen d'étendre l'utilisation du VMQ au sein du Conseil aux questions relevant de la PESC »).

AMENDMENT FORM

Suggestion for amendment of Article 5 of Part II

By Mr : O'Sullivan and Ponzano

Status : Alternates

Modify the first paragraph of Article 5 as follows.

« The Minister for Foreign Affairs, ~~who shall chair the Foreign Affairs Council,~~ shall contribute through his proposals towards the preparation of the common foreign and security policy and shall be responsible for implementing the decisions taken by the European Council and the Council. »

Explanation :

It is advisable, in the light of the institutional balance, to maintain a distinction between the role of chairperson, who seeks to find a compromise, and the roles of proposing, executing and representing the Union. The Minister of Foreign Affairs should therefore not be entrusted with the chair of the Foreign Affairs Council.

FICHE AMENDEMENT

Proposition d'amendement à l'article 5 de la partie II

Déposée par M. O'Sullivan et M. Ponzano

Qualité : Suppléants

Modifier le premier paragraphe de l'article 5 comme suit.

« Le Ministre des Affaires étrangères, ~~qui préside le Conseil des Affaires étrangères~~, contribue par ses propositions à l'élaboration de la politique étrangère et de sécurité commune et a la responsabilité de la mise en œuvre des décisions prises par le Conseil européen et le Conseil ».

Explication :

Il n'est pas souhaitable, pour l'équilibre institutionnel, de confondre les fonctions d'un président du Conseil, qui recherche le compromis, et les fonctions de proposition, d'exécution et de représentation extérieure de l'Union. La présidence du Conseil des affaires étrangères ne devrait donc pas être confiée au ministre des affaires étrangères.

AMENDMENT FORM

Title B - Part II

Suggestion for amendment of Article : 10

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:** Ms Lone Dybkjaer, 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.

Article 10

1. When the Union has defined a common approach within the meaning of Article 29(5), there shall be close coordination between the activities of the [*Minister of Foreign Affairs/Secretary of the Union*] and the Ministers for Foreign Affairs of the Member States.
 2. The diplomatic missions of the Member States and the delegations of the Union shall cooperate in third countries and in international organisations, and shall contribute to formulating and implementing a common approach.
-

Explanation:

We prefer the title Secretary of the Union as being less confusing with the traditional nomenclature of national ministers of foreign affairs.

AMENDMENT FORM

Title B - Part II

Suggestion for amendment of Article : 11

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:** Ms Lone Dybkjaer, 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.

Article 11

The Council shall, whenever it deems it necessary, *and after having consulted the European Parliament*,, appoint, on a proposal from the [*Minister of Foreign Affairs/Secretary of the Union*], a special representative with a mandate in relation to particular policy issues. The special representative shall carry out his mandate under the authority of the [*Minister of Foreign Affairs/Secretary of the Union*].

Explanation:

We prefer the title Secretary of the Union as being less confusing with the traditional nomenclature of national ministers of foreign affairs.

The nomination of special representatives is the Council's prerogative, but should be subject to parliamentary scrutiny, especially as the representative will surely be using the financial resources and staff of the Union.

AMENDMENT FORM

Title B - Part II

Suggestion for amendment of Article : 13

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: Ms Lone Dybkjaer, 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.

Article 13

1. *[Minister of Foreign Affairs/Secretary of the Union]* shall consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and shall ensure that the views of the European Parliament are duly taken into consideration. The European Parliament shall be kept regularly informed by the *[Minister of Foreign Affairs/Secretary of the Union]* of the development of the Union's foreign and security policy, including the security and defence policy.
 2. The European Parliament may *question* the Council and the *[Minister of Foreign Affairs/Secretary of the Union]* and make recommendations to them. It shall hold *at least twice a year a* debate on progress in implementing the common foreign and security policy, including the security and defence policy.
-

Explanation:

We prefer the title Secretary of the Union as being less confusing with the traditional nomenclature of national ministers of foreign affairs.

We also introduce the requirement of at least a twice-yearly debate in the European

Parliament.

AMENDMENT FORM

Title B - Part II

Suggestion for amendment of Article : 14

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.

Article 14

1. *The Union* shall coordinate *its* action in international organisations and at international conferences. *The Union shall be represented by the Commission* and uphold *its* positions in such fora. *In the area of common foreign and security policy, the Union will be represented by the [Minister of Foreign Affairs/Secretary of the Union].*

In international organisations *of which the Union is not a member*, and at international conferences *where the Union is not represented, participating Member States* shall uphold the Union's positions. *They shall ensure that the Commission, or the [Minister of Foreign Affairs/Secretary of the Union] in areas of the common foreign and security policy, can express the Union's position.*

2. Without prejudice to paragraph 1 and Article 6(3) of this Title, Member States represented in international organisations or international conferences *where neither the Union nor* all the Member States participate shall keep *the Commission, [Minister of Foreign Affairs/Secretary of the Union] and non-participating Member States* informed of any matter of common interest.

Member States which are also members of the United Nations Security Council will concert and keep the *Union and the* other Member States fully informed. Member States which are members of the Security Council will, in the execution of their functions, *act jointly in order to* defend the positions and the interests of the Union, without prejudice to their responsibilities under the provisions of the United Nations Charter.

When the Union has defined a position on a subject which is on the United Nations Security Council agenda, those Member States which sit on the Security Council shall request that the [*Minister of Foreign Affairs/Secretary of the Union*] be asked to present the Union's position.

Explanation:

The Commission, and in the area of CFSP, the Secretary of the Union should be the only interlocutors at the international level representing the Union.

It is equally important for member states to represent the common positions when the Commission is not able to do so itself.

Furthermore, when common positions have been found and are the subject of debate within the UN Security Council, participating member states should be under an obligation to both defend and promote them.

AMENDMENT FORM

Title B - Part II

Suggestion for amendment of Article : 16

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: Ms Lone Dybkjaer, 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.

Article 16

Without prejudice to Article XX of the Constitution [on the organisation of the Council/Permanent Representatives Committee], a Political and Security Committee shall monitor the international situation in the areas covered by the common foreign and security policy and contribute to the definition of policies by delivering opinions to the Council at the request of the Council or on its own initiative. It shall also monitor the implementation of agreed policies, without prejudice to the responsibility of the *[Minister of Foreign Affairs/Secretary of the Union] or of the Commission*.

Within the scope of this title, this Committee shall exercise, under the responsibility of the Council, and in close contact with the *[Minister of Foreign Affairs/Secretary of the Union]*, political control and strategic direction of crisis management operations, as defined in Article 17 of this Title.

The Council may authorise the Committee, for the purpose and for the duration of a crisis management operation, as determined by the Council, to take the relevant decisions concerning the political control and strategic direction of the operation.

Explanation:

We prefer the title Secretary of the Union as being less confusing with the traditional nomenclature of national ministers of foreign affairs.

AMENDMENT FORM

Title B - Part II

Suggestion for amendment of Article : 3

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: Ms Lone Dybkjaer, 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.

CHAPTER 1:COMMON FOREIGN AND SECURITY POLICY

A. *Common foreign policy*

Article 3

1. In the context of the principles and objectives of its external action as set out in Article 1 of this Title, the Union shall define and implement its common foreign and security policy.
2. The Member States shall support the Union's *common* policy actively and unreservedly in a spirit of loyalty and mutual solidarity.

The Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations.

The Council and the [*Minister of Foreign Affairs/Secretary of the Union*] shall ensure that these principles are complied with.

3. The Union shall conduct the common foreign and security policy by:

– defining the principles and general guidelines,

– adopting decisions on:

- actions of the Union,

- positions of the Union,

– strengthening systematic cooperation between Member States in the conduct of policy.

Explanation:

We prefer the title Secretary of the Union as being less confusing with the traditional nomenclature of national ministers of foreign affairs.

AMENDMENT FORM

Title B - Part II

Suggestion for amendment of Article : 4

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:** Ms Lone Dybkjaer, 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.

Article 4

Delete

Explanation:

We delete the first subparagraphs of this article as it is a repetition of Article 1.

We also delete the second subparagraph as we have made provisions in our amendment to Article 16.3 of Part I enabling the President of the European Council to call extraordinary meetings of the European Council.

We move subparagraph 3 and integrate it into Article 7, where we believe it is better placed.

AMENDMENT FORM

Title B - Part II

Suggestion for amendment of Article : 5

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:** Ms Lone Dybkjaer, 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.

Article 5

1. *The [Minister of Foreign Affairs/Secretary of the Union]*, who shall chair the Foreign Affairs Council, shall contribute towards *the development* of the common foreign and security policy. *He or she* shall be responsible for implementing the decisions taken by the European Council and the Council *and for* representing the Union in international organisations and at international conferences.
-

Explanation:

We prefer the title Secretary of the Union as being less confusing with the traditional nomenclature of national ministers of foreign affairs.

We also believe that the CFSP is to be further developed and that the Secretary of the Union must contribute in so doing.

We merge paragraph 1 and 2 for reasons of style and concision.

AMENDMENT FORM

Title B - Part II

Suggestion for amendment of Article : 7

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:** Ms Lone Dybkjaer, 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.

Article 7

The Council shall adopt decisions which shall define the approach of the Union to a particular matter of a geographical or thematic nature. Member States shall ensure that their national policies conform to the positions of the Union.

The Council shall take the decisions necessary for defining and implementing the common foreign and security policy on the basis of the strategic lines defined by the European Council.

Explanation:

Subparagraph 2 has been brought over from Article 4.

AMENDMENT FORM

Title B - Part II

Suggestion for amendment of Article : 8

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:** Ms Lone Dybkjaer, 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.

Article 8

1. Any Member State or the [*Minister of Foreign Affairs/Secretary of the Union*], acting alone or together with the Commission, may refer to the Council any question relating to the common foreign and security policy and may submit proposals to the Council.
 2. In cases requiring a rapid decision, [*Minister of Foreign Affairs/Secretary of the Union*], *at his own initiative*, or at the request of a Member State, shall convene an extraordinary Council meeting within forty-eight hours or, in an emergency, within a shorter period.
-

Explanation:

We prefer the title Secretary of the Union as being less confusing with the traditional nomenclature of national ministers of foreign affairs.

We also specified that it is at his own initiative, rather than 'on his own motion' that meetings can be convened.

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.

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.

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.

AMENDMENT FORM

Suggestion for amendment of Article: 9 (part II/external action)

By Mr Lennmarker

Status : - Member

Article 9.2:

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 issues relating to national integrity or other similar¹ 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.

¹ The possible reasons stated for request for unanimity should not be open-endedly described.

AMENDMENT FORM

Suggestion for amendment to PART TWO, Title B, Article 11

By Mr Hannes Farnleitner

Status : - Member

Article 11

The Council shall, whenever it deems it necessary, appoint, ~~on a proposal from the Minister for Foreign Affairs,~~ a special representative with a mandate in relation to particular policy issues. The special representative shall carry out his mandate under the authority of the Minister for Foreign Affairs.

Explanation (if any) :

The general rules on the right of initiative as defined in art. 8 should apply.

AMENDMENT FORM

Suggestion for amendment to PART TWO, Title B, Article 14

By Mr Hannes Farnleitner

Status : - Member

Article 14

1. Member States shall coordinate their action in international organisations and at international conferences. They shall uphold the Union's positions in such fora. The Union's Minister for Foreign Affairs shall organise this coordination.

In international organisations and at international conferences where not all the Member States participate, those which do take part shall uphold the Union's positions.

2. Without prejudice to paragraph 1 and Article 6(3) of this Title, Member States represented in international organisations or international conferences where not all the Member States participate shall keep the latter informed of any matter of common interest.

Member States which are also members of the United Nations Security Council **shall will** concert and keep the other Member States fully informed.

Member States which are members of the Security Council **shall will**, in the execution of their functions, defend the positions and the interests of the Union, ~~without prejudice to their responsibilities under the provisions of the United Nations Charter.~~

When the Union has defined a position on a subject which is on the United Nations Security Council agenda, those Member States which sit on the Security Council shall request that the Minister for Foreign Affairs be asked to present the Union's position.

Explanation (if any) :

On the Union's external representation see explanation to Art.34.

AMENDMENT FORM

Suggestion for amendment to PART TWO, Title B, Article 16

By Mr Hannes Farnleitner

Status : - Member

Article 16

Without prejudice to Article XX of the Constitution [on the organisation of the Council/Permanent Representatives Committee], a Political and Security Committee shall monitor the international situation in the areas covered by the common foreign and security policy and contribute to the definition of policies by delivering opinions to the Council at the request of the Council or on its own initiative. It shall also monitor the implementation of agreed policies, without prejudice to the responsibility of the Minister for Foreign Affairs **and the Commission**.

Within the scope of this title, this Committee shall exercise, under the responsibility of the Council, and in close contact with the Minister for Foreign Affairs, political control and strategic direction of crisis management operations, as defined in Article 17 of this Title.

The Council may authorise the Committee, for the purpose and for the duration of a crisis management operation, as determined by the Council, to take the relevant decisions concerning the political control and strategic direction of the operation.

Explanation (if any) :

see article 25 (1) TEU

AMENDMENT FORM

Suggestion for amendment to PART TWO, Title B, Article 3

By Mr Hannes Farnleitner

Status : - Member

CHAPTER 1: COMMON FOREIGN, SECURITY AND DEFENCE POLICY

A. Common foreign and security policy

Article 3

1. In the context of the principles and objectives of its external action as set out in Article 1 of this Title, the Union shall define and implement a common foreign and security policy covering all areas of foreign and security policy.
2. The Member States shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity.

The Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations.

The Council and the Minister for Foreign Affairs shall ensure that these principles are complied with.

3. The Union shall conduct the common foreign and security policy by:
 - defining the principles and general guidelines,
 - adopting **European** decisions on:
 - actions of the Union,
 - positions of the Union,
 - strengthening systematic cooperation between Member States in the conduct of policy.

Explanation (if any) :

Note the amendments in the title of the chapter

AMENDMENT FORM

Suggestion for amendment to PART TWO, Title B, Article 4

By Mr Hannes Farnleitner

Status : - Member

Article 4

The European Council shall define the principles of and general guidelines for the common foreign and security policy, including for matters with defence implications.

If international developments so require, the **Presidency, of its own motion, or at the request of the Minister for Foreign Affairs, a Member State or the Commission** ~~President of the European Council~~ shall convene an extraordinary meeting of the European Council in order to define the strategic lines of the Union's policy in the face of such developments.

The Council shall take ~~the~~ **European** decisions necessary for defining and implementing the common foreign and security policy on the basis of the strategic lines defined by the European Council.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment to PART TWO, Title B, Article 5

By Mr Hannes Farnleitner

Status : - Member

Article 5

1. The Minister for Foreign Affairs, ~~who shall chair the Foreign Affairs Council,~~ shall contribute through his proposals towards the preparation of the common foreign and security policy and shall be responsible for its implementation ~~implementing the decisions taken by the European Council and the Council.~~
2. For matters relating to the common foreign and security policy, the Union shall be represented by the Minister for Foreign Affairs, who shall conduct the political dialogue on the Union's behalf and shall express the Union's position in international organisations and at international conferences.
3. **The Commission shall be fully associated in the tasks referred to in paragraphs 1 and 2.**

Explanation (if any) :

ad paragraph 1: redundant since already in draft Article 17a par 3

ad paragraph 3: see TEU Art. 18 par 4

AMENDMENT FORM

Suggestion for amendment to PART TWO, Title B, Article 6

By Mr Hannes Farnleitner

Status : - Member

Article 6

1. Where the international situation requires operational action by the Union, the Council shall take the necessary decisions. A **European** decision shall lay down the objectives, scope, the means to be made available to the Union, if necessary its duration, and the conditions for implementation of the action.
 2. If there is a change in circumstances having a substantial effect on a question subject to such a **European** decision, the Council shall review the principles and objectives of the action and take the necessary decisions. As long as the Council has not acted, the decision on action by the Union shall stand.
 3. ~~Such decisions shall commit the Member States in the positions they adopt and in the conduct of their activity.~~
 4. Whenever there is any plan to adopt a national position or take national action pursuant to such a **European** decision, information shall be provided in time to allow, if necessary, for prior consultations within the Council. The obligation to provide prior information shall not apply to measures which are merely a national transposition of Council decisions.
 5. In cases of imperative need arising from changes in the situation and failing a Council decision, Member States may take the necessary measures as a matter of urgency having regard to the general objectives of the decision on action by the Union. The Member State concerned shall inform the Council immediately of any such measures.
 6. Should there be any major difficulties in implementing such a decision, a Member State shall refer them to the Council which shall discuss them and seek appropriate solutions. Such solutions shall not run counter to the objectives of the action or impair its effectiveness.
-

Explanation :

In this article as well as throughout the text, the reference should be to “**European**” decisions” instead of only “decisions” as enshrined in Art. 24 of Part I of the Constitution wherever the legal act is referred to.

Para. 3 is redundant in the light of Art. 24 of Part I of the Constitution which mentions “European decisions” among the non-legislative acts and defines their legally binding nature.

AMENDMENT FORM

Suggestion for amendment to PART TWO, Title B, Article 8

By Mr Hannes Farnleitner

Status : - Member

Article 8

1. Any Member State or the Minister for Foreign Affairs **or the Commission or the Minister for Foreign Affairs acting alone or together jointly with the Commission**, may refer to the Council any question relating to the common foreign and security policy and may submit proposals to the Council.
2. In cases requiring a rapid decision, the **Presidency Minister for Foreign Affairs**, ~~of the Minister's own~~ its own motion, or at the request of **the Minister for Foreign Affairs**, a Member State **or the Commission** shall convene an extraordinary Council meeting within forty-eight hours or, in an emergency, within a shorter period.

Explanation (if any) :

The right of initiative of the "Foreign Minister of the Union" should not replace the right of initiative of the Commission (see "Reforming the Institutions: Principles and Premises" CONV 646/03 page 6 "the Commission must be allocated a stronger role of initiative in the current second and third pillars").

Depending on the overall institutional provisions Art. 14 paragraph 4 of the Treaty on the European Union ("The Council may request the Commission to submit to it any appropriate proposals relating to the common foreign and security policy to ensure the implementation of a joint action decision") may have to be retained.

AMENDMENT FORM

Suggestion for amendment to PART TWO, Title B, Article 9

By Mr Hannes Farnleitner

Status : - Member

Article 9

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 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.~~

- 1. Decisions under this Chapter shall be taken by the Council acting by qualified majority.**
- 2. By derogation from paragraph 1, the Council shall act unanimously when acting on the basis of a proposal from a Member State or when adopting any decision having military or defence implications.**

Abstentions by members present in person or represented shall not prevent the adoption of a decision to be taken unanimously.

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.

- 3. 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 qualified majority.**

Explanation (if any) :

In CFSP qualified majority voting should be the rule. However decisions which are based on a proposal from a Member State as well as decisions having military or defence implications should be taken by unanimity.

AMENDMENT FORM

Suggestion for amendment of Article : 10, Chapter 1.A

Suggestion for protocol :

By Mr : John Gormley

Status : Alternate

Article 10.1 Delete 'Union's Minister for Foreign Affairs' and insert "**Commissioner for External Affairs**"

Article 10.2 After 'contribute' insert "**if there is a common view**"
After 'common approach' insert "**Member States may always speak on their own behalf in international organizations, particularly if their approach and interests differ from the main view of the European Union**".

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 11. Chapter 1.A

Suggestion for protocol :

By Mr : John Gormley

Status : Alternate

Article 11 Delete ‘on a proposal from the Minister for Foreign Affairs’ and insert “**on a proposal from the Commission**”

Delete ‘authority of the Minister for Foreign Affairs’ and insert “**authority of the Commissioner for External Affairs**”.

Explanation (if any)

AMENDMENT FORM

Suggestion for amendment of Article : 13, Chapter 1.A

Suggestion for protocol :

By Mr John Gormley

Status : Alternate

Article 13.1 Delete both references to the ‘Minister for Foreign Affairs’ and insert in both cases **“the Commission”**

Article 13.2 Delete ‘Minister for Foreign Affairs’ and insert “Commissioner for External Affairs”.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 14, Chapter 1.A

Suggestion for protocol :

By Mr : John Gormley

Status : Alternate

Article 14.1 Delete ‘The Union’s Minister for Foreign Affairs shall organize this coordination”

Article 14.2 [sub-paragraph 3] Delete

AMENDMENT FORM

Suggestion for amendment of Article : 16, Chapter 1.A

Suggestion for protocol :

By Mr : John Gormley

Status : Alternate

Article 16 [sub-paragraph 1] Delete ‘Minister for Foreign Affairs’ and insert “**Council and the Commission**”

Article 16 [sub-paragraph 2] Delete ‘Minister for Foreign Affairs’ and insert “**Commissioner for External Affairs**”

AMENDMENT FORM

Suggestion for amendment of Article : 3, Chapter 1.A

Suggestion for protocol :

By Mr : John Gormley

Status : Alternate

Article 3.2 Delete the first sentence: ‘The Member States shall support the Union’s external policy actively and unreservedly in a spirit of loyalty and mutual solidarity’. After ‘interests of the Union’ add **“and the principles of the United Nations Charter”** Delete ‘its effectiveness’ and add **“the United Nations’ or the Union’s effectiveness”** Delete ‘Minister for Foreign Affairs’ and insert **“Commission”**

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 4, Chapter 1.A

Suggestion for protocol :

By Mr : John Gormley

Status : Alternate

Article 4 Delete all words after 'security policy' in first sentence.

AMENDMENT FORM

Suggestion for amendment of Article : 5, Chapter 1.A

Suggestion for protocol :

By Mr : John Gormley

Status : Alternate

Article 5.1 Delete 'Minister for Foreign Affairs, who shall and insert "Commissioner for External Affairs"

Article 5.2 Delete

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 8, Chapter 1.A

Suggestion for protocol :

By Mr : John Gormley

Status : Alternate

Article 8.1 Delete ‘the Minister for Foreign Affairs’ and insert “**the Commission**”
Delete ‘with the Commission’.

Article 8.2 Delete from ‘the Minister for Foreign Affairs’ to ‘a Member State’ and insert
“**the Member State holding the six-month Presidency of the European Union, at its
own initiative or at the request of another Member State**”

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 9, Chapter 1.A

Suggestion for protocol :

By Mr : John Gormley

Status : Alternate

Article 9.2 Delete ‘joint’; delete ‘the Minister for Foreign Affairs and’

Article 9.3 Delete

Explanation (if any) :

FICHE AMENDEMENT

Titre B - Partie II

Proposition d'amendement à l'Article : Artigo 10.º

Déposée par Monsieur Luís Queiró

Qualité: Suppléant

1. Logo que a União tenha definido uma abordagem comum na acepção do n.º 5 do artigo 29.º, proceder-se-á a uma estreita coordenação das actividades do **Representante Europeu para as Relações Externas** e dos Ministros dos Negócios Estrangeiros dos Estados-Membros.

2. As missões diplomáticas dos Estados-Membros e as delegações da União cooperarão entre si nos países terceiros e junto das organizações internacionais e contribuirão para a formulação e execução de uma abordagem comum.

Explication éventuelle :

FICHE AMENDEMENT

Titre B - Partie II

Proposition d'amendement à l'Article : Artigo 11.º

Déposée par Monsieur Luís Queiró

Qualité: Suppléant

Sempre que o considere necessário, o Conselho nomeará, sob proposta do **Representante Europeu para as Relações Externas**, um Representante Especial a quem conferirá um mandato relativo a questões políticas específicas. O Representante Especial exercerá o seu mandato sob a autoridade do **Representante Europeu para as Relações Externas**.

Explication éventuelle :

FICHE AMENDEMENT

Titre B - Partie II

Proposition d'amendement à l'Article : Artigo 13.º

Déposée par Monsieur Luís Queiró

Qualité: Suppléant

1. O **Representante Europeu para as Relações Externas** consultará o Parlamento Europeu sobre os principais aspectos e as opções fundamentais da Política Externa e de Segurança Comum e velará por que as opiniões daquela instituição sejam devidamente tomadas em consideração. O Parlamento Europeu será regularmente informado pelo **Representante Europeu para as Relações Externas** sobre a evolução da Política Externa e de Segurança da União, incluindo a Política de Segurança e de Defesa.

2. O Parlamento Europeu pode dirigir perguntas ou apresentar recomendações ao Conselho e ao **Representante Europeu para as Relações Externas**. Procederá anualmente a um debate sobre os progressos realizados na execução da Política Externa e de Segurança Comum, incluindo a Política de Segurança e Defesa.

Explication éventuelle :

FICHE AMENDEMENT

Titre B - Partie II

Proposition d'amendement à l'Article : Artigo 14.º

Déposée par Monsieur Luís Queiró

Qualité: Suppléant

1. Os Estados-Membros coordenarão a sua acção no âmbito das organizações internacionais e em conferências internacionais. Nessas instâncias defenderão as posições da União. O **Representante Europeu para as Relações Externas** assegurará a organização dessa coordenação.

Nas organizações internacionais e em conferências internacionais em que não tomem parte todos os Estados-Membros, aqueles que nelas participem defenderão as posições da União.

2. Sem prejuízo do disposto no n.º 1 do presente artigo e no n.º 3 do artigo 6.º do presente Título, os Estados-Membros representados em organizações internacionais ou conferências internacionais em que nem todos os Estados-Membros o estejam manterão estes últimos informados sobre todas as questões que se revistam de interesse comum.

Os Estados-Membros que sejam igualmente membros do Conselho de Segurança das Nações Unidas concertar-se-ão e manterão os outros Estados-Membros plenamente informados. Os Estados-Membros que são membros do Conselho de Segurança das Nações Unidas defenderão, no exercício das suas funções, as posições e os interesses da União, sem prejuízo das responsabilidades que lhes incumbem por força da Carta das Nações Unidas.

Sempre que a União tenha definido uma posição sobre um tema que conste da ordem de trabalhos do Conselho de Segurança das Nações Unidas, os Estados-Membros que nele têm assento solicitarão que o **Representante Europeu para as Relações Externas** seja convidado a apresentar a posição da União.

Explication éventuelle :

FICHE AMENDEMENT

Titre B - Partie II

Proposition d'amendement à l'Article : Artigo 15.º

Déposée par Monsieur Luís Queiró

Qualité: Suppléant

As missões diplomáticas e consulares dos Estados-Membros e as delegações da União nos países terceiros e nas conferências internacionais, bem como as respectivas representações junto das organizações internacionais, cooperarão no sentido de assegurar a observância e a execução das decisões relativas às posições e às acções da União adoptadas pelo Conselho. Intensificarão a sua cooperação através do intercâmbio de informações e da realização de avaliações comuns.

As referidas missões, delegações e representações contribuirão para a aplicação das disposições a que se refere o n.º 2 do artigo 7.º da Parte I **do presente Tratado**, relativo à protecção das cidadãs e cidadãos da União no território de um país terceiro. Os Estados-Membros estabelecerão entre si as regras necessárias e encetarão as negociações internacionais requeridas para garantir essa protecção.

Explication éventuelle :

FICHE AMENDEMENT

Titre B - Partie II

Proposition d'amendement à l'Article : Artigo 16.º

Déposée par Monsieur Luís Queiró

Qualité: Suppléant

Sem prejuízo do artigo XX **do presente Tratado** [relativo à organização do Conselho/Comité de Representantes Permanentes], um Comité Político e de Segurança acompanhará a situação internacional nos domínios pertencentes ao âmbito da Política Externa e de Segurança Comum e contribuirá para a definição das políticas, emitindo pareceres destinados ao Conselho, a pedido deste ou por sua própria iniciativa. O Comité Político e de Segurança acompanhará igualmente a execução das políticas acordadas, sem prejuízo das competências do **Representante Europeu para as Relações Externas**.

No âmbito do presente Título, este Comité exercerá, sob a responsabilidade do Conselho e em estreito contacto com o **Representante Europeu para as Relações Externas**, o controlo político e a direcção estratégica das operações de gestão de crises, tal como definidas no artigo 17.º do presente Título.

Para efeitos de uma operação de gestão de crises e pelo período de duração desta, conforme determinado pelo Conselho, este pode autorizar o Comité a tomar as decisões pertinentes em matéria de controlo político e de direcção estratégica da operação.

Explication éventuelle :

FICHE AMENDEMENT

Titre B - Partie II

Proposition d'amendement à l'Article : Artigo 3.º

Déposée par Monsieur Luís Queiró

Qualité: Suppléant

1. No quadro dos princípios e objectivos da sua acção externa, enunciados no artigo 1.º do presente Título, a União definirá e executará uma política externa e de segurança comum extensiva a todos os domínios da política externa e de segurança.

2. Os Estados-Membros apoiarão activamente e sem reservas a política externa e de segurança da União, num espírito de lealdade e de solidariedade mútua.

Os Estados-Membros actuarão de forma concertada a fim de reforçar e desenvolver a solidariedade política mútua. Abster-se-ão de empreender acções contrárias aos interesses da União ou susceptíveis de prejudicar a sua eficácia como força coerente nas relações internacionais.

A Presidência do Conselho e o Conselho (8 palavras suprimidas) assegurarão a observância destes princípios, por si, através do Representante Europeu para as Relações Externas ou de um representante especial.

3. A União conduzirá a Política Externa e de Segurança Comum:

- definindo os princípios e as orientações gerais;
 - aprovando decisões relativas:
 - às acções da União,
 - às posições da União e
 - reforçando a cooperação sistemática entre os Estados-Membros na condução da sua política.
-

Explication éventuelle :

FICHE AMENDEMENT

Titre B - Partie II

Proposition d'amendement à l'Article : Artigo 4.º

Déposée par Monsieur Luís Queiró

Qualité: Suppléant

O Conselho Europeu definirá os princípios e as orientações gerais da Política Externa e de Segurança Comum, incluindo em matérias com implicações no domínio da defesa.

Se um acontecimento internacional assim o exigir, **o Chefe de Estado ou de Governo que exercer a Presidência** convocará uma reunião extraordinária do Conselho Europeu, **por sua iniciativa ou a pedido de outro Chefe de Estado ou de Governo de um Estado membro**, a fim de definir as orientações estratégicas da política da União relativamente a esse acontecimento.

O Conselho tomará as disposições necessárias para a definição e execução da Política Externa e de Segurança Comum, com base nas orientações estratégicas definidas pelo Conselho Europeu.

Explication éventuelle :

FICHE AMENDEMENT

Titre B - Partie II

Proposition d'amendement à l'Article : Artigo 5.º
Déposée par Monsieur Luís Queiró

Qualité: Suppléant

Supprimer o presente Artigo

Explication éventuelle :

FICHE AMENDEMENT

Titre B - Partie II

Proposition d'amendement à l'Article : Artigo 6.º

Déposée par Monsieur Luís Queiró

Qualité: Suppléant

1. Sempre que uma situação internacional exija uma acção operacional por parte da União, o Conselho aprovará as decisões necessárias. A decisão definirá os respectivos objectivos e âmbito, os meios a pôr à disposição da União, assim como as condições relativas à execução da acção e, se necessário, a sua duração.
 2. Se se verificar uma alteração de circunstâncias que tenha um efeito substancial numa questão que seja objecto dessa decisão, o Conselho procederá à revisão dos princípios e objectivos dessa acção e aprovará as decisões necessárias. Enquanto o Conselho não tiver deliberado, mantém-se a decisão sobre a acção da União.
 3. Essas decisões vincularão os Estados-Membros nas suas tomadas de posição e na condução da sua acção.
 4. Qualquer tomada de posição ou acção nacional prevista em execução dessa decisão será comunicada num prazo que permita, se necessário, uma concertação prévia no Conselho. A obrigação de informação prévia não é aplicável às medidas que constituam simples transposição das decisões do Conselho para o plano nacional.
 5. Em caso de necessidade imperiosa decorrente da evolução da situação, e na ausência de decisão do Conselho, os Estados-Membros podem tomar com urgência as medidas que se imponham, tendo em conta os objectivos gerais da decisão relativa à acção da União. Os Estados-Membros que tomem essas medidas informarão imediatamente o Conselho desse facto.
 6. Em caso de dificuldades importantes na execução da decisão, os Estados-Membros submeterão a questão ao Conselho, que sobre ela deliberará **por unanimidade**, procurando encontrar as soluções adequadas. Estas soluções não podem ser contrárias aos objectivos da acção, nem prejudicar a sua eficácia.
-

Explication éventuelle :

FICHE AMENDEMENT

Titre B - Partie II

Proposition d'amendement à l'Article : Artigo 8.º

Déposée par Monsieur Luís Queiró

Qualité: Suppléant

1. Qualquer Estado-Membro ou o **Representante Europeu para as Relações Externas**, a título individual ou em conjunto com a Comissão, pode submeter ao Conselho todas as questões do âmbito da Política Externa e de Segurança Comum e apresentar-lhe propostas.

2. Nos casos que exijam uma decisão rápida, o **Representante Europeu para as Relações Externas** convocará, por iniciativa própria ou a pedido de um Estado-Membro, uma reunião extraordinária do Conselho, no prazo de 48 horas ou, em caso de absoluta necessidade, num prazo mais curto.

Explication éventuelle :

FICHE AMENDEMENT

Titre B - Partie II

Proposition d'amendement à l'Article : Artigo 9.º

Déposée par Monsieur Luís Queiró

Qualité: Suppléant

1. As decisões ao abrigo do presente capítulo serão tomadas pelo Conselho, deliberando por unanimidade. As abstenções dos membros presentes ou representados não impedem a aprovação dessas decisões.

Qualquer membro do Conselho que se abstenha numa votação pode fazer acompanhar a sua abstenção de uma declaração formal, nos termos do presente parágrafo. Nesse caso, não é obrigado a aplicar a decisão, mas deve reconhecer que ela vincula a União. Num espírito de solidariedade mútua, esse Estado-Membro deve abster-se de qualquer actuação susceptível de colidir com a acção da União baseada na referida decisão ou de a dificultar; os demais Estados-Membros respeitarão a sua posição. Se os membros do Conselho que façam acompanhar a sua abstenção da citada declaração [representarem mais de um terço dos votos, ponderados nos termos do artigo X da Constituição, a decisão não será aprovada].

2. Em derrogação do disposto no n.º 1, o Conselho delibera por maioria qualificada:

- sempre que aprove decisões relativas a acções e posições da União com base numa decisão do Conselho Europeu sobre os interesses e objectivos estratégicos da União, tal como é definida no n.º 1 do artigo 2.º do presente Título;
- sempre que delibere com base numa proposta conjunta do **Representante Europeu para as Relações Externas** e da Comissão, tal como é definida no n.º 2 do artigo 2.º;
- sempre que aprove qualquer decisão que dê execução a uma decisão relativa a uma acção ou a uma posição da União;
- sempre que nomeie um Representante Especial em conformidade com o artigo 11.º do presente Capítulo.

Se um membro do Conselho declarar que, por importantes e expressas razões de política nacional, tenciona opor-se à aprovação de uma decisão a tomar por maioria qualificada, não se procederá à votação. O Conselho, deliberando por maioria qualificada, pode solicitar que a questão seja submetida ao Conselho Europeu, a fim de ser tomada uma decisão por unanimidade.

O disposto no presente número não é aplicável às decisões que tenham implicações no domínio militar ou da defesa.

3. O Conselho Europeu pode decidir, por unanimidade, que o Conselho delibere por maioria qualificada em casos que não os previstos no n.º 2 do presente artigo.

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : Article 3

Suggestion for protocol :

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

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

Article 3

1. In the context of the principles and objectives of its external action as set out in Article 1 of this Title, the Union shall define and implement a common foreign and security policy covering all areas of foreign and security policy.
2. The Member States shall support the Union's ~~external~~ foreign and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity.

The Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations.

The Council ~~and the Minister for Foreign Affairs~~ shall ensure that these principles are complied with.

3. The Union shall conduct the common foreign and security policy by:
 - defining the principles and general guidelines,
 - adopting decisions on: actions or positions and their implementation.
 - ~~—actions of the Union,~~
 - ~~—positions of the Union,~~
 - strengthening systematic cooperation between Member States in the conduct of policy.

Explanation (if any) :

Explanation 3(2): Inclusion of the Minister for Foreign Affairs presupposes that the Minister chairs the Council formation responsible for External Affairs. This task belongs to the rotating Presidency.

Explanation 3(3): As proposed by WG IX on Simplification, there should be a possibility to adopt implementing acts (CONV 424/02, page 6).

AMENDMENT FORM

Suggestion for amendment of Article : Article 4

Suggestion for protocol :

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

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

Article 4

The European Council shall define the principles of and general guidelines for the common foreign and security policy, including for matters with defence implications.

If international developments so require, the Presidency ~~President of the European Council~~ shall convene an extraordinary meeting of the European Council in order to define the strategic lines of the Union's policy in the face of such developments.

The Council shall take the decisions necessary for defining and implementing the common foreign and security policy on the basis of the strategic lines defined by the European Council.

Explanation (if any) :

Explanation: This task belongs to the rotating Presidency of the Council.

AMENDMENT FORM

Suggestion for amendment of Article : Article 5

Suggestion for protocol :

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

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

Article 5

1. The Minister for Foreign Affairs, ~~who shall chair the Foreign Affairs Council~~, shall contribute through his proposals towards the preparation of the common foreign and security policy and shall be responsible for implementing the decisions taken by the European Council and the Council.
2. For matters relating to the common foreign and security policy, the Union shall be represented by the Minister for Foreign Affairs, who shall conduct the political dialogue on the Union's behalf and shall express the Union's position in international organisations and at international conferences.

The Commission shall be fully associated in the tasks of implementing the Common Foreign and Security Policy.

The Council may request the Commission to submit to it any appropriate proposals relating to the Common Foreign and Security Policy to ensure its implementation.

Explanation (if any) :

Explanation 5(1): The Minister for Foreign Affairs should not be given the task of chairing the Council. This task belongs to the rotating presidency of the Council.

Explanation 5(2): The Commission's present right to participate in the Common Foreign and

Security Policy should not be diminished. This is important for the coherence of the Union's external relations and has been recognised in TEU Article 18(4) and 14(4). These provisions should be maintained and therefore they have been reproduced above. Their inclusion would allow the Commission to preserve its right to participate in the implementation of CFSP decisions and, where appropriate, in the Union's external representation.

AMENDMENT FORM

Suggestion for amendment of Article : Article 6

Suggestion for protocol :

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

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

Article 6

1. Where the international situation requires operational action by the Union, the Council shall take the necessary decisions. A decision shall lay down the objectives, scope, the means to be made available to the Union, if necessary its duration, and the conditions for implementation of the action.
2. If there is a change in circumstances having a substantial effect on a question subject to such a decision, the Council shall review the principles and objectives of the action and take the necessary decisions. As long as the Council has not acted, the decision on action by the Union shall stand.
3. Such decisions shall commit the Member States in the positions they adopt and in the conduct of their activity.
4. Whenever there is any plan to adopt a national position or take national action pursuant to such a decision, information shall be provided in time to allow, if necessary, for prior consultations within the Council. The obligation to provide prior information shall not apply to measures which are merely a national transposition of Council decisions.
5. In cases of imperative need arising from changes in the situation and failing a Council decision, Member States may take the necessary measures as a matter of urgency having regard to the general objectives of the decision on action by the Union. The Member State concerned shall inform the Council immediately of any such measures.

6. Should there be any major difficulties in implementing such a decision, a Member State shall refer them to the Council which shall discuss them and seek ~~appropriate~~ solutions taking into account the needs of the Member State concerned. Such solutions shall not run counter to the objectives of the action or impair its effectiveness.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : Article 8

Suggestion for protocol :

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

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

Article 8

1. Any Member State, the Commission or the Minister for Foreign Affairs, ~~acting alone or together with the Commission,~~ may refer to the Council any question relating to the common foreign and security policy and may submit proposals to the Council.
 2. In cases requiring a rapid decision, the Presidency, of its own motion, or at the request of the Commission or a Member State or the Minister for Foreign Affairs, ~~of the Minister's own motion, or at the request of a Member State,~~ shall convene an extraordinary Council meeting within forty-eight hours or, in an emergency, within a shorter period.
-

Explanation (if any) :

Explanation 8(1): The Union's Minister for Foreign Affairs shall have an independent right of initiative in CFSP matters along with the Commission and the Member States. See our general comment under Part I - Title V.

Explanation 8(2): The Minister for Foreign Affairs should not be granted a right to convene an extraordinary Council meeting. This task belongs to the rotating Presidency of the Council.

However, the Minister for Foreign Affairs along with the Commission and the Member States could present a request to the Presidency on convening such a meeting.

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.

AMENDMENT FORM

Suggestion for amendment of Article : 3

By Ms / ~~Mr~~ : Dr. Sylvia-Yvonne Kaufmann

Status : - Member - ~~Alternate~~

Artikel 3

(1) Die Union erarbeitet und verwirklicht ~~im Rahmen der in Artikel 1 dieses Titels aufgeführten Grundsätze und Ziele ihres außenpolitischen Handelns~~ eine Gemeinsame Außen- und Sicherheitspolitik, die ~~sich auf alle Bereiche der Außen- und Sicherheitspolitik erstreckt~~ **auf einer fortschreitenden Entwicklung der gegenseitigen politischen Solidarität der Mitgliedstaaten, der fortschreitenden Ermittlung der Fragen von allgemeiner Bedeutung und einer zunehmend stärkeren Konvergenz zwischen den Maßnahmen der Mitgliedstaaten beruht.**

(2) Die Mitgliedstaaten unterstützen die Außen- und Sicherheitspolitik der Union aktiv und vorbehaltlos im Geiste der Loyalität und der gegenseitigen Solidarität.

Die Mitgliedstaaten arbeiten zusammen, um ihre gegenseitige politische Solidarität zu stärken und weiterzuentwickeln. Sie enthalten sich jeder Handlung, die den Interessen der Union zuwiderläuft oder ihrer Wirksamkeit als kohärente Kraft in den internationalen Beziehungen schaden könnte.

Die Mitgliedstaaten stimmen einander im Rat und im Europäischen Rat zu jeder außen- und sicherheitspolitischen Frage von allgemeiner Bedeutung ab, um ein gemeinsames Vorgehen festzulegen. Bevor ein Mitgliedstaat auf internationaler Ebene eine Maßnahme ergreift oder eine Verpflichtung eingeht, die die Interessen der Union berühren könnte, konsultiert er die anderen Mitgliedstaaten im Rat oder im Europäischen Rat.

Der Rat und der ~~Minister für auswärtige Angelegenheiten~~ **Außenminister** tragen für die Einhaltung dieser Grundsätze Sorge.

- (3) Die Union verfolgt ihre Gemeinsame Außen- und Sicherheitspolitik, indem sie
- die Grundsätze und allgemeinen Leitlinien bestimmt,
 - Beschlüsse über
 - Aktionen der Union,
 - Standpunkte der Unionannimmt
 - und die regelmäßige Zusammenarbeit der Mitgliedstaaten bei der Führung ihrer Politik ausbaut.

Explanation (if any) :

Absatz 1:

Streichung der Passage " im Rahmen der in Artikel 1 dieses Titels aufgeführten Grundsätze und Ziele ihres außenpolitischen Handelns" : Dies ergibt sich bereits aus der Systematik des Titels " Außenpolitisches Handeln der Union" . Im übrigen ist die vorgeschlagene Formulierung eine Leerformel. Ich schlage deshalb vor, die Formulierung aus Artikel 29 Absatz 1 des Präsidiumsentwurfs zu Teil I der Verfassung zu übernehmen (vgl. mein Änderungsvorschlag zu Art. 29 des Teils I).

Absatz 2:

Übernahme aus Artikel 29 Absatz 5 des Präsidiumsentwurfs zu Teil I der Verfassung.

AMENDMENT FORM

Suggestion for amendment of Article : 4

By Ms / ~~Mr~~ : Dr. Sylvia-Yvonne Kaufmann

Status : - Member - ~~Alternate~~

Artikel 4

Der Europäische Rat bestimmt die Grundsätze und die allgemeinen Leitlinien der Gemeinsamen Außen- und Sicherheitspolitik, ~~und zwar auch bei Fragen mit verteidigungspolitischen Bezügen.~~

~~Wenn eine internationale Entwicklung es erfordert, beruft der Präsident des Europäischen Rates eine außerordentliche Tagung des Europäischen Rates ein, um die strategischen Leitlinien der Politik der Union in Anbetracht dieser Entwicklung festzulegen.~~

Der Rat trifft die für die Festlegung und Durchführung der Gemeinsamen Außen- und Sicherheitspolitik erforderlichen Vorkehrungen auf der Grundlage der vom Europäischen Rat festgelegten strategischen Leitlinien.

Explanation (if any) :

Absatz 1:

Die Gemeinsame Sicherheits- und Verteidigungspolitik ist integraler Bestandteil der Gemeinsamen Außen- und Sicherheitspolitik. Somit bezieht sich Artikel 4 auch auf Fragen mit verteidigungspolitischen Bezügen.

Absatz 2:

Streichung. Diese Regelung ist bereits in Artikel 16 Absatz 3 des Präsidiumsentwurfs für Teil I der Verfassung enthalten.

AMENDMENT FORM

Suggestion for amendment of Article :

By Ms / ~~Mr~~ : Dr. Sylvia-Yvonne Kaufmann

Status : - Member -~~Alternate~~

Artikel 5

(1) Der ~~Minister für Auswärtige Angelegenheiten Außenminister, der im Rat "Auswärtige Angelegenheiten" den Vorsitz führt,~~ trägt mit seinen Vorschlägen zur Gestaltung der Gemeinsamen Außen- und Sicherheitspolitik bei und ist für die Durchführung der vom Europäischen Rat und vom Rat gefassten Beschlüsse zuständig.

(2) In den Bereichen der Gemeinsamen Außen- und Sicherheitspolitik wird die Union durch den ~~Minister für Auswärtige Angelegenheiten~~ **Außenminister** vertreten, der im Namen der Union den politischen Dialog führt und den Standpunkt der Union in internationalen Organisationen und auf internationalen Konferenzen vertritt.

Explanation (if any) :

Dass der Außenminister im Rat " Auswärtige Angelegenheiten" den Vorsitz führt, ist bereits in Artikel 17a Absatz 3 des Präsidiumsentwurfs zu Teil I der Verfassung geregelt.

AMENDMENT FORM

Suggestion for amendment of Article : 9

By Ms / ~~Mr~~ : Dr. Sylvia-Yvonne Kaufmann

Status : - Member - ~~Alternate~~

Artikel 9

(1) Beschlüsse nach diesem Kapitel werden vom Rat einstimmig gefasst. Die Stimmenthaltung von anwesenden oder vertretenen Mitgliedern steht dem Zustandekommen dieser Beschlüsse nicht entgegen.

Bei einer Stimmenthaltung kann jedes Ratsmitglied zu seiner Enthaltung eine förmliche Erklärung im Sinne dieses Unterabsatzes abgeben. In diesem Fall ist es nicht verpflichtet, den Beschluss durchzuführen, akzeptiert jedoch, dass der Beschluss für die Union bindend ist. Im Geiste gegenseitiger Solidarität unterlässt der betreffende Mitgliedstaat alles, was dem auf diesem Beschluss beruhenden Vorgehen der Union zuwiderlaufen oder es behindern könnte, und die anderen Mitgliedstaaten respektieren seinen Standpunkt. Verfügen die Mitglieder des Rates, die sich auf diese Weise enthalten, über mehr als ein Drittel der nach Artikel X der Verfassung gewogenen Stimmen, so wird der Beschluss nicht angenommen.

- (2) Abweichend von Absatz 1 beschließt der Rat mit qualifizierter Mehrheit, wenn er
- auf der Grundlage eines Beschlusses des Europäischen Rates über die strategischen Interessen und Ziele der Union im Sinne des Artikels 2 Absatz 1 dieses Titels Beschlüsse über Aktionen oder Standpunkte der Union annimmt;
 - auf der Grundlage eines gemeinsamen Vorschlags des ~~Ministers für auswärtige Angelegenheiten~~ **Außenministers** und der Kommission ~~im Sinne des Artikels 2 Absatz 2~~ einen Beschluss fasst;
 - einen Beschluss zur Durchführung eines Beschlusses über eine Aktion oder einen Standpunkt der Union fasst;
 - nach Artikel 11 dieses Kapitels einen Sonderbeauftragten ernennt.

Erklärt ein Mitglied des Rates, dass es aus wichtigen Gründen der nationalen Politik, die es auch nennen muss, die Absicht hat, einen mit qualifizierter Mehrheit zu fassenden Beschluss abzulehnen,

so erfolgt keine Abstimmung. Der Rat kann mit qualifizierter Mehrheit verlangen, dass die Frage zur einstimmigen Beschlussfassung an den Europäischen Rat verwiesen wird.

Dieser Absatz gilt nicht für Beschlüsse mit militärischen oder verteidigungspolitischen Bezügen.

(3) Der Europäische Rat kann einstimmig beschließen, dass der Rat in anderen als den in Absatz 2 dieses Artikels genannten Fällen mit qualifizierter Mehrheit beschließt.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 12

By Ms / ~~Mr~~ : Dr. Sylvia-Yvonne Kaufmann

Status : - Member -~~Alternate~~

Artikel 12

Die Union kann ~~nach Maßgabe dieses Kapitels und nach dem in Artikel 33 dieses Titels beschriebenen Verfahren~~ Übereinkünfte mit einem oder mehreren Staaten oder internationalen Organisationen schließen.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 13

By Ms / ~~Mr~~ : Dr. Sylvia-Yvonne Kaufmann

Status : - Member - ~~Alternate~~

Artikel 13

(1) Der ~~Minister für auswärtige Angelegenheiten~~ **Außenminister** hört das Europäische Parlament zu den wichtigsten Aspekten der Gemeinsamen Außen- und Sicherheitspolitik und achtet darauf, dass die Auffassungen des Europäischen Parlaments gebührend berücksichtigt werden. **Grundlegende Weichenstellungen sowie Grundsatzbeschlüsse zur Einleitung restriktiver Maßnahmen gegen Drittstaaten bedürfen der Zustimmung des Europäischen Parlaments.** Das Europäische Parlament wird vom ~~Minister für auswärtige Angelegenheiten~~ **Außenminister** regelmäßig über die Entwicklung der Außen- und Sicherheitspolitik der Union, ~~einschließlich der Sicherheits- und Verteidigungspolitik,~~ unterrichtet.

(2) Das Europäische Parlament kann Anfragen oder Empfehlungen an den Rat und den ~~Minister für auswärtige Angelegenheiten~~ **Außenminister** richten. Einmal jährlich führt es eine Aussprache über die Fortschritte bei der Durchführung der Gemeinsamen Außen- und Sicherheitspolitik, ~~einschließlich der Sicherheits- und Verteidigungspolitik.~~

Explanation (if any) :

Streichung der Passage " einschließlich der Sicherheits- und Verteidigungspolitik" . Die Gemeinsame Sicherheits- und Verteidigungspolitik ist integraler Bestandteil der Gemeinsamen Außen- und Sicherheitspolitik. Somit bezieht sich der gesamte Artikel 13 auch auf die Gemeinsame Sicherheits- und Verteidigungspolitik.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 15

Déposée par Monsieur de Villepin

Qualité : - Membre

Article 15

Les missions diplomatiques et consulaires des États membres et les délégations de l'Union dans les pays tiers et les conférences internationales ainsi que leurs représentations auprès des organisations internationales, coopèrent pour assurer le respect et la mise en œuvre des décisions portant sur des positions et des actions de l'Union arrêtées par le Conseil. Elles intensifient leur coopération en échangeant des informations ~~et~~ en procédant à des évaluations communes et, le cas échéant, en agissant conjointement.

Elles contribuent à la mise en œuvre des dispositions visées à l'article 7 paragraphe 2 de la Partie I de la Constitution concernant la protection des citoyennes et citoyens européens sur le territoire d'un pays tiers. Les États membres établissent entre eux les règles nécessaires et engagent les négociations internationales requises en vue d'assurer cette protection.

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : 15

By Ms / ~~Mr~~ : Dr. Sylvia-Yvonne Kaufmann

Status : - Member -~~Alternate~~

Artikel 15

Die diplomatischen und konsularischen Vertretungen der Mitgliedstaaten und die Delegationen der Union in Drittländern und auf internationalen Konferenzen sowie ihre Vertretungen bei internationalen Organisationen stimmen sich ab, um die Einhaltung und Umsetzung der vom Rat angenommenen Beschlüsse über Standpunkte und Aktionen der Union zu gewährleisten. Sie intensivieren ihre Zusammenarbeit durch Informationsaustausch und gemeinsame Bewertungen.

Sie beteiligen sich an der Durchführung des ~~Artikels 7 Absatz 2 in Teil I der Verfassung~~ **Artikels 46 der Grundrechtecharta** hinsichtlich des Schutzes der europäischen Bürgerinnen und Bürger im Hoheitsgebiet eines Drittlandes. Die Mitgliedstaaten vereinbaren die notwendigen Regeln und leiten die für diesen Schutz erforderlichen internationalen Verhandlungen ein.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 16a

By Ms / ~~Mr~~ : Dr. Sylvia-Yvonne Kaufmann

Status : - Member - ~~Alternate~~

B. Gemeinsame Sicherheits- und Verteidigungspolitik

Artikel 16a

(1) Die Gemeinsame Sicherheits- und Verteidigungspolitik ist integraler Bestandteil der Gemeinsamen Außen- und Sicherheitspolitik.

(2) Die Gemeinsame Sicherheits- und Verteidigungspolitik umfasst die schrittweise Festlegung einer gemeinsamen Verteidigungspolitik der Union. Diese führt zu einer gemeinsamen Verteidigung, sobald der Europäische Rat einstimmig einen entsprechenden Beschluss gefasst hat. Er empfiehlt in diesem Fall den Mitgliedstaaten, einen solchen Beschluss gemäß ihren verfassungsrechtlichen Vorschriften anzunehmen.

(3) Die Gemeinsame Sicherheits- und Verteidigungspolitik umfaßt auch die Sicherung einer operativen Kapazität der Union, die sich auf zivile und militärische Mittel stützt. Im Einklang mit der Charta der Vereinten Nationen kann die Union diese bei Missionen zur Wahrung des Friedens und zur Stärkung der internationalen Sicherheit außerhalb der Union einsetzen.

(4) Die Mitgliedstaaten können für die Gemeinsame Sicherheits- und Verteidigungspolitik zivile und militärische Fähigkeiten als Beitrag zur Verwirklichung der vom Rat festgelegten Ziele zur Verfügung stellen.

Explanation (if any) :

Absatz 1:

Übernahme aus Art. 30 Abs. 1 des Präsidiumsentwurfs für Teil I der Verfassung.

Absatz 2:

Übernahme von Art. 30 Abs. 2 des Präsidiumsentwurfs für Teil I der Verfassung.

Absatz 3:

Übernahme aus Art. 30 Abs. 1 des Präsidiumsentwurfs für Teil I der Verfassung in geänderter Fassung.

Absatz 4:

Übernahme aus Art. 30 Abs. 3 des Präsidiumsentwurfs für Teil I der Verfassung in geänderter Fassung.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 3

Déposée par Monsieur de Villepin

Qualité : - Membre

Article 3

1. Dans le cadre des principes et objectifs de son action extérieure, tels qu'énoncés dans l'article 1 du présent Titre, l'Union définit et met en œuvre une politique étrangère et de sécurité commune couvrant tous les domaines de la politique étrangère et de sécurité.
2. Les États membres appuient activement et sans réserve la politique étrangère et de sécurité de l'Union dans un esprit de loyauté et de solidarité mutuelle.

Les États membres œuvrent de concert au renforcement et au développement de leur solidarité politique mutuelle. Ils s'abstiennent de toute action contraire aux intérêts de l'Union ou susceptible de nuire à son efficacité en tant que force de cohésion dans les relations internationales.

Le Conseil et le Ministre des Affaires étrangères veillent au respect de ces principes.

3. L'Union conduit la politique étrangère et de sécurité commune :
 - en définissant les principes et les orientations générales,
 - en adoptant des décisions portant sur :
 - des actions de l'Union,
 - des positions de l'Union,
 - et en renforçant la coopération systématique entre les États membres pour la conduite de leur politique
 - en recourant, le cas échéant, et selon les procédures du traité, aux autres politiques du présent titre, notamment aux articles 25 à 31.

Explication éventuelle :

Cet amendement vise à permettre à l'Union d'assurer une cohérence globale et effective de l'ensemble de son action extérieure, conformément aux objectifs fixés à l'article 1.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 5

Déposée par Monsieur de Villepin

Qualité : - Membre

Article 5

1. Le Ministre des Affaires étrangères, qui préside le Conseil des Affaires étrangères, contribue par ses propositions à l'élaboration de la politique étrangère et de sécurité commune et a la responsabilité de la mise en œuvre des décisions prises par le Conseil européen et le Conseil.
2. Pour les matières relevant de la Politique étrangère et de sécurité commune, l'Union est représentée par le Ministre des Affaires étrangères, qui conduit au nom de l'Union le dialogue politique et qui exprime la position de l'Union dans les organisations internationales et au sein des conférences internationales.
3. Le Conseil peut demander au Ministre des affaires étrangères de formuler toute proposition pour la mise en œuvre d'une décision relative à la PESC.

Explication éventuelle :

Cet amendement vise à reprendre l'esprit de l'article 14§4 TUE en l'élargissant à l'ensemble du domaine de l'action extérieure pour en assurer la cohérence. Il précise les dispositions du projet d'article 19 du titre IV de la partie I qui prévoit que « le ministre des affaires étrangères contribue par ses propositions à l'élaboration de la politique étrangère commune, et l'exécute en tant que mandataire du Conseil ».

FICHE AMENDEMENT

Proposition d'amendement à l'Article 6

Déposée par Monsieur de Villepin

Qualité : - Membre

Article 6

1. Lorsqu'une situation internationale exige une action opérationnelle de l'Union, le Conseil adopte les décisions nécessaires. La décision fixe les objectifs, la portée, les moyens à mettre à la disposition de l'Union, ainsi que les conditions relatives à la mise en œuvre de l'action et, si nécessaire, sa durée.
2. S'il se produit un changement de circonstances ayant une nette incidence sur une question faisant l'objet d'une telle décision, le Conseil révisé les principes et les objectifs de cette action et adopte les décisions nécessaires. Aussi longtemps que le Conseil n'a pas statué, la décision sur l'action de l'Union est maintenue.
3. Ces décisions engagent les institutions de l'Union et les États membres dans leurs prises de position et dans la conduite de leur action.
4. Toute prise de position ou toute action nationale envisagée en application d'une telle décision fait l'objet d'une information dans des délais permettant, en cas de nécessité, une concertation préalable au sein du Conseil. L'obligation d'information préalable ne s'applique pas aux mesures qui constituent une simple transposition sur le plan national des décisions du Conseil.
5. En cas de nécessité impérieuse liée à l'évolution de la situation et à défaut d'une décision du Conseil, les États membres peuvent prendre d'urgence les mesures qui s'imposent, en tenant compte des objectifs généraux de la décision portant sur l'action de l'Union. L'État membre qui prend de telles mesures en informe immédiatement le Conseil.
6. En cas de difficultés majeures pour appliquer une telle décision, un État membre saisit le Conseil, qui en délibère et recherche les solutions appropriées. Celles-ci ne peuvent aller à l'encontre des objectifs de l'action ni nuire à son efficacité.

Explication éventuelle :

Cet amendement vise à assurer la cohérence entre l'ensemble des politiques de l'Union.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 7

Déposée par Monsieur de Villepin

Qualité : - Membre

Article 7

Le Conseil adopte des décisions qui définissent la position de l'Union sur une question particulière de nature géographique ou thématique. Les États membres et les institutions de l'Union veillent à la conformité de leurs politiques ~~nationales~~ avec les positions de l'Union.

Explication éventuelle :

Mise en cohérence avec l'amendement de l'article 6

FICHE AMENDEMENT

Proposition d'amendement à l'Article 8

Déposée par Monsieur de Villepin

Qualité : - Membre

Article 8

1. Chaque État membre ou le Ministre des Affaires étrangères, ~~seul ou avec la Commission~~, peut saisir le Conseil de toute question relevant de la politique étrangère et de sécurité commune et soumettre des propositions au Conseil.
2. Dans les cas exigeant une décision rapide, le Ministre des Affaires étrangères convoque, soit d'office, soit à la demande d'un État membre, dans un délai de quarante-huit heures ou, en cas de nécessité absolue, dans un délai plus bref, une réunion extraordinaire du Conseil.

Explication éventuelle :

L'amendement vise à tirer les conséquences du statut du ministre des affaires étrangères.

Les dispositions visant le statut du Ministre des affaires étrangères dans la partie II relative aux dispositions institutionnelles devront préciser qu'en ces matières, la proposition du Ministre des affaires étrangères ne fait pas l'objet d'une approbation préalable par le collège des commissaires, conformément aux recommandations du groupe de travail action extérieure.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 9

Déposée par Monsieur de Villepin

Qualité : - Membre

Article 9

1. Les décisions relevant du présent Chapitre sont prises par le Conseil statuant à ~~l'unanimité~~ la majorité qualifiée sauf lorsqu'elles n'émanent pas du Ministre des affaires étrangères et pour les questions ayant des implications militaires ou de défense. Lorsque le Conseil statue à l'unanimité, Les abstentions des membres présents ou représentés n'empêchent pas l'adoption de ces décisions.

Tout membre du Conseil qui s'abstient lors d'un vote peut, conformément au présent alinéa, assortir son abstention d'une déclaration formelle. Dans ce cas, il n'est pas tenu d'appliquer la décision, mais il accepte que la décision engage l'Union. Dans un esprit de solidarité mutuelle, l'État membre concerné s'abstient de toute action susceptible d'entrer en conflit avec l'action de l'Union fondée sur cette décision ou d'y faire obstacle et les autres États membres respectent sa position. Si les membres du Conseil qui assortissent leur abstention d'une telle déclaration représentent plus du tiers des voix affectées de la pondération prévue à l'article X de la Constitution, la décision n'est pas adoptée.

- ~~2. Par dérogation au paragraphe 1, le Conseil statue à la majorité qualifiée :~~

~~—— lorsque, sur la base d'une décision du Conseil européen portant sur les intérêts et objectifs stratégiques de l'Union, telle que définie à l'article 2 paragraphe 1 de ce Titre, il adopte des décisions portant sur des actions et des positions de l'Union,~~

~~—— lorsqu'il statue sur la base d'une proposition conjointe du Ministre des Affaires étrangères et de la Commission, telle que définie à l'article 2, paragraphe 2,~~

~~—— lorsqu'il adopte toute décision mettant en œuvre une décision portant sur une action ou une position de l'Union,~~

- lorsqu'il nomme un représentant spécial conformément à l'article 11 de ce Chapitre.

Par dérogation au paragraphe 1, si un Etat membre invoque un intérêt national pour s'opposer à une décision, le Ministre des affaires étrangères est invité à rechercher avec lui une solution ; s'il n'y parvient pas, le président du Conseil européen en fait de même ; si aucune solution n'est trouvée, le Conseil européen est saisi de la question en vue d'une décision à la majorité qualifiée.

~~Si un membre du Conseil déclare que, pour des raisons de politique nationale importantes et qu'il expose, il a l'intention de s'opposer à l'adoption d'une décision devant être prise à la majorité qualifiée, il n'est pas procédé au vote. Le Conseil, statuant à la majorité qualifiée, peut demander que le Conseil européen soit saisi de la question en vue d'une décision à l'unanimité.~~

~~Le présent paragraphe ne s'applique pas aux décisions ayant des implications militaires ou dans le domaine de la défense.~~

- ~~3. — Le Conseil européen peut décider à l'unanimité que le Conseil statue à la majorité qualifiée dans d'autres cas que ceux visés au paragraphe 2 du présent article.~~

Explication éventuelle :

Les modifications visent à généraliser la majorité qualifiée à l'ensemble des décisions relevant de la PESC, tout en prenant en compte l'évocation par un Etat d'un intérêt national.

Elles visent par ailleurs, à assurer l'autorité du Ministre des affaires étrangères au sein du Conseil.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 10

Déposée par Madame ou Monsieur : M. Louis Michel, M. Elio di Rupo, Mme Anne Van Lancker, membres de la Convention et M. Pierre Chevalier et Mme Marie Nagy, membres suppléants de la Convention

Qualité : - Membre - Suppléant

1. Avant de prendre sur la scène internationale tout engagement susceptible d'affecter les intérêts de l'Union, les Etats membres s'informent et se consultent au sein du Conseil ou du Conseil européen. Les États membres assurent, par la convergence de leurs actions, que l'Union puisse faire valoir ses intérêts et valeurs sur la scène internationale.

Lorsque L'Union a défini une approche commune ~~au sens de l'article 29, paragraphe 5,~~ il est procédé à une coordination étroite des activités du Ministre des Affaires étrangères de l'Union et des Ministres des Affaires étrangères des États membres.

2. Les missions diplomatiques des États membres et les délégations de l'Union coopèrent entre elles dans les pays tiers et auprès des organisations internationales et contribuent à la formulation et à la mise en œuvre d'une approche commune.

Explication éventuelle :

Le premier paragraphe reprend les éléments pertinents du paragraphe 5 du projet d'article 29.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 14

Déposée par Madame ou Monsieur : M. Louis Michel, M. Elio di Rupo, Mme Anne Van Lancker, membres de la Convention et M. Pierre Chevalier et Mme Marie Nagy, membres suppléants de la Convention

Qualité : - Membre - Suppléant

1. Les États membres coordonnent leur action au sein des organisations internationales et lors des conférences internationales. Ils défendent dans ces enceintes les positions de l'Union. Le Ministre des Affaires étrangères de l'Union assure l'organisation de cette coordination.

Au sein des organisations internationales et lors des conférences internationales auxquelles tous les États membres ne participent pas, ceux qui y participent défendent les positions de l'Union.

2. Sans préjudice du paragraphe 1 et de l'article 6, paragraphe 3 de ce Titre, les États membres représentés dans des organisations internationales ou des conférences internationales auxquelles tous les États membres ne participent pas tiennent ces derniers informés de toute question présentant un intérêt commun.

Les États membres qui sont aussi membres du Conseil de sécurité des Nations unies se concerteront et tiendront les autres États membres pleinement informés. **Le Ministre des Affaires Etrangères de l'Union contribue à la concertation préalable sur les questions figurant à l'ordre du jour du Conseil de Sécurité.** Les États membres qui sont membres du Conseil de sécurité défendront, dans l'exercice de leurs fonctions, les positions et les intérêts de l'Union, sans préjudice des responsabilités qui leur incombent en vertu des dispositions de la charte des Nations unies.

Lorsque l'Union a défini une position sur un thème à l'ordre du jour du Conseil de Sécurité des Nations Unies, les États membres qui y siègent demandent que le Ministre des Affaires étrangères soit invité à **participer au Conseil.** ~~présenter la position de l'Union.~~

Explication éventuelle :

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 16bis

Déposée par Madame ou Monsieur : M. Louis Michel, M. Elio di Rupo, Mme Anne Van Lancker, membres de la Convention et M. Pierre Chevalier, membre suppléant de la Convention

Qualité : - Membre - Suppléant

« Insérer un nouvel article 16 bis se lisant comme suit :

« Article 16 bis

1. La politique de sécurité et de défense commune, qui fait partie intégrante de la politique étrangère et de sécurité commune, assure à l'Union une capacité opérationnelle s'appuyant sur des moyens militaires et civils. L'Union peut les déployer dans des missions en dehors de l'Union pour le maintien de la paix et le renforcement de la sécurité internationale conformément aux principes de la Charte des Nations Unies.
2. La politique de sécurité et de défense commune inclut la définition progressive d'une politique de défense commune de l'Union. Celle-ci conduira à une défense commune, dès lors que le Conseil européen, statuant à l'unanimité, en aura décidé ainsi. Il recommande, dans ce cas, aux États membres d'adopter une décision dans ce sens conformément à leurs exigences constitutionnelles respectives.

La politique de l'Union au sens du présent article n'affecte pas le caractère spécifique de la politique de sécurité et de défense de certains États membres, elle respecte les obligations découlant du traité de l'Atlantique Nord pour certains États membres qui considèrent que leur défense commune est réalisée dans le cadre de l'Organisation du traité de l'Atlantique Nord (OTAN) et elle est compatible avec la politique commune de sécurité et de défense arrêtée dans ce cadre.

3. Les États membres mettent à la disposition de la politique de sécurité et de défense commune des capacités militaires et civiles qu'ils s'engagent à améliorer progressivement pour contribuer aux objectifs définis par le Conseil.

Les États membres qui constituent entre eux des forces multinationales peuvent également mettre ces forces à la disposition de la politique de sécurité et de défense commune.
4. Les décisions relatives à la mise en œuvre de la politique de sécurité et de défense commune, y compris celles portant sur le lancement d'une mission visée au présent article, sont adoptées par le Conseil statuant à l'unanimité sur proposition du Ministre des Affaires étrangères de l'Union ou d'un État membre.

Explication éventuelle :

L'article 16 bis reprend les dispositions de l'article 30 qui ne sont pas déjà couvertes par la deuxième partie.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 3

Déposée par Madame ou Monsieur : M. Louis Michel, M. Elio di Rupo, Mme Anne Van Lancker, membres de la Convention et M. Pierre Chevalier et Mme Marie Nagy, membres suppléants de la Convention

Qualité : - Membre - Suppléant

Ajouter un paragraphe 4 se lisant comme suit :

« 4. La mise en œuvre de la politique étrangère et de sécurité commune n'affecte pas les compétences de l'Union énumérées aux articles 11 à 13, 15 et 16 de la Constitution».

Explication éventuelle :

Le paragraphe 4 vise à maintenir une disposition similaire à celle de l'article 47 TUE dans une formulation qui tient compte de la disparition des piliers. Il importe en effet de veiller à ce que les procédures spécifiques de la PESC n'affectent pas les dispositions des autres politiques et domaines de l'action extérieure de l'Union.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 4

Déposée par Madame ou Monsieur : **M. Louis Michel, M. Elio di Rupo, Mme Anne Van Lancker, membres de la Convention et M. Pierre Chevalier et Mme Marie Nagy, membres suppléants de la Convention**

Qualité : - Membre - Suppléant

Le Conseil européen définit les orientations générales de la politique étrangère et de sécurité commune, y compris pour les questions ayant des implications en matière de défense.

Si un développement international l'exige, ~~le Président du~~ **une réunion extraordinaire du** Conseil européen **est** convoquée ~~une réunion, extraordinaire du Conseil européen~~ afin de définir les lignes stratégiques de la politique de l'Union face à ce développement.

Le Conseil prend les dispositions nécessaires à la définition et à la mise en œuvre de la politique étrangère et de sécurité commune, sur la base des ~~lignes stratégiques~~ **orientations générales ainsi que des intérêts et objectifs stratégiques** définis par le Conseil européen.

La politique étrangère et de sécurité commune est exécutée par le Ministre des Affaires Etrangères de l'Union et par les Etats membres de l'Union.

Explication éventuelle :

Le dernier paragraphe reprend une disposition de l'article 29 dont la suppression est demandée.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 9

Déposée par Madame ou Monsieur : M. Louis Michel, M. Elio di Rupo, Mme Anne Van Lancker, membres de la Convention et M. Pierre Chevalier et Mme Marie Nagy, membres suppléants de la Convention

Qualité : - Membre - Suppléant

1. Les décisions relevant du présent Chapitre sont prises par le Conseil statuant à l'unanimité. Les abstentions des membres présents ou représentés n'empêchent pas l'adoption de ces décisions.

Tout membre du Conseil qui s'abstient lors d'un vote peut, conformément au présent alinéa, assortir son abstention d'une déclaration formelle. Dans ce cas, il n'est pas tenu d'appliquer la décision, mais il accepte que la décision engage l'Union. Dans un esprit de solidarité mutuelle, l'État membre concerné s'abstient de toute action susceptible d'entrer en conflit avec l'action de l'Union fondée sur cette décision ou d'y faire obstacle et les autres États membres respectent sa position. Si les membres du Conseil qui assortissent leur abstention d'une telle déclaration représentent plus du tiers ~~des voix affectées de la pondération prévue à l'article X de la Constitution,~~ **des Etats membres représentant plus du tiers de la population de l'Union,** la décision n'est pas adoptée.

2. Par dérogation au paragraphe 1, le Conseil statue à la majorité qualifiée :
 - lorsque, sur la base d'une décision du Conseil européen portant sur les intérêts et objectifs stratégiques de l'Union, telle que définie à l'article 2 paragraphe 1 de ce Titre, il adopte des décisions portant sur des actions et des positions de l'Union,
 - lorsqu'il statue sur la base d'une proposition conjointe du Ministre des Affaires étrangères et de la Commission, telle que définie à l'article 2, paragraphe 2,
 - lorsqu'il adopte toute décision mettant en œuvre une décision portant sur une action ou une position de l'Union,

- lorsqu'il nomme un représentant spécial conformément à l'article 11 de ce Chapitre.

~~Si un membre du Conseil déclare que, pour des raisons de politique nationale importantes et qu'il expose, il a l'intention de s'opposer à l'adoption d'une décision devant être prise à la majorité qualifiée, il n'est pas procédé au vote. Le Conseil, statuant à la majorité qualifiée, peut demander que le Conseil européen soit saisi de la question en vue d'une décision à l'unanimité~~

Le présent paragraphe ne s'applique pas aux décisions ayant des implications militaires ou dans le domaine de la défense.

3. Le Conseil ~~européen~~, **réuni au niveau des chefs d'Etat et de gouvernement**, peut décider à l'unanimité que le Conseil statue à la majorité qualifiée dans d'autres cas que ceux visés au paragraphe 2 du présent article.

Explication éventuelle :

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 13, Partie II, Titre B

Déposée par: M. Ernâni Lopes, Mme. Maria Eduarda Azevedo, M. Manuel Lobo Antunes et M. António Nazaré Pereira

Qualité : - Membres et Suppléants

1. ~~Le Ministre des Affaires étrangères consulte le Parlement européen sur les principaux aspects et les choix fondamentaux de la politique étrangère et de sécurité commune et veille à ce que les vues du Parlement européen soient dûment prises en considération. Le Parlement européen est tenu régulièrement informé par le Ministre des Affaires étrangères de l'évolution de la politique étrangère et de sécurité de l'Union, y compris la politique de la sécurité et de défense.~~
2. ~~Le Parlement européen peut adresser des questions ou formuler des recommandations à l'intention du Conseil et du Ministre des Affaires étrangères. Il procède chaque année à un débat sur les progrès réalisés dans la mise en œuvre de la politique étrangère et de sécurité commune, y compris la politique de la sécurité et de défense.~~

Explication:

Conformément à notre proposition d'amendement de l'article 2, Partie II, Titre B, le texte de cette disposition doit figurer dans la partie introductrice de « L'action extérieure de l'Union ».

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 16, Partie II, Titre B

Déposée par: M. Ernâni Lopes, Mme. Maria Eduarda Azevedo, M. Manuel Lobo Antunes et M. António Nazaré Pereira

Qualité : - Membres et Suppléants

Sans préjudice de l'article XX de la Constitution [concernant l'organisation du Conseil/Comité des Représentants Permanents], un Comité Politique et de Sécurité suit la situation internationale dans les domaines relevant de la politique étrangère et de sécurité commune et contribue à la définition des politiques en émettant des avis à l'intention du Conseil, à la demande de celui-ci ou de sa propre initiative. Il surveille également la mise en œuvre des politiques convenues, sans préjudice des compétences **de la Présidence et** du Ministre des Affaires étrangères.

Dans le cadre du présent titre, le Comité exerce, sous la responsabilité du Conseil et en contact étroit avec le Ministre des Affaires étrangères, le contrôle politique et la direction stratégique des opérations de gestion de crise, telles que définies à l'article 17 du présent Titre.

Le Conseil peut autoriser le Comité, aux fins d'une opération de gestion de crise et pour la durée de celle-ci, telles que déterminées par le Conseil, à prendre les décisions appropriées concernant le contrôle politique et la direction stratégique de l'opération.

Explication:

Ces modifications sont en cohérence avec nos propositions de changements sur les Institutions (Partie I, Titre IV).

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 4, Partie II, Titre B

Déposée par: M. Ernâni Lopes, Mme. Maria Eduarda Azevedo, M. Manuel Lobo Antunes et M. António Nazaré Pereira

Qualité : - Membres et Suppléants

Le Conseil européen définit les orientations générales de la politique étrangère et de sécurité commune, y compris pour les questions ayant des implications en matière de défense.

Si un développement international l'exige, ~~le Président du Conseil européen~~ **la Présidence** convoque une réunion extraordinaire du Conseil européen afin de définir les lignes stratégiques de la politique de l'Union face à ce développement.

Le Conseil prend les dispositions nécessaires à la définition et à la mise en œuvre de la politique étrangère et de sécurité commune, sur la base des lignes stratégiques définies par le Conseil européen.

Explication:

En vue de nos propositions sur les Institutions (Partie I, Titre IV) , il nous semble que la compétence décrite doit être attribuée à la Présidence.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 5, Partie II, Titre B

Déposée par: M. Ernâni Lopes, Mme. Maria Eduarda Azevedo, M. Manuel Lobo Antunes et M. António Nazaré Pereira

Qualité : - Membres et Suppléants

1. Le Ministre des Affaires étrangères, ~~qui préside le Conseil des Affaires étrangères,~~ contribue par ses propositions à l'élaboration de la politique étrangère et de sécurité commune et a la responsabilité de la mise en œuvre des décisions prises par le Conseil européen et le Conseil.
2. ~~Pour les matières relevant de la Politique étrangère et de sécurité commune, l'Union est représentée par le Ministre des Affaires étrangères, qui conduit au nom de l'Union le dialogue politique et qui exprime la position de l'Union dans les organisations internationales et au sein des conférences internationales.~~

Explication:

n.º1- Cette modification est en cohérence avec nos propositions de changements sur les Institutions (Partie I, Titre IV).

n.º2- Nous considérons que les compétences de la Présidence doivent, en lignes générales, être maintenues (articles 18 et 26 TUE).

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 8, Partie II, Titre B

Déposée par: M. Ernâni Lopes, Mme. Maria Eduarda Azevedo, M. Manuel Lobo Antunes et M. António Nazaré Pereira

Qualité : - Membres et Suppléants

1. **La Présidence**, chaque État membre ou le Ministre des Affaires étrangères, seul ou avec la Commission, peut saisir le Conseil de toute question relevant de la politique étrangère et de sécurité commune et soumettre des propositions au Conseil.
2. Dans les cas exigeant une décision rapide, ~~le Ministre des Affaires étrangères~~ **la Présidence** convoque, soit d'office, soit à la demande d'un État membre **ou du Ministre des Affaires Étrangères**, dans un délai de quarante-huit heures ou, en cas de nécessité absolue, dans un délai plus bref, une réunion extraordinaire du Conseil.

Explication:

Ces modifications sont en cohérence avec nos propositions de changements sur les Institutions (Partie I, Titre IV).

FICHE AMENDEMENT

Proposition d'amendement à l'Article: 5

Déposée par Messieurs:

Alberto Costa - membre

Guilherme d'Oliveira Martins – suppléant

Partie II – Titre B

L'action extérieure de l'Union

Article 5

1. Le Ministre des Affaires étrangères, **qui siège au** Conseil des Affaires étrangères, contribue par ses propositions à l'élaboration de la politique étrangère et de sécurité commune et a la responsabilité de la mise en œuvre des décisions prises par le Conseil.
2. ...

FICHA DE ALTERAÇÃO

Proposta de alteração ao Artigo : 5, Título B, Parte II,

Apresentada por :

Alberto Costa - membro

Guilherme d'Oliveira Martins - suplente

Acção Externa da União

Artigo 5º

1. O Ministro dos Negócios Estrangeiros, **que tem assento** no Conselho dos Negócios Estrangeiros, contribui com as suas propostas para a definição da Política Externa e de Segurança Comum e assume a responsabilidade pela execução das decisões tomadas pelo Conselho.
2. ...

FICHE AMENDEMENT

Proposition d'amendement à l'Article: 13

Déposée par Messieurs:

Alberto Costa - membre

Guilherme d'Oliveira Martins – suppléant

Partie II – Titre B

L'action extérieure de l'Union

Article 13

1. **La Présidence et** le Ministre des Affaires étrangères consultent le Parlement européen sur les principaux aspects et les choix de la politique étrangère et de sécurité commune et veillent à ce que les vues du Parlement européen soient dûment prises en considération.
2. Le Parlement européen **et la Conférence interparlementaire sont tenus régulièrement informés par la Présidence et par le Ministre des Affaires étrangères de l'évolution de la politique étrangère et de sécurité de l'Union, y compris la politique de la sécurité et de défense.**
3. **Soit** le Parlement européen **soit la Conférence interparlementaire** peut adresser des questions ou formuler des recommandations à l'intention du Conseil et du Ministre des Affaires étrangères. **Chacune de ces instances** procède chaque année à un débat sur les progrès réalisés dans la mise en œuvre de la politique étrangère et de sécurité commune, y compris la politique de la sécurité et de défense.

FICHA DE ALTERAÇÃO

Proposta de alteração ao Artigo : 13, Título B, Parte II,

Apresentada por :

Alberto Costa - membro

Guilherme d'Oliveira Martins - suplente

Acção Externa da União

Artigo 13º

1. A Presidência e o Ministro dos Negócios Estrangeiros consultarão o Parlamento Europeu sobre os principais aspectos e as opções da Política Externa e de Segurança comum e velará para que as opiniões daquela instituição sejam devidamente tomadas em consideração.
2. O Parlamento Europeu e a Conferência Interparlamentar serão regularmente informados pela Presidência e pelo Ministro de Negócios Estrangeiros sobre a evolução da Política Externa e de Segurança da União, incluindo a Política de Segurança e Defesa.
3. Quer o Parlamento Europeu quer a Conferência Interparlamentar podem dirigir perguntas ou apresentar recomendações ao Conselho e ao Ministro dos Negócios Estrangeiros. Numa e noutra dessas instâncias, haverá anualmente um debate sobre os progressos realizados na execução da Política Externa e de Segurança Comum, incluindo a política de Segurança e Defesa.

AMENDMENT FORM

Suggestion for amendment of Article :

Suggestion for protocol :

By Ms / Mr : Bonde

Status : - Member - Alternate

CHAPTER 1: COMMON FOREIGN AND SECURITY POLICY

A. Common foreign policy

Article 10

1. When the Union has defined a common approach within the meaning of Article 29(5), there shall be close coordination between the activities of the **COUNCIL CHAIR [DELETE: Union's Minister for Foreign Affairs]** and the Ministers for Foreign Affairs of the Member States.

2. The diplomatic missions of the Member States and the delegations of the Union shall cooperate in third countries and in international organisations, and shall contribute, **IF THERE IS A COMMON VIEW**, to formulating and implementing a common approach. **MEMBER STATES MAY ALWAYS SPEAK ON THEIR OWN BEHALF IN INTERNATIONAL ORGANISATIONS, IF THEIR APPROACH AND INTERESTS DIFFER FROM THE MAIN VIEW IN THE EU.**

AMENDMENT FORM

Suggestion for amendment of Article :

Suggestion for protocol :

By Ms / Mr : Bonde

Status : - Member - Alternate

CHAPTER 1: COMMON FOREIGN AND SECURITY POLICY

A. Common foreign policy

Article 11

The Council shall, whenever it deems it necessary, appoint, [**DELETE:** on a proposal from the Minister for Foreign Affairs,] a special representative with a mandate in relation to particular policy issues. The special representative shall carry out his mandate under the authority of the Minister for Foreign Affairs.

AMENDMENT FORM

Suggestion for amendment of Article :

Suggestion for protocol :

By Ms / Mr :

Status : - Member - Alternate

CHAPTER 1: COMMON FOREIGN AND SECURITY POLICY

A. Common foreign policy

Article 12

The Union may conclude agreements with one or more States or international organisations pursuant to this Chapter, in accordance with the procedure described in Article 33 of this Title.

AMENDMENT FORM

Suggestion for amendment of Article :

Suggestion for protocol :

By Ms / Mr :

Status : - Member - Alternate

CHAPTER 1: COMMON FOREIGN AND SECURITY POLICY

A. Common foreign policy

Article 13

1. The **COUNCIL** **[DELETE: Minister]** for Foreign Affairs shall consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and shall ensure that the views of the European Parliament are duly taken into consideration. The European Parliament shall be kept regularly informed by the **COUNCIL** **[DELETE: Minister]** for Foreign Affairs of the development of the Union's foreign and security policy, **[DELETE: including the security and defence policy.]**
2. The European Parliament may ask questions of the Council **[DELETE: and of the Minister for Foreign Affairs]** or make recommendations to them. It shall hold an annual debate on progress in implementing the common foreign and security policy,**[DELETE: including the security and defence policy.]**

AMENDMENT FORM

Suggestion for amendment of Article :

Suggestion for protocol :

By Ms / Mr : Bonde

Status : - Member - Alternate

CHAPTER 1: COMMON FOREIGN AND SECURITY POLICY

A. Common foreign policy

Article 14

1. Member States shall coordinate their action in international organisations and at international conferences. They shall uphold the Union's positions in such fora. **[DELETE: The Union's Minister for Foreign Affairs shall organise this coordination.]**

In international organisations and at international conferences where not all the Member States participate, those which do take part shall uphold the Union's positions.

2. Without prejudice to paragraph 1 and Article 6(3) of this Title, Member States represented in international organisations or international conferences where not all the Member States participate shall keep the latter informed of any matter of common interest.

Member States which are also members of the United Nations Security Council will concert and keep the other Member States fully informed. Member States which are members of the Security Council will, in the execution of their functions, defend the positions and the interests of the Union, without prejudice to their responsibilities under the provisions of the United Nations Charter.

[DELETE: When the Union has defined a position on a subject which is on the United Nations Security Council agenda, those Member States which sit on the Security Council shall request that the Minister for Foreign Affairs be asked to present the Union's position.]

AMENDMENT FORM

Suggestion for amendment of Article :

Suggestion for protocol :

By Ms / Mr :

Status : - Member - Alternate

CHAPTER 1: COMMON FOREIGN AND SECURITY POLICY

A. Common foreign policy

Article 15

The diplomatic and consular missions of the Member States and the Union delegations in third countries and international conferences, and their representations to international organisations, shall cooperate in ensuring that the decisions relating to Union positions and actions adopted by the Council are complied with and implemented. They shall step up cooperation by exchanging information and carrying out joint assessments.

They shall contribute to the implementation of the provisions referred to in Article 7(2) of Part One of the Constitution on the protection of European citizens in the territory of a third country. Member States shall establish the necessary rules among themselves and start the international negotiations required to secure this protection.

AMENDMENT FORM

Suggestion for amendment of Article :

Suggestion for protocol :

By Ms / Mr : Bonde

Status : - Member - Alternate

CHAPTER 1: COMMON FOREIGN AND SECURITY POLICY

A. Common foreign policy

Article 16

Without prejudice to Article XX of the Constitution [on the organisation of the Council/Permanent Representatives Committee], a Political and Security Committee shall monitor the international situation in the areas covered by the common foreign and security policy and contribute to the definition of policies by delivering opinions to the Council at the request of the Council or on its own initiative. It shall also monitor the implementation of agreed policies, without prejudice to the responsibility of the Minister for Foreign Affairs.

Within the scope of this title, this Committee shall exercise, under the responsibility of the Council, and in close contact with the Minister for Foreign Affairs, political control and strategic direction of crisis management operations, as defined in Article 17 of this Title.

The Council may authorise the Committee, for the purpose and for the duration of a crisis management operation, as determined by the Council, to take the relevant decisions concerning the political control and strategic direction of the operation.

AMENDMENT FORM

Suggestion for amendment of Article :

Suggestion for protocol :

By Ms / Mr : Bonde

Status : - Member - Alternate

CHAPTER 1: COMMON FOREIGN AND SECURITY POLICY

A. Common foreign policy

Article 3

1. In the context of the principles and objectives of its external action as set out in Article 1 of this Title, the Union shall define and implement a common foreign and security policy covering all areas of foreign and security policy.
2. [**DELETE:** The Member States shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity.]

The Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations.

The Council and the Minister for Foreign Affairs shall ensure that these principles are complied with.

3. The Union shall conduct the common foreign and security policy by:
 - defining the principles and general guidelines,
 - adopting decisions on:
 - actions of the Union,

- positions of the Union,
 - strengthening systematic cooperation between Member States in the conduct of policy.

AMENDMENT FORM

Suggestion for amendment of Article :

Suggestion for protocol :

By Ms / Mr : Bonde

Status : - Member - Alternate

CHAPTER 1: COMMON FOREIGN AND SECURITY POLICY

A. Common foreign policy

Article 4

The European Council shall define the principles of and general guidelines for the common foreign policy [**DELETE:** and security policy, including for matters with defence implications.]

If international developments so require, the President of the European Council shall convene an extraordinary meeting of the European Council in order to define the strategic lines of the Union's policy in the face of such developments.

The Council shall take the decisions necessary for defining and implementing the common foreign and security policy on the basis of the strategic lines defined by the European Council.

AMENDMENT FORM

Suggestion for amendment of Article :

Suggestion for protocol :

By Ms / Mr : Bonde

Status : - Member - Alternate

CHAPTER 1: COMMON FOREIGN AND SECURITY POLICY

A. Common foreign policy

DELETE: Article 5

1. **[DELETE:** The Minister for Foreign Affairs, who shall chair the Foreign Affairs Council, shall contribute through his proposals towards the preparation of the common foreign and security policy and shall be responsible for implementing the decisions taken by the European Council and the Council.
2. For matters relating to the common foreign and security policy, the Union shall be represented by the Minister for Foreign Affairs, who shall conduct the political dialogue on the Union's behalf and shall express the Union's position in international organisations and at international conferences.]

AMENDMENT FORM

Suggestion for amendment of Article :

Suggestion for protocol :

By Ms / Mr :

Status : - Member - Alternate

CHAPTER 1: COMMON FOREIGN AND SECURITY POLICY

A. Common foreign policy

Article 6

1. Where the international situation requires operational action by the Union, the Council shall take the necessary decisions. A decision shall lay down the objectives, scope, the means to be made available to the Union, if necessary its duration, and the conditions for implementation of the action.
2. If there is a change in circumstances having a substantial effect on a question subject to such a decision, the Council shall review the principles and objectives of the action and take the necessary decisions. As long as the Council has not acted, the decision on action by the Union shall stand.
3. Such decisions shall commit the Member States in the positions they adopt and in the conduct of their activity.
4. Whenever there is any plan to adopt a national position or take national action pursuant to such a decision, information shall be provided in time to allow, if necessary, for prior consultations within the Council. The obligation to provide prior information shall not apply to measures which are merely a national transposition of Council decisions.
5. In cases of imperative need arising from changes in the situation and failing a Council

decision, Member States may take the necessary measures as a matter of urgency having regard to the general objectives of the decision on action by the Union. The Member State concerned shall inform the Council immediately of any such measures.

6. Should there be any major difficulties in implementing such a decision, a Member State shall refer them to the Council which shall discuss them and seek appropriate solutions. Such solutions shall not run counter to the objectives of the action or impair its effectiveness.

AMENDMENT FORM

Suggestion for amendment of Article :

Suggestion for protocol :

By Ms / Mr :

Status : - Member - Alternate

CHAPTER 1: COMMON FOREIGN AND SECURITY POLICY

A. Common foreign policy

Article 7

The Council shall adopt decisions which shall define the approach of the Union to a particular matter of a geographical or thematic nature.[~~DELEATE~~: Member States shall ensure that their national policies conform to the positions of the Union.]

AMENDMENT FORM

Suggestion for amendment of Article :

Suggestion for protocol :

By Ms / Mr : Bonde

Status : - Member - Alternate

CHAPTER 1: COMMON FOREIGN AND SECURITY POLICY

A. Common foreign policy

Article 8

1. Any Member State or the Minister for Foreign Affairs, acting alone or together with the Commission, may refer to the Council any question relating to the common foreign and security policy and may submit proposals to the Council.
2. In cases requiring a rapid decision, the **COUNCIL CHAIR** [DELETE: Minister for Foreign Affairs], of the Minister's own motion, or at the request of a Member State, shall convene an extraordinary Council meeting within forty-eight hours or, in an emergency, within a shorter period.

AMENDMENT FORM

Suggestion for amendment of Article :

Suggestion for protocol :

By Ms / Mr :

Status : - Member - Alternate

CHAPTER 1: COMMON FOREIGN AND SECURITY POLICY

A. Common foreign policy

Article 9

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 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.

FICHE AMENDEMENT

Proposition d'amendement : Capítulo 1, Artículo 13

Déposée par Messieurs : Borrell (miembro), Carnero y López Garrido (suplentes)

Artículo 13

Añadir nuevo punto 1 y el actual 1 pasa a Ibis:

1. *El Consejo, de acuerdo con las orientaciones del Consejo Europeo, a propuesta del Ministro de Asuntos Exteriores y previa autorización del Parlamento Europeo, podrá solicitar la incorporación de la Unión Europea a cuantas organizaciones internacionales considere preciso.*

- Ibis.* El Ministro de Asuntos Exteriores consultará con el Parlamento Europeo sobre los aspectos principales y las opciones básicas de la política exterior y de seguridad común y velará por que se tengan debidamente en cuenta las opiniones del Parlamento Europeo. El Ministro de Asuntos Exteriores mantendrá regularmente informado al Parlamento Europeo sobre el desarrollo de la política exterior y de seguridad de la Unión, incluida la política de seguridad y defensa.

2. El Parlamento Europeo podrá dirigir preguntas o formular recomendaciones al Consejo y al Ministro de Asuntos Exteriores. Cada año procederá a un debate sobre los progresos realizados en el desarrollo de la política exterior y de seguridad común, incluida la política de seguridad y defensa.

AMENDMENT FORM

Suggestion for amendment of Article : 13

Suggestion for PART TWO – CHAPTER 1: COMMON FOREIGN AND SECURITY POLICY , A. Common foreign policy

By Ms / Mr : BROK; SANTER; STYLIANIDIS; TAJANI; VAN DER LINDEN; ALMEIDA GARRETT; ALTMAIER; AZEVEDO; BASILE; BREJC; CUSHNAHAN; DEMETRIOU; DOLORES; FOGLER; FRENDON; GIANNAKOU; KAUPPI; KELEMEN; KORHONEN; KRASTS; KROUPA; LENNMARKER; LEQUILLER; MAIJ-WEGGEN; MLADENOV; PIKS; RACK; VAN DIJK; WITTBRODT; ZIELENIEC; ZILE

on behalf of the EPP Convention Group

Status : - Member - Alternate

CHAPTER 1: COMMON FOREIGN AND SECURITY POLICY

A. Common foreign policy

Article 13

1. The Minister for Foreign Affairs shall consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy *as well as the Security and Defence Policy* and shall ensure that the views of the European Parliament are duly taken into consideration. The European Parliament shall be kept regularly informed by the Minister for Foreign Affairs *on all aspects* of the development of the Union's foreign and security policy, including the security and defence policy *in particular those having budgetary implications*.
 2. The European Parliament may ask questions of the Council and of the Minister for Foreign Affairs or make recommendations to them. It shall hold ~~an annual~~ *twice a year a* debate on progress in implementing the common foreign and security policy, including the security and defence policy.
-

Explanation (if any) :

Para 1: It should be made clear that the European Council is primarily responsible for adopting the guidelines for the Union's foreign policy whereas the Council is responsible for making the necessary decisions. It may be appropriate to mention already here the role of the European

Parliament should decisions on foreign and security policy have budgetary implications. The experience of the last two years shows that the Council tends to seek procedures for circumventing the European Parliament.

Para 2: The amendment is to strengthen the role of the European Parliament in foreign and security policy.

AMENDMENT FORM

Suggestion for amendment of Article : 14

Suggestion for PART TWO – CHAPTER 1: COMMON FOREIGN AND SECURITY POLICY , A. Common foreign policy

By Ms / Mr : **BROK; SANTER; STYLIANIDIS; TAJANI; VAN DER LINDEN; ALMEIDA GARRETT; ALTMAIER; AZEVEDO; BASILE; BREJC; CUSHNAHAN; DEMETRIOU; DOLORES; FOGLER; FRENDON; GIANNAKOU; KAUPPI; KELEMEN; KORHONEN; KRASTIS; KROUPA; LENNMARKER; MAIJ-WEGGEN; MLADENOV; PIKS; RACK; VAN DIJK; WITTBRODT; ZIELENIEC; ZILE**

on behalf of the EPP Convention Group

Status : - Member - Alternate

CHAPTER 1: COMMON FOREIGN AND SECURITY POLICY

A. Common foreign policy

Article 14

1. Member States shall coordinate their action in international organisations and at international conferences. They shall uphold the Union's positions in such fora. The Union's Minister for Foreign Affairs shall organise this coordination.

In international organisations and at international conferences where not all the Member States participate, those which do take part shall uphold the Union's positions.

2. Without prejudice to paragraph 1 and Article 6(3) of this Title, Member States represented in international organisations or international conferences where not all the Member States participate shall keep the latter informed of any matter of common interest.

Member States which are also members of the United Nations Security Council will concert and keep ~~the other Member States~~ *the Council and the Foreign Minister* fully informed. Member States which are members of the Security Council will, in the execution of their functions, defend the positions and the interests of the Union, without prejudice to their

responsibilities under the provisions of the United Nations Charter.

When the Union has defined a position on a subject which is on the United Nations Security Council agenda, those Member States which sit on the Security Council shall request that the Minister for Foreign Affairs be asked to present the Union's position.

Explanation (if any) :

It should be made clearer that information between the members of the Security Council and the other members of the Union should be channelled via the Council as an institution and the Foreign Minister as a new element in the institutional set-up.

FICHE AMENDEMENT

Partie II - Titre B

Proposition d'amendement à l'Article : 14

Déposée par Monsieur Pierre Lequiller, Président de la Délégation pour l'Union européenne de l'Assemblée nationale française.

Qualité : - Membre titulaire

Article 14

1. Les États membres coordonnent leur action au sein des organisations internationales et lors des conférences internationales. Ils défendent dans ces enceintes les positions de l'Union. Le Ministre des Affaires étrangères de l'Union assure l'organisation de cette coordination.

Au sein des organisations internationales et lors des conférences internationales auxquelles tous les États membres ne participent pas, ceux qui y participent défendent les positions de l'Union.

2. Sans préjudice du paragraphe 1 et de l'article 6, paragraphe 3 de ce Titre, les États membres représentés dans des organisations internationales ou des conférences internationales auxquelles tous les États membres ne participent pas tiennent ces derniers informés de toute question présentant un intérêt commun.

Les États membres qui sont aussi membres du Conseil de sécurité des Nations unies se concerteront et tiendront les autres États membres pleinement informés. Les États membres qui sont membres du Conseil de sécurité défendront, dans l'exercice de leurs fonctions, les positions et les intérêts de l'Union, sans préjudice des responsabilités qui leur incombent en vertu des dispositions de la charte des Nations unies.

Lorsque l'Union a défini une position **convergente de ses membres** sur un thème à l'ordre du jour du Conseil de Sécurité des Nations Unies, les États membres qui y siègent demandent que le Ministre des Affaires étrangères soit invité à présenter la position de l'Union.

Explication éventuelle :

Renforcer la visibilité de l'Union au sein du Conseil des Nations Unies est un objectif pertinent, à condition de ne pas le prendre à témoin des divergences des États membres de l'Union sur la gestion des crises internationales majeures.

En conséquence, il ne faut obliger les États membres qui siègent au Conseil de sécurité des Nations Unies, à demander au Ministre des Affaires étrangères de lui présenter la position de l'Union que si ses États membres sont parvenus à définir une position convergente, lui permettant d'agir selon une ligne directrice claire.

FICHE AMENDEMENT

Partie II - Titre B

Proposition d'amendement après l'Article : 3

Déposée par Monsieur Pierre Lequiller, Président de la Délégation pour l'Union européenne de l'Assemblée nationale française.

Qualité : - Membre titulaire

Après l'Article 3, insérer l'article additionnel 3bis

Article 3bis

La convergence dans la politique étrangère et de sécurité commune

« Les Etats membres s'engagent à définir et à mettre en œuvre un pacte de convergence de leurs politiques étrangères et de sécurité dans le cadre de la politique étrangère et de sécurité commune.

Dans un délai maximal de cinq ans à compter de l'entrée en vigueur du Traité constitutionnel, ils procèdent, sur proposition du ministre des Affaires étrangères de l'Union européenne, à un examen complet du champ de la politique étrangère et de sécurité commune, afin de hiérarchiser les priorités et d'identifier les domaines où ils peuvent soit renforcer leur coopération soit mener une politique commune. Les programmes de convergence définissent les lignes directrices et les voies et moyens nécessaires à la mise en œuvre des propositions et établissent, le cas échéant, leur cohérence avec les autres domaines de l'action extérieure de l'Union européenne.

Le ministre des Affaires étrangères veille, au delà de ce délai, aux progrès de la convergence pour prendre en compte toute évolution. Il présente, chaque année, un rapport sur les progrès de la convergence au sein de la politique extérieure et de sécurité commune au Parlement européen et aux Parlements nationaux selon les modalités appropriées.

Le Conseil européen décide à l'unanimité de l'adoption des programmes de convergence, sur proposition du ministre des Affaires étrangères après avis du Conseil des affaires étrangères. Le Conseil les met en œuvre en statuant à l'unanimité ou, si le Conseil européen en décide ainsi, à la majorité qualifiée, sauf pour les décisions ayant des implications militaires ou dans le domaine de la défense. »

Explication éventuelle :

Les divisions européennes lors de la crise irakienne ont montré la nécessité pour l'Union de définir une vision commune face aux grands défis du monde et aux crises internationales majeures. Elle permettrait en particulier à l'Union de mener avec son allié américain un dialogue équilibré dans lequel les deux partenaires pourraient s'influencer mutuellement et elle éviterait à l'Europe de se placer dans une position toujours réactive par rapport à la stratégie des Etats-Unis, n'aboutissant qu'à un choix inacceptable entre l'alignement ou l'affrontement.

Toutefois, l'échec des stratégies communes montre qu'il ne suffit pas d'introduire des règles de majorité qualifiée pour surmonter les divergences des Etats membres dans le domaine de la PESC. La formation d'une vision commune sur les questions majeures doit précéder l'assouplissement des conditions de vote, et non l'inverse, et elle ne peut venir que d'une démarche méthodique d'analyse commune des enjeux, d'élimination des malentendus, d'identification des divergences et convergences et de hiérarchisation des priorités. Sinon, le risque serait d'aboutir à une position commune tellement modeste ou forte mais tellement contraire aux positions de la minorité qualifiée qu'elle n'empêcherait pas les Etats membres d'afficher publiquement leurs divergences.

Cet amendement propose que les Etats membres s'engagent, par un pacte de convergence inscrit dans le traité constitutionnel, à entreprendre une démarche de convergence de leurs politiques étrangères en utilisant pleinement la force de proposition et de médiation du ministre des Affaires étrangères de l'Union.

La proposition est souple et n'impose aux Etats membres qu'une obligation d'examen complet du champ de la PESC dans un délai de cinq ans à compter de l'entrée en vigueur du traité constitutionnel, tout en leur laissant la maîtrise des suites à lui donner. Pour chaque programme de convergence traitant d'un thème, le Conseil européen ne sera soumis à aucun délai pour décider de son adoption. Il aura le choix entre une coopération améliorée et une politique commune intégrée, dans la mesure où la PESC n'a pas vocation à se substituer à l'ensemble des politiques étrangères des Etats membres dans tous les domaines, mais seulement à intervenir là où une approche commune sera jugée plus efficace qu'une action nationale. L'ambition la plus haute du pacte est cependant de dégager les intérêts communs et de prendre en compte les intérêts essentiels des Etats dans une synthèse suffisamment forte pour s'engager non pas dans une coopération, mais dans une politique commune intégrée sur les questions internationales les plus importantes. Si l'examen permet d'atteindre un tel accord, le Conseil européen aura le choix de soumettre la mise en œuvre des programmes de convergence par le Conseil des Affaires étrangères à la règle de l'unanimité ou à celle de la majorité qualifiée, immédiatement ou dans un deuxième temps. Le passage à la majorité qualifiée ne s'appliquerait pas aux décisions ayant des implications militaires ou dans le domaine de la défense.

AMENDMENT FORM

Suggestion for amendment of Article : 4

Suggestion for PART TWO – CHAPTER 1: COMMON FOREIGN AND SECURITY POLICY , A. Common foreign policy

By Ms / Mr : BROK; SANTER; STYLIANIDIS; TAJANI; VAN DER LINDEN; ALMEIDA GARRETT; ALTMAIER; AZEVEDO; BASILE; BREJC; CUSHNAHAN; DEMETRIOU; DOLORES; FOGLER; FRENDON; GIANNAKOU; KAUPPI; KELEMEN; KORHONEN; KRASTS; KROUPA; LENNMARKER; MAIJ-WEGGEN; MLADENOV; PIKS; RACK; VAN DIJK; WITTBRODT; ZIELENIEC; ZILE

on behalf of the EPP Convention Group

Status : - Member - Alternate

CHAPTER 1: COMMON FOREIGN AND SECURITY POLICY

A. Common foreign policy

Article 4

The European Council shall define the principles of and general guidelines for the common foreign and security policy, including for matters with defence implications.

If international developments so require, the ~~President~~ *Chair* of the European Council shall convene an extraordinary meeting of the European Council in order to define the strategic lines of the Union's policy in the face of such developments.

The Council shall take the decisions necessary for defining and implementing the common foreign and security policy on the basis of the strategic lines defined by the European Council.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 5

Suggestion for PART TWO – CHAPTER 1: COMMON FOREIGN AND SECURITY POLICY , A. Common foreign policy

By Ms / Mr : BROK; SANTER; STYLIANIDIS; TAJANI; VAN DER LINDEN; ALMEIDA GARRETT; ALTMAIER; AZEVEDO; BASILE; BREJC; CUSHNAHAN; DEMETRIOU; DOLORES; FOGLER; FRENDON; GIANNAKOU; KAUPPI; KELEMEN; KORHONEN; KRASTS; KROUPA; LENNMARKER; LEQUILLER; MAIJ-WEGGEN; MLADENOV; PIKS; RACK; VAN DIJK; WITTBRODT; ZIELENIEC; ZILE

on behalf of the EPP Convention Group

Status : - Member - Alternate

CHAPTER 1: COMMON FOREIGN AND SECURITY POLICY

A. Common foreign policy

Article 5

1. The Minister for Foreign Affairs, who shall chair the Foreign Affairs Council, shall contribute through his proposals towards the preparation of the common foreign and security policy and shall be responsible for implementing the ~~decisions taken by~~ *guidelines of* the European Council and the *decisions of the* Council.
 2. For matters relating to the common foreign and security policy, the Union shall be represented by the Minister for Foreign Affairs, who shall conduct the political dialogue on the Union's behalf and shall express the Union's position in international organisations and at international conferences.
-

Explanation (if any) :

Para 1: : The European Council adopts guidelines, the Council makes decisions.

FICHE AMENDEMENT

Proposition d'amendement : Capítulo 1, Artículo 9

Déposée par Messieurs : Borrell (miembro), Carnero y López Garrido (suplentes)

Artículo 9

Modificar el punto 1 y suprimir el resto:

1. El Consejo adoptará por *mayoría* cualificada las decisiones relativas a la política exterior y de seguridad común.
2. *Suprimido*
3. *Suprimido*

AMENDMENT FORM

Suggestion for amendment of Article : 9

Suggestion for PART TWO – CHAPTER 1: COMMON FOREIGN AND SECURITY POLICY , A. Common foreign policy

By Ms / Mr : BROK; SANTER; TAJANI; VAN DER LINDEN; ALMEIDA GARRETT; ALTMAIER; AZEVEDO; BASILE; BREJC; CUSHNAHAN; DEMETRIOU; DOLORES; FOGLER; FRENDON; GIANNAKOU; KAUPPI; KELEMEN; KORHONEN; KRASTS; KROUPA; MAIJ-WEGGEN; MLADENOV; PIKS; RACK; VAN DIJK; WITTBRODT; ZIELENIEC; ZILE

on behalf of the EPP Convention Group

Status : - Member - Alternate

CHAPTER 1: COMMON FOREIGN AND SECURITY POLICY

A. Common foreign policy

Article 9

~~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 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.~~

1. Decisions under this chapter shall be taken by the Council by qualified majority:

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 Foreign Minister and the Chairman of the European Council shall act as mediators in such a situation. Should the mediation not lead to a result acceptable for the member state in question and the other member states the matter will be referred to the European Council for decision by qualified majority.

2. By derogation from paragraph 1, the Council shall act in any case 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.*

3. *Decisions with defence implications shall be taken by the Council acting unanimously, whereby 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 member states representing one third of the EU-population, the decision shall not be adopted.*

Explanation (if any) :

It is crucial that the principle of qualified majority voting is laid down as a general rule in Foreign and Security Policy. Exceptions should be allowed in case of important and stated reasons of national policy. Paragraph 2 clarifies, in which area this kind of exceptions shall not be permitted.

AMENDMENT FORM

Suggestion for amendment of Article : II B 3

Suggestion for protocol :

By:

Mr Caspar EINEM

Status :

Member

Artikel 3

- (1) Die Union erarbeitet und verwirklicht im Rahmen der in Artikel 1 dieses Titels aufgeführten Grundsätze und Ziele ihres außenpolitischen Handelns eine Gemeinsame Außen- und Sicherheitspolitik, die sich auf alle Bereiche der Außen- und Sicherheitspolitik erstreckt.
- (2) Die Mitgliedstaaten unterstützen die Außen- und Sicherheitspolitik der Union aktiv und vorbehaltlos im Geiste der Loyalität und der gegenseitigen Solidarität.

Die Mitgliedstaaten arbeiten zusammen, um ihre gegenseitige politische Solidarität zu stärken und weiterzuentwickeln. Sie enthalten sich jeder Handlung, die den Interessen der Union zuwiderläuft oder ihrer Wirksamkeit als kohärente Kraft in den internationalen Beziehungen schaden könnte.

Der Rat, **die Kommission** und der Minister für auswärtige Angelegenheiten tragen für die Einhaltung dieser Grundsätze Sorge.

Explanation (if any) :

Für Teile der Außenpolitik ist die Kommission zuständig. Sie soll daher mit angeführt werden.

AMENDMENT FORM

Suggestion for amendment of Article : II B 4

Suggestion for protocol :

By:

Mr Caspar EINEM

Status :

Member

Artikel 4

Der Europäische Rat bestimmt die Grundsätze und die allgemeinen Leitlinien der Gemeinsamen Außen- und Sicherheitspolitik, und zwar auch bei Fragen mit verteidigungspolitischen Bezügen.

Wenn eine internationale Entwicklung es erfordert, beruft der ~~Präsident~~

Generalsekretär/Koordinator des Europäischen Rates, **wobei er sich tunlichst mit dem**

Vorsitzenden des Europäischen Rates abstimmt, eine außerordentliche Tagung des

Europäischen Rates ein, um die strategischen Leitlinien der Politik der Union in Anbetracht dieser Entwicklung festzulegen.

Der Rat trifft die für die Festlegung und Durchführung der Gemeinsamen Außen- und Sicherheitspolitik erforderlichen Vorkehrungen auf der Grundlage der vom Europäischen Rat festgelegten strategischen Leitlinien.

Explanation (if any) :

Da es im Sinne meiner Vorschläge keinen Präsidenten des Europäischen Rates geben soll, soll diese Aufgabe vom vorgeschlagenen Generalsekretär/Koordinator des Europäischen Rates ausgeübt werden.

AMENDMENT FORM

Suggestion for amendment of Article : II B 5

Suggestion for protocol :

By: **Mr Caspar EINEM**

Status : **Member**

Artikel 5

(1) Der Minister für Auswärtige Angelegenheiten, ~~der im Rat "Auswärtige Angelegenheiten" den Vorsitz führt,~~ trägt mit seinen Vorschlägen zur Gestaltung der Gemeinsamen Außen- und Sicherheitspolitik bei und ist für die Durchführung der vom Europäischen Rat und vom Rat gefassten Beschlüsse zuständig.

(2) In den Bereichen der Gemeinsamen Außen- und Sicherheitspolitik wird die Union durch den Minister für auswärtige Angelegenheiten vertreten, der im Namen der Union den politischen Dialog führt und den Standpunkt der Union in internationalen Organisationen und auf internationalen Konferenzen vertritt.

Explanation (if any) :

Das von mir vorgeschlagene Konzept sieht vor, dass im Rat jeweils ein gewähltes Mitglied des Rates für die Dauer von 18 Monaten den Vorsitz führt.

AMENDMENT FORM

Suggestion for amendment of Article : II B 6

Suggestion for protocol :

By: **Mr Caspar EINEM**

Status : **Member**

Artikel 6

(1) Verlangt eine internationale Situation eine operative Aktion der Union, so nimmt der Rat **bzw. das sonst verfassungsmäßig berufene Organ der Union** die erforderlichen Beschlüsse an. In dem jeweiligen Beschluss sind die Ziele, der Umfang, die der Union zur Verfügung zu stellenden Mittel sowie die Bedingungen und erforderlichenfalls der Zeitraum für die Durchführung der Aktion festgelegt.

Explanation (if any) :

Auch hier soll sicher gestellt werden, dass keine Generalzuständigkeit des Rates in Fragen geschaffen wird, die nicht Sache des Rates sind.

AMENDMENT FORM

Suggestion for amendment of Article : II B 7

Suggestion for protocol :

By: **Mr Caspar EINEM**

Status : **Member**

Artikel 7

Der Rat nimmt **vorbehaltlich der verfassungsmäßigen Zuständigkeit anderer Organe der Union** Beschlüsse an, in denen der Standpunkt der Union zu einer bestimmten Frage geografischer oder thematischer Art bestimmt wird. Die Mitgliedstaaten tragen dafür Sorge, dass ihre einzelstaatliche Politik mit den Standpunkten der Union in Einklang steht.

Explanation (if any) :

Im Rahmen der Außenpolitik der Union kann es durchaus wünschenswert und notwendig sein, Maßnahmen zu treffen, die im Zuständigkeitsbereich etwa der Kommission gelegen sind. Für diesen Fall soll keine Sonderzuständigkeit des Rates geschaffen werden.

AMENDMENT FORM

Suggestion for amendment of Article : II B 8

Suggestion for protocol :

By: **Mr Caspar EINEM**

Status : **Member**

Artikel 8

- (1) Jeder Mitgliedstaat oder der Minister für auswärtige Angelegenheiten kann allein oder zusammen mit der Kommission den Rat mit einer Frage der Gemeinsamen Außen- und Sicherheitspolitik befassen und ihm Vorschläge unterbreiten.
- (2) In den Fällen, in denen eine rasche Entscheidung notwendig ist, beruft der Minister für auswärtige Angelegenheiten, **wobei er sich tunlichst mit dem Vorsitzenden des Rates abstimmt**, von sich aus oder auf Antrag eines Mitgliedstaats innerhalb von 48 Stunden, bei absoluter Notwendigkeit in kürzerer Zeit, eine außerordentliche Tagung des Rates
-

Explanation (if any) :

Da der Außenminister nach diesem Vorschlag nicht den Vorsitz im Rat führt war die Einfügung notwendig.

AMENDMENT FORM

Suggestion for amendment of Article : II B 9

Suggestion for protocol :

By:

Mr Caspar EINEM

Status :

Member

Artikel 9

(1) Beschlüsse nach diesem Kapitel werden **im Sinne des Artikels 29 dieser Verfassung** vom Rat einstimmig gefasst, **sofern es um den Einsatz militärischer Mittel geht, sonst mit vier Fünfteln der Mitgliedstaaten, die zugleich vier Fünftel der Bevölkerung der Union repräsentieren. Im Falle der erforderlichen Einstimmigkeit steht die** Stimmenthaltung von anwesenden oder vertretenen Mitgliedern ~~steht~~ dem Zustandekommen dieser Beschlüsse nicht entgegen.

Bei einer Stimmenthaltung kann jedes Ratsmitglied zu seiner Enthaltung eine förmliche Erklärung im Sinne dieses Unterabsatzes abgeben. In diesem Fall ist es nicht verpflichtet, den Beschluss durchzuführen, akzeptiert jedoch, dass der Beschluss für die Union bindend ist. Im Geiste gegenseitiger Solidarität unterlässt der betreffende Mitgliedstaat alles, was dem auf diesem Beschluss beruhenden Vorgehen der Union zuwiderlaufen oder es behindern könnte, und die anderen Mitgliedstaaten respektieren seinen Standpunkt. Verfügen die Mitglieder des Rates, die sich auf diese Weise enthalten, über mehr als ein Drittel der nach Artikel X der Verfassung gewogenen Stimmen, so wird der Beschluss nicht angenommen.

(2) Abweichend von Absatz 1 beschließt der Rat mit qualifizierter Mehrheit, wenn er

- auf der Grundlage eines Beschlusses des Europäischen Rates über die strategischen Interessen und Ziele der Union im Sinne des Artikels 2 Absatz 1 dieses Titels Beschlüsse über Aktionen oder Standpunkte der Union annimmt;
- auf der Grundlage eines gemeinsamen Vorschlags des Ministers für auswärtige Angelegenheiten und der Kommission im Sinne des Artikels 2 Absatz 2 einen Beschluss fasst;
- einen Beschluss zur Durchführung eines Beschlusses über eine Aktion oder einen Standpunkt

der Union fasst;

- nach Artikel 11 dieses Kapitels einen Sonderbeauftragten ernannt.

Erklärt ein Mitglied des Rates, dass es aus wichtigen Gründen der nationalen Politik, die es auch nennen muss, die Absicht hat, einen mit qualifizierter Mehrheit zu fassenden Beschluss abzulehnen, so erfolgt keine Abstimmung. Der Rat kann mit qualifizierter Mehrheit verlangen, dass die Frage zur einstimmigen Beschlussfassung an den Europäischen Rat verwiesen wird.

Dieser Absatz gilt nicht für Beschlüsse mit militärischen oder verteidigungspolitischen Bezügen.

- (3) Der Europäische Rat kann einstimmig beschließen, dass der Rat in anderen als den **Fällen des Einsatzes militärischer Mittel und in anderen als den** in Absatz 2 dieses Artikels genannten Fällen mit qualifizierter Mehrheit beschließt.

Explanation (if any) :

Im Interesse einer effizienten Weiterentwicklung einer gemeinsamen Außen- und Sicherheitspolitik soll vom Erfordernis der Einstimmigkeit zugunsten einer superqualifizierten Mehrheit außer im Fall des Einsatzes militärischer Mittel abgegangen werden.

AMENDMENT FORM

Suggestion for amendment of Article : 14, para 2 - CONV 685/03 page 39

By Ms / Mr : František Kroupa

Status : - ~~Member~~ - Alternate

Delete the first sentence of the part 2

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 10 de la Partie II

Déposée par Messieurs Santer, Helminger et Fayot (Titulaires, Luxembourg) et Mme Wagener et M. Schmit (Suppléants, Luxembourg)

Article 10

Les États membres se concertent au sein du Conseil et du Conseil européen sur toute question de politique étrangère et de sécurité présentant un intérêt général en vue de définir une approche commune. Avant d'entreprendre toute action sur la scène internationale ou tout engagement qui pourrait affecter les intérêts de l'Union, chaque État membre consulte les autres au sein du Conseil ou du Conseil européen. Les États membres assurent, par la convergence de leurs actions, que l'Union puisse faire valoir ses intérêts et valeurs sur la scène internationale. Les États membres sont solidaires entre eux.

1. Lorsque L'Union a défini une approche commune au sens ~~de l'article 29, paragraphe 5, du paragraphe 1~~, il est procédé à une coordination étroite des activités du Ministre des Affaires étrangères de l'Union et des Ministres des Affaires étrangères des États membres.
2. Les missions diplomatiques des États membres et les délégations de l'Union coopèrent entre elles dans les pays tiers et auprès des organisations internationales et contribuent à la formulation et à la mise en œuvre d'une approche commune.

Explication éventuelle :

Conséquence des amendements proposés à l'article 29 de la partie I

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 14 de la Partie II

Déposée par Messieurs Santer, Helminger et Fayot (Titulaires, Luxembourg) et Mme Wagener et M. Schmit (Suppléants, Luxembourg)

Article 14

1. Les États membres coordonnent leur action au sein des organisations internationales et lors des conférences internationales. Ils défendent dans ces enceintes les positions de l'Union. Le Ministre des Affaires étrangères de l'Union assure ~~l'organisation de~~ cette coordination.

Au sein des organisations internationales et lors des conférences internationales auxquelles tous les États membres ne participent pas, ceux qui y participent défendent les positions de l'Union.

Explication éventuelle :

clarification du rôle du Ministre des Affaires étrangères

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 3 de la Partie II

Déposée par Messieurs Santer, Helminger et Fayot (Titulaires, Luxembourg) et M. Schmit (Suppléant, Luxembourg)

Article 3

1. Dans le cadre des principes et objectifs de son action extérieure, tels qu'énoncés dans l'article 1 du présent Titre, l'Union définit et met en œuvre une politique étrangère et de sécurité commune couvrant tous les domaines de la politique étrangère et de sécurité.
2. Les États membres appuient activement et sans réserve la politique étrangère et de sécurité de l'Union dans un esprit de loyauté et de solidarité mutuelle.

Les États membres œuvrent de concert au renforcement et au développement de leur solidarité politique mutuelle. Ils s'abstiennent de toute action contraire aux intérêts de l'Union ou susceptible de nuire à son efficacité en tant que force de cohésion dans les relations internationales.

Le Conseil et le Ministre des Affaires étrangères veillent au respect de ces principes.

3. L'Union conduit la politique étrangère et de sécurité commune :
 - en définissant les principes et les orientations générales intérêts et objectifs stratégiques,
 - en adoptant des décisions portant sur :
 - des actions de l'Union,
 - des positions de l'Union,
 - et en renforçant la coopération systématique entre les États membres pour la conduite de leur politique.
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Explication éventuelle :

uniformisation des formules (voir article 29 de la Partie I)

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 4 de la Partie II

Déposée par Messieurs Santer, Helminger et Fayot (Titulaires, Luxembourg) et M. Schmit (Suppléant, Luxembourg)

Article 4

Le Conseil européen définit les ~~orientations générales~~ intérêts et objectifs stratégiques de la politique étrangère et de sécurité commune, y compris pour les questions ayant des implications en matière de défense.

Si un développement international l'exige, le Président du Conseil européen convoque une réunion extraordinaire du Conseil européen afin de définir les ~~lignes~~ intérêts et objectifs stratégiques de la politique de l'Union face à ce développement.

Le Conseil prend les dispositions nécessaires à la définition et à la mise en œuvre de la politique étrangère et de sécurité commune, sur la base ~~des lignes stratégiques de la~~ politique définies par le Conseil européen.

Explication éventuelle :

uniformisation des formules (voir l'article 29 de la Partie I)

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 6 de la Partie II

Déposée par Messieurs Santer, Helminger et Fayot (Titulaires, Luxembourg) et M. Schmit (Suppléant, Luxembourg)

Article 6

1. Lorsqu'une situation internationale exige une action **opérationnelle** de l'Union, le Conseil adopte les décisions nécessaires. La décision fixe les objectifs, la portée, les moyens à mettre à la disposition de l'Union, ainsi que les conditions relatives à la mise en œuvre de l'action et, si nécessaire, sa durée.

(reste inchangé)

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article 11

By : TIMOTHY KIRKHOPE MEP

Status : MEMBER

PRAESIDIUM	TIMOTHY KIRKHOPE MEP
Article 11 The Council shall, whenever it deems it necessary, appoint, on a proposal from the Minister for Foreign Affairs, a special representative with a mandate in relation to particular policy issues. The special representative shall carry out his mandate under the authority of the Minister for Foreign Affairs.	<i>DELETE</i>

AMENDMENT FORM

Suggestion for amendment of Article 12

By : TIMOTHY KIRKHOPE MEP

Status : MEMBER

PRAESIDIUM	TIMOTHY KIRKHOPE MEP
Article 12 The Union may conclude agreements with one or more States or international organisations pursuant to this Chapter, in accordance with the procedure described in Article 33 of this Title.	<i>DELETE</i>

AMENDMENT FORM

Suggestion for amendment of Article 13

By : TIMOTHY KIRKHOPE MEP

Status : MEMBER

PRAESIDIUM	TIMOTHY KIRKHOPE MEP
Article 13 1. The Minister for Foreign Affairs shall consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and shall ensure that the views of the European Parliament are duly taken into consideration. The European Parliament shall be kept regularly informed by the Minister for Foreign Affairs of the development of the Union's foreign and security policy, including the security and defence policy. 2. The European Parliament may ask questions of the Council and of the Minister for Foreign Affairs or make recommendations to them. It shall hold an annual debate on progress in implementing the common foreign and security policy, including the security and defence policy.	<i>DELETE</i>

AMENDMENT FORM

Suggestion for amendment of Article 3

By : TIMOTHY KIRKHOPE MEP

Status : MEMBER

PRAESIDIUM	TIMOTHY KIRKHOPE MEP
<p>Article 3</p> <p>1. In the context of the principles and objectives of its external action as set out in Article 1 of this Title, the Union shall define and implement a common foreign and security policy covering all areas of foreign and security policy.</p> <p>2. The Member States shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity.</p> <p>The Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations.</p> <p>The Council and the Minister for Foreign Affairs shall ensure that these principles are complied with.</p> <p>3. The Union shall conduct the common foreign and security policy by:</p> <ul style="list-style-type: none">- defining the principles and general guidelines,- adopting decisions on:- actions of the Union,	<p><i>DELETE</i></p>

<ul style="list-style-type: none">- positions of the Union,- strengthening systematic cooperation between <p>Member States in the conduct of policy.</p>	
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AMENDMENT FORM

Suggestion for amendment of Article 4

By : TIMOTHY KIRKHOPE MEP

Status : MEMBER

PRAESIDIUM	TIMOTHY KIRKHOPE MEP
<p>Article 4</p> <p>The European Council shall define the principles of and general guidelines for the common foreign and security policy, including for matters with defence implications.</p> <p>If international developments so require, the President of the European Council shall convene an extraordinary meeting of the European Council in order to define the strategic lines of the Union's policy in the face of such developments.</p> <p>The Council shall take the decisions necessary for defining and implementing the common foreign and security policy on the basis of the strategic lines defined by the European Council.</p>	<p><i>DELETE</i></p>

AMENDMENT FORM

Suggestion for amendment of Article 5

By : TIMOTHY KIRKHOPE MEP

Status : MEMBER

PRAESIDIUM	TIMOTHY KIRKHOPE MEP
Article 5 1. The Minister for Foreign Affairs, who shall chair the Foreign Affairs Council, shall contribute through his proposals towards the preparation of the common foreign and security policy and shall be responsible for implementing the decisions taken by the European Council and the Council. 2. For matters relating to the common foreign and security policy, the Union shall be represented by the Minister for Foreign Affairs, who shall conduct the political dialogue on the Union's behalf and shall express the Union's position in international organisations and at international conferences.	<i>DELETE</i>

AMENDMENT FORM

Suggestion for amendment of Article 6

By : TIMOTHY KIRKHOPE MEP

Status : MEMBER

PRAESIDIUM	TIMOTHY KIRKHOPE MEP
<p>Article 6</p> <p>1. Where the international situation requires operational action by the Union, the Council shall take the necessary decisions. A decision shall lay down the objectives, scope, the means to be made available to the Union, if necessary its duration, and the conditions for implementation of the action.</p> <p>2. If there is a change in circumstances having a substantial effect on a question subject to such a decision, the Council shall review the principles and objectives of the action and take the necessary decisions. As long as the Council has not acted, the decision on action by the Union shall stand.</p> <p>3. Such decisions shall commit the Member States in the positions they adopt and in the conduct of their activity.</p> <p>4. Whenever there is any plan to adopt a national position or take national action pursuant to such a decision, information shall be provided in time to allow, if necessary, for prior consultations within the Council. The obligation to provide prior information shall not apply to measures which are merely a national transposition of Council decisions.</p>	<p><i>DELETE</i></p>

5. In cases of imperative need arising from changes in the situation and failing a Council decision, Member States may take the necessary measures as a matter of urgency having regard to the general objectives of the decision on action by the Union. The Member State concerned shall inform the Council immediately of any such measures.

6. Should there be any major difficulties in implementing such a decision, a Member State shall refer them to the Council which shall discuss them and seek appropriate solutions. Such solutions shall not run counter to the objectives of the action or impair its effectiveness.

AMENDMENT FORM

Suggestion for amendment of Article 7

By : TIMOTHY KIRKHOPE MEP

Status : MEMBER

PRAESIDIUM	TIMOTHY KIRKHOPE MEP
<p>Article 7</p> <p>The Council shall adopt decisions which shall define the approach of the Union to a particular matter of a geographical or thematic nature.</p> <p>Member States shall ensure that their national policies conform to the positions of the Union.</p>	<p><i>DELETE</i></p>

AMENDMENT FORM

Suggestion for amendment of Article 8

By : TIMOTHY KIRKHOPE MEP

Status : MEMBER

PRAESIDIUM	TIMOTHY KIRKHOPE MEP
Article 8 1. Any Member State or the Minister for Foreign Affairs, acting alone or together with the Commission, may refer to the Council any question relating to the common foreign and security policy and may submit proposals to the Council. 2. In cases requiring a rapid decision, the Minister for Foreign Affairs, of the Minister's own motion, or at the request of a Member State, shall convene an extraordinary Council meeting within forty-eight hours or, in an emergency, within a shorter period.	<i>DELETE</i>

AMENDMENT FORM

Suggestion for amendment of Article 9

By : TIMOTHY KIRKHOPE MEP

Status : MEMBER

PRAESIDIUM	TIMOTHY KIRKHOPE MEP
<p>Article 9</p> <p>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.</p> <p>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.</p> <p>2. By derogation from paragraph 1, the Council shall act by qualified majority:</p> <p>- 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;</p>	<p><i>DELETE</i></p>

- 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.

AMENDMENT FORM

Suggestion for amendment of Article : Part II, Title B, Article 11

Suggestion for protocol :

By Ms / Mr : Hain

Status : - Member - ~~Alternate~~

Art 11: The Council shall, whenever it deems it necessary, ~~appoint, or~~ on a proposal from the Minister for Foreign Affairs, appoint a special representative with a mandate in relation to particular policy issues. The special representative shall carry out his mandate under the authority of the Minister for Foreign Affairs.

Explanation (if any) :

11: to make clear that the Council can decide in its own right to appoint a Special Representative (as well as the EFM).

AMENDMENT FORM

Suggestion for amendment of Article : Part II, Title B, Article 14

Suggestion for protocol :

By Ms/ Mr : Hain

Status : - Member - ~~Alternate~~

14.2 Without prejudice to paragraph 1 and Article 6(3) of this Title, Member States represented in international organisations or international conferences where not all the Member States participate shall keep the latter informed of any matter of common interest.

Member States which are also members of the United Nations Security Council will concert and keep the other Member States fully informed. Member States which are members of the Security Council will, in the execution of their functions, defend the positions and the interests of the Union, without prejudice to their responsibilities under the provisions of the United Nations Charter.

~~When the Union has defined a position on a subject which is on the United Nations Security Council agenda, those Member States which sit on the Security Council shall request that the Minister for Foreign Affairs be asked to present the Union's position.~~

Explanation (if any) :

The UK cannot accept any language which implies that it would not retain the right to speak in a national capacity on the UN Security Council.

AMENDMENT FORM

Suggestion for amendment of Article : 5

By Mr Joschka Fischer

Status : - Member

Artikel 5

(1) Der Minister für Auswärtige Angelegenheiten, der im Rat " Auswärtige Angelegenheiten" den Vorsitz führt, trägt mit seinen Vorschlägen zur Gestaltung der Gemeinsamen Außen- und Sicherheitspolitik bei und ist für die Durchführung der vom Europäischen Rat und vom Rat gefassten Beschlüsse zuständig.

(2) In den Bereichen der Gemeinsamen Außen- und Sicherheitspolitik wird die Union durch den Minister für auswärtige Angelegenheiten vertreten, der im Namen der Union den politischen Dialog führt und den Standpunkt der Union in internationalen Organisationen und auf internationalen Konferenzen vertritt.

(3) Dem Minister für Auswärtige Angelegenheiten untersteht der Europäische Diplomatische Dienst, der als eigenständiger Dienst eingerichtet wird.

Explanation (if any) :

Um sein Amt effektiv ausüben zu können, sollte ein unabhängiger Europäischer Diplomatischer Dienst eingerichtet werden, der dem Minister für Auswärtige Angelegenheiten untersteht. Die Bestimmungen zum Europäischen Diplomatischen Dienst sollten in einem Protokoll zur Verfassung geregelt werden. Zusätzlich sollte eine Erklärung verabschiedet werden, die operative Details regelt.

Das Protokoll sollte folgende Elemente enthalten:

" Unter der Personal- und Organisationsverantwortung des Ministers für Auswärtige Angelegenheiten wird der Europäische Diplomatische Dienst als eigenständiges Amt errichtet, das

folgende Elemente umfasst:

Die für die Ausübung seiner Tätigkeit notwendigen Stellen aus der Kommission, dem Ratssekretariat sowie mit diesen verbundenen Arbeitseinheiten.;

- Zusätzlich geschaffene Stellen für die Bewertung der politischen Entwicklung in Drittstaaten und die Formulierung von außenpolitischen Handlungsoptionen für den Minister für Auswärtige Angelegenheiten.;

Die Delegationen der Europäischen Union, in die die bisherigen Kommissionsdelegationen in Drittstaaten und die Büros des Rates überführt werden und die dem Minister für Auswärtige Angelegenheiten unterstellt sind.

Die Stellen im Europäischen Außenamt und in den Delegationen der Union werden von entsandten Bediensteten der Kommission, entsandten Mitarbeitern des Ratssekretariats sowie entsandten Mitarbeitern aus den Mitgliedstaaten besetzt. Alle Bediensteten des Europäischen Diplomatischen Dienstes sind in ihren Funktionen gleichgestellt und werden gleichberechtigt gemäß den Regelungen über die Bediensteten der Institutionen behandelt.

Mit Zustimmung des Ministers für Auswärtige Angelegenheiten können die übrigen Mitglieder der Kommission in ihrem jeweiligen Zuständigkeitsbereich den Delegationen der Union fachliche Weisungen erteilen."

Die Erklärung sollte folgende Elemente enthalten:

" Für die Einrichtung des Europäischen Diplomatischen Dienst werden folgende Stellen aus der Kommission und dem Ratssekretariat sowie mit diesen verbundenen Einrichtungen in den Europäischen Diplomatischen Dienst überführt:

- Die Stellen der bisherigen Generaldirektion Außenbeziehungen der Kommission, die Stellen der für die politischen Beziehungen zu den Ländern Afrikas, des Karibischen Raumes und des Pazifischen Ozeans zuständigen Bereiche der Generaldirektion Entwicklung der Kommission sowie EuropeAid.;
- Die Stellen der bisherigen Generaldirektion Außenbeziehungen des Ratssekretariats – mit Ausnahme der Handelspolitik -, einschließlich der Arbeitseinheiten für das militärische und zivile Krisenmanagement und für Verteidigungspolitik sowie des Militärstabs, der Strategieplanungs- und Frühwarneinheit sowie des Lagezentrums."

AMENDMENT FORM

Suggestion for amendment of Article : 9

By Mr Joschka Fischer

Status : - Member

Artikel 9

(1) Beschlüsse nach diesem Kapitel werden vom Rat einstimmig mit qualifizierter Mehrheit gefasst. Hiervon ausgenommen sind Fragen mit militärischen oder verteidigungspolitischen Bezügen.

(2) Erklärt ein Mitglied des Rates, dass es aus wichtigen Gründen der nationalen Politik, die es auch nennen muss, die Absicht hat, einen mit qualifizierter Mehrheit zu fassenden Beschluss abzulehnen, so erfolgt keine Abstimmung. Der Europäische Außenminister wird mit der Frage befasst, um mit dem betreffenden Mitglied des Rates eine einvernehmliche Lösung zu finden; gelingt dies nicht, so unternimmt der Vorsitzende des Europäischen Rates gleiche Bemühungen; wird keine Lösung gefunden, so wird der Europäische Rat mit der Frage befasst, um mit qualifizierter Mehrheit zu entscheiden.

(3) Ist in einer Bestimmung die Beschlussfassung mit Einstimmigkeit vorgesehen, so kann sich ein Mitglied des Rates der Stimme enthalten. Die Stimmenthaltung von anwesenden oder vertretenen Mitgliedern steht dem Zustandekommen dieser Beschlüsse nicht entgegen. Bei einer Stimmenthaltung kann jedes Ratsmitglied zu seiner Enthaltung eine förmliche Erklärung im Sinne dieses Unterabsatzes abgeben. In diesem Fall ist es nicht verpflichtet, den Beschluss durchzuführen, akzeptiert jedoch, dass der Beschluss für die Union bindend ist. Im Geiste gegenseitiger Solidarität unterlässt der betreffende Mitgliedstaat alles, was dem auf diesem Beschluss beruhenden Vorgehen der Union zuwiderlaufen oder es behindern könnte, und die anderen Mitgliedstaaten respektieren seinen Standpunkt. Verfügen die Mitglieder des Rates, die sich auf diese Weise enthalten, über mehr als ein Drittel der nach Artikel X der Verfassung gewogenen Stimmen, so wird der Beschluss nicht angenommen.

*-(2) ~~Abweichend von Absatz 1 beschließt der Rat mit qualifizierter Mehrheit, wenn er~~

- ~~—— auf der Grundlage eines Beschlusses des Europäischen Rates über die strategischen Interessen und Ziele der Union im Sinne des Artikels 2 Absatz 1 dieses Titels Beschlüsse über Aktionen oder Standpunkte der Union annimmt;~~
- ~~—— auf der Grundlage eines gemeinsamen Vorschlags des Ministers für auswärtige Angelegenheiten und der Kommission im Sinne des Artikels 2 Absatz 2 einen Beschluss fasst;~~
- ~~—— einen Beschluss zur Durchführung eines Beschlusses über eine Aktion oder einen Standpunkt der Union fasst;~~
- ~~—— nach Artikel 11 dieses Kapitels einen Sonderbeauftragten ernennt.~~

~~Erklärt ein Mitglied des Rates, dass es aus wichtigen Gründen der nationalen Politik, die es auch nennen muss, die Absicht hat, einen mit qualifizierter Mehrheit zu fassenden Beschluss abzulehnen, so erfolgt keine Abstimmung. Der Rat kann mit qualifizierter Mehrheit verlangen, dass die Frage zur einstimmigen Beschlussfassung an den Europäischen Rat verwiesen wird.~~

~~Dieser Absatz gilt nicht für Beschlüsse mit militärischen oder verteidigungspolitischen Bezügen.~~

~~*(3) — Der Europäische Rat kann einstimmig beschließen, dass der Rat in anderen als den in Absatz 2 dieses Artikels genannten Fällen mit qualifizierter Mehrheit beschließt.~~

Explanation (if any) :

Grundsätzlich sollten Entscheidungen im Bereich der Gemeinsamen Außen- und Sicherheitspolitik, mit der Ausnahme von Fragen mit militärischen oder verteidigungspolitischen Bezügen, mit qualifizierter Mehrheit getroffen werden.

***Anmerkung zu Absatz 2 und 3: Diese Regelungen sind bei grundsätzlicher Beschlussfassung mit qualifizierter Mehrheit entbehrlich.**

AMENDMENT FORM

Suggestion for amendment of Article :9 of TITLE B – PART TWO

By Mr : M. Attalides

Status : - Member

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Change para 2 as follows :

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.

Explanation (if any) : Sufficient flexibility is given by the general provision of para. 8 of Article 29 of title V.

AMENDMENT FORM

Suggestion for amendment of Article : 14, Part II

Suggestion for protocol :

By Ms / Mr : G.M. de Vries
 T.J.A.M. de Bruijn

Status : Members

-
1. Member States shall coordinate their action in international organisations and at international conferences. They shall uphold the Union's positions in such fora. The Union's Minister for Foreign Affairs shall organise this coordination.

In international organisations and at international conferences where not all the Member States participate, those which do take part shall uphold the Union's positions.

2. Without prejudice to paragraph 1 and Article 6(3) of this Title, Member States represented in international organisations or international conferences where not all the Member States participate shall keep the latter and the Minister for Foreign Affairs informed of any matter of common interest.

Member States which are also members of the United Nations Security Council will concert and keep the other Member States and the Minister for Foreign Affairs fully informed.

Member States which are members of the Security Council will, in the execution of their functions, be bound by the positions of the Union. ~~defend the positions and the interests of the Union, without prejudice to their responsibilities under the provisions of the United Nations Charter.~~

The Member States and the Minister for Foreign Affairs shall strive at defining a position on subjects which are on the agenda of the United Nations Security Council.

When the Union has defined a position on a subject which is on the United Nations Security Council agenda, those Member States which sit on the Security Council shall request that the Minister for Foreign Affairs be asked to present the Union's position.

Explanation (if any) : Increases the coherence between the policies of the EU and its Member States.

AMENDMENT FORM

Suggestion for amendment of Article : 16, Part II

Suggestion for protocol :

By Ms / Mr : **G.M. de Vries**
 T.J.A.M. de Bruijn

Status : Members

Without prejudice to Article XX of the Constitution [on the organisation of the Council/Permanent Representatives Committee], a Political and Security Committee shall monitor the international situation in the areas covered by the common foreign and security policy and contribute to the definition of policies by delivering opinions to the Council at the request of the Council or on its own initiative. It shall also monitor the implementation of agreed policies, without prejudice to the responsibility of the Minister for Foreign Affairs.

Within the scope of this title, this Committee shall exercise, under the responsibility of the Council, and in close contact with the Minister for Foreign Affairs, political control and strategic direction of crisis management operations, as defined in ~~Article 17 of this Title.~~ Chapter 1B.

The Council may authorise the Committee, for the purpose and for the duration of a crisis management operation, as determined by the Council, to take the relevant decisions concerning the political control and strategic direction of the operation.

Explanation (if any) : **All relevant organs of the Council should be involved in all crisis management operations.**

AMENDMENT FORM

Suggestion for amendment of Article : 3, Part II

Suggestion for protocol :

By Ms / Mr : **G.M. de Vries**
 T.J.A.M. de Bruijn

Status : **Members**

1. In the context of the principles and objectives of its external action as set out in Article 1 of this Title, the Union shall define and implement a common foreign and security policy ~~covering all areas of foreign and security policy.~~
2. The Member States shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity.

The Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations.

The Council and the Minister for Foreign Affairs shall ensure that these principles are complied with.

3. The Union shall conduct the common foreign and security policy by:
 - defining the principles and general guidelines,
 - adopting decisions on:
 - actions of the Union,
 - positions of the Union,
 - strengthening systematic cooperation between Member States in the conduct of policy.

Explanation (if any) : External action of the Union does not cover all areas of foreign and security policy.

AMENDMENT FORM

Suggestion for amendment of Article : 4, Part II

Suggestion for protocol :

**By Ms / Mr : G.M. de Vries
 T.J.A.M. de Bruijn**

Status : Members

The European Council shall define the principles of and general guidelines for the common foreign and security policy, including for matters with defence implications.

~~If international developments so require, the President of the European Council shall convene an extraordinary meeting of the European Council in order to define the strategic lines of the Union's policy in the face of such developments.~~

The Council shall take the decisions necessary for defining and implementing the common foreign and security policy on the basis of the strategic lines defined by the European Council.

Explanation (if any) : The possibility of convening a extraordinary meeting of the European Council is already laid down in article 16(3) of part I of the draft Constitution.

AMENDMENT FORM

Suggestion for amendment of Article : 8, Part II

Suggestion for protocol :

By Ms / Mr : **G.M. de Vries**
 T.J.A.M. de Bruijn

Status : Members

- 1) Any Member State, the Union's Minister for Foreign Affairs or the Commission, alone or together with the Minister for Foreign Affairs, Any Member State or the Minister for Foreign Affairs, acting alone or together with the Commission, may refer to the Council any question relating to the common foreign and security policy. The Minister for Foreign Affairs or the Commission, acting alone or together, as well as three or more Member States ~~and~~ may submit proposals to the Council.

 - 2) In cases requiring a rapid decision, the Minister for Foreign Affairs, of the Minister's own motion, or at the request of a Member States or the Commission, shall convene an extraordinary Council meeting within forty-eight hours or, in an emergency, within a shorter period.
-

Explanation (if any) : The right of initiative of the Commission (even without the support of the Minister for Foreign Affairs) in CFSP should be explicitly mentioned (see the current article 22 EU).

AMENDMENT FORM

Suggestion for amendment of Article : 9, Part II

Suggestion for protocol :

By Ms / Mr : **G.M. de Vries**
 T.J.A.M. de Bruijn

Status : **Members**

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 guidelines on Union actions and positions on the basis of a European Council ~~decision~~ guidelines 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.

- when adopting a decision on a Union position or action on restrictive measures as defined in art 31;
- when adopting a decision on a Union action having financial consequences up to a certain maximum amount which shall be established by the Council.

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) : By adding the two proposed indents, the scope of ‘qmv’ is broadened.

AMENDMENT FORM

Suggestion for amendment of Article : III-192 (ex Article 5)

Mr : Farnleitner

Status : - Member

Article III-192 (ex Article 5)

1. The Union's Minister for Foreign Affairs, ~~who shall chair the Foreign Affairs Council,~~ shall contribute through his proposals towards the preparation of the common foreign and security policy and shall be responsible for its implementation ~~implementing the decisions taken by the European Council and the Council.~~
2. For matters relating to the common foreign and security policy, the Union shall be represented by the Minister for Foreign Affairs, who shall conduct the political dialogue on the Union's behalf and shall express the Union's position in international organisations and at international conferences.
3. **The Commission shall be fully associated in the tasks referred to in paragraphs 1 and 2.**

Explanation (if any) :

ad paragraph 3: see TEU Art. 18 par 4

AMENDMENT FORM

Suggestion for amendment of Article : III-193 (ex Article 6)

Mr : Farnleitner

Status : - Member

Article III-193 (ex Article 6)

1. Where the international situation requires operational action by the Union, the Council shall take the necessary decisions. A **European** decision shall lay down the objectives, scope, the means to be made available to the Union, if necessary its duration, and the conditions for implementation of the action.
2. If there is a change in circumstances having a substantial effect on a question subject to such a **European** decision, the Council shall review the principles and objectives of the action and take the necessary decisions. As long as the Council has not acted, the decision on action by the Union shall stand.
3. ~~Such decisions shall commit the Member States in the positions they adopt and in the conduct of their activity.~~
4. Whenever there is any plan to adopt a national position or take national action pursuant to such a **European** decision, information shall be provided in time to allow, if necessary, for prior consultations within the Council. The obligation to provide prior information shall not apply to measures which are merely a national transposition of Council decisions.
5. In cases of imperative need arising from changes in the situation and failing a Council decision, Member States may take the necessary measures as a matter of urgency having regard to the general objectives of the decision on action by the Union. The Member State concerned shall inform the Council immediately of any such measures.
6. Should there be any major difficulties in implementing such a decision, a Member State shall refer them to the Council which shall discuss them and seek appropriate solutions. Such solutions shall not run counter to the objectives of the action or impair its effectiveness.

Explanation :

In this article as well as throughout the text, the reference should be to “**European**” decisions” instead of only “decisions” as enshrined in Art. 32 of Part I of the Constitution wherever the legal act is referred to

FICHE AMENDEMENT

Proposition d'amendement à l'Article III-195

Déposée par Monsieur de Villepin

Qualité : - Membre

1. Chaque État membre, le Ministre des Affaires étrangères, ~~ou le Ministre avec le soutien de la Commission~~, peut saisir le Conseil de toute question relevant de la politique étrangère et de sécurité commune et soumettre des propositions au Conseil.

 2. Dans les cas exigeant une décision rapide, le Ministre des Affaires étrangères convoque, soit d'office, soit à la demande d'un État membre, dans un délai de quarante-huit heures ou, en cas de nécessité absolue, dans un délai plus bref, une réunion extraordinaire du Conseil.
-

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : III-195 (ex Article 8)

Mr : Farnleitner

Status : - Member

Article III-195 (ex Article 8)

1. Any Member State ~~or the Minister for Foreign Affairs or the Minister with the support of the Commission~~ **the Commission or the Minister for Foreign Affairs acting jointly with the Commission**, may refer to the Council any question relating to the common foreign and security policy and may submit proposals to the Council.
2. In cases requiring a rapid decision, the ~~Presidency Minister for Foreign Affairs, of the Minister's own~~ its own motion, or at the request of **the Minister for Foreign Affairs**, a Member State ~~or the Commission~~ shall convene an extraordinary Council meeting within forty-eight hours or, in an emergency, within a shorter period.

Explanation (if any) :

The right of initiative of the “Foreign Minister of the Union” should not replace the right of initiative of the Commission (see “Reforming the Institutions: Principles and Premises” CONV 646/03 page 6 “the Commission must be allocated a stronger role of initiative in the current second and third pillars”).

AMENDMENT FORM

**Suggestion for amendment of: PART III OF THE CONSTITUTION:
Article III-196**

**By BROK, AZEVEDO, LEQUILLER, AKCAM, ALTMAIER, BREJC, DEMETRIOU,
FIGEL, FOGLER, KAUPPI, KELAM, LENNMARKER, LIEPINA, MAIJ-WEGGEN, PIKS,
RACK, SANTER, SZAJER, TEUFEL, VAN DER LINDEN, VILEN, KAUPPI, VAN DIJK,
WITTBRODT, WUERMELING**

On behalf of the EPP Convention Group

Status : - Member - Alternate

Suggestion

Article III-196 (ex Article 9)

~~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:~~

- ~~(a)—— 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;~~
- ~~1)—— (b)—— when adopting a decision on the initiative of the Minister for Foreign Affairs further to a request from the European Council;~~
- ~~(c)—— when adopting any decision implementing a Union action or position;~~
- ~~(d)—— when appointing a special representative in accordance with [Article 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 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.~~

1. Decisions under this chapter shall be taken by the Council by qualified majority:

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 Foreign Minister and the Chairman of the European Council shall act as mediators

in such a situation. Should the mediation not lead to a result acceptable for the member state in question and the other member states the matter will be referred to the European Council for decision by qualified majority.

2. By derogation from paragraph 1, the Council shall act in any case 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.*

~~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.~~

~~3.4. Paragraphs 2 and 3 shall not apply to decisions having military or defence implications.~~
Decisions having military or defence applications shall be taken by the Council acting unanimously. Paragraphs 1 and 2 shall not apply.

Explanation (if any) :

It is crucial that the principle of qualified majority voting is laid down as a general rule in Foreign and Security Policy. Exceptions should be allowed in case of important and stated reasons of national policy.

FICHE AMENDEMENT

Proposition d'amendement à l'Article III-196

Déposée par Monsieur de Villepin

Qualité : - Membre

1. Les décisions relevant du présent Chapitre sont prises par le Conseil statuant à l'unanimité la majorité qualifiée.

Par dérogation à l'alinéa précédent, le Conseil statue à l'unanimité lorsque les propositions n'émanent pas du Ministre des Affaires étrangères ainsi que sur les questions ayant des implications militaires ou de défense. Lorsque le Conseil statue à l'unanimité, Les abstentions des membres présents ou représentés n'empêchent pas l'adoption de ces décisions.

Tout membre du Conseil qui s'abstient lors d'un vote peut, conformément au présent alinéa, assortir son abstention d'une déclaration formelle. Dans ce cas, il n'est pas tenu d'appliquer la décision, mais il accepte que la décision engage l'Union. Dans un esprit de solidarité mutuelle, l'État membre concerné s'abstient de toute action susceptible d'entrer en conflit avec l'action de l'Union fondée sur cette décision ou d'y faire obstacle et les autres États membres respectent sa position. Si les membres du Conseil qui assortissent leur abstention d'une telle déclaration représentent plus du tiers des voix affectées de la pondération prévue à [l'article X] de la Constitution, la décision n'est pas adoptée.

~~2. Par dérogation au paragraphe 1, le Conseil statue à la majorité qualifiée:~~

- ~~a) lorsque, sur la base d'une décision du Conseil européen portant sur les intérêts et objectifs stratégiques de l'Union, telle que définie à [l'article 2 paragraphe 1] de ce Titre, il adopte des décisions portant sur des actions et des positions de l'Union;~~
- ~~b) lorsqu'il adopte une décision à l'initiative du Ministre des Affaires étrangères, suite à une demande du Conseil européen;~~
- ~~c) lorsqu'il adopte toute décision mettant en œuvre une action ou une position de l'Union;~~
- ~~d) lorsqu'il nomme un représentant spécial conformément à [l'article 11] de ce Chapitre.~~

~~Si un membre du Conseil déclare que, pour des raisons de politique nationale vitales et qu'il expose, il a l'intention de s'opposer à l'adoption d'une décision devant être prise à la majorité qualifiée, il n'est pas procédé au vote. Le Conseil, statuant à la majorité qualifiée, peut demander que le Conseil européen soit saisi de la question en vue d'une décision à l'unanimité.~~

Par dérogation au paragraphe 1, si un Etat membre invoque un intérêt national pour s'opposer à une décision, le Ministre des affaires étrangères est invité à rechercher avec lui une solution ; s'il n'y parvient pas, le président du Conseil européen en fait de même ; si aucune solution n'est trouvée, le Conseil européen est saisi de la question en vue d'une décision à la majorité qualifiée.

~~3. — Le Conseil européen peut décider à l'unanimité que le Conseil statue à la majorité qualifiée dans d'autres cas que ceux visés au paragraphe 2 du présent article.~~

~~4. — Les paragraphes 2 et 3 du présent article ne s'appliquent pas aux décisions ayant des implications militaires ou dans le domaine de la défense.~~

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : III-196

By Mr : Lamberto Dini

Status : - Member

COMMON FOREIGN POLICY

Article III-196 (ex Article 9)

1. Decisions under this Chapter shall be taken by the Council acting **by enhanced qualified majority** ~~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:

- (a) 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;
- (b) when adopting a decision on the initiative of the Minister for Foreign Affairs ~~further to a request from the European Council;~~
- (c) when adopting any decision implementing a Union action or position;
- (d) when appointing a special representative in accordance with [Article 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 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 implications.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : III-196 (ex Article 9)

Mr : Farnleitner

Status : - Member

Article III-196 (ex Article 9)

~~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:~~

- ~~(a) 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;~~
- ~~(b) when adopting a decision on the initiative of the Minister for Foreign Affairs further to a request from the European Council;~~
- ~~(c) when adopting any decision implementing a Union action or position;~~
- ~~(d) when appointing a special representative in accordance with [Article 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 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 implications.~~

1. Decisions under this Chapter shall be taken by the Council.

2. The Council shall act unanimously when acting on the basis of a proposal from a Member State or when adopting any decision having military or defence implications.

Abstentions by members present in person or represented shall not prevent the adoption of a decision to be taken unanimously.

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.

3. 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 qualified majority.

Explanation (if any) :

FICHE AMENDEMENT

Proposition d'amendement à l'Article : III- 196

Déposée par Madame ou Monsieur : **M. Louis Michel, M. Elio di Rupo, Mme Anne Van Lancker, membres de la Convention et M. Pierre Chevalier et Mme Marie Nagy, membres suppléants de la Convention**

Qualité : - Membre - Suppléant

Article III- 196 (ex-Article 9)

1. Les décisions relevant du présent Chapitre sont prises par le Conseil statuant à l'unanimité. Les abstentions des membres présents ou représentés n'empêchent pas l'adoption de ces décisions.

Tout membre du Conseil qui s'abstient lors d'un vote peut, conformément au présent alinéa, assortir son abstention d'une déclaration formelle. Dans ce cas, il n'est pas tenu d'appliquer la décision, mais il accepte que la décision engage l'Union. Dans un esprit de solidarité mutuelle, l'État membre concerné s'abstient de toute action susceptible d'entrer en conflit avec l'action de l'Union fondée sur cette décision ou d'y faire obstacle et les autres États membres respectent sa position. Si les membres du Conseil qui assortissent leur abstention d'une telle déclaration représentent plus du tiers **des Etats membres représentant plus d'un tiers de la population de l'Union** ~~des voix affectées de la pondération prévue à [l'article X] de la Constitution~~, la décision n'est pas adoptée.

2. Par dérogation au paragraphe 1, le Conseil statue à la majorité qualifiée:

- a) lorsque, sur la base d'une décision du Conseil européen portant sur les intérêts et objectifs stratégiques de l'Union, telle que définie à [l'article 2 paragraphe 1] de ce Titre, il adopte des décisions portant sur des actions et des positions de l'Union;
- b) lorsqu'il adopte une décision à l'initiative du Ministre des Affaires étrangères, suite à une demande du Conseil européen;
- c) **lorsqu'il statue sur la base d'une proposition du Ministre des Affaires Etrangères avec le soutien de la Commission ou sur la base d'une proposition conjointe du Ministre des Affaires Etrangères et de la Commission telle que définie à l'article III- 189 paragraphe 2**
- d) lorsqu'il adopte toute décision mettant en œuvre une action ou une position de l'Union;
- e) lorsqu'il nomme un représentant spécial conformément à [l'article 11] de ce Chapitre.

~~Si un membre du Conseil déclare que, pour des raisons de politique nationale vitales et qu'il expose, il a l'intention de s'opposer à l'adoption d'une décision devant être prise à la majorité qualifiée, il n'est pas procédé au vote. Le Conseil, statuant à la majorité qualifiée, peut demander que le Conseil européen soit saisi de la question en vue d'une décision à l'unanimité.~~

3. Le Conseil européen peut décider à l'unanimité que le Conseil statue à la majorité qualifiée dans d'autres cas que ceux visés au paragraphe 2 du présent article.

4. Les paragraphes 2 et 3 du présent article ne s'appliquent pas aux décisions ayant des

implications militaires ou dans le domaine de la défense.

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : III-201 (ex Article 14))

Mr : Farnleitner

Status : - Member

Article III-201 (ex Article 14)

1. Member States shall coordinate their action in international organisations and at international conferences. They shall uphold the Union's positions in such fora. The Union's Minister for Foreign Affairs shall organise this coordination.

In international organisations and at international conferences where not all the Member States participate, those which do take part shall uphold the Union's positions.

2. Without prejudice to paragraph 1 and [Article 6 (3)] of this Title, Member States represented in international organisations or international conferences where not all the Member States participate shall keep the latter, as well as the Minister for Foreign Affairs, informed of any matter of common interest.

Member States which are also members of the United Nations Security Council **shall** will concert and keep the other Member States and the Union's Minister for Foreign Affairs fully informed. Member States which are members of the Security Council **shall** will, in the execution of their functions, defend the positions and the interests of the Union, ~~without prejudice to their responsibilities under the provisions of the United Nations Charter.~~

When the Union has defined a position on a subject which is on the United Nations Security Council agenda, those Member States which sit on the Security Council shall request that the Minister for Foreign Affairs be asked to present the Union's position.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : III-203 (ex Article 16)

Mr : Farnleitner

Status : - Member

Article 203 (ex Article 16)

Without prejudice to Article XX of the Constitution [on the organisation of the Council/Permanent Representatives Committee], a Political and Security Committee shall monitor the international situation in the areas covered by the common foreign and security policy and contribute to the definition of policies by delivering opinions to the Council at the request of the Council, or of the Minister for Foreign Affairs, or on its own initiative. It shall also monitor the implementation of agreed policies, without prejudice to the responsibility of the Minister for Foreign Affairs **and the Commission**.

Within the scope of this title, this Committee shall exercise, under the responsibility of the Council and of the Minister for Foreign Affairs, political control and strategic direction of crisis management operations, as defined in [Article 17] of this Title.

The Council may authorise the Committee, for the purpose and for the duration of a crisis management operation, as determined by the Council, to take the relevant decisions concerning the political control and strategic direction of the operation.

Explanation (if any) :

see article 25 (1) TEU

FICHE AMENDEMENT

Proposition d'amendement à l'Article III-190

Déposée par Monsieur de Villepin

Qualité : - Membre

1. Dans le cadre des principes et objectifs de son action extérieure, tels qu'énoncés dans l'article 1 du présent Titre, l'Union définit et met en œuvre une politique étrangère et de sécurité commune couvrant tous les domaines de la politique étrangère et de sécurité.

2. Les États membres appuient activement et sans réserve la politique étrangère et de sécurité commune de l'Union dans un esprit de loyauté et de solidarité mutuelle.

Les États membres œuvrent de concert au renforcement et au développement de leur solidarité politique mutuelle. Ils s'abstiennent de toute action contraire aux intérêts de l'Union ou susceptible de nuire à son efficacité en tant que force de cohésion dans les relations internationales.

Le Conseil et le Ministre des Affaires étrangères de l'Union veillent au respect de ces principes.

3. L'Union conduit la politique étrangère et de sécurité commune:

- a) en définissant les orientations générales;
- b) en adoptant des décisions portant sur:
 - i) des actions de l'Union,
 - ii) des positions de l'Union,
 - iii) la mise en œuvre des actions et positions;
- c) et en renforçant la coopération systématique entre les États membres pour la conduite de leur politique.
- d) en recourant, le cas échéant, et selon les procédures du traité, aux autres politiques du présent titre.**

Explication éventuelle :

FICHE AMENDEMENT

Proposition d'amendement à l'Article III-191

Déposée par Monsieur de Villepin

Qualité : - Membre

Le Conseil européen définit les orientations générales de la politique étrangère et de sécurité commune, y compris pour les questions ayant des implications en matière de défense.

Si un développement international l'exige, le Président du Conseil européen convoque une réunion extraordinaire du Conseil européen afin de définir les lignes stratégiques de la politique de l'Union face à ce développement.

Le Conseil prend les dispositions nécessaires à la définition et à la mise en œuvre de la politique étrangère et de sécurité commune, sur la générales et lignes base des orientations stratégiques définies par le Conseil européen.

Le Conseil peut demander au Ministre des affaires étrangères de formuler toute proposition pour la mise en œuvre d'une décision relative à la PESC.

Explication éventuelle :

FICHE AMENDEMENT

Proposition d'amendement à l'Article : III- 191

Déposée par Madame ou Monsieur : **M. Louis Michel, M. Elio di Rupo, Mme Anne Van Lancker, membres de la Convention et M. Pierre Chevalier et Mme Marie Nagy, membres suppléants de la Convention**

Qualité : - Membre - Suppléant

Article III- 191 (ex-Article 4)

Le Conseil européen définit les orientations générales de la politique étrangère et de sécurité commune, y compris pour les questions ayant des implications en matière de défense.

Si un développement international l'exige, le ~~Président du~~ **une réunion extraordinaire du** Conseil européen ~~est convoquée une réunion extraordinaire du Conseil européen~~ afin de définir les lignes stratégiques de la politique de l'Union face à ce développement.

Le Conseil prend les dispositions nécessaires à la définition et à la mise en œuvre de la politique étrangère et de sécurité commune, sur la générales et lignes base des orientations stratégiques définies par le Conseil européen.

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : III – 196 (ex Art 9)

By Mr : George Vella

Status : – Alternate

Article III-196 (ex Art 9)

1. European 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 European decision, but shall accept that the latter commits the Union. In a spirit of mutual solidarity, the Member State concerned shall refrain from initiating any action, or from enhancing or strengthening any existing 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.

Explanation (if any) :

The inclusion of the words “initiating” and “or from enhancing or strengthening any existing action”.

Article III-196 as it stands allows for "constructive abstention". This is a provision which neutral countries within the European Union can resort to if they feel that certain contemplated measures would impinge on their constitutional obligations and status. However as the Article stands, it could mean that member states invoking the privilege of "constructive abstention", could still be made to stop or dismantle any action which would be deemed "likely to conflict with or impede Union

action based on that decision..." and hence possibly be asked to dismantle relations including those of a commercial, economic, or financial nature which could have been in place years before. The suggested amendments provide for the abstaining member state, invoking "constructive abstention" to keep existing relationships with a targeted third country, without however initiating any new initiative, or strengthening or enhancing already existing measures in the sector in which the punitive Union action is taken. This would be more in keeping with the "neutral" status of certain member states.

AMENDMENT FORM

**Suggestion for amendment of: PART III OF THE CONSTITUTION:
Article III-196**

**By BROK, AZEVEDO, LEQUILLER, AKCAM, ALTMAIER, BREJC, DEMETRIOU,
FIGEL, FOGLER, KAUPPI, KELAM, LENNMARKER, LIEPINA, MAIJ-WEGGEN, PIKS,
RACK, SANTER, SZAJER, TEUFEL, VAN DER LINDEN, VILEN, KAUPPI, VAN DIJK,
WITTBRODT, WUERMELING**

On behalf of the EPP Convention Group

Status : - Member - Alternate

Suggestion

Article III-196 (ex Article 9)

Article III-196 (ex Article 9)

~~1.— European 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 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.~~

1. Decisions under this chapter shall be taken by the Council by qualified majority:

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 Foreign Minister shall, in close consultation with the Member State involved, search for a solution acceptable to it. Should this consultation not lead to a result acceptable for the member state in question and the other member states the matter will be referred to the European Council for decision by qualified majority.

2. By derogation from paragraph 1, the Council shall act in any case by qualified majority:

- *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;*
- *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 European decision implementing a Union action or position;*
- *when adopting a European decision concerning the appointment of a special representative in accordance with [Article III-198 (ex 11)] of this Chapter.*

~~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.~~

~~3.4. Paragraphs 2 and 3 shall not apply to decisions having military or defence implications. Decisions having military or defence applications shall be taken by the Council acting unanimously. Paragraphs 1 and 2 shall not apply.~~

Explanation (if any) :

It is crucial that the principle of qualified majority voting is laid down as a general rule in Foreign and Security Policy. Exceptions should be allowed in case of important and stated reasons of national policy.

AMENDMENT FORM

Part III - title III - Chapter III:

Suggestion for amendment of Article : III-192

By Members: Mr Giuliano Amato, Mr Elmar Brok and Mr Andrew Duff

Article III-192 (ex Article 5)

1. The Union Minister for Foreign Affairs, who shall chair the Council of Ministers for Foreign Affairs, shall contribute through his proposals towards the preparation of the common foreign and security policy and shall ensure implementation of the European decisions adopted by the European Council and the Council of Ministers.
 2. For matters relating to the common foreign and security policy, the Union shall be represented by the Union Minister for Foreign Affairs. He shall conduct political dialogue on the Union's behalf and shall express the Union's position in international organisations and at international conferences.
 3. In fulfilling his mandate *under Article I-27*, the Union Minister for Foreign Affairs shall be assisted by ~~a~~ **the** European External Action Service *which shall be established in accordance with Article III-251 and III-300*. This service shall work in cooperation with the diplomatic services of the Member States¹.
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Explanation:

¹ See the Declaration on the creation of a European External Action Service in Annex III.

AMENDMENT FORM

Part III - Title V Chapter II: Common Foreign and Security Policy

Suggestion for amendment of Article : III-196

By Members: Mr Giuliano Amato, Mr Elmar Brok and Mr Andrew Duff

Article III-196 (ex Article 9)

1. European decisions under this Chapter shall be taken by the Council of Ministers 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 of Ministers 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 of Ministers 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 of Ministers 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.
- (e) ***when adopting a decision on the initiative of the Minister for Foreign Affairs with the support of the Commission.***

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

3. The European Council may decide unanimously that the Council of Ministers 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 implications.

Explanation:

In 2(b) we delete the reference to a 'specific' request on the grounds that this is an unnecessary constraint on the discretion of the Foreign Minister.

We add an additional and essential trigger to QMV - that is, the initiative of the Minister with the support of the Commission. This proposal has had the support of a majority of Members of the Convention and of the Working Group.