

AMENDMENT FORM

Suggestion for amendment of Article III-208

By: **Mr. Rein Lang, Mr. Tunne Kelam - members**

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Article III-208 (ex Article 20)

1. ~~The Member States listed in Protocol X annexed to the Constitution, which fulfil high military capability criteria and wish to enter into more binding commitments in this matter with a view to the most demanding tasks, hereby establish structured cooperation between themselves within the meaning of [Article I-40(6)]. The military capability criteria and commitments which those Member States have defined are set out in that Protocol.~~

2. ~~— If a Member State wishes to participate in such cooperation at a later stage, and thus subscribe to the obligations it imposes, it shall inform the European Council of its intention. The Council shall deliberate at the request of the Member State in question but only the representatives of the Member States taking part in structured cooperation shall participate in the vote.~~

3. ~~— When the Council adopts European decisions relating to matters covered by such cooperation, only the representatives of the Member States taking part in structured cooperation shall participate in the deliberations and the adoption of such European decisions. The Minister for Foreign Affairs shall attend the deliberations. The representatives of the other Member States shall be duly and regularly informed by the Minister for Foreign Affairs of developments in cooperation.~~

4. ~~— The Council may ask the Member States participating in such cooperation to carry out at Union level a task referred to in [Article III-205 (ex Article 17)] of this Title.~~

Explanation:

We welcome the idea of member states developing their capability commitments within the European Union. However, the form of cooperation covered in Article III-208 is not acceptable, as it is likely to undermine the inclusive and flexible model of ESDP that the EU has had so far.

It is essential that both the ESDP structures and participation in operations would always be kept open to all member states wishing to participate, and enjoy the support of all the member states. Also, the aim should be that as many member states as possible would take part in any forms of cooperation. As opposed to general enhanced cooperation clauses, the current provisions clearly do not ensure this.

Moreover, while it is true that members have different capabilities, incentives and interests, it is questionable, whether the Constitutional Treaty should use the current

divisive language, and call a group of members as better (“higher”), and more serious (“more binding commitments”) in certain fields.