

AMENDMENT FORM

Suggestion for amendment of Article : III - 208

Suggestion for protocol :

By Mr : Dick Roche

Status : - Member

Place in brackets :

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 more 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 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 shall participate in the deliberations and adoption of such European decisions. The Minister for Foreign Affairs shall attend the deliberations. The representatives of 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 of this Title.]

Explanation (if any) : Much is already possible in this area under existing Treaty

provisions concerning constructive abstention, and in the ESDP acquis. The Praesidium's commentary on the original draft of this article states that operations undertaken by a group of Member States under structured cooperation provisions "would not be Union operations". In these circumstances, such a provision in the Treaty is not appropriate.