

AMENDMENT FORM

Suggestion for amendment of Article : 208 (ex Article 20), part III of the Constitution

By Ms / Mr : Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Jari Vilén, Hannu Takkula and Esko Helle

**Status : Tiilikainen, Kiljunen, Vilén - 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 (if any) :

As we have already stated in our comments to Part One of the Constitution, we consider that the cooperation proposed in this Article would not serve the unity of the CFSP. However, if a sufficient number of Member States wish to establish closer cooperation in this field it is essential that the provisions on enhanced cooperation of the Constitution apply. This would fully guarantee the openness of the activities in the field of security and defence policy, the unity of the Union's institutional system as well as the rights and obligations of all Member States. Article III-318, which leaves the area of defence outside the field of enhanced cooperation should accordingly be deleted.

