

AMENDMENT FORM

Suggestion for amendment of Article : 209 (ex Article 21), part III of the Constitution

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~~Article III-209 (ex Article 21)~~

- ~~1. — The closer cooperation on mutual defence provided for in [Article I 40(7)] shall be open to all Member States of the Union. A list of participating Member States shall be set out in a Declaration annexed to the Constitution. If a Member State wishes to take part in such cooperation at a later stage, and thus subscribe to the obligations it imposes, it shall inform the European Council of its intention and subscribe to the Declaration annexed to the Constitution.~~
 - ~~2. — A participating Member State which is the victim of armed aggression on its territory shall inform the other participating States of the situation and may request aid and assistance from them. Participating Member States shall meet at ministerial level, assisted by their representative on the Political and Security Committee and the Military Committee.~~
 - ~~3. — The United Nations Security Council shall be informed immediately of any armed aggression and the measures taken as a result.~~
 - ~~4. — These provisions shall not affect the rights and obligations resulting, for those concerned, from the North Atlantic Treaty.~~
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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.