

**FICHE AMENDEMENT**

**Proposition d'amendement article 17 (parti II titre B)**

**Déposée par Anne Van Lancker**

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**after article 17 : a new article 17 (bis)**

*Military and civil defence resources of EU Member States may exceptionally be called on to perform humanitarian tasks as provided for in Article X (current Article 17.2 of TEU) when deemed necessary and appropriate to cover the requirements that humanitarian organisations are unable to meet. When defined as humanitarian, such resources shall be deployed at the request and in support of humanitarian organisations, and shall respect international law, guidelines and principles governing humanitarian assistance.*

**Justification:**

This provision aims at reflecting internationally agreed practice and guidelines regarding the use of military and civil defence assets in the context of humanitarian operations as well as to define precisely the scope of the "humanitarian tasks" envisaged as part of the Petersberg tasks which can only be subsidiary to normal humanitarian aid interventions.

## **AMENDMENT FORM**

**Suggestion for amendment of Article : 21 of Part II, Title B**

**Suggestion for protocol :**

**By Mr : Dick Roche**

**Status : - Member**

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Place in brackets :

1. [The closer cooperation on mutual defence provided for in Article 30(7) of Part One 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 this 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) :** Provision for a possible EU common defence is already contained in current Treaty provisions which state that this is for decision both by the European Council acting

unanimously and by Member States in accordance with their respective constitutional requirements (Art 17 TEU). Inclusion of a further such provision in the Treaty is not appropriate.

## AMENDMENT FORM

**Suggestion for amendment of Article : 20 (Part II- Title B)**

**Suggestion for protocol :**

**By Mr : Esko Seppänen**

**Status : Alternate**

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### ***DELETE: Article 20***

~~[DELETE: The Member States listed in Declaration 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 30(6) of Part One of the Constitution. The military capability criteria and commitments which those Member States have defined are set out in that Declaration.~~

~~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 restricted Council on structured cooperation shall decide on the Member State's request.~~

~~3. — Only Member States taking part in such cooperation shall adopt decisions relating to matters covered by it. The Minister for Foreign Affairs shall attend the deliberations. 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 17 of this Title.]~~

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**Explanation (if any) :**

## **AMENDMENT FORM**

**Suggestion for amendment of Article : 21 paragraph 1 (Part II- Title B)**  
**Suggestion for protocol :**

**By Mr : Esko Seppänen**

**Status : Alternate**

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### **Article 21 paragraph 1**

~~[DELETE: The closer cooperation on mutual defence provided for in Article 30(7) of Part One 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 this 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. ]~~

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**Explanation (if any) :**

## AMENDMENT FORM

### Title B - Part II

#### Suggestion for amendment of Article : 17

By Mr. Adrian Severin

Status Alternate Member

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The paragraph 1 should be modified as follows:

1. The Council, acting **by enhanced qualified majority, except those cases implying a military action**, shall adopt decisions relating to the tasks referred to in this Article, defining their objectives and scope and the general conditions for their implementation. The Union's Minister for Foreign Affairs, acting under the authority of the Council and in close and constant contact with the Political and Security Committee, shall ensure coordination of the civilian and military aspects of such tasks.

**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.**

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#### Explanation:

- 1. The general rule for the procedure in the common security and defence policy should be enhanced qualified majority vote.*
- 2. In the case of unanimity we need however some form of flexibility such as constructive abstention.*

## AMENDMENT FORM

### Title B - Part II

#### Suggestion for amendment of Article 19

By Mr. Adrian Severin

Status : Alternate Member.

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The paragraph 2 should be modified as follows:

2. The Agency shall be open to all Member States wishing to be part of it. **When the Union adopts a decision defining the Agency's statute, seat and operational rules the legislative procedure shall be used.** Such rules should take account of the level of effective participation in the Agency's activities. Specific groups shall be set up within the Agency bringing together Member States engaged in joint projects.

The paragraph 3 should be added as follows:

3. **The European Parliament shall scrutinize the activities of the Agency according to a procedure described by the Agency's statute.**
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#### Explanation:

*1. The European Armaments and Strategic Research Agency is an agency of the Union and the normal constitutional procedure should be used for setting it up.*

*2. Since it is about a Union agency, the European Parliament must be able to exercise its oversight.*



## AMENDMENT FORM

Suggestion for amendment of Article :    **Part II, Title B, Article 18**

Suggestion for protocol :

By Ms / Mr : **Hain**

Status :        - Member                      - ~~Alternate~~

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Art 18:1        Within the framework of the decisions adopted in accordance with Article 17 of this Title, ~~the Council may entrust the implementation of a task to a group of~~ Member States having the necessary capability and ~~the desire the willingness~~ to undertake the task will contribute national and multinational resources to the operation. Non-EU states may participate in accordance with the modalities agreed by the Council, which include arrangements for management of the operations. ~~Those Member States shall agree between themselves on the management of the task.~~

~~18.2        The Council shall be regularly informed by the Member States participating in the task on its progress and, should the completion of the task involve major new consequences or require amendment of the objective, scope and conditions for implementation agreed by the Council under Article 17(2) of this Title, the Member States participating shall refer the matter to the Council forthwith. In such cases, the Council shall adopt the necessary decisions.~~

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### Explanation (if any) :

The Treaty provisions should reflect the permanent arrangements for ESDP agreed at Nice, including the participation of non-EU states and the agreement on the modalities for operation management (hence there is no requirement for 18.2 given our amended 18.1).

## AMENDMENT FORM

Suggestion for amendment of Article :     **Part II, Title B, Article 19**

Suggestion for protocol :

By Ms / Mr : **Hain**

Status :            - Member                            - ~~Alternate~~

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19.1 ~~The European Armaments and Strategic Research Agency shall have as its task to:~~

The goal of the European Capabilities Development and Acquisition Agency will be to ensure that the capabilities required for current and future ESDP missions are defined accurately, including through the Capability Development Mechanism and developed, acquired, deployed and maintained as efficiently and cost-effectively as possible. Its activities will include:

- ~~contributing to the identifying~~ ing ~~of quantitative and qualitative the Member States' military capability objectives and evaluating observance of the capability commitments given by the Member States progress against them;~~
- ~~promoting~~ ing harmonisation of operational needs and adoption of cost-effective, compatible procurement methods based on best practice;
- ~~proposing~~ ing multilateral projects to fulfil the objectives in terms of military capabilities, ensure the effective coordination of the programmes implemented by the Member States and management of specific cooperation programmes;
- ~~supporting~~ ing defence technology research, and co-ordinate, ~~and plan~~ and provide contracting support services for joint research activities and the study of technical solutions meeting future operational needs;
- ~~contributing to identifying and, if necessary, implementing any useful measure for strengthening the industrial and technological base of the defence sector and for improving the effectiveness of military expenditure;~~

19.2 The Agency shall be open to all Member States wishing to be part of it. The Council, acting by ~~qualified majority unanimity~~, shall adopt a decision defining the Agency's statute, seat and operational rules. Such rules should which shall take account of the level of effective participation in the Agency's activities, and arrangements to incorporate within the framework of the Agency the OCCAR and Lol. Cooperation in OCCAR and Lol under the Agency framework will, exceptionally, only involve existing members at the

outset, but will be open to all Member States subject to rules governing accession as agreed by the Member States of OCCAR and the Lol Framework Agreement. Specific groups shall be set up within the Agency bringing together Member States engaged in joint projects

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**Explanation (if any) :**

The proposed amendments reflect a desire to give further precision to the Agency concept. They also reflect UK-French at Le Touquet and in a subsequent more detailed non-paper.

## AMENDMENT FORM

Suggestion for amendment of Article :    **Part II, Title B, Article 20**

Suggestion for protocol :

By Ms / Mr : **Hain**

Status :        - Member                      - ~~Alternate~~

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Art 20:1 ~~The Member States listed in Declaration 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 30(6) of Part One of the Constitution. The military capability criteria and commitments which those Member States have defined are set out in that Declaration.~~

~~20.2 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 restricted Council on structured cooperation shall decide on the Member State's request.~~

~~20.3 Only Member States taking part in such cooperation shall adopt decisions relating to matters covered by it. The Minister for Foreign Affairs shall attend the deliberations. Other Member States shall be duly and regularly informed by the Minister for Foreign Affairs of developments in cooperation.~~

~~20.4 The Council may ask the Member States participating in such cooperation to carry out at Union level a task referred to in Article 17 of this Title.~~

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### Explanation (if any) :

As in Art 30, Part I, the currently drafted the text is not sufficiently clear. While we support MS making higher capability commitments, or co-operating with partners to this end, the activity described risks undermining the inclusive, flexible, model of ESDP that the EU has agreed.

## AMENDMENT FORM

**Suggestion for amendment of Article : Part II, Title B, Article 21**

**Suggestion for protocol :**

**By Ms / Mr : Hain**

**Status :        - Member                      - Alternate**

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~~21.1 The closer cooperation on mutual defence provided for in Article 30(7) of Part One 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 this 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.~~

~~21.2 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.~~

~~21.3 The United Nations Security Council shall be informed immediately of any armed aggression and the measures taken as a result.~~

~~21.4 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 Article 30.7

## AMENDMENT FORM

**Suggestion for amendment of Article : 17**

**Suggestion for PART TWO – CHAPTER 1: COMMON FOREIGN AND SECURITY**

**POLICY , B. The common security and defence policy**

**By : Mr. John Cushnahan**

**Status : -Alternate**

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### **CHAPTER 1: COMMON FOREIGN AND SECURITY POLICY**

**B. The common security and defence policy**

#### **Article 17**

The tasks referred to in Article 30(1) of Part One of the Constitution, in the course of which the Union may deploy military and civilian means, shall include joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peacemaking, support action in combating terrorism at the request of a third country, and post-conflict stabilisation.

1. The Council, acting unanimously, shall adopt decisions relating to the tasks referred to in this Article, defining their objectives and scope and the general conditions for their implementation *after consulting the European Parliament*. The Minister for Foreign Affairs, acting under the authority of the Council and in close and constant contact with the Political and Security Committee, shall ensure coordination of the civilian and military aspects of such tasks.
  - 2 **The Minister for Foreign Affairs will be assisted by a Deputy Minister responsible for Security and Defence matters who will keep the EP regularly informed on the development of the Union's Security and Defence Policy. He will consult the European Parliament on any military or civil operations within the scope of the tasks described in paragraph 1 of this article.**
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**Explanation (if any): Such a formulation would allow both a better formulation and follow - up of the Union's Security and Defence Policy and an enhanced democratic control of this emerging European policy by the EP**

## AMENDMENT FORM

### Suggestion for amendment of Article : 20 (Part II)

By Mr : Henrik Hololei

Status : - Alternate

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#### *Article 20*

1. ~~The Member States listed in Declaration 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 30(6) of Part One of the Constitution. The military capability criteria and commitments which those Member States have defined are set out in that Declaration.~~
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 restricted Council on structured cooperation shall decide on the Member State's request.~~
3. ~~Only Member States taking part in such cooperation shall adopt decisions relating to matters covered by it. The Minister for Foreign Affairs shall attend the deliberations. 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 17 of this Title.~~

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#### **Explanation:**

Military cooperation should not be among the areas where closer cooperation is possible as this would increase divisions in Europe instead of abolishing them.



## AMENDMENT FORM

### Suggestion for amendment of Article : 21 (Part II)

By Mr : Henrik Hololei

Status : - Alternate

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#### *Article 21*

1. ~~The closer cooperation on mutual defence provided for in Article 30(7) of Part One 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 this 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:**

The defence cooperation within the European Union should not include mutual security obligations.

## AMENDMENT FORM

**Suggestion for amendment of Article : Article 17**

**Suggestion for protocol :**

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

**Status : X - Member            - Alternate X**

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### ***Article 17***

The tasks referred to in Article 30(1) of Part One of the Constitution, in the course of which the Union may deploy military and civilian means, shall include joint disarmament operations, humanitarian and rescue tasks, **small-scale** military advice and **logistical and administrative** assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including *[Delete: peacemaking, support action in combating terrorism at the request of a third country, and]* post-conflict stabilisation.

1. The Council, acting unanimously, shall adopt decisions relating to the tasks referred to in this Article, defining their objectives and scope and the general conditions for their implementation. The Minister for Foreign Affairs, acting under the authority of the Council and in close and constant contact with the Political and Security Committee, shall ensure coordination of the civilian and military aspects of such tasks.

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(Explanation)    The original draft allows for far more military intervention than appears to be the case at first sight. In particular, US involvement in Vietnam and that of the Soviets in Afghanistan came under the banner of “military advice”. At the same time, peacemaking is warfare by another name. The language of actions legitimised in the name of the “Union” needs serious reconsideration.

## FICHE AMENDEMENT

Proposition d'amendement à l'Article : 17 (Parte II - Titolo B - Azione esterna dell'Unione)

Déposée par Madame : **Cristiana MUSCARDINI**

Qualité : **Membre**

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### Articolo 17

Par. 2

Il Consiglio che delibera **a maggioranza qualificata** adotta le decisioni relative alle missioni di cui al presente articolo stabilendone l'obiettivo, la portata e le modalità generali di realizzazione. Il ministro degli affari esteri, sotto l'autorità del Consiglio e in stretto e costante contatto con il comitato politico e di sicurezza, provvede a coordinare gli aspetti civili e militari di tali missioni.

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Explication éventuelle :

**AMENDMENT FORM**

**Suggestion for amendment of Article : Article 18**

**Suggestion for protocol :**

**By Ms / Mr : David Heathcoat-Amory**

**Status : X - Member        - Alternate**

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Delete article

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**Explanation (if any) : This article duplicates the content of others**

## AMENDMENT FORM

Suggestion for amendment of Article : Article 19

Suggestion for protocol :

By Ms / Mr : David Heathcoat-Amory

Status : X - Member                      - Alternate

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### Article 19

1. The European Armaments [*Delete: and Strategic Research Agency*] shall have as its task to:

*[Delete – contribute to identifying the Member States' military capability objectives and evaluating observance of the capability commitments given by the Member States;]*

*[Delete – promote harmonisation of operational needs and adoption of effective, compatible procurement methods;]*

*[– propose multilateral projects to fulfil the objectives in terms of military capabilities, ensure]* **Facilitate** coordination of the programmes implemented by the Member States and management of specific cooperation programmes;

– support defence technology research, and coordinate [*Delete: and plan*] joint research activities and the study of technical solutions meeting future operational needs;

– contribute to identifying and, if necessary, implementing any useful measure for strengthening the industrial and technological base of the defence sector and for improving the effectiveness of military expenditure, **not including strategic asset management**;

2. The Agency shall be open to all Member States wishing to be part of it. The Council, acting by [*qualified majority*] **unanimity**, shall adopt a decision defining the Agency's statute, seat and operational rules. Such rules should take account of the level of effective participation in the Agency's activities. Specific groups shall be set up within the Agency bringing together Member States engaged in joint projects.

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**Explanation (if any) : The original draft proposes the establishment of a proactive policy-making organisation, whereas the defence procurement agency should rather respond to the stated aims and objectives of national ministers of defence. Its role in harmonisation also duplicates one of the key functions of NATO. Consequently, its work should be managed by unanimity.**

**The exclusion of « strategic asset management » excludes the body from any decisions regarding concentration of capabilities – in other words, closing down factories or shipyards in certain countries, and ending national construction capability.**

**AMENDMENT FORM**

**Suggestion for amendment of Article : Article 20**

**Suggestion for protocol :**

**By Ms / Mr : David Heathcoat-Amory**

**Status : X - Member        - Alternate**

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Delete whole article

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**Explanation (if any) : This articles duplicates material covered elsewhere**

## AMENDMENT FORM

Suggestion for amendment of Article : Article 21

Suggestion for protocol :

By Ms / Mr : David Heathcoat-Amory

Status : X - Member      - Alternate

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### Article 21

1. The closer cooperation on mutual defence provided for in Article 30(7) of Part One shall be open to all Member States of the Union. *[A]* **The** list of participating Member States shall *[be set out in a Declaration annexed to this Constitution]* **vary according to the mission** . 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 *[Delete: 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]* **may** inform the other participating States of the situation *[and may request aid and assistance from them. Participating]* Member States *[shall]* **may** 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, **or from constitutional neutrality**.

**New 5. Defence matters remain the preserve of the unanimity principle.**

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**Explanation (if any) : These amendments remove any notion of a mutual defence pact, which runs counter to the constitutions of certain member states, and is a danger to NATO. At the same time, they allow a flexibility in European response to allow for partnerships of the willing on an ad hoc basis.**

## AMENDMENT FORM

### Suggestion for amendment of Article : 17 (PART TWO – TITLE B)

#### Suggestion for protocol :

By Mr : Ingvar SVENSSON

Status : - Alternate

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### Article 17

The tasks referred to in Article 30(1) of Part One of the Constitution, in the course of which the Union may deploy military and civilian means, shall include **disarmament and non-proliferation tasks**<sup>1</sup> ~~joint disarmament operations~~, humanitarian and rescue tasks, **security enhancing measures in the defence sector**<sup>2</sup> ~~military advice and assistance tasks~~, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peacemaking, support action in combating terrorism at the request of a third country, and post-conflict stabilisation.<sup>3</sup>

~~4-~~ The Council, acting unanimously, shall adopt decisions relating to the tasks referred to in this Article, defining their objectives and scope and the general conditions for their implementation. ~~The Minister for Foreign Affairs, acting under the authority of the Council and in close and constant contact with the Political and Security Committee, shall ensure coordination of the civilian and military aspects of such tasks.~~

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<sup>1</sup> "Joint disarmaments operations" should be replaced with the wider formulation of "disarmament and non-proliferation tasks."

<sup>2</sup> "Military advice and assistance" is too vague a task, and should be replaced with "security enhancing measures in the defence sector," which is a more accurate description of the intended task.

<sup>3</sup> The ordering of tasks could be changed so as to properly reflect the different stages of the "conflict cycle", that is: "...conflict prevention, disarmament and non-proliferation tasks, security enhancing measures in the defence sector, humanitarian and rescue tasks, peace-keeping tasks, tasks of combat forces in crisis management, including peacemaking, support action in combating terrorism at the request of a third country, and post-conflict stabilisation"



## AMENDMENT FORM

### Suggestion for amendment of Article 17

**By : TIMOTHY KIRKHOPE MEP**

**Status : MEMBER**

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PRAESIDIUM	TIMOTHY KIRKHOPE MEP
<b>B. The common security and defence policy</b>	<i>DELETE</i>
<p><b>Article 17</b></p> <p>The tasks referred to in Article 30(1) of Part One of the Constitution, in the course of which the Union may deploy military and civilian means, shall include joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peacemaking, support action in combating terrorism at the request of a third country, and post-conflict stabilisation.</p> <p>1. The Council, acting unanimously, shall adopt decisions relating to the tasks referred to in this Article, defining their objectives and scope and the general conditions for their implementation. The Minister for Foreign Affairs, acting under the authority of the Council and in close and constant contact with the Political and Security Committee, shall ensure coordination of the civilian and military aspects of such tasks.</p>	<i>DELETE</i>

## AMENDMENT FORM

### Suggestion for amendment of Article 18

**By : TIMOTHY KIRKHOPE MEP**

**Status : MEMBER**

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PRAESIDIUM	TIMOTHY KIRKHOPE MEP
<p><b>Article 18</b></p> <p>1. Within the framework of the decisions adopted in accordance with Article 17 of this Title, the Council may entrust the implementation of a task to a group of Member States having the necessary capability and the desire to undertake the task. Those Member States shall agree between themselves on the management of the task.</p> <p>2. The Council shall be regularly informed by the Member States participating in the task on its progress and, should the completion of the task involve major new consequences or require amendment of the objective, scope and conditions for implementation agreed by the Council under Article 17(2) of this Title, the Member States participating shall refer the matter to the Council forthwith. In such cases, the Council shall adopt the necessary decisions.</p>	<p><i>DELETE</i></p>

## AMENDMENT FORM

### Suggestion for amendment of Article 19

**By : TIMOTHY KIRKHOPE MEP**

**Status : MEMBER**

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PRAESIDIUM	TIMOTHY KIRKHOPE MEP
<b>Article 19</b>  1. The European Armaments and Strategic Research Agency shall have as its task to:  - contribute to identifying the Member States' military capability objectives and evaluating observance of the capability commitments given by the Member States;  - promote harmonisation of operational needs and adoption of effective, compatible procurement methods;  - propose multilateral projects to fulfil the objectives in terms of military capabilities, ensure coordination of the programmes implemented by the Member States and management of specific cooperation programmes;  - support defence technology research, and coordinate and plan joint research activities and the study of technical solutions meeting future operational needs;  - contribute to identifying and, if necessary, implementing any useful measure for strengthening the industrial and technological base of the defence sector and for improving the effectiveness of	<i>DELETE</i>

military expenditure;

2. The Agency shall be open to all Member States wishing to be part of it. The Council, acting by qualified majority, shall adopt a decision defining the Agency's statute, seat and operational rules. Such rules should take account of the level of effective participation in the Agency's activities. Specific groups shall be set up within the Agency bringing together Member States engaged in joint projects.

## AMENDMENT FORM

### Suggestion for amendment of Article 20

**By : TIMOTHY KIRKHOPE MEP**

**Status : MEMBER**

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PRAESIDIUM	TIMOTHY KIRKHOPE MEP
<p><b>Article 20</b></p> <p>1. The Member States listed in Declaration 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 30(6) of Part One of the Constitution. The military capability criteria and commitments which those Member States have defined are set out in that Declaration.</p> <p>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 restricted Council on structured cooperation shall decide on the Member State's request.</p> <p>3. Only Member States taking part in such cooperation shall adopt decisions relating to matters covered by it. The Minister for Foreign Affairs shall attend the deliberations. Other Member States shall be duly and regularly informed by the Minister for Foreign Affairs of developments in cooperation.</p> <p>4. The Council may ask the Member States</p>	<p><i>DELETE</i></p>

participating in such cooperation to carry out at Union level a task referred to in Article 17 of this Title.	
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## AMENDMENT FORM

### Suggestion for amendment of Article 21

**By : TIMOTHY KIRKHOPE MEP**

**Status : MEMBER**

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PRAESIDIUM	TIMOTHY KIRKHOPE MEP
<p><b>Article 21</b></p> <p>1. The closer cooperation on mutual defence provided for in Article 30(7) of Part One 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 this 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.</p> <p>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.</p> <p>3. The United Nations Security Council shall be informed immediately of any armed aggression and the measures taken as a result.</p> <p>4. These provisions shall not affect the rights and obligations resulting, for those concerned, from the North Atlantic Treaty.</p>	<p><i>DELETE</i></p>

## AMENDMENT FORM

<b>Suggestion for amendment of Article:</b>	<b>19 (Part Two, CFSP)</b>
<b>By Mr:</b>	<b>Erwin Teufel</b>
<b>Status:</b>	<b>Member</b>

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### *Text of the Praesidium*

- (2) The Agency shall be open to all Member States wishing to be part of it. The Council, acting by qualified majority, shall adopt a decision defining the Agency's statute, seat and operational rules. Such rules should take account of the level of effective participation in the Agency's activities. Specific groups shall be set up within the Agency bringing together Member States engaged in joint projects.

### *Proposed Amendment*

- (2) The Agency shall be open to all Member States wishing to be part of it. The Council, acting **unanimously**, shall adopt a decision defining the Agency's statute, seat and operational rules. Such rules should take account of the level of effective participation in the Agency's activities. Specific groups shall be set up within the Agency bringing together Member States engaged in joint projects.

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### **Explanation:**

A decision containing such an essential question as the statute of an agency needs to be taken unanimously.



## FICHE AMENDEMENT

**Proposition d'amendement à l'Article:**

**19 (Partie II, PESD)**

**Déposée par Monsieur:**

**Erwin Teufel**

**Qualité:**

**Membre**

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### *Texte du Praesidium*

- (2) Alle Mitgliedstaaten können auf Wunsch an der Arbeit der Agentur teilnehmen. Der Rat nimmt mit qualifizierter Mehrheit einen Beschluss an, in dem die Satzung, der Sitz und die Funktionsweise der Agentur festgelegt werden. Dabei muss dem Umfang der effektiven Beteiligung an den Tätigkeiten der Agentur Rechnung getragen werden. Innerhalb der Agentur werden spezifische Gruppen aus den Mitgliedstaaten gebildet, die gemeinsame Projekte durchführen.

### *Amendement proposé*

- (2) Alle Mitgliedstaaten können auf Wunsch an der Arbeit der Agentur teilnehmen. Der Rat nimmt **einstimmig** einen Beschluss an, in dem die Satzung, der Sitz und die Funktionsweise der Agentur festgelegt werden. Dabei muss dem Umfang der effektiven Beteiligung an den Tätigkeiten der Agentur Rechnung getragen werden. Innerhalb der Agentur werden spezifische Gruppen aus den Mitgliedstaaten gebildet, die gemeinsame Projekte durchführen.
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### **Begründung:**

Ein Beschluss, in dem eine so zentrale Frage wie die Satzung einer Agentur geregelt wird, bedarf der Einstimmigkeit.

## AMENDMENT FORM

### Suggestion for amendment of Article 19, II part

By Ms / Mr : Ms Helle THORNING-SCHMIDT

Status : - Alternate

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#### *Article 19*

1. The European Armaments and Strategic Research Agency shall have as its task to:

- contribute to identifying the Member States' military capability objectives and evaluating observance of the capability commitments given by the Member States;
  - promote harmonisation of operational needs and adoption of effective, compatible procurement methods;
  - propose multilateral projects to fulfil the objectives in terms of military capabilities, ensure coordination of the programmes implemented by the Member States and management of specific cooperation programmes;
  - support defence technology research, and coordinate and plan joint research activities and the study of technical solutions meeting future operational needs;
  - contribute to identifying and, if necessary, implementing any useful measure for strengthening the industrial and technological base of the defence sector and for improving the effectiveness of military expenditure;
  - *contribute to identifying strategies and the relevant measures for conflict prevention;*
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Explanation (if any) :

## AMENDMENT FORM

### Suggestion for amendment of Article 20, II part

By Ms / Mr : Ms Helle THORNING-SCHMIDT

Status : - Alternate

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1. The Member States *[delete 8 words]* which *[delete 6 words]* wish to *[delete 16 words]* establish structured cooperation between themselves within the meaning of Article 30(6) of Part One of the Constitution *shall address a request to the Council to the effect. Authorisation shall be granted by the Council, acting by a qualified majority and in accordance with the second subparagraph of Article 9 (2) of this Title and in compliance with [Articles XX to XY].*

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.*[Delete 13 words]*.

3. Only Member States taking part in such cooperation shall adopt decisions relating to *the development of military capability criteria [delete 4 words]*. The Minister for Foreign Affairs shall attend the deliberations. Other Member States shall be duly and regularly informed by the Minister for Foreign Affairs of developments in cooperation.

4. *[Delete 26 words] Structured cooperation in the area referred to in this article shall be aimed at safeguarding the values and serving the interests of the Union as a whole by asserting its identity as a coherent force on the international scene. It shall respect the principles, objectives and general guidelines and consistency of the common foreign and security policy and the decisions taken within the framework of that policy.*

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### Explanation (if any) :

The proposed structured cooperation on military capabilities as well as their deployment gives rise

to fundamental questions and may risk dividing the Member States.

There may be a need to accommodate the Member States who wish to further the development of enhanced military capabilities in Europe by means of a structured cooperation. However, the structured cooperation on military capabilities shall serve the interests of the Union as a whole.

## AMENDMENT FORM

**Suggestion for amendment of Article 21, II part**

**By Ms / Mr : Ms Helle THORNING-SCHMIDT**

**Status : - Alternate**

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Article 21, paragraphe 4

***4. In the execution of the closer cooperation on mutual defence, the participating Member States shall work in close cooperation with the North Atlantic Treaty Organisation. Recognising the undesirability of any unnecessary duplication of NATO structures, such as command and planning capabilities, the participating Member States will rely on existing cooperation arrangements between the EU and NATO.*** 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) :**

## AMENDMENT FORM

### Suggestion for amendment of Article: 20, Part II – Title B

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

Status: Members and alternate members.

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1. The Member States ~~listed in Declaration 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 30(6) of Part One of the Constitution shall address a request to the Council to the effect. Authorisation shall be granted by the Council, acting by a qualified majority and in accordance with the second subparagraph of Article 9 (2) of this Title and in compliance with [Articles XX to XY]. ~~The military capability criteria and commitments which those Member States have defined are set out in that Declaration.~~
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 restricted Council on structured cooperation shall decide on the Member State's request.~~
3. Only Member States taking part in such cooperation shall adopt decisions relating to the development of military capability criteria ~~matters covered by it.~~ The Minister for Foreign Affairs shall attend the deliberations. 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 17 of this Title~~ Structured cooperation in the area referred to in this article shall be aimed at safeguarding the values and serving the interests of the union as a whole by asserting its identity as a coherent force on the international scene. It shall respect the principles, objectives and general guidelines and consistency of the common foreign and security policy and the decisions taken within the framework of that policy.

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**Explanation:**

The proposed structured (enhanced) cooperation on military capabilities as well as their deployment gives rise to fundamental questions and may risk dividing the Convention as well as the Member States. The Praesidium's draft text makes clear that the authorisation to embark upon the closer cooperation is given by the concerned Member States themselves. The Praesidium's comments also make clear that the closer cooperation extends to the launching of operations involving the deployment of those capabilities presumably on the basis of a decision by a restricted Council on structured cooperation (though none of this is clear on the basis of the proposed text alone).

This differs significantly from present CFSP arrangements on enhanced cooperation which (1) do not relate to matters having military or defence implications; (2) require the authorisation of the Council acting with a qualified majority (cf. Article 27 C TEU). Furthermore, 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.

There may be a need to accommodate the Member States who wish to further the development of enhanced military capabilities in Europe by means of a structured cooperation. An argument could be made that an enlarged Union needs to be flexible enough to allow for the different ambitions of its Member States in respect of military capabilities.

At the same time, great care should be taken to ensure that the structured cooperation serves the interests of the Union as a whole and safeguards its identity as a coherent force on the international scene. We must avoid institutionalising a division of the ESDP. The structured cooperation should therefore be rooted clearly within the Union structures and processes and build on an inclusive approach open to all Member States.

One way to achieve this while safeguarding sufficient flexibility would be to extend present Treaty arrangements on enhanced cooperation to the field of military capability criteria, including their deployment in crisis management actions.

The proposed amendments aims to achieve this. The reference to Article 9 (2) is intended to retake the provision on referral to the European Council for important and stated reasons of national policy found in the existing Treaty provision on structured cooperation in CFSP (TEU 27 C). The square bracket is meant as a reference to general CFSP relevant provisions on enhanced cooperation, cf. Article 32 in the preliminary draft of 28 October 2002 (CONV 369/02). The proposed amendment to paragraph 2 intends to underline the open and automatic access to all Member States complying with the criteria. The original paragraph 4 as proposed by the Praesidium is unnecessary as it duplicates Article 18 . The proposed new paragraph 4 is based on TEU 27 A



## AMENDMENT FORM

### Suggestion for amendment of Article: 21, Part II – Title B

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

Status: Members and alternate members.

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1. The closer cooperation on mutual defence provided for in Article 30(7) of Part One 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 this 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. In the execution of the closer cooperation on mutual defence, the participating Member States shall work in close cooperation with the North Atlantic Treaty Organisation. Recognising the undesirability of any unnecessary duplication of NATO structures, such as command and planning capabilities, the participating Member States will rely on existing cooperation arrangements between the EU and NATO. These provisions shall not affect the rights and obligations resulting, for those concerned, from the North Atlantic Treaty.

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**Explanation:**

Any commitment to collective defence outside the framework of NATO runs the risk of being militarily unviable and politically divisive. Should the Convention wish to proceed with a provision on a mutual defence commitment a minimum condition for avoiding these risks would be to clarify the NATO link.

The Praesidium highlights that ten of the European Union's current Member States are members of the Western European Union and are therefore already bound by a mutual defence commitment under Article V of the Brussels Treaty. Hence the need to introduce closer cooperation enabling those wishing to do so to "repeat" the commitment already entered into under Article V of the Brussels Treaty in the Union framework.

If this is the case, one should concomitantly “repeat” the NATO link currently found in Article IV of the Brussels (WEU) Treaty. Article IV of the Brussels Treaty reads as follows: In the execution of the Treaty the High Contracting parties and any organs established by Them under the Treaty shall work in close cooperation with North Atlantic Treaty Organisation. Recognising the undesirability of duplicating the military staffs of NATO, the Council and its Agency will rely on the appropriate Military Authorities of NATO for information and advice on military matters.

The amendment above is based on Article IV of the Brussels Treaty suitably revised to reflect the existing structures of the EU as well as the permanent cooperation arrangements between the EU and NATO (Berlin+) which provide ready access by the EU to the collective assets and capabilities of NATO for operations in which the Alliance as a whole is not engaged.

The substitution of “may” for “shall” in Article 30 (6) of Part One simply reflects the fact that the constitutional treaty obviously cannot lay down a legal obligation but merely enable those member states willing to do so to "repeat" the commitment already entered into under Article V of the Brussels Treaty in the Union framework.

## **FICHE AMENDEMENT**

**Proposition d'amendement à l'Article : 18**

**Proposition d'amendement au protocole:**

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

**Qualité : - Membre            - Suppléant**

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### ***Articolo 18***

1. Nel quadro delle decisioni adottate in conformità dell'articolo 17 del presente titolo, il Consiglio può affidare la realizzazione di una missione a un gruppo di Stati membri che dispongono delle capacità necessarie e intendono impegnarsi nella missione. Essi si accordano sulla gestione della missione.
  2. Gli Stati che partecipano alla realizzazione della missione informano periodicamente il Consiglio dell'andamento della missione e gli si rivolgono immediatamente se la realizzazione comporta conseguenze nuove di ampia portata o se impone una modifica dell'obiettivo, della portata o delle modalità convenute dal Consiglio a norma dell'articolo 17, paragrafo 2 del presente titolo. In tal caso il Consiglio adotta le decisioni necessarie.
  3. **Il Parlamento europeo viene regolarmente informato della missione e della sua realizzazione.**
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**Explication éventuelle :**

## FICHE AMENDEMENT

**Proposition d'amendement à l'Article : 19**

**Proposition d'amendement au protocole:**

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

**Qualité : - Membre            - Suppléant**

---

### *Articolo 19*

1. L'Agenzia europea di capacità militari ~~per gli armamenti~~ e la ricerca strategica ha il compito di:
  - contribuire a individuare gli obiettivi di capacità militari degli Stati membri e a valutare il rispetto degli impegni in materia di capacità assunti dagli Stati membri;
  - promuovere l'armonizzazione delle esigenze operative e l'adozione di metodi di acquisizione efficienti e compatibili;
  - proporre progetti multilaterali per il conseguimento degli obiettivi in termini di capacità militari; **cooperare in tale ambito con i competenti organi del settore degli armamenti nel promuovere l'adozione di metodi di approvvigionamento efficaci e sostenibili;** e assicurare il coordinamento dei programmi attuati dagli Stati membri e la gestione di programmi di cooperazione specifici;
  - sostenere la ricerca nel settore della tecnologia della difesa, coordinare e pianificare attività di ricerca congiunte e studi per delineare le soluzioni tecniche che rispondono alle esigenze operative future;
  - contribuire a individuare e, se del caso, attuare qualsiasi misura utile ~~a per~~ potenziare la base industriale e tecnologica del settore della **difesa nel contesto di un mercato aperto e competitivo al fine di** ~~per~~ migliorare l'efficacia delle spese militari.
2. L'Agenzia è aperta a tutti gli Stati membri che desiderano parteciparvi. Il Consiglio, deliberando a maggioranza qualificata, adotta una decisione che fissa lo statuto, la sede e le

modalità di funzionamento dell'Agenzia. Questi ultimi tengono conto del grado di partecipazione effettiva alle attività dell'Agenzia. Nell'ambito dell'Agenzia sono costituiti gruppi specifici che riuniscano gli Stati membri impegnati in progetti congiunti.

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**Explication éventuelle :**

**AMENDMENT FORM**

**Suggestion for amendment of Article: 20, 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**

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**Article 20: [deleted]**

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**Explanation (if any):**

## AMENDMENT FORM

### Title B

Suggestion for amendment of Article : 17

By Members: Voggenhuber, Wagener,

Status : Members and alternate members.

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#### *Article 17*

The tasks referred to in Article 30(1) of Part One of the Constitution, in the course of which the Union may deploy military and civilian means, shall include joint disarmament operations, humanitarian and rescue tasks, **civil protection, protection of human right defenders, protection of public infrastructures, protection of archaeological sites and other objects of cultural heritage**, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peacemaking, ~~support action in combating terrorism at the request of a third country~~, and post-conflict stabilisation.

1. The Council, acting unanimously, shall adopt decisions relating to the tasks referred to in this Article, defining their objectives and scope and the general conditions for their implementation. The Minister for Foreign Affairs, acting under the authority of the Council and in close and constant contact with the Political and Security Committee, shall ensure coordination of the civilian and military aspects of such tasks.

**17 bis (new) In order to establish a framework for joint contributions from European NGO's to the civilian peace-keeping, peace-building and humanitarian actions of the Union, a European Civil Peace Corps shall be set up. The European Parliament and the Council, in compliance with the legislative procedure, shall adopt a European law determining the rules and operations of the Corps.**

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Explanation:

## AMENDMENT FORM

### Title B

#### Suggestion for amendment of Article : 19

By Members: Voggenhuber, Wagener,

Status :       Members and alternate members.

---

#### *Article 19*

1. The European ~~Armaments~~ **Defence** and Strategic Research Agency shall have as its task to:

– contribute to identifying the Member States' military and **civilian** capability objectives and evaluating observance of the capability commitments given by the Member States;

– promote harmonisation of operational needs and adoption of effective, compatible procurement methods;

– propose multilateral projects to fulfil the objectives in terms of military and **civilian** capabilities, **with a view, in particular to conflict prevention and peace-keeping operations,** ensure coordination of the programmes implemented by the Member States and management of specific cooperation programmes;

– support defence technology research, and coordinate and plan joint research activities and the study of technical solutions meeting future operational needs;

– contribute to identifying and, if necessary, implementing any useful measure for strengthening the industrial and technological base of the defence sector and for improving the effectiveness of military and **civil defence-related** expenditure;

2. The Agency shall be open to all Member States wishing to be part of it. The Council, acting by qualified majority, shall adopt a decision defining the Agency's statute, seat and



operational rules. Such rules should take account of the level of effective participation in the Agency's activities. Specific groups shall be set up within the Agency bringing together Member States engaged in joint projects.

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**Explanation:**

## AMENDMENT FORM

### Title B

Suggestion for amendment of Article : 20

By Members: Voggenhuber, Lichtenberger, Wagener,

Status :       Members and alternate members.

---

#### *Article 20*

~~1. The Member States listed in Declaration 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 30(6) of Part One of the Constitution. The military capability criteria and commitments which those Member States have defined are set out in that Declaration.~~

~~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 restricted Council on structured cooperation shall decide on the Member State's request.~~

~~3. Only Member States taking part in such cooperation shall adopt decisions relating to matters covered by it. The Minister for Foreign Affairs shall attend the deliberations. 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 17 of this Title.~~

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**Explanation:**

## AMENDMENT FORM

### Title B

Suggestion for amendment of Article : 21

By Members: Voggenhuber, Lichtenberger, Wagener,

Status : Members and alternate members.

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#### *Article 21*

~~1. The closer cooperation on mutual defence provided for in Article 30(7) of Part One 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 this 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:

## AMENDMENT FORM

### Suggestion for amendment of Article 17

**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**

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### Article 17

The tasks referred to in Article 30(1) of Part One of the Constitution, in the course of which the Union may deploy military and civilian means, shall include **disarmament and non-proliferation tasks**<sup>1</sup> ~~joint disarmament operations~~, humanitarian and rescue tasks, **security enhancing measures in the defence sector**<sup>2</sup> ~~military advice and assistance tasks~~, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peacemaking, support action in combating terrorism at the request of a third country, and post-conflict stabilisation.<sup>3</sup>

1. The Council, acting unanimously, shall adopt decisions relating to the tasks referred to in this Article, defining their objectives and scope and the general conditions for their implementation. The Minister for Foreign Affairs, acting under the authority of the Council and in close and constant contact with the Political and Security Committee, shall ensure coordination of the civilian and military aspects of such tasks.

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<sup>1</sup> "Joint disarmaments operations" should be replaced with the wider formulation of "disarmament and non-proliferation tasks."

<sup>2</sup> "Military advice and assistance" is too vague a task, and should be replaced with "security enhancing measures in the defence sector," which is a more accurate description of the intended task.

<sup>3</sup> The ordering of tasks could be changed so as to properly reflect the different stages of the "conflict cycle", that is: "...conflict prevention, disarmament and non-proliferation tasks, security enhancing measures in the defence sector, humanitarian and rescue tasks, peace-keeping tasks, tasks of combat forces in crisis management, including peacemaking, support action in combating terrorism at the request of a third country, and post-conflict stabilisation"

## AMENDMENT FORM

### Suggestion for amendment of Article 18

**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**

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### Article 18

1. Within the framework of the decisions adopted in accordance with Article 17 of this Title, the Council may entrust the implementation of a task to a group of Member States having the necessary capability and the desire to undertake the task. Those Member States shall agree between themselves on the **day to day**<sup>1</sup> management of the **implementation** task.
2. The Council shall **retain the political control and strategic direction**<sup>2</sup> and be regularly informed by the Member States participating in the task on its progress and, should the completion of the task involve major new consequences or require amendment of the objective, scope and conditions for implementation agreed by the Council under Article 17(2) of this Title, ~~the Member States participating shall refer the matter to the Council forthwith. In such cases,~~<sup>2</sup> the Council shall adopt the necessary decisions.

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<sup>1</sup> If a group of Member States carry out a crisis management operation, they shall also decide between themselves on the day-to-day management of the operative management..

<sup>2</sup> Any operation carried out in the name of the Union must always be subject to the political control of all Member States

## AMENDMENT FORM

### Suggestion for amendment of Article 19

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

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

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### Article 19

**A European Armaments Agency shall be established to support the development of military capabilities by co-operation between the Member States in the field of armaments. The Agency shall be open to all Member States wishing to be part of it. Specific groups can be set up within the Agency bringing together Member States engaged in joint projects.**

**The Council, acting unanimously, shall adopt a decision defining the Agency's statute, terms of reference, seat and operational rules. Such rules will take account of the level of effective participation in the Agency's activities.**

**1. ~~The European Armaments and Strategic Research Agency shall have as its task to:~~**

- ~~—— contribute to identifying the Member States' military capability objectives and evaluating observance of the capability commitments given by the Member States;~~
- ~~—— promote harmonisation of operational needs and adoption of effective, compatible procurement methods;~~
- ~~—— propose multilateral projects to fulfil the objectives in terms of military capabilities, ensure coordination of the programmes implemented by the Member States and management of specific cooperation programmes;~~
- ~~—— support defence technology research, and coordinate and plan joint research activities and the study of technical solutions meeting future operational needs;~~
- ~~—— contribute to identifying and, if necessary, implementing any useful measure for~~
- ~~—— strengthening the industrial and technological base of the defence sector and for~~
- ~~—— improving the effectiveness of military expenditure;~~

**2. ~~The Agency shall be open to all Member States wishing to be part of it. The Council, acting by qualified majority, shall adopt a decision defining the Agency's statute, seat and operational rules. Such rules should take account of the level of effective~~**

~~participation in the Agency's activities. Specific groups shall be set up within the Agency bringing together Member States engaged in joint projects.~~<sup>1</sup>

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<sup>1</sup> It is uncalled for to specify the Agency's tasks in the Constitution, in which only the overarching principles should be mentioned. For reasons of flexibility it is important that the agency's tasks can develop according to the Union's needs over time. The specific name of the agency should be decided when defining the Agency's statute, terms of reference, seat and operational rules. Decision making on these issues should be unanimous, as in all other questions having military or defence implications.

## AMENDMENT FORM

### Suggestion for amendment of Article 20

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

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

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#### **Article 20<sup>1</sup>**

- ~~1. The Member States listed in Declaration 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 30(6) of Part One of the Constitution. The military capability criteria and commitments which those Member States have defined are set out in that Declaration.~~
- ~~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 restricted Council on structured cooperation shall decide on the Member State's request.~~
- ~~3. Only Member States taking part in such cooperation shall adopt decisions relating to matters covered by it. The Minister for Foreign Affairs shall attend the deliberations. 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 17 of this Title.~~

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<sup>1</sup> See comments on art 30.6., Part I



## AMENDMENT FORM

### Suggestion for amendment of Article 21

**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**

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### **Article 21<sup>1</sup>**

- ~~1. The closer cooperation on mutual defence provided for in Article 30(7) of Part One 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 this 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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<sup>1</sup> Allowing for flexible integration in this area will undermine the Union's political will to unite in the work of promoting international peace and security. Both Nato and the WEU already exist for those states that wish to commit themselves to mutual defence guarantees.

## FICHE AMENDEMENT

**Proposition d'amendement à l'Article 19 (Partie II – Titre B – Chapitre 1), Traité constitutionnel sur l'action extérieure.**

**Déposée par ~~Madame ou~~ Monsieur Oğuz DEMIRALP**

**Qualité : ~~-Membre~~ - Suppléant**

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### **Article 19 :**

2. L'Agence est ouverte à tous les États membres qui souhaitent y participer. Les membres européens de l'OTAN non membres de l'Union européenne peuvent également participer s'ils le souhaitent. Le Conseil, statuant à la majorité qualifiée, adopte une décision définissant le statut, le siège et les modalités de fonctionnement de l'Agence. Ceux-ci doivent tenir compte du degré de participation effective dans les activités de l'Agence. Des groupes spécifiques sont constitués à l'intérieur de l'Agence rassemblant des États membres de même que les membres de l'OTAN non membres de l'Union européenne qui mènent des projets conjoints.

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### **Explication éventuelle :**

De par la nature des domaines de coopération d'armement et de recherche stratégique, il serait nécessaire de créer une institution incluant tous les États européens y compris les membres européens de l'OTAN non membres de l'Union européenne qui souhaitent et sont capables de contribuer à ce projet.

## FICHE AMENDEMENT

Proposition d'amendement à l'Article 21 (Partie II – Titre B – Chapitre 1), Traité constitutionnel sur l'action extérieure.

Déposée par ~~Madame ou~~ Monsieur Oğuz DEMIRALP

Qualité : ~~–Membre~~ - Suppléant

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### Article 21 :

- *Supprimer cet Article*

1. ~~La coopération plus étroite en matière de défense mutuelle telle que prévue à l'article 30, paragraphe 7 de la Partie I est ouverte à tous les États membres de l'Union. Une liste des États membres participant est reprise dans une déclaration annexée à la présente Constitution. Si un État membre souhaite y participer à un stade ultérieur, en souscrivant aux obligations qu'elle impose, il en informe le Conseil européen et souscrit à la déclaration annexée à la Constitution.~~
  2. ~~Un État participant qui fait l'objet d'une agression armée sur son territoire informe les autres États participant de la situation et peut demander l'aide et l'assistance de ceux-ci. Les États participant se réunissent au niveau ministériel, assisté par leur représentant au sein du comité politique et de sécurité et du comité militaire.~~
  3. ~~Le Conseil de Sécurité des Nations Unies est immédiatement informé de toute agression armée ainsi que des mesures prises en conséquence.~~
  4. ~~Ces dispositions n'affectent pas, pour ceux qui sont concernés, les droits et obligations résultant du traité de l'Atlantique Nord.~~
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### Explication éventuelle :

L'OTAN a prouvé sa validité et ses compétences dans le cadre de la défense européenne durant ces cinquante dernières années. Nous ne devrions pas créer de nouveaux engagements en Europe qui mènerait à une défense commune. Une telle approche ne conduira pas seulement à la duplication et au gaspillage de nos ressources mais nuirait aussi sûrement aux relations transatlantiques lesquelles sont indispensables pour la sécurité européenne.

## AMENDMENT FORM

### Suggestion for amendment of Article 17 of Part II

By Mr : O'Sullivan and Ponzano

Status : Alternates

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Modify paragraph 2 of Article 17 as follows :

*« The Council, acting unanimously, shall adopt decisions relating to the tasks referred to in this Article, defining their objectives and scope and the general conditions for their implementation. The Minister for Foreign Affairs, acting under the authority of the Council and in close and constant contact with the Political and Security Committee **and the Commission**, shall ensure coordination of the civilian and military aspects of such tasks»*

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### Explanation :

*To the extent that civilian means are used (for example for the provision of humanitarian aid, prevention of conflicts, etc), it is essential that the Minister acting in his or her CFSP functions is in close contact with the Commission in relation to the important Community aspects.*

## FICHE AMENDEMENT

### Proposition d'amendement à l'article 17 de la partie II

Déposée par M. O'Sullivan et M. Ponzano

Qualité :      Suppléants

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Modifier le paragraphe 2 de l'article 17 comme suit :

*« Le Conseil, statuant à l'unanimité, adopte des décisions portant sur les missions visées au présent article en définissant leur objectif et leur portée ainsi que les modalités générales de leur mise en œuvre. Le Ministre des Affaires étrangères, sous l'autorité du Conseil et en contact étroit et permanent avec le comité politique et de sécurité **et la Commission**, veille à la coordination des aspects civils et militaires de ces missions. »*

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#### Explication :

*Dans la mesure où des moyens civils sont mis en œuvre (par exemple pour la fourniture de l'aide humanitaire, la prévention des conflits, etc.), il est essentiel que le Ministre dans ses fonctions PESC soit en contact étroit avec la Commission en ce qui concerne l'important volet communautaire.*

AMENDMENT FORM

Suggestion for amendment of Article: 19

By the Earl of Stockton MEP

Status : - Alternate

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Article 19

1. The European Armaments and Strategic Research Agency shall have as its task to:
  - contribute to identifying the Member States' military capability objectives and evaluating observance of the capability commitments given by the Member States;
  - promote harmonisation of operational needs and adoption of effective, compatible training and procurement methods;
  - propose multilateral projects to fulfil the objectives in terms of military capabilities, ensure coordination of the programmes implemented by the Member States and management of specific cooperation programmes;
  - support defence technology research, and coordinate and plan joint research activities and the study of technical solutions meeting future operational needs;
  - contribute to identifying and, if necessary, implementing any useful measure for strengthening the industrial and technological base of the defence sector and for improving the effectiveness of military expenditure;
2. The Agency shall be open to all Member States wishing to be part of it. The Council, acting by qualified majority, shall adopt a decision defining the Agency's statute, seat and operational rules. Such rules shall take account of the level of effective participation in the Agency's activities. Specific groups shall be set up within the Agency bringing together Member States engaged in joint projects.

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Explanation (if any):

AMENDMENT FORM

Suggestion for amendment of Article: 21

By the Earl of Stockton MEP

Status : - Alternate

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Article 21

1. The closer cooperation on mutual defence provided for in Article 30(7) of Part One 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 this 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 Member State which is the victim of armed aggression on its territory shall inform the participatory States of the situation and may request aid and assistance from them. The 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 or from Constitutional neutrality status.

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**Explanation (if any):**



## AMENDMENT FORM

### Title B - Part II

#### Suggestion for amendment of Article : 17

**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.

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#### *B. The common security and defence policy*

##### *Article 17*

The tasks referred to in Article 30(1) of Part One of the Constitution, in the course of which the Union may deploy military and civilian means, shall include joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including *peace-enforcement*, support action in combating terrorism at the request of a third country, and post-conflict stabilisation.

1. The Council, acting unanimously, shall adopt decisions relating to the tasks referred to in this Article, defining their objectives and scope and the general conditions for their implementation. *The European Parliament shall be informed of all decisions. The [Minister of Foreign Affairs/Secretary of the Union],* acting under the authority of the Council and in close and constant contact with the Political and Security Committee, shall ensure coordination of the civilian and military aspects of such tasks.

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**Explanation:**

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*We update the term 'peace-making' to 'peace enforcement' to take into account the problematical developments in this area over the last years.*

*The European Parliament must be informed of all decisions in this very sensitive field.*

*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 : 18

**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.

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#### *Article 18*

1. Within the framework of the decisions adopted in accordance with Article 17 of this Title, the Council may entrust the implementation of a task to a group of Member States having the necessary capability and the desire to undertake the task. Those Member States shall agree between themselves on the management of the task.

2. The Council shall be regularly informed by the Member States participating in the task on its progress and, should the completion of the task involve major new consequences or require amendment of the objective, scope and conditions for implementation agreed by the Council under Article 17(2) of this Title, the Member States participating shall refer the matter to the Council forthwith. In such cases, the Council shall adopt the necessary decisions. *The European Parliament shall be kept regularly informed.*

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#### **Explanation:**

*The European Parliament has a responsibility of political scrutiny in the area of CFSP and must be included, even if these tasks are undertaken by only a small number of member states, on behalf of the Union.*

## AMENDMENT FORM

### Title B - Part II

#### Suggestion for amendment of Article : 19

**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.**

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#### *Article 19*

1. The European Armaments and Strategic Research Agency shall have as its task to:
  - contribute to identifying the Member States' military capability objectives and evaluating observance of the capability commitments given by the Member States;
  - promote harmonisation of operational needs and adoption of effective, compatible procurement methods;
  - propose multilateral projects to fulfil the objectives in terms of military capabilities, ensure coordination of the programmes implemented by the Member States and management of specific cooperation programmes;
  - support defence technology research, and coordinate and plan joint research activities and the study of technical solutions meeting future operational needs;
  - contribute to identifying and, if necessary, implementing any useful measure for strengthening the industrial and technological base of the defence sector and for improving the effectiveness of military expenditure;

2. The Agency shall be open to all Member States wishing to be part of it. ***The European Parliament and the Council, according to the legislative procedure, shall determine*** the Agency's statute and operational rules. Such rules should take account of the level of effective participation in the Agency's activities. Specific groups shall be set up within the Agency bringing together Member States engaged in joint projects.

***The statute shall also lay down the procedures for scrutiny of its activities by the European Parliament, together with the national parliaments.***

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**Explanation:**

*The European Armaments and Strategic Research Agency is an agency of the Union and therefore no reason why it should not be established according to the normal constitutional procedure established for all other agencies (ie Europol, Eurojust).*

*We have removed the decision on the seat of the agency as we have set up an autonomous decision- making procedure for seats of institutions and agencies in our amendment to article 14 Part I.*

*Furthermore, as it is a Union agency, the European Parliament must be able to exercise its oversight and as it deals with an area of legitimate interest for national parliaments, they should also be included.*

## AMENDMENT FORM

### Title B - Part II

#### Suggestion for amendment of Article : 20

**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.**

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#### *Article 20*

1. The Member States listed in Declaration 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 30(6) of Part One of the Constitution. The military capability criteria and commitments which those Member States have defined are set out in that Declaration.
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 restricted Council on structured cooperation shall decide on the Member State's request.
3. Only Member States taking part in such cooperation shall adopt decisions relating to matters covered by it. *The [Minister of Foreign Affairs/Secretary of the Union]* shall attend the deliberations. Other Member States, *and the European Parliament*, shall be duly and regularly informed by the *[Minister of Foreign Affairs/Secretary of the Union]* 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 17 of this Title.

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**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 include the right of information by the European Parliament.*

## **AMENDMENT FORM**

**Suggestion for amendment of Article : 19, Part II**

**By Ms / Mr : Jan Kohout**

**Status : - Member**

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### **Explanation (if any) :**

See my amendment regarding the Article 30.3/Part I.

Part II, Article 19 should refer both to the Protocol establishing the Agency and stipulate that the internal market rules (modified Art. 296/TEC towards the use of QMV) fully apply in armaments policy, including the role of the Commission in line with the community method.



## **AMENDMENT FORM**

**Suggestion for amendment of Article : 20, Part II**

**By Ms / Mr : Jan Kohout**

**Status : - Member**

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### **20.1**

The Member States listed in Declaration X annexed to the Constitution, which fulfil **agreed** military capability criteria.....

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**Explanation (if any) :**

## **AMENDMENT FORM**

**Suggestion for amendment of Article : 21 – Part II**

**By Ms / Mr : J. Kohout**

**Status : - Member**

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**Explanation (if any) :**

21.1/II (and 30.6/I) : Initialisation of closer cooperation in ESDP area should always require the threshold of at least one half of all Member States.

## AMENDMENT FORM

### Suggestion for amendment to PART TWO Title B, Article 18

By Mr Hannes Farnleitner

Status : - Member

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#### ***Article 18***

~~Within the framework of the decisions adopted in accordance with Article 17 of this Title, the Council may entrust the implementation of a task to a group of Member States having the necessary capability and the desire to undertake the task. Those Member States shall agree between themselves on the management of the task.~~

~~2. The Council shall be regularly informed by the Member States participating in the task on its progress and, should the completion of the task involve major new consequences or require amendment of the objective, scope and conditions for implementation agreed by the Council under Article 17(2) of this Title, the Member States participating shall refer the matter to the Council forthwith. In such cases, the Council shall adopt the necessary decisions.~~

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#### **Explanation (if any) :**

Any participation in an EU operation is voluntary and entails that not necessarily all Member States take part in an operation. Therefore this proposal does not seem to have any added value. Moreover, Austria is opposed to any restriction of the Council's or the Political and Security Committee's responsibilities.

## AMENDMENT FORM

### Suggestion for amendment to PART TWO, Title B, Article 19

By Mr Hannes Farnleitner

Status : - Member

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#### *Article 19*

1. **Member States shall undertake progressively to improve their military capabilities. To this end, a** The European Armaments and Strategic Research Agency **shall be established that shall** have as its task to:

- contribute to identifying the Member States' military capability objectives and evaluating observance of the capability commitments given by the Member States;

(...)

2. The Agency shall be open to all Member States wishing to be part of it. The Council, acting by qualified majority, shall adopt a **European** decision defining the Agency's statute, seat and operational rules. ~~Such rules should take account of the level of effective participation in the Agency's activities.~~ Specific groups shall be set up within the Agency bringing together Member States engaged in joint projects.

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#### **Explanation (if any) :**

It is generally accepted that in EU-Agencies all Member States have equal rights and obligations.

## AMENDMENT FORM

### Suggestion for amendment to PART TWO, Title B, Article 20

By Mr Hannes FARNLEITNER

Status : - Member

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#### *Article 20*

4. The Member States listed in **Protocol Declaration X** annexed to the Constitution, which fulfil high military capability criteria **including those in specific areas** 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 30(6) of Part One of the Constitution. The military capability criteria and commitments ~~which these Member States have defined~~ are set out in that **Protocol Declaration**.
2. **Such a cooperation shall be open to all Member States that are willing to subscribe to the obligation it imposes. The Member States participating in such cooperation shall ensure that as many Member States as possible are encouraged to take part.**
- 3.2. If a Member State wishes to participate in such cooperation at a later stage, ~~and thus subscribe to the obligations it imposes~~, it shall **notify its intention to inform** the European Council of its intention. The ~~restricted~~ Council shall decide on the Member State's request **by unanimity. All members of the Council shall be able to take part in the deliberations, however, only those representing Member States participating in the structured cooperation shall take part in the adoption of this decision.**
- 4.3. **Without prejudice to paragraph 3, only Member States taking part in such cooperation shall take part in the deliberations and** adopt decisions relating to matters covered by it. The Minister for Foreign Affairs shall attend the deliberations. Other Member States shall be duly and regularly informed by the Minister for Foreign Affairs of developments in cooperation.
- 5.4. **Expenditure resulting from implementation of structured cooperation shall be borne by the participating Member States.** ~~The Council may ask the Member States participating in such cooperation to carry out at Union level a task referred to in Article 17 of this Title.~~

**Explanation (if any) :**

It should be clear that the structured cooperation is open to all interested Member States. The aim should be that as many Member States as possible take part in any structured cooperation.

Art. XX refers to the provision on qualified majority voting in Part I of the Constitution.

## AMENDMENT FORM

Suggestion for amendment to PART TWO, Title B, Article 21:

By Mr Hannes Farnleitner

Status : - Member

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### *Article 21*

1. The closer cooperation on mutual defence provided for in Article 30(7) of Part One shall be open to all Member States of the Union. A list of participating Member States shall be set out in a **ProtocolDeclaration** annexed to this 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 **ProtocolDeclaration** 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.

Explanation (if any) :

## AMENDMENT FORM

### Suggestion for amendment of Article : 19

By Ms / Mr : Mr. Ján Figel' (Member, Slovak Parliament)

Status : - Member

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change as follows:

#### Article 19 : **The Union's External Representative**

1. The European Council, deciding by qualified majority, with the agreement of the President of the Commission, shall appoint the Union's **External Representative**. **The appointment shall be approved by the European Parliament** **The Union's External Representative** shall conduct the Union's common foreign and security policy.
2. The **Union's External Representative** shall contribute by his proposals to the development of the common foreign policy, which he shall carry out as mandated by the Council. The same shall apply to the common security and defence policy.
3. The **Union's External Representative** shall be one of the Vice-Presidents of the Commission. He shall be responsible there for handling external relations and for co-ordinating other aspects of the Union's external action. In exercising these responsibilities within the Commission, and only for these responsibilities, he shall be bound by Commission procedures.

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**Explanation (if any) :**



## **AMENDMENT FORM**

**Suggestion for amendment of Article : 17, Chapter 1.B**

**Suggestion for protocol :**

**By Mr : John Gormley**

**Status : Alternate**

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**Article 17** After ‘civilian means’ insert **“under the auspices of the United Nations”**  
Delete ‘at the request of a third country’  
Insert a new sentence after ‘stabilisation’. **“They may also include non-combatant humanitarian and rescue tasks outside the UN framework”.**

**Article 17.1** Delete ‘Minister for Foreign Affairs’ and insert **“Commissioner for External Affairs”**  
After ‘authority of the Council’ insert **“and the Commission”**

**Explanation (if any) :**

## AMENDMENT FORM

**Suggestion for amendment of Article : 18, Chapter 1,B**

**Suggestion for protocol :**

**By Mr : John Gormley**

**Status : Alternate**

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**Article 18.1** After ‘task’ in the first sentence, insert **“through the framework of the United Nations”**.

After ‘Those Member States shall’ delete the rest of the sentence and insert **“enter into agreement with the United Nations on the management of the tasks. Non-combatant humanitarian and rescue tasks may be conducted outside the framework of the United Nations”**.

**Article 18.2** Delete all words after ‘on its progress’

**AMENDMENT FORM**

**Suggestion for amendment of Article : 19, Chapter 1,B**

**Suggestion for protocol :**

**By Mr: John Gormley**

**Status :        Alternate**

---

**Article 19.** Delete entire section

**AMENDMENT FORM**

**Suggestion for amendment of Article : 20, Chapter 1,B**

**Suggestion for protocol :**

**By Mr : John Gormley**

**Status : Alternate**

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**Article 20** Delete entire section

**Explanation (if any) :**

**AMENDMENT FORM**

**Suggestion for amendment of Article : 21, Chapter 1 B**

**Suggestion for protocol :**

**By Mr : John Gormley**

**Status :        Alternate**

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**Article 21** Delete entire section

## AMENDMENT FORM

### Suggestion for amendment of Article: 19 (part II/external relations)

By Mr Kvist

Status : - Alternate

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#### Article 19:

<sup>1</sup>~~1. The European Armaments and Strategic Research Agency shall have as its task to:~~  
~~—contribute to identifying the Member States' military capability objectives and evaluating observance of the capability commitments given by the Member States;~~  
~~—promote harmonisation of operational needs and adoption of effective, compatible procurement methods;~~  
~~—propose multilateral projects to fulfil the objectives in terms of military capabilities, ensure coordination of the programmes implemented by the Member States and management of specific cooperation programmes;~~  
~~—support defence technology research, and coordinate and plan joint research activities and the study of technical solutions meeting future operational needs;~~  
~~—contribute to identifying and, if necessary, implementing any useful measure for strengthening the industrial and technological base of the defence sector and for improving the effectiveness of military expenditure;~~

~~2. The Agency shall be open to all Member States wishing to be part of it. The Council, acting by qualified majority, shall adopt a decision defining the Agency's statute, seat and operational rules. Such rules should take account of the level of effective participation in the Agency's activities. Specific groups shall be set up within the Agency bringing together Member States engaged in joint projects.~~

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<sup>1</sup> Delete

## FICHE AMENDEMENT

### Titre B - Partie II

**Proposition d'amendement à l'Article : Artigo 17.º**

**Déposée par Monsieur Luís Queiró**

**Qualité: Suppléant**

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1. As missões referidas no n.º 1 do artigo 30.º da Parte I **do presente Tratado**, nas quais a União poderá utilizar meios militares e civis, incluirão as acções conjuntas em matéria de desarmamento, as missões humanitárias e de evacuação, as missões de aconselhamento e assistência em matéria militar, as missões de prevenção de conflitos e de manutenção da paz, as missões de forças de combate para a gestão de crises, incluindo as missões e restabelecimento da paz, as acções de apoio na luta contra o terrorismo a pedido de um Estado terceiro e as operações de estabilização no termo dos conflitos.

2. O Conselho, deliberando por unanimidade, aprovará decisões relativas às missões referidas no presente artigo, definindo o seu objectivo e alcance, bem como as respectivas normas gerais de execução. O **Representante Europeu para as Relações Externas**, sob a autoridade do Conselho e em estreito e permanente contacto com o Comité Político e de Segurança, assegurará a coordenação dos aspectos civis e militares dessas missões.

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**Explication éventuelle :**

## **FICHE AMENDEMENT**

**Proposition d'amendement à l'Article : 19 (Chapitre 1, Titre B, Partie II).**

**Proposition d'amendement au Titre :**

**Déposée par Madame Palacio**

**Qualité : - Membre      - Suppléant**

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### ***Article 19***

2. L'Agence est ouverte à tous les États membres qui souhaitent y participer. Le Conseil, statuant à la ~~majorité qualifiée~~ unanimité, adopte une décision définissant le statut, le siège et les modalités de fonctionnement de l'Agence. Ceux-ci doivent tenir compte du degré de participation effective dans les activités de l'Agence. Des groupes spécifiques sont constitués à l'intérieur de l'Agence rassemblant des États membres qui mènent des projets conjoints.

### **Explication éventuelle :**

L'importance de l'Agence justifie que la décision sur son statut, son siège et son fonctionnement soit prise à l'unanimité. Telle a été d'ailleurs la règle générale pour les autres Agences.



## **FICHE AMENDEMENT**

**Titre B - Partie II**

**Proposition d'amendement à l'Article : Artigo 19.º**  
**Déposée par Monsieur Luís Queiró**

**Qualité: Suppléant**

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**Supprimer o presente Artigo**

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**Explication éventuelle :**

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article , 20 (Chapitre 1, Titre B, Partie II).

#### Proposition d'amendement au Titre :

Déposée par Madame Palacio

Qualité :        - Membre                                - Suppléant

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#### *Article 20*

1.    Les États membres qui remplissent des critères de capacités militaires élevés et souhaitent entreprendre des engagements plus contraignants en cette matière en vue des missions plus exigeantes ~~les États membres, dont la liste figure à la déclaration X annexée à la Constitution,~~ instaurent entre eux une coopération structurée au sens de l'article 30, paragraphe 6 de la Partie I de la Constitution. Les critères et les engagements en matière de capacités militaires à respecter par que ces États membres sont définis dans le Protocole X annexé à la Constitution ~~ont définis sont repris dans la même déclaration.~~
2.    Si un État membre souhaite participer à cette coopération à un stade ultérieur, en souscrivant aux obligations qu'elle impose, il informe le Conseil européen de son intention. Le Conseil ~~restreint de la coopération structurée~~ statue sur la demande de l'État membre en question.
3.    Seuls les États membres participant à la coopération adoptent des décisions relatives à l'objet de la coopération. Le Ministre des Affaires étrangères assiste aux délibérations. Les autres États membres sont dûment et régulièrement informés du développement de la coopération par le Ministre des Affaires étrangères.
4.    Le Conseil peut confier aux États participant à cette coopération la réalisation, dans le cadre de l'Union, d'une mission visée à l'article 17 de ce Titre.

#### **Explication éventuelle :**

Comme on l'a fait pour L'Union économique et monétaire, les critères qu'il faut remplir pur participer à une coopération structurée doivent faire l'objet d'un accord préalable et doivent être repris dans un texte juridiquement contraignant, tel qu'un Protocole, et non pas dans une simple Déclaration.

En vue de sauvegarder le cadre institutionnel unique, le Conseil doit avoir toujours la même composition. Ce que l'on peut prévoir c'est de restreindre le droit de vote aux Etats qui font partie de la coopération structurée.

## FICHE AMENDEMENT

### Titre B - Partie II

#### Proposition d'amendement à l'Article : Artigo 20.º

Déposée par Monsieur Luís Queiró

#### Qualité: Suppléant

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1. (13 palavras suprimidas) **Os Estados membros que desejem** assumir compromissos mais vinculativos (2 palavras suprimidas) tendo em vista as missões mais exigentes, **podem estabelecer** entre si uma cooperação estruturada na acepção do n.º 6 do artigo 30.º da Parte I **do Tratado**. (20 palavras suprimidas)

2. Se um Estado-Membro desejar participar nesta cooperação numa fase posterior, subscrevendo as obrigações por ela impostas, informará o Conselho Europeu da sua intenção. O Conselho restrito da Cooperação Estruturada deliberará sobre o pedido do Estado-Membro em questão. **A decisão é tomada por maioria qualificada dos Estados participantes, ponderados nos termos previstos no terceiro parágrafo do n.º 2 do artigo 17.º-B da Parte I do Tratado. A ausência de decisão expressa contrária equivale a aceitação.**

3. Só os Estados-Membros que participem na cooperação aprovarão decisões relativas ao objecto desta. O **Representante Europeu para as Relações Externas** assistirá às deliberações. Os restantes Estados-Membros serão devida e regularmente informados pelo **Representante Europeu para as Relações Externas** acerca do desenvolvimento da cooperação.

4. O Conselho poderá incumbir os Estados participantes nesta cooperação de executar, no quadro da União, uma missão prevista no artigo 24.º do presente Título.

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**Explication éventuelle :**

## FICHE AMENDEMENT

**Proposition d'amendement à l'Article , 21.1 (Chapitre 1, Titre B, Partie II).**

**Proposition d'amendement au Titre :**

**Déposée par Madame Palacio**

**Qualité :        - Membre                                - Suppléant**

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### *Article 21*

1. La coopération plus étroite en matière de défense mutuelle telle que prévue à l'article 30, paragraphe 7 de la Partie I est ouverte à tous les États membres de l'Union. Une liste des États membres participant est reprise dans ~~une déclaration~~ un Protocole annexée à la présente Constitution. Si un État membre souhaite y participer à un stade ultérieur, ~~en souscrivant aux obligations qu'elle impose~~, il en informe le Conseil européen et souscrit au protocole à la déclaration annexée à la Constitution.

### **Explication éventuelle :**

Un engagement aussi important que celui énoncé dans cet article doit être consacré dans un texte juridiquement contraignant et non pas dans une simple déclaration.

## FICHE AMENDEMENT

### Titre B - Partie II

#### Proposition d'amendement à l'Article : Artigo 21.º

Déposée par Monsieur Luís Queiró

#### Qualité: Suppléant

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1. A cooperação mais estreita em matéria de defesa mútua, prevista no n.º 7 do artigo 30.º da Parte I, estará aberta a todos os Estados-Membros da União. 813 palavras suprimidas) Se um Estado-Membro desejar participar nesta cooperação numa fase posterior, subscrevendo as obrigações por ela impostas, informará desse facto o Conselho Europeu.

2. **Qualquer Estado-Membro** que seja alvo de uma agressão armada no seu território informará da situação os (1 palavra suprimida) Estados participantes e poderá solicitar a sua ajuda e assistência. Os Estados participantes reunir-se-ão a nível ministerial, sendo assistidos pelos respectivos representantes no Comité Político e de Segurança e no Comité Militar.

3. O Conselho de Segurança das Nações Unidas será imediatamente informado de qualquer agressão armada e das medidas tomadas em conformidade.

4. As presentes disposições não afectarão, no que respeita aos Estados envolvidos, os direitos e obrigações decorrentes do Tratado do Atlântico Norte.

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#### Explication éventuelle :

## AMENDMENT FORM

**Suggestion for amendment of Article : Article 17**

**Suggestion for protocol :**

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

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

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### *Article 17*

1. The tasks referred to in Article 30(1) of Part One of the Constitution, in the course of which the Union may deploy military and civilian means, shall include joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peacemaking, support action in combating terrorism at the request of a third country, and post-conflict stabilisation.
2. The Council, acting unanimously, shall adopt decisions relating to the tasks referred to in this Article, defining their objectives and scope and the general conditions for their implementation. The Minister for Foreign Affairs, acting under the authority of the Council and in close and constant contact with the Political and Security Committee, shall ensure coordination of the civilian and military aspects of such tasks without prejudice to the prerogatives of the Commission.

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**Explanation (if any) :**

Explanation 17(2): Due to the horizontal nature of the civilian crisis management the provisions should not affect the Commission's role.

## AMENDMENT FORM

**Suggestion for amendment of Article : Article 19**

**Suggestion for protocol :**

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

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

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### *Article 19*

1. The European Armaments and Strategic Research Agency shall have as its task to:
  - ~~contribute to identifying the Member States' military capability objectives and evaluating observance of the capability commitments given by the Member States;~~
  - promote harmonisation of operational needs and adoption of effective, compatible procurement methods;
  - propose multilateral projects to fulfil the objectives in terms of military capabilities, ensure coordination of the programmes implemented by the Member States and management of specific cooperation programmes;
  - support defence technology research, and coordinate and plan joint research activities and the study of technical solutions meeting future operational needs;
  - contribute to identifying and, if necessary, implementing any useful measure for strengthening the industrial and technological base of the defence sector and for improving the effectiveness of military expenditure;
2. The Agency shall be open to all Member States wishing to be part of it. The Council, acting by qualified majority, shall adopt a decision defining the Agency's statute, seat and operational rules. ~~Such rules should take account of the level of effective participation in the~~

Agency's activities. Specific groups shall be set up within the Agency bringing together Member States engaged in joint projects. The Agency shall fulfil its tasks, as appropriate, in consultation with the Commission.

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**Explanation (if any) :**

Explanation 19(1): It is not necessary to entrust the Agency with the tasks relating to the identification and evaluation of the Member States' military capability objectives.

Explanation 19(2): The Agency should be open to all Member States. The statutes and rules - to be adopted by qualified majority - should not lead to inequality of the Member States on the basis of their participation in the Agency's operations. The level of effective participation should be taken into account when setting up any specific groups.

It is important to ensure coherence with the Community activities relevant to the development of armament policy, i.a. research, internal market. A specific reference to this end should be included in the Article 19.



## AMENDMENT FORM

**Suggestion for amendment of Article : Article 20**

**Suggestion for protocol :**

**By: Teija Tiilikainen, Antti Peltomäki, Matti Vanhanen, Riitta Korhonen**

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

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### *Article 20*

1.   ~~The Member States listed in Declaration 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 30(6) of Part One of the Constitution. The military capability criteria and commitments which those Member States have defined are set out in that Declaration.~~
  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 restricted Council on structured cooperation shall decide on the Member State's request.~~
  3. ~~—Only Member States taking part in such cooperation shall adopt decisions relating to matters covered by it. The Minister for Foreign Affairs shall attend the deliberations. 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 17 of this Title.~~
- 

### **Explanation (if any) :**

Explanation: We propose the deletion of the Article. As stated in the comments for Article 30(6) of Part I Title V, this approach would lead to an institutionalised division of the Union's foreign and

security policy excluding equal right of participation of the Member States. The proposed Euro-zone approach would simply not apply in this way in the field of security policy and crisis management activities. Nothing would be achieved operationally, either, since the Union can already at present carry out operations with the participation of a smaller group of Member States. Both the ESDP structures and the participation in operations should always be kept open to all Member States, and supported by the whole Union. Smaller groups of Member States could instead develop capabilities together. More developed mechanisms could be foreseen for this purpose.

## AMENDMENT FORM

Suggestion for amendment of Article : Article 21

Suggestion for protocol :

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

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

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### *Article 21*

- ~~1. The closer cooperation on mutual defence provided for in Article 30(7) of Part One 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 this 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.~~
- 

Explanation (if any) :

Explanation: We would prefer deletion of this Article. Such a mechanism should in any case be

based on the established principles of enhanced cooperation as defined in Article 43 of the current TEU.

N.B. In this context we draw attention to the fact that the Presidium has not presented any draft text on the enhanced cooperation, although the Draft Constitutional Treaty (CONV 369/02) contained a reference to such provisions.

## AMENDMENT FORM

Suggestion for amendment of Article : 19a

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

Status : - Member - ~~Alternate~~

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### Artikel 19a

*(1) Aufgabe der Europäischen Agentur für Rüstungsexportkontrolle ist es, die Rüstungsexporte der Mitgliedstaaten umfassend und wirksam zu kontrollieren, einen Überprüfungsmechanismus mit dem Ziel degressiver Rüstungsexporte zu schaffen und für das langfristig zu erreichende Ziel eines umfassenden Rüstungsexportverbots alle zweckdienlichen Maßnahmen zu unterstützen. Zu diesem Zweck hat sie*

- *bei der Festlegung der Ziele im Bereich der Anstrengungen der Rüstungsexportkontrolle der Mitgliedstaaten mitzuwirken und die Erfüllung der von den Mitgliedstaaten in Bezug auf diese Anstrengungen eingegangenen Verpflichtungen, insbesondere des EU-Verhaltenskodex für Waffenausfuhren, zu bewerten;*
- *dazu beizutragen diese Exportkontrollen für Waffen und andere Rüstungsgüter auch im Bereich der Güter zivilen und militärischen Gebrauchs zu überprüfen und zu bewerten;*
- *auf eine Harmonisierung des operativen Bedarfs sowie die Festlegung effizienter und kompatibler Rüstungsexportkontrollverfahren hinzuwirken;*
- *multilaterale Projekte vorzuschlagen, durch die die Vorgaben im Bereich der Anstrengungen der Rüstungsexportkontrolle erfüllt werden;*
- *die Forschung auf dem Gebiet der Rüstungsexportkontrolle zu unterstützen, gemeinsame Friedensforschungsaktivitäten für diesen Bereich zu koordinieren und zu planen;*
- *dazu beizutragen, dass zweckdienliche Maßnahmen zur Vorbereitung und Durchsetzung eines umfassenden Rüstungskontrollverbots getroffen werden und diese Maßnahmen gegebenenfalls durchzuführen.*

*(2) Alle Mitgliedstaaten können auf Wunsch an der Arbeit der Agentur teilnehmen. Das Europäische Parlament und der Rat nehmen im Gesetzgebungsverfahren einen Organakt an, in dem Satzung, der Sitz und die Funktionsweise der Agentur festgelegt werden. Dabei muss dem Umfang der effektiven Beteiligung an den Tätigkeiten der Agentur Rechnung getragen werden. Innerhalb der Agentur werden spezifische Gruppen aus den Mitgliedstaaten gebildet, die gemeinsame Projekte durchführen.*

## AMENDMENT FORM

### Suggestion for amendment of Article : 19

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

Status : - Member - ~~Alternate~~

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### Artikel 19

(1) Aufgabe der Europäischen Agentur für ~~Rüstung und strategische Forschung~~ **Abrüstung und Rüstungskonversion** ist es, **Kosteneinsparungen bei den Verteidigungshaushalten der Mitgliedstaaten zu erreichen, den Abrüstungsbedarf der Mitgliedstaaten zur Schaffung struktureller Nichtangriffsfähigkeit zu ermitteln und alle zweckdienlichen Maßnahmen zu unterstützen. Zu diesem Zweck hat sie**

- bei der Festlegung der Ziele im Bereich der ~~militärischen Fähigkeiten~~ **Abrüstungsanstrengungen** der Mitgliedstaaten mitzuwirken und die Erfüllung der von den Mitgliedstaaten in Bezug auf diese Fähigkeiten eingegangenen Verpflichtungen zu bewerten;
- auf eine Harmonisierung des operativen Bedarfs sowie die Festlegung effizienter und kompatibler ~~Beschaffungsverfahren~~ **Konversionsverfahren** hinzuwirken;
- multilaterale Projekte vorzuschlagen, durch die die Vorgaben im Bereich der ~~militärischen Fähigkeiten~~ **Abrüstungsanstrengungen** erfüllt werden, und für die Koordinierung der von den Mitgliedstaaten durchgeführten ~~Programme~~ **Konversionsprogramme** sowie die Verwaltung spezifischer Kooperationsprogramme zu sorgen;
- die Forschung auf dem Gebiet der ~~Verteidigungstechnologie~~ **Rüstungskonversion** zu unterstützen, gemeinsame ~~Forschungsaktivitäten sowie Studien zu technischen Lösungen, die dem künftigen operativen Bedarf gerecht werden,~~ **Friedensforschungsaktivitäten** zu koordinieren und zu planen;
- dazu beizutragen, dass zweckdienliche Maßnahmen zur ~~Stärkung der industriellen und technologischen Grundlage des Verteidigungssektors und zur Verbesserung der Effizienz der Verteidigungsausgaben ermittelt werden~~ **Finanzkontrolle der Ausgaben des Verteidigungssektors und zur Degression der Militärausgaben getroffen werden**, und diese Maßnahmen gegebenenfalls durchzuführen.

(2) Alle Mitgliedstaaten können auf Wunsch an der Arbeit der Agentur teilnehmen. ~~Der Rat nimmt mit qualifizierter Mehrheit einen Beschluss~~ **Das Europäische Parlament und der Rat neh-**

*men im Gesetzgebungsverfahren einen Organakt* an, in dem die Satzung, der Sitz und die Funktionsweise der Agentur festgelegt werden. Dabei muss dem Umfang der effektiven Beteiligung an den Tätigkeiten der Agentur Rechnung getragen werden. Innerhalb der Agentur werden spezifische Gruppen aus den Mitgliedstaaten gebildet, die gemeinsame Projekte durchführen.

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**Explanation (if any) :**

## AMENDMENT FORM

Suggestion for amendment of Article : 20

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

Status : - Member - ~~Alternate~~

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### ~~Artikel 20~~

~~(1) — Die der Verfassung beigefügte Erklärung X enthält ein Verzeichnis der Mitgliedstaaten, welche anspruchsvolle Kriterien in Bezug auf die militärischen Fähigkeiten erfüllen und die im Hinblick auf Missionen mit größeren Anforderungen verbindlichere Zusagen machen wollen; diese Mitgliedstaaten nehmen untereinander eine strukturierte Zusammenarbeit im Sinne von Teil I Artikel 30 Absatz 6 der Verfassung auf. Die Erklärung enthält ebenfalls die von diesen Mitgliedstaaten festgelegten Kriterien und Zusagen hinsichtlich der militärischen Fähigkeiten.~~

~~(2) — Sollte sich ein Mitgliedstaat zu einem späteren Zeitpunkt an dieser Zusammenarbeit unter Erfüllung aller daraus für ihn entstehenden Pflichten beteiligen wollen, so setzt er den Europäischen Rat von seiner Absicht in Kenntnis. Der engere Rat der strukturierten Zusammenarbeit entscheidet über den Antrag des betreffenden Mitgliedstaates.~~

~~(3) — Beschlüsse im Zusammenhang mit dem Gegenstand der strukturierten Zusammenarbeit werden lediglich von den an der Zusammenarbeit beteiligten Mitgliedstaaten angenommen. Der Minister für auswärtige Angelegenheiten nimmt an den Beratungen teil. Die anderen Mitgliedstaaten werden ordnungsgemäß und in regelmäßigen Abständen vom Minister für auswärtige Angelegenheiten über die Entwicklung der Zusammenarbeit informiert.~~

~~(4) — Der Rat kann die an der strukturierten Zusammenarbeit beteiligten Staaten im Rahmen der Union mit der Durchführung einer Mission nach Artikel 17 dieses Titels betrauen.~~

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Explanation (if any) :

**Streichung.**



## AMENDMENT FORM

### Suggestion for amendment of Article : 21

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

Status : - Member - ~~Alternate~~

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### Artikel 21

(1) *Solange kein Beschluss des Rates gemäß Artikel 16a Absatz 2 dieses Titels ergangen ist, wird im Rahmen der Union eine engere Zusammenarbeit im Bereich der gegenseitigen Verteidigung des Territoriums der Mitgliedstaaten der Union aufgenommen.* An der engeren Zusammenarbeit ~~auf dem Gebiet der gegenseitigen Verteidigung gemäß Teil I Artikel 30 Absatz 7~~ können sich alle Mitgliedstaaten der Union beteiligen. Ein Verzeichnis der daran beteiligten Mitgliedstaaten ist in einer dieser Verfassung beigefügten Erklärung enthalten. Sollte sich ein Mitgliedstaat zu einem späteren Zeitpunkt unter Erfüllung aller dadurch für ihn entstehenden Pflichten beteiligen wollen, so setzt er den Europäischen Rat davon in Kenntnis und unterzeichnet die der Verfassung beigefügte Erklärung.

(2) *Im Rahmen dieser Zusammenarbeit leisten im Falle eines bewaffneten Angriffs auf das Hoheitsgebiet eines an dieser Zusammenarbeit beteiligten Staates die anderen beteiligten Staaten alle in ihrer Macht stehende militärische und sonstige Hilfe und Unterstützung gemäß Artikel 51 der Charta der Vereinten Nationen.*

Ein beteiligter Mitgliedstaat, der einem bewaffneten Angriff auf sein Hoheitsgebiet ausgesetzt ist, setzt die anderen beteiligten Mitgliedstaaten von der Lage in Kenntnis und kann sie um Hilfe und Unterstützung ersuchen. Die beteiligten Mitgliedstaaten treten zu Beratungen auf Ministerebene zusammen, wobei sie von ihren jeweiligen Vertretern im Politischen und Sicherheitspolitischen Komitee sowie im Militärausschuss unterstützt werden.

(3) Der Sicherheitsrat der Vereinten Nationen wird sofort von jedem bewaffneten Angriff sowie von den als Reaktion darauf getroffenen Maßnahmen in Kenntnis gesetzt.

~~(4) Diese Bestimmungen berühren für die betroffenen Staaten nicht die Rechte und Pflichten im Rahmen des Nordatlantikvertrags.~~

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**Explanation (if any) :**

***Absatz 2:***

Übernahme aus Art. 30 Abs. 7 des Präsidiumsentwurfs für Teil I der Verfassung in geänderter Fassung.

***Absatz 4:***

**Streichung.** Die Realität ist genau das Gegenteil dessen, was im Präsidiumsvorschlag ausgesagt wird. Die Bestimmungen des Artikels 21 (militärische Beistandsklausel) berühren faktisch in hohem Maße die Rechte und Pflichten der EU-Mitgliedstaaten, die zugleich der NATO angehören.

## AMENDMENT FORM

Suggestion for amendment of Article : 17

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

Status : - Member - ~~Alternate~~

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### Artikel 17

~~(1) — Die in Teil I der Verfassung Artikel 30 Absatz 1 vorgesehenen Missionen, bei deren Durchführung die Union militärische und zivile Mittel einsetzen kann, schließen gemeinsame Abrüstungsmaßnahmen, humanitäre Aufgaben und Rettungseinsätze, Aufgaben der militärischen Beratung und Unterstützung, Aufgaben der Konfliktverhütung und friedenserhaltende Aufgaben sowie Kampfeinsätze im Rahmen der Krisenbewältigung einschließlich friedensschaffender Maßnahmen, Unterstützungsmaßnahmen im Kampf gegen den Terrorismus auf Ersuchen eines Drittstaats und Operationen zur Stabilisierung der Lage nach Konflikten.~~

**(1) Die in Artikel 16a Abs. 3 dieses Titels vorgesehenen Missionen schließen humanitäre Aufgaben und Rettungseinsätze, Aufgaben der Konfliktverhütung und friedenserhaltende Aufgaben und zivile Operationen zur Stabilisierung der Lage nach Konflikten ein. Leitprinzip ist die Krisenprävention mit nichtmilitärischen Mitteln.**

(2) Der Rat nimmt die Beschlüsse über Missionen im Sinne dieses Artikels ~~einstimmig~~ **nach Zustimmung durch das Europäische Parlament** an; in den Beschlüssen sind Ziel und Umfang der Missionen sowie die für sie geltenden allgemeinen Durchführungsbestimmungen festgelegt. Der Außenminister sorgt unter Aufsicht des Rates und in engem und ständigem Benehmen mit dem Politischen und Sicherheitspolitischen Komitee für die Koordinierung der zivilen und militärischen Aspekte dieser Missionen.

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**Explanation (if any) :**

#### **Absatz 1:**

**Neufassung.** Ich befürworte selbstverständlich Maßnahmen der gemeinsamen Abrüstung der EU-Staaten; die zwangsweise Abrüstung von Drittstaaten durch militärische Operationen lehne ich jedoch ab. Aufgaben der Beratung und Unterstützung befürworte ich nur insoweit, als sie der Kon-

fliktverhütung, Friedenserhaltung und der Stabilisierung der Lage nach Konflikten zugeordnet werden können.

***Absatz 2:***

M. E. sollte jeder Beschluss über jede Mission nur mit Zustimmung des Europäischen Parlaments erfolgen. Die Einstimmigkeit der Beschlussfassung im Rat ergibt sich dagegen bereits aus Artikel 9 Absatz 1 des Präsidiumsentwurfs für den Titel "Außenpolitisches Handeln der Union" in Teil II der Verfassung, der auch für den Bereich der Gemeinsamen Sicherheits- und Verteidigungspolitik gilt, da diese integraler Bestandteil der Gemeinsamen Außen- und Sicherheitspolitik ist (vgl. Art. 30 Absatz 1 des Präsidiumsentwurfs für den Teil I der Verfassung).

## AMENDMENT FORM

### Suggestion for amendment of Article : 18

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

Status :    - Member            - ~~Alternate~~

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### Artikel 18

(1) Im Rahmen der nach Artikel 17 dieses Titels angenommenen Beschlüsse kann der Rat die Durchführung einer Mission einer Gruppe von Mitgliedstaaten übertragen, die über die erforderlichen Fähigkeiten verfügen und sich an dieser Mission beteiligen wollen. Die betreffenden Mitgliedstaaten vereinbaren untereinander die Ausführung der Mission.

(2) Der Rat ~~wird~~ **und das Europäische Parlament werden** von den an der Durchführung der Mission beteiligten Staaten regelmäßig über den Stand der Mission unterrichtet und von ihnen sofort befasst, wenn sich aus der Durchführung der Mission neue weit reichende Konsequenzen ergeben oder das vom Rat nach Artikel 17 Absatz 2 dieses Titels festgelegte Ziel der Mission, ihr Umfang oder ihre Modalitäten geändert werden müssen. Der Rat nimmt in diesen Fällen **nach Zustimmung durch das Europäische Parlament** die erforderlichen Beschlüsse an.

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### Explanation (if any) :

Beschlüsse über die Durchführung von Missionen sollten vom Rat nur nach Zustimmung durch das Europäische Parlament gefaßt werden können (vgl. meinen Änderungsvorschlag zu Artikel 17 Absatz 2 des Präsidiumsentwurfs für den Titel "Außenpolitisches Handeln der Union" in Teil II der Verfassung). Dies gilt folgerichtig auch für Änderungen eines solchen Beschlusses.

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article 19

Déposée par Monsieur de Villepin

Qualité : - Membre

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#### *Article 19*

**0. Afin de doter la PESC/PESD des capacités nécessaires, une agence européenne des capacités et de l'armement contribue, sous la direction et le contrôle politique du Conseil, à la définition et la mise en oeuvre d'une politique européenne des capacités et de l'armement. Dans l'élaboration de cette politique, il sera tenu compte du caractère particulier des activités militaires et d'armement, notamment des impératifs de sécurité, et de la nécessité d'opérer graduellement les ajustements opportuns.**

1. ~~L'Agence européenne d'armement et de recherche stratégique~~ a pour mission **notamment** de :

- contribuer à identifier les objectifs de capacités militaires des États membres et à évaluer le respect des engagements de capacités souscrits par les États membres ;
- promouvoir une harmonisation des besoins opérationnels et l'adoption de méthodes d'acquisition performantes et compatibles ;

- proposer des projets multilatéraux pour remplir les objectifs en termes de capacités militaires, et assurer la coordination **efficace** des programmes exécutés par les États membres et la gestion de programmes de coopération spécifiques ;
- soutenir la recherche en matière de technologie de défense, coordonner et planifier des activités de recherche conjointes et des études de solutions techniques répondant aux besoins opérationnels futurs **et apporter sa contribution à la réalisation des objectifs et des programmes visés à l'article "PCRD"**.
- contribuer à identifier, et le cas échéant mettre en œuvre, toute mesure utile pour renforcer la base industrielle et technologique du secteur de la défense et pour améliorer l'efficacité des dépenses militaires.
- **contribuer au développement d'un marché européen de l'armement et fournir son avis sur toute proposition d'acte se rapportant à la réglementation de ce marché.**

2. L'Agence est ouverte à tous les États membres qui souhaitent y participer. Le Conseil, statuant à ~~la majorité qualifiée~~ **l'unanimité**, adopte une décision définissant le statut, le siège et les modalités de fonctionnement de l'Agence. Ceux-ci doivent tenir compte du degré de participation effective dans les activités de l'Agence. ~~Des groupes spécifiques sont constitués à l'intérieur de l'Agence rassemblant des États membres qui mènent des projets conjoints.~~ **Dans les domaines et selon les conditions définies par le Conseil, l'agence peut mettre en œuvre ses programmes sous la forme de coopérations renforcées, conformément à l'article "coopérations renforcées".**
3. **Dans les domaines de la réglementation du marché de l'armement de défense et de la recherche et technologie de défense, le Conseil veille à la cohérence de l'action de l'agence avec les actions des autres acteurs institutionnels. La Commission sera pleinement associée aux travaux de l'agence concernant ces aspects.**

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Explication éventuelle :

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article : 17

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

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Modifier le paragraphe 1<sup>er</sup> comme suit :

1. Les missions visées à l'article ~~30~~ **16 bis**, paragraphe 1 ~~de la Partie I de la Constitution,~~  
dans lesquelles l'Union peut déployer des moyens militaires et civils, incluent les actions conjointes en matière de désarmement, les missions humanitaires et d'évacuation, les missions de conseil et d'assistance en matière militaire, les missions de prévention de conflits et de maintien de la paix, les missions de forces de combat pour la gestion des crises, y compris les missions de rétablissement de la paix, les actions de soutien à la demande d'un État tiers dans la lutte contre le terrorisme, les opérations de stabilisation à la fin des conflits.
- 

### Explication éventuelle :

*Mise en concordance avec les amendements proposés suite à la suppression de l'article 30*



## AMENDMENT FORM

### Suggestion for amendment of Article : 19

By Ms: Prof. Danuta Hübner

Status :Member

<i>Text of the Praesidium</i>	<i>Proposed Amendments</i>
<b>Article 19</b>	<b>Article 19</b>
<p>1. The European Armaments and Strategic Research Agency shall have as its task to:</p> <ul style="list-style-type: none"><li>– contribute to identifying the Member States' military capability objectives and evaluating observance of the capability commitments given by the Member States;</li><li>– promote harmonisation of operational needs and adoption of effective, compatible procurement methods;</li><li>– propose multilateral projects to fulfil the objectives in terms of military capabilities, ensure coordination of the programmes implemented by the Member States and management of specific cooperation programmes;</li><li>– support defence technology research, and coordinate and plan joint research activities and the study of technical solutions meeting future operational needs;</li><li>– contribute to identifying and, if necessary, implementing any useful measure for strengthening the industrial and technological base of the defence sector and for improving the effectiveness of military expenditure;</li></ul> <p>2. The Agency shall be open to all Member States wishing to be part of it. The Council, acting by qualified majority, shall adopt a decision defining the</p>	<p>1. The European Armaments and Strategic Research Agency shall have as its task to:</p> <ul style="list-style-type: none"><li>– contribute to identifying the Member States' military capability objectives and evaluating observance of the capability commitments given by the Member States;</li><li>– promote harmonisation of operational needs and adoption of effective, compatible procurement methods;</li><li>– propose multilateral projects to fulfil the objectives in terms of military capabilities, ensure coordination of the programmes implemented by the Member States and management of specific cooperation programmes;</li><li>– support defence technology research, and coordinate and plan joint research activities and the study of technical solutions meeting future operational needs;</li><li>– contribute to identifying and, if necessary, implementing any useful measure for strengthening the industrial and technological base of the defence sector and for improving the effectiveness of military expenditure;</li></ul> <p>2. The Agency shall be open to all Member States wishing to be part of it. The Council, <del>acting by qualified majority,</del> shall adopt a decision defining the</p>

Agency's statute, seat and operational rules. Such rules should take account of the level of effective participation in the Agency's activities. Specific groups shall be set up within the Agency bringing together Member States engaged in joint projects.	Agency's statute, seat and operational rules. <del>Such rules should take account of the level of effective participation in the Agency's activities.</del> Specific groups <u>may</u> <del>shall</del> be set up within the Agency bringing together Member States engaged in joint projects.
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**Explanation (if any) :** This article shall offer the possibility of participation in the activities of the Agency for all the Member States. It is up to the Council to decide upon the terms of this participation. Any limitations enshrined in the text of the Constitution would not serve well the principle of equality of the Member States.

## AMENDMENT FORM

Suggestion for amendment of Article: 20

By Ms: Prof. Danuta Hübner

Status: Member

<i>Text of the Praesidium</i>	<i>Text of Amendments</i>
<p style="text-align: center;"><b>Article 20</b></p> <p>1. The Member States listed in Declaration 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 30(6) of Part One of the Constitution. The military capability criteria and commitments which those Member States have defined are set out in that Declaration.</p> <p>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 restricted Council on structured cooperation shall decide on the Member State's request.</p> <p>3. Only Member States taking part in such cooperation shall adopt decisions relating to matters covered by it. The Minister for Foreign Affairs shall attend the deliberations. Other Member States shall be duly and regularly informed by the Minister for Foreign Affairs of developments in cooperation.</p> <p>4. The Council may ask the Member States participating in such cooperation to carry out at Union level a task referred to in Article 17 of this Title.</p>	<p style="text-align: center;"><b>Article 20</b></p> <p><del>1. The Member States listed in Declaration 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 30(6) of Part One of the Constitution. The military capability criteria and commitments which those Member States have defined are set out in that Declaration.</del></p> <p><del>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 restricted Council on structured cooperation shall decide on the Member State's request.</del></p> <p><del>3. Only Member States taking part in such cooperation shall adopt decisions relating to matters covered by it. The Minister for Foreign Affairs shall attend the deliberations. Other Member States shall be duly and regularly informed by the Minister for Foreign Affairs of developments in cooperation.</del></p> <p><del>4. The Council may ask the Member States participating in such cooperation to carry out at Union level a task referred to in Article 17 of this Title.</del></p>

## AMENDMENT FORM

### Suggestion for amendment of Article: 21

By Ms : Prof. Danuta Hübner

Status : Member

<i>Text of the Praesidium</i>	<i>Proposed Amendments</i>
<p style="text-align: center;"><b>Article 21</b></p> <p>1. The closer cooperation on mutual defence provided for in Article 30(7) of Part One 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 this 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.</p> <p>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.</p> <p>3. The United Nations Security Council shall be informed immediately of any armed aggression and the measures taken as a result.</p> <p>4. These provisions shall not affect the rights and obligations resulting, for those concerned, from the North Atlantic Treaty.</p>	<p style="text-align: center;"><b>Article 21</b></p> <p><del>1. The principles of the closer cooperation on mutual defence within the European Union are to be based on the provisions of the Modified Brussels Treaty annexed herewith to the Constitutional Treaty. Such a cooperation shall remain open to any Member State not being a Party of the Modified Brussels Treaty up to date.</del> <u>1. The principles of the closer cooperation on mutual defence within the European Union are to be based on the provisions of the Modified Brussels Treaty annexed herewith to the Constitutional Treaty. Such a cooperation shall remain open to any Member State not being a Party of the Modified Brussels Treaty up to date.</u> <del>[The closer cooperation on mutual defence provided for in Article 30(7) of Part One 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 this 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.]</del></p> <p><del>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.</del></p> <p><del>3. The United Nations Security Council shall be informed immediately of any armed aggression and the measures taken as a result.</del></p>

	<del>4. — These provisions shall not affect the rights and obligations resulting, for those concerned, from the North Atlantic Treaty.]</del>
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**Explanation:** This is a proposal of a description of mechanism adopting the Modified Brussels Treaty to the EU format. The Treaty offers ready-to-use tool, which can be easily adapted to the current membership pattern.

## **FICHE AMENDEMENT**

### **Proposition d'amendement à l'Article: 19**

#### **Déposée par:**

**Maria Eduarda Azevedo - Membre**  
**António Nazaré Pereira - Suppléant**

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Partie II – Titre B

L'action extérieure de l'Union

#### **Article 19**

1. (...)
2. (...)
3. **L'Agence est ouverte à tous les autres États qui souhaitent y participer, dans les conditions établis par le Conseil.**

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article : 18, 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

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1. Dans le cadre des décisions adoptées conformément à l'article 17 de ce Titre, le Conseil peut confier, **statuant à l'unanimité**, la mise en œuvre d'une mission à un groupe d'États membres qui disposent des capacités nécessaires et souhaitent s'engager dans celle-ci. Ceux-ci conviennent entre eux de la gestion de la mission.
2. Le Conseil est informé régulièrement par les États participant à la réalisation de la mission de l'état de la mission, et il est immédiatement saisi par ceux-ci si la réalisation de celle-ci comporte de nouvelles conséquences majeures ou requiert **des nouvelles décisions de caractère politique** ou une modification de l'objectif, de la portée ou des modalités agréées par le Conseil en vertu de l'article 17, paragraphe 2 du présent Titre. Dans ces cas, le Conseil adopte les décisions nécessaires.

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#### Explication:

La spécificité du présent Chapitre mène à que cette décision doive être prise à l'unanimité.

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article : 19, 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

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1. L'Agence européenne d'armement et de recherche stratégique a pour mission de :
  - contribuer à identifier les objectifs de capacités militaires des États membres et à évaluer le respect des engagements de capacités souscrits par les États membres;
  - promouvoir une ~~harmonisation~~ **évaluation** des besoins opérationnels et l'adoption de méthodes d'acquisition performantes et compatibles;
  - proposer des projets multilatéraux pour remplir les objectifs en termes de capacités militaires, et assurer la coordination des programmes exécutés par les États membres et la gestion de programmes de coopération spécifiques ;
  - soutenir la recherche en matière de technologie de défense, coordonner et planifier des activités de recherche conjointes et des études de solutions techniques répondant aux besoins opérationnels futurs.
  - contribuer à identifier, et le cas échéant ~~mettre en œuvre~~, **promouvoir** toute mesure utile pour renforcer la base industrielle et technologique du secteur de la défense et pour améliorer l'efficacité des dépenses militaires.
2. L'Agence est ouverte à tous les États membres qui souhaitent y participer. Le Conseil, statuant à ~~la majorité qualifiée~~ **l'unanimité**, adopte une décision définissant le statut, le siège et les modalités de fonctionnement de l'Agence. Ceux-ci doivent tenir compte du degré de participation effective dans les activités de l'Agence. Des groupes spécifiques sont constitués à l'intérieur de l'Agence rassemblant des États membres qui mènent des projets conjoints.

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#### Explication:

L'Agence européenne d'armement devra, dans un premier temps, se centrer sur l'évaluation des capacités militaires des États membres et se constituer comme une structure pas contraignante.

Une fois que le statut de l'Agence est un élément structurel du fonctionnement de la PESD, dont la règle décisive est l'unanimité, il semble que la même règle doit être appliquée ici.



## FICHE AMENDEMENT

### Proposition d'amendement à l'Article : 20, 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

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**1. Les coopérations renforcées dans l'un des domaines visés dans le présent titre ont pour but de sauvegarder les valeurs et de servir les intérêts de l'Union dans son ensemble en affirmant son identité en tant que force cohérente sur la scène internationale. Elles respectent:**  
— les principes, les objectifs, les orientations générales et la cohérence de la politique étrangère et de sécurité commune ainsi que les décisions prises dans le cadre de cette politique,  
— les compétences de l'Union, et  
— la cohérence entre l'ensemble des politiques de l'Union et son action extérieure.

~~1- 2. Remplissant les critères mentionnés au n. 1 et des critères de capacités militaires élevés, les États membres souhaitant entreprendre des engagements plus contraignants en cette matière en vue des missions plus exigeantes, dont la liste figure à la déclaration X annexée à la Constitution, instaurent~~ **peuvent instaurer** entre eux une coopération structurée renforcée au sens de l'article 30, paragraphe 6 de la Partie I de la Constitution. ~~Les critères et les engagements en matière de capacités militaires que ces États membres ont définis sont repris dans la même déclaration. Les conditions et les termes de cette coopération sont décidés par le Conseil, statuant à l'unanimité.~~

~~2- 3. Si un État membre souhaite participer à cette coopération à un stade ultérieur, en souscrivant aux obligations qu'elle impose, il informe le Conseil européen de son intention. Le Conseil restreint de la coopération structurée statue sur la demande de l'État membre en question à la majorité qualifiée.~~

~~3- 4. (...)~~

~~4- 5. (...)~~

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#### Explication:

Le numéro 1 reprend l'article 27A TUE. Les objectifs mentionnés définissent des critères généraux qui doivent en tout état de cause être remplis par les États songeant à une coopération renforcée.

L'inclusion d'une liste fixe ne permettrait pas une souplesse souhaitable de l'action de l'Union et des États membres dans ce domaine. Le mécanisme de coopération renforcée, quoiqu'il doit être défini dans le Traité, ne devrait pas se restreindre à des situations conjoncturelles.

Les observations faites à cette clause sont préliminaires, en présupposant qu'il y aura dans la partie I du Traité un titre consacré à la coopération renforcée, une fois que les critères généraux (procédures, nombre d'états membres y appartenant, etc.) prévus dans le Traité de l'Union doivent être retenus.

## **FICHE AMENDEMENT**

### **Proposition d'amendement à l'Article : 21, 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**

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~~1. La coopération plus étroite en matière de défense mutuelle telle que prévue à l'article 30, paragraphe 7 de la Partie I est ouverte à tous les États membres de l'Union. Une liste des États membres participant est reprise dans une déclaration annexée à la présente Constitution. Si un État membre souhaite y participer à un stade ultérieur, en souscrivant aux obligations qu'elle impose, il en informe le Conseil européen et souscrit à la déclaration annexée à la Constitution.~~

~~2. Un État participant qui fait l'objet d'une agression armée sur son territoire informe les autres États participant de la situation et peut demander l'aide et l'assistance de ceux-ci. Les États participant se réunissent au niveau ministériel, assisté par leur représentant au sein du comité politique et de sécurité et du comité militaire.~~

~~3. Le Conseil de Sécurité des Nations Unies est immédiatement informé de toute agression armée ainsi que des mesures prises en conséquence.~~

~~4. Ces dispositions n'affectent pas, pour ceux qui sont concernés, les droits et obligations résultant du traité de l'Atlantique Nord.~~

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**Explication :**

**Voire notre commentaire à l'article 30, n. 7, Partie I, Titre V.**

## 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 17*

1.        **[DELETE:** The tasks referred to in Article 30(1) of Part One of the Constitution, in the course of which the Union may deploy military and civilian means, shall include joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peacemaking, support action in combating terrorism at the request of a third country, and post-conflict stabilisation.

The Council, acting unanimously, shall adopt decisions relating to the tasks referred to in this Article, defining their objectives and scope and the general conditions for their implementation. The Minister for Foreign Affairs, acting under the authority of the Council and in close and constant contact with the Political and Security Committee, shall ensure coordination of the civilian and military aspects of such tasks.]

## 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 18***

1.    **[DELETE:** Within the framework of the decisions adopted in accordance with Article 17 of this Title, the Council may entrust the implementation of a task to a group of Member States having the necessary capability and the desire to undertake the task. Those Member States shall agree between themselves on the management of the task.
2.    The Council shall be regularly informed by the Member States participating in the task on its progress and, should the completion of the task involve major new consequences or require amendment of the objective, scope and conditions for implementation agreed by the Council under Article 17(2) of this Title, the Member States participating shall refer the matter to the Council forthwith. In such cases, the Council shall adopt the necessary decisions.]

## 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 19***

1.    **[DELETE:** The European Armaments and Strategic Research Agency shall have as its task to:

- contribute to identifying the Member States' military capability objectives and evaluating observance of the capability commitments given by the Member States;
- promote harmonisation of operational needs and adoption of effective, compatible procurement methods;
- propose multilateral projects to fulfil the objectives in terms of military capabilities, ensure coordination of the programmes implemented by the Member States and management of specific cooperation programmes;
- support defence technology research, and coordinate and plan joint research activities and the study of technical solutions meeting future operational needs;
- contribute to identifying and, if necessary, implementing any useful measure for strengthening the industrial and technological base of the defence sector and for

improving the effectiveness of military expenditure;

2. The Agency shall be open to all Member States wishing to be part of it. The Council, acting by qualified majority, shall adopt a decision defining the Agency's statute, seat and operational rules. Such rules should take account of the level of effective participation in the Agency's activities. Specific groups shall be set up within the Agency bringing together Member States engaged in joint projects.]

## 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 20***

1.    **[DELETE:** The Member States listed in Declaration 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 30(6) of Part One of the Constitution. The military capability criteria and commitments which those Member States have defined are set out in that Declaration.
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 restricted Council on structured cooperation shall decide on the Member State's request.
3.    Only Member States taking part in such cooperation shall adopt decisions relating to matters covered by it. The Minister for Foreign Affairs shall attend the deliberations. 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 17 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*

##### ***DELETE :Article 21***

1.    **[DELETE:** The closer cooperation on mutual defence provided for in Article 30(7) of Part One 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 this 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.]



## AMENDMENT FORM

**Suggestion for amendment of Article :**

**20**

**By Mr : Kiljunen**

**Status : - Member**

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*[The whole article should be deleted]*

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### **Explanation:**

*As stated in the comments for Article 30 of Part I Title V, the approach proposed by the Praesidium in this Article is not based on a majority view of the Working Group on Defence. It would lead to an institutionalised division of the Union's foreign and security policy excluding equal right of participation of the Member States. The proposed Euro-zone approach should not apply in this way in the field of security policy and crisis management activities. Nothing would be achieved operationally, either, since the Union can already at present carry out operations with the participation of a smaller group of Member States. Both the ESDP structures and the participation in operations should always be kept open to all Member States, and supported by the whole Union.*

## AMENDMENT FORM

**Suggestion for amendment of Article :**

**21**

**By Ms / Mr : Kiljunen**

**Status : - Member**

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*[Delete the whole article]*

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### **Explanation:**

*This article is not based on the common conclusions of the Working Group on Defence, but on a minority view of the Working Group. The development of the ESDP should continue to be based on an inclusive approach, enabling all Member States to participate fully in all aspects of its development. This approach should be preserved – Member States should not be divided, for example, on the grounds of military alignment.*

## **FICHE AMENDEMENT**

**Proposition d'amendement : Capítulo 1, Artículo 17**

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

### **Artículo 17**

***Modificar el punto 1:***

1. Las misiones contempladas en el apartado 1 del artículo 30 de la Parte I de la Constitución, en las que la Unión podrá desplegar medios militares y civiles, abarcan: las actuaciones conjuntas en materia de desarme, las misiones humanitarias y de rescate, las misiones de asesoramiento y asistencia en cuestiones militares, las misiones de prevención de conflictos y de *imposición* y mantenimiento de la paz, las misiones en las que intervengan fuerzas de combate para la gestión de crisis, incluidas las misiones de restablecimiento de la paz, las actuaciones de apoyo a petición de un tercer Estado en la lucha contra el terrorismo *internacional* y las operaciones de estabilización al término de los conflictos.

## AMENDMENT FORM

**Suggestion for amendment of Article : 17**

**Suggestion for PART TWO – CHAPTER 1: COMMON FOREIGN AND SECURITY**

**POLICY , B. The common security and defence policy**

**By Ms / Mr : BROK; SANTER; STYLIANIDIS; TAJANI; VAN DER LINDEN; ALMEIDA GARRETT; ALTMAIER; AZEVEDO; BASILE; BREJC; CUSHNAHAN; DEMETRIOU; DOLORES; FOGLER; FREND; 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**

**B. The common security and defence policy**

#### **Article 17**

The tasks referred to in Article 30(1) of Part One of the Constitution, in the course of which the Union may deploy military and civilian means, shall include joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peacemaking, support action in combating terrorism at the request of a third country, and post-conflict stabilisation.

1. The Council, acting unanimously, shall adopt decisions relating to the tasks referred to in this Article, defining their objectives and scope and the general conditions for their implementation *after consulting the European Parliament*. The Minister for Foreign Affairs, acting under the authority of the Council and in close and constant contact with the Political and Security Committee, shall ensure coordination of the civilian and military aspects of such tasks.
- 

**Explanation (if any) :**

It is rather unconceivable that the Union runs a crisis management operation without involving the European Parliament on the objectives and scope of such an operation. Since this seems not to be obvious, the right of the EP of being consulted should be made explicit.

## AMENDMENT FORM

Suggestion for amendment of Article : 18

Suggestion for PART TWO – CHAPTER 1: COMMON FOREIGN AND SECURITY

POLICY , B. The common security and defence 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

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### CHAPTER 1: COMMON FOREIGN AND SECURITY POLICY

B. The common security and defence policy

#### Article 18

1. Within the framework of the decisions adopted in accordance with Article 17 of this Title *and the provisions on enhanced cooperation in this Constitution*, the Council may entrust the implementation of a task to a group of Member States having the necessary capability and the desire to undertake the task. Those Member States shall agree between themselves on the management of the task. *The Foreign Minister participates in the meetings of this group of Member States and will regularly inform the European Parliament.*
  2. The Council shall be regularly informed by the Member States participating in the task on its progress and, should the completion of the task involve major new consequences or require amendment of the objective, scope and conditions for implementation agreed by the Council under Article 17(2) of this Title, the Member States participating shall refer the matter to the Council forthwith. In such cases, the Council shall adopt the necessary decisions.
-

**Explanation (if any) :**

The procedure referred to should be the method of enhanced cooperation.

There should be a clear link of those groups of Member States with the Union's institutional structure.

## **AMENDMENT FORM**

**Suggestion for amendment of Article : 19**

**Suggestion for PART TWO – CHAPTER 1: COMMON FOREIGN AND SECURITY**

**POLICY , B. The common security and defence policy**

**By Ms / Mr : BROK; SANTER; STYLIANIDIS; TAJANI; VAN DER LINDEN; ALMEIDA GARRETT; ALTMAIER; AZEVEDO; BASILE; BREJC; CUSHNAHAN; DEMETRIOU; DOLORES; FOGLER; FRENDU; 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**

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### **CHAPTER 1: COMMON FOREIGN AND SECURITY POLICY**

**B. The common security and defence policy**

#### **Article 19**

1. The European Armaments and Strategic Research Agency shall have as its task to:
  - contribute to identifying the Member States' military capability objectives and evaluating observance of the capability commitments given by the Member States;
  - promote harmonisation of operational needs and adoption of effective, compatible procurement methods;
  - propose multilateral projects to fulfil the objectives in terms of military capabilities, ensure coordination of the programmes implemented by the Member States and management of specific cooperation programmes;
  - support defence technology research, and coordinate and plan joint research activities and the study of technical solutions meeting future operational needs;
  - contribute to identifying and, if necessary, implementing any useful measure for



strengthening the industrial and technological base of the defence sector and for improving the effectiveness of military expenditure;

2. The Agency shall be open to all Member States wishing to be part of it. The Council, acting by qualified majority *and after assent of the European Parliament*, shall adopt a decision defining the Agency's statute, seat and operational rules. Such rules should take account of the level of effective participation in the Agency's activities. Specific groups shall be set up within the Agency bringing together Member States engaged in joint projects.

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**Explanation (if any) :**

The Role of the European Parliament should be strengthened here, as the Armaments agency has also budgetary implications.

## FICHE AMENDEMENT

**Proposition d'amendement : Capítulo 1, Artículo 20**

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

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### Artículo 20

#### *Modificar en el punto 1:*

1. Los Estados miembros *que desean acometer compromisos más vinculantes en este ámbito con miras a las misiones más exigentes, podrán instituir una cooperación reforzada*, enumerados en la declaración X aneja a la Constitución, que responden a criterios elevados de capacidades militares y desean acometer compromisos más vinculantes en este ámbito con miras a las misiones más exigentes, instituyen *una integración reforzada* a tenor de lo previsto en el apartado 6 del artículo 30 de la Parte I de la Constitución. En la misma declaración se recogen los criterios y los compromisos definidos por dichos Estados en materia de capacidades militares.

## AMENDMENT FORM

Suggestion for amendment of Article : 20

Suggestion for PART TWO – CHAPTER 1: COMMON FOREIGN AND SECURITY

POLICY , B. The common security and defence policy

By Ms / Mr : BROK; SANTER; STYLIANIDIS; TAJANI; VAN DER LINDEN; ALMEIDA GARRETT; ALTMAIER; AZEVEDO; BASILE; BREJC; CUSHNAHAN; DEMETRIOU; DOLORES; FOGLER; FREND; 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

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### CHAPTER 1: COMMON FOREIGN AND SECURITY POLICY

B. The common security and defence policy

#### Article 20

1. The Member States listed in Declaration 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~~ *They may, after a proposal of one of them and after informing the European Parliament and a decision of the Council by qualified majority*, establish structured cooperation between themselves within the meaning of Article 30(6) of Part One of the Constitution. The military capability criteria and commitments which those Member States have defined are set out in that Declaration.
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 restricted Council on structured cooperation shall decide on the Member State's request.
3. Only Member States taking part in such cooperation shall adopt decisions relating to matters covered by it. The Minister for Foreign Affairs shall attend the deliberations. 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 17 of this Title.
- 

**Explanation (if any) :**

It is very important that the Constitution promotes better flexibility also in security and defence policy. Given the specificities of the defence sector the old Art. 27 b and c of the EU-Treaty can not simply be used as such. However, a certain degree of procedure is necessary for establishing structured cooperation in the framework of the Union. The amendment proposes that this could be done on the recommendation of the Foreign Minister and by a Council decision with qualified majority. This would also contribute to transparency and trust among the member states.

## AMENDMENT FORM

**Suggestion for amendment of Article : 21**

**Suggestion for PART TWO – CHAPTER 1: COMMON FOREIGN AND SECURITY**

**POLICY , B. The common security and defence policy**

**By Ms / Mr : BROK; SANTER; TAJANI; VAN DER LINDEN; ALMEIDA GARRETT; ALTMAIER; AZEVEDO; BASILE; BREJC; CUSHNAHAN; DEMETRIOU; DOLORES; FOGLER; FREND; 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**

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### **CHAPTER 1: COMMON FOREIGN AND SECURITY POLICY**

**B. The common security and defence policy**

#### **Article 21**

1. The closer cooperation on mutual defence provided for in Article 30(7) of Part One 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 this 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 *and give this aid and assistance as foreseen in Article 30 (7) Part I of this Constitution.*
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) :**

This amendment should clarify the general solidarity clause.

## AMENDMENT FORM

Suggestion for amendment of Article : II B 17

Suggestion for protocol :

By: Mr Caspar EINEM

Status : Member

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### *B. Gemeinsame Sicherheits- und Verteidigungspolitik*

#### *Artikel 17*

(1) Die in Teil I der Verfassung Artikel 30 Absatz 1 vorgesehenen Missionen, bei deren Durchführung die Union ~~militärische und~~ zivile **und militärische** Mittel einsetzen kann, schließen gemeinsame Abrüstungsmaßnahmen, humanitäre Aufgaben und Rettungseinsätze, Aufgaben der militärischen Beratung und Unterstützung, Aufgaben der Konfliktverhütung und friedenserhaltende Aufgaben sowie Kampfeinsätze im Rahmen der Krisenbewältigung einschließlich friedensschaffender Maßnahmen, Unterstützungsmaßnahmen im Kampf gegen den Terrorismus auf Ersuchen eines Drittstaats und Operationen zur Stabilisierung der Lage nach Konflikten.

(2) Der Rat nimmt die Beschlüsse über Missionen im Sinne dieses Artikels, **soweit es um den Einsatz militärischer Mittel geht, einstimmig, sonst mit einer Mehrheit von vier Fünfteln der Mitgliedstaaten, die zugleich vier Fünftel der Bevölkerung der Union repräsentieren**, an; in den Beschlüssen sind Ziel und Umfang der Missionen sowie die für sie geltenden allgemeinen Durchführungsbestimmungen festgelegt. Der Außenminister sorgt unter Aufsicht des Rates und in engem und ständigem Benehmen mit dem Politischen und Sicherheitspolitischen Komitee für die Koordinierung der zivilen und militärischen Aspekte dieser Missionen.

Explanation (if any) :

## AMENDMENT FORM

**Suggestion for amendment of Article : II B 19**

**Suggestion for protocol :**

**By:**

**Mr Caspar EINEM**

**Status :**

**Member**

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### Artikel 19a

(1) Aufgabe der Europäischen Agentur für Rüstung und strategische Forschung ist es,

- bei der Festlegung der Ziele im Bereich der militärischen Fähigkeiten der Mitgliedstaaten mitzuwirken und die Erfüllung der von den Mitgliedstaaten in Bezug auf diese Fähigkeiten eingegangenen Verpflichtungen zu bewerten;
- auf eine Harmonisierung des operativen Bedarfs sowie die Festlegung effizienter und kompatibler Beschaffungsverfahren hinzuwirken;
- multilaterale Projekte vorzuschlagen, durch die die Vorgaben im Bereich der militärischen Fähigkeiten erfüllt werden, und für die Koordinierung der von den Mitgliedstaaten durchgeführten Programme sowie die Verwaltung spezifischer Kooperationsprogramme zu sorgen;
- die Forschung auf dem Gebiet der Verteidigungstechnologie zu unterstützen, gemeinsame Forschungsaktivitäten sowie Studien zu technischen Lösungen, die dem künftigen operativen Bedarf gerecht werden, zu koordinieren und zu planen;
- dazu beizutragen, dass zweckdienliche Maßnahmen zur Stärkung der industriellen und technologischen Grundlage des Verteidigungssektors und zur Verbesserung der Effizienz der Verteidigungsausgaben ermittelt werden, und diese Maßnahmen gegebenenfalls durchzuführen.

(2) Alle Mitgliedstaaten können auf Wunsch an der Arbeit der Agentur teilnehmen. Der Rat nimmt mit qualifizierter Mehrheit einen Beschluss an, in dem die Satzung, der Sitz und die Funktionsweise der Agentur festgelegt werden. Dabei muss dem Umfang der effektiven Beteiligung an den Tätigkeiten der Agentur Rechnung getragen werden. Innerhalb der Agentur werden spezifische Gruppen aus den Mitgliedstaaten gebildet, die gemeinsame Projekte durchführen.

### **Explanation (if any) :**

Der bisherige Artikel 19 soll die Bezeichnung 19a erhalten und dadurch Platz für einen neuen Artikel 19 bieten.



## **AMENDMENT FORM**

**Suggestion for amendment of Article : II B 19**

**Suggestion for protocol :**

**By:** **Mr Caspar EINEM**

**Status :** **Member**

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### **Artikel 19**

- (1) **Primäre Aufgabe des Europäischen Instituts zur Erforschung der Grundlagen von Krisen- und Konfliktprävention ist es, dem Europäischen Rat, dem Rat und dem Außenminister**

  - **durch entsprechende Studien verbesserte Einsichten in die Bedingungen der Krisenentwicklung und Konfliktentstehung zu bieten, um so Entwicklungen, die die Interessen der Union berühren könnten frühzeitig erkennen und darauf reagieren zu können;**
  - **durch Evaluierung von Krisenbewältigungsstrategien Erkenntnisse über erfolgreiche Kriseninterventionsstrategien zu gewinnen und zur Verfügung zu stellen.**
- (2) **Das Institut kann allein oder in Zusammenarbeit mit ähnlichen Einrichtungen Kurse für Krisenintervention und Konfliktbewältigung anbieten und durchführen, um ziviles und militärisches Personal für entsprechende Einsätze vorzubereiten.**
- (3) **Der Rat nimmt mit qualifizierter Mehrheit einen Beschluss an, mit dem die Satzung, der Sitz und die Funktionsweise des Instituts bestimmt werden. Für das Institut ist im Rahmen des Unionsbudgets Vorsorge zu treffen.**

#### **Explanation (if any) :**

Im Sinne des vorgeschlagenen Absatz 4 zu Artikel 30 werden hier Ausführungsbestimmungen vorgeschlagen.

## AMENDMENT FORM

**Suggestion for amendment of Article : II B 20**

**Suggestion for protocol :**

**By:**

**Mr Caspar EINEM**

**Status :**

**Member**

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### **Artikel 20**

- (1) Die der Verfassung beigefügte Erklärung X enthält ein Verzeichnis der Mitgliedstaaten, welche anspruchsvolle Kriterien in Bezug auf die militärischen Fähigkeiten erfüllen und die im Hinblick auf Missionen mit größeren Anforderungen verbindlichere Zusagen machen wollen; diese Mitgliedstaaten nehmen untereinander eine strukturierte Zusammenarbeit im Sinne von Teil I Artikel 30 Absatz 6 der Verfassung auf. Die Erklärung enthält ebenfalls die von diesen Mitgliedstaaten festgelegten Kriterien und Zusagen hinsichtlich der militärischen Fähigkeiten.
- (2) Sollte sich ein Mitgliedstaat zu einem späteren Zeitpunkt an dieser Zusammenarbeit unter Erfüllung aller daraus für ihn entstehenden Pflichten beteiligen wollen, so setzt er den Europäischen Rat von seiner Absicht in Kenntnis. Der engere Rat der strukturierten Zusammenarbeit entscheidet über den Antrag des betreffenden Mitgliedstaates.
- (3) Beschlüsse im Zusammenhang mit ~~dem Gegenstand~~ **der Entwicklung und Durchführung** der strukturierten Zusammenarbeit werden lediglich von den an der Zusammenarbeit beteiligten Mitgliedstaaten angenommen. Der Minister für auswärtige Angelegenheiten nimmt an den Beratungen teil. Die anderen Mitgliedstaaten werden ordnungsgemäß und in regelmäßigen Abständen vom Minister für auswärtige Angelegenheiten über die Entwicklung der Zusammenarbeit informiert.
- (4) **Entscheidungen über die Durchführung von Missionen oder Operationen der an der strukturierten Zusammenarbeit beteiligten Staaten trifft der Rat einstimmig.** ~~Der Rat kann die an der strukturierten Zusammenarbeit beteiligten Staaten im Rahmen der Union mit der Durchführung einer Mission nach Artikel 17 dieses Titels betrauen.~~

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**Explanation (if any) :**

Die Ergänzungen bzw. Änderungen Absätze (3) und (4) sollen sicher stellen, dass die militärischen Fähigkeiten der beteiligten Staaten nicht zum Recht führen, auf „Rechnung der EU“ militärische Maßnahmen durchzuführen, die die übrigen Mitgliedstaaten ablehnen. Die strukturierte Zusammenarbeit soll zwar zur Entwicklung von Fähigkeiten, nicht aber zum Recht für die oder statt der EU zu handeln.

## AMENDMENT FORM

**Suggestion for amendment of Article : II B 21**  
**Suggestion for protocol :**

**By:** Mr Caspar EINEM

**Status :** Member

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### ***Artikel 21***

~~(1) — An der engeren Zusammenarbeit auf dem Gebiet der gegenseitigen Verteidigung gemäß Teil I Artikel 30 Absatz 7 können sich alle Mitgliedstaaten der Union beteiligen. Ein Verzeichnis der daran beteiligten Mitgliedstaaten ist in einer dieser Verfassung beigefügten Erklärung enthalten. Sollte sich ein Mitgliedstaat zu einem späteren Zeitpunkt unter Erfüllung aller dadurch für ihn entstehenden Pflichten beteiligen wollen, so setzt er den Europäischen Rat davon in Kenntnis und unterzeichnet die der Verfassung beigefügte Erklärung.~~

~~(2) — Ein beteiligter Mitgliedstaat, der einem bewaffneten Angriff auf sein Hoheitsgebiet ausgesetzt ist, setzt die anderen beteiligten Mitgliedstaaten von der Lage in Kenntnis und kann sie um Hilfe und Unterstützung ersuchen. Die beteiligten Mitgliedstaaten treten zu Beratungen auf Ministerebene zusammen, wobei sie von ihren jeweiligen Vertretern im Politischen und Sicherheitspolitischen Komitee sowie im Militärausschuss unterstützt werden.~~

~~(3) — Der Sicherheitsrat der Vereinten Nationen wird sofort von jedem bewaffneten Angriff sowie von den als Reaktion darauf getroffenen Maßnahmen in Kenntnis gesetzt.~~

~~(4) — Diese Bestimmungen berühren für die betroffenen Staaten nicht die Rechte und Pflichten im Rahmen des Nordatlantikvertrags.~~

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### **Explanation (if any) :**

Dieses Beistandskonzept führt nicht nur zu schwer auflösbaren praktischen Problemen zwischen jenen Staaten, die sich diesem System anschließen und denen, die das nicht tun – im Angriffsfall. Dieses Konzept hat überdies das Problem, dass so der Weg zu einer gemeinsamen europäischen Armee und der eigenständigen europäischen Verteidigungsfähigkeit weiter erschwert ist.

## AMENDMENT FORM

### Suggestion for amendment of Article : 19

By Mr Joschka Fischer

Status : - Member

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#### *Artikel 19*

(1) Aufgabe der Europäischen Agentur für Rüstung und ~~strategische Forschung~~ Fähigkeiten ist es,

- bei der Festlegung der Ziele im Bereich der militärischen Fähigkeiten der Mitgliedstaaten mitzuwirken und die Erfüllung der von den Mitgliedstaaten in Bezug auf diese Fähigkeiten eingegangenen Verpflichtungen zu bewerten;
- auf eine Harmonisierung des operativen Bedarfs sowie die Festlegung effizienter und kompatibler Beschaffungsverfahren hinzuwirken;
- multilaterale Projekte vorzuschlagen, durch die die Vorgaben im Bereich der militärischen Fähigkeiten erfüllt werden, und für die Koordinierung der von den Mitgliedstaaten durchgeführten Programme sowie die Verwaltung spezifischer Kooperationsprogramme zu sorgen;
- die Forschung auf dem Gebiet der Verteidigungstechnologie zu unterstützen, gemeinsame Forschungsaktivitäten sowie Studien zu technischen Lösungen, die dem künftigen operativen Bedarf gerecht werden, zu koordinieren und zu planen und zur Verwirklichung der Ziele und Programme ,auf die in Artikel xx über Gemeinschaftsforschungs- und Entwicklungsprogramme Bezug genommen wird, beizutragen;
- dazu beizutragen, dass zweckdienliche Maßnahmen zur Stärkung der industriellen und technologischen Grundlage des Verteidigungssektors und zur Verbesserung der Effizienz der Verteidigungsausgaben ermittelt werden, und diese Maßnahmen gegebenenfalls durchzuführen;

– die schrittweise Schaffung eines europäischen Rüstungsmarkts zu fördern.

(2) Alle Mitgliedstaaten können auf Wunsch an der Arbeit der Agentur teilnehmen. Der Rat nimmt mit qualifizierter Mehrheit einen Beschluss an, in dem die Satzung, der Sitz und die Funktionsweise der Agentur festgelegt werden. Dabei muss dem Umfang der effektiven Beteiligung an den Tätigkeiten der Agentur Rechnung getragen werden. Innerhalb der Agentur werden spezifische Gruppen aus den Mitgliedstaaten gebildet, die gemeinsame Projekte Programme durchführen oder bestehende Formen der Zusammenarbeit fortsetzen. Diese können entsprechend den Regelungen in Art. xxx in der Form der verstärkten Zusammenarbeit durchgeführt werden.

(3) Die Kommission wird in vollem Umfang an den Arbeiten der Agentur beteiligt. Die Union stellt die Kohärenz der Maßnahmen sicher.

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**Explanation (if any) :**

**Absatz 1: Bezeichnung der Agentur sollte Agentur für Rüstung und Fähigkeiten sein. Aufgabe der Agentur sollte u.a. auch die Förderung der schrittweise Schaffung eines europäischen Rüstungsmarkts umfassen.**

**Absatz 2: Das Statut der Agentur sollte vom Rat einstimmig beschlossen werden. Programme bzw. bestehende Zusammenarbeiten sollten als verstärkte Zusammenarbeiten durchgeführt bzw. fortgesetzt werden können.**

**Absatz 3: Die Kommission sollte in vollem Umfang an den Arbeiten der Agentur beteiligt werden.**

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article : 18 de la Partie II

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

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#### Article 18

1. Dans le cadre des décisions adoptées conformément à l'article 17 de ce Titre, le Conseil peut confier la mise en œuvre d'une mission à un groupe d'États membres qui ~~disposent~~ sont prêts à mettre à disposition des capacités ~~nécessaires~~ et souhaitent s'engager dans celle-ci. Ceux-ci conviennent entre eux de la gestion de la mission.
  2. Le Conseil est informé régulièrement par les États participant à la réalisation de la mission de l'état de la mission, et il est immédiatement saisi par ceux-ci si la réalisation de celle-ci comporte de nouvelles conséquences majeures ou requiert une modification de l'objectif, de la portée ou des modalités agréées par le Conseil en vertu de l'article 17, paragraphe 2 du présent Titre. Dans ces cas, le Conseil adopte les décisions nécessaires.
- 

#### Explication éventuelle :

L'accent doit être mis sur la volonté de mettre à disposition des capacités.

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article : 19 de la Partie II

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

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#### Article 19

1. L'Agence européenne ~~d'armement et de recherche stratégique de développement et d'acquisition de capacités militaires~~ a pour mission de :

- contribuer à identifier les objectifs de capacités militaires des États membres et à évaluer le respect des engagements de capacités souscrits par les États membres ;
- promouvoir une harmonisation des besoins opérationnels et l'adoption de méthodes d'acquisition performantes et compatibles ;
- proposer des projets multilatéraux pour remplir les objectifs en termes de capacités militaires, et assurer la coordination des programmes exécutés par les États membres et la gestion de programmes de coopération spécifiques ;
- soutenir la recherche en matière de technologie de défense, coordonner et planifier des activités de recherche conjointes et des études de solutions techniques répondant aux besoins opérationnels futurs.
- contribuer à identifier, et le cas échéant mettre en œuvre, toute mesure utile pour renforcer la base industrielle et technologique du secteur de la défense et pour améliorer l'efficacité des dépenses militaires.

2. L'Agence est ouverte à tous les États membres qui souhaitent y participer. Le Conseil, statuant à la majorité qualifiée, adopte une décision définissant le statut, le siège et les modalités de fonctionnement de l'Agence. ~~Ceux-ci doivent tenir compte du degré de participation effective dans les activités de l'Agence.~~ Des groupes spécifiques sont constitués à l'intérieur de l'Agence rassemblant des États membres qui mènent des projets conjoints.



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**Explication éventuelle :**

**ad paragraphe 1:** voir article 30 de la Partie I

**ad paragraphe 2:**

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article : 20 de la Partie II

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

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#### Article 20

1. ~~Remplissant~~ S'engageant à remplir des critères de capacités militaires élevés et ~~souhaitant entreprendre à souscrire entre eux~~ des engagements plus contraignants en cette matière en vue des missions plus exigeantes, les États membres, ~~dont la liste figure à la déclaration X annexée à la Constitution,~~ instaurent entre eux une coopération structurée renforcée au sens de l'article 30, paragraphe 6 de la Partie I de la Constitution. ~~Les critères et les engagements en matière de capacités militaires que ces États membres ont définis sont repris dans la même déclaration.~~
  - ~~2. Si un État membre souhaite participer à cette coopération à un stade ultérieur, en souscrivant aux obligations qu'elle impose, il informe le Conseil européen de son intention. Le Conseil restreint de la coopération structurée statue sur la demande de l'État membre en question.~~
  - ~~3. Seuls les États membres participant à la coopération adoptent des décisions relatives à l'objet de la coopération. Le Ministre des Affaires étrangères assiste aux délibérations. Les autres États membres sont dûment et régulièrement informés du développement de la coopération par le Ministre des Affaires étrangères.~~
  - 4.2. Le Conseil peut confier aux États participant à cette coopération la réalisation, dans le cadre de l'Union, d'une mission visée à l'article 17 de ce Titre.
- 

#### Explication éventuelle :

Comme il a déjà été suggéré pour d'autres dispositions de ce titre, les dispositions générales sur les coopérations renforcées devraient s'appliquer et donc certains éléments de cet article deviennent inutiles (utilisation des institutions de l'Union, procédure d'entrée dans la coopération, ...).

Cette coopération renforcée devant être ouverte, il ne semble pas opportun de fixer dans la Constitution (fut-ce dans une déclaration y annexée) la liste des États membres participants ni les critères. La coopération renforcée en question pourrait s'intituler UESD « Union Européenne de



## FICHE AMENDEMENT

### Proposition d'amendement à l'Article 17

Déposée par Monsieur de Villepin

Qualité : - Membre

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#### *Article 17*

1. Les missions visées à l'article 30, paragraphe 1 de la Partie I de la Constitution, dans lesquelles l'Union peut déployer des moyens militaires et civils, incluent les actions conjointes en matière de désarmement, les missions humanitaires et d'évacuation, les missions de conseil et d'assistance en matière militaire, les missions de prévention de conflits et de maintien de la paix, les missions de forces de combat pour la gestion des crises, y compris les missions de rétablissement de la paix, ~~les actions de soutien à la demande d'un État tiers dans la lutte contre le terrorisme,~~ les opérations de stabilisation à la fin des conflits. Toutes ces missions peuvent contribuer à la lutte contre le terrorisme, y compris par le soutien apporté à des États tiers pour combattre le terrorisme sur leur territoire.
2. Le Conseil, statuant à l'unanimité, adopte des décisions portant sur les missions visées au présent article en définissant leur objectif et leur portée ainsi que les modalités générales de leur mise en œuvre. Le Ministre des Affaires étrangères, sous l'autorité du Conseil et en contact étroit et permanent avec le comité politique et de sécurité, veille à la coordination des aspects civils et militaires de ces missions.

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Explication éventuelle :

## AMENDMENT FORM

**Suggestion for amendment of Article : Part II, Title B, Article 17**

**Suggestion for protocol :**

**By Ms / Mr : Hain**

**Status :        - Member                      - Alternate**

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The tasks referred to in Article 30 (1) of Part One of the Constitution, in the course of which the Union may deploy military and civilian means, shall include joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peacemaking, ~~support in combating terrorism at the request of a third country~~ and post-conflict stabilisation. All these tasks may contribute to the fight against terrorism, including by supporting third countries in combating terrorism on their territories.

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**Explanation (if any) :**

The proposal is intended to make clear the potential relevance of all Petersberg Tasks to the fight against terrorism, and to highlight the scope for relevant support for third countries.

## AMENDMENT FORM

**Suggestion for amendment of Article : 17**

**By Mr : Joschka Fischer**

**Status : - Member**

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### **Artikel 17: Der Ministerrat**

- (1) Der Ministerrat wird gemeinsam mit dem Europäischen Parlament als Gesetzgeber tätig und nimmt die Aufgaben der Politikfestlegung und Koordinierungsaufgaben nach Maßgabe der Verfassung wahr.
- (2) Der Ministerrat besteht aus je einem von jedem Mitgliedstaat auf Ministerebene ernannten Vertreter ~~für jede seiner Zusammensetzungen. Dieser Vertreter ist als Einziger , der~~ befugt ist, für den Mitgliedstaat, den er vertritt, verbindlich zu handeln und das Stimmrecht auszuüben.
- (3) Soweit in der Verfassung nichts anderes bestimmt ist, beschließt der Rat mit qualifizierter Mehrheit.
- 

### **Explanation:**

**Absatz 2: Jeder Mitgliedstaat sollte weiterhin über seine Vertretung im Rat je nach Anlass selbst entscheiden. Anlehnung der Formulierung an Art. 203 EGV.**

**Absatz 3: Die Fälle, in denen der Rat mit der Mehrheit seiner Mitglieder beschließt, müssen in Teil II der Verfassung besonders ausgewiesen werden. Hier darf es zu keinem Integrationsrückschritt kommen.**

## AMENDMENT FORM

### Suggestion for amendment of Article : 19

By Mr : Joschka Fischer

Status : - Member

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#### Artikel 19: Der Minister für auswärtige Angelegenheiten

(1) Der Europäische Rat ernennt mit qualifizierter Mehrheit mit Zustimmung des Präsidenten der Kommission den Minister für auswärtige Angelegenheiten der Union. Dieser leitet die Gemeinsame Außen- und Sicherheitspolitik der Union.

(2) Der Minister für auswärtige Angelegenheiten trägt durch seine Vorschläge zur Festlegung der gemeinsamen Außenpolitik bei und führt sie im Auftrag des Rates durch. Er handelt ebenso im Bereich der Gemeinsamen Sicherheits- und Verteidigungspolitik.

(3) Der Minister für auswärtige Angelegenheiten ist einer der stellvertretenden Präsidenten der Europäischen Kommission. Er ist mit den Außenbeziehungen und der Koordinierung der anderen Aspekte des außenpolitischen Handelns der Union betraut. Er verfügt über einen besonderen Status, der in Teil II der Verfassung geregelt ist. ~~Bei der Wahrnehmung dieser Zuständigkeiten in der Kommission und ausschließlich im Hinblick auf diese Zuständigkeiten unterliegt er den Verfahren, die für die Arbeitsweise der Kommission gelten.~~

(4) Der Minister für auswärtige Angelegenheiten wird von einem Europäischen Diplomatischen Dienst unterstützt. Dazu gehören die Delegationen der Europäischen Union in Drittstaaten. Der Europäische Diplomatische Dienst arbeitet eng mit den diplomatischen Diensten der Mitgliedstaaten zusammen.

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Explanation (if any) :

**Absatz 3: Die Regelungen zum besonderen Status des Außenministers in der Kommission sollten im Teil II der Verfassung erfolgen.**

**Neuer Absatz 4: Die Handlungsfähigkeit des Europäischen Außenministers wird durch die Schaffung eines Europäischen Diplomatischen Dienstes gestärkt. Die bisherigen Delegationen der Kommissionen sollten in Delegationen der Union umgewandelt und dem Europäischen Außenminister unterstellt werden.**



## AMENDMENT FORM

**Suggestion for amendment of Article : 17, Part II**

**Suggestion for protocol :**

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

**Status :    Members**

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1. The tasks referred to in Article 30(1) of Part One of the Constitution, in the course of which the Union may deploy military and civilian means, shall include joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peacemaking, support action in combating international terrorism at the request of a third country, and post-conflict stabilisation. Non EU-Member countries may be invited to participate in an operation according to procedures as agreed. The Union may take recourse to assets and capabilities of NATO.
  2. The Council, acting unanimously, shall adopt decisions relating to the tasks referred to in this Article, defining their objectives and scope and the general conditions for their implementation. The Minister for Foreign Affairs, acting under the authority of the Council and in close and constant contact with the Political and Security Committee, shall ensure coordination of the civilian and military aspects of such tasks.
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**Explanation (if any) : Also non EU-Member countries must be invited to participate in the meant operations. Furthermore, the ‘Berlin plus’ agreements have to be mentioned here.**

## AMENDMENT FORM

**Suggestion for amendment of Article : 18, Part II**

**Suggestion for protocol :**

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

**Status :    Members**

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1.    Within the framework of the decisions adopted in accordance with Article 17 of this Title, the Council may entrust the implementation of a task to a group of Member States having the necessary capability and the desire to undertake the task. ~~Those Member States shall agree between themselves on the management of the task.~~ The relevant organs of the Council shall be fully involved in the management of this task. Without prejudice to the competences of the Political and Security Committee as defined in article 16, only this group of Member States will take part in the decision making on the day-to-day management of this task
  
2.    The Council shall be regularly informed by the Member States participating in the task on its progress and, should the completion of the task involve major new consequences or require amendment of the objective, scope and conditions for implementation agreed by the Council under Article 17(2) of this Title, the Member States participating shall refer the matter to the Council forthwith. In such cases, the Council shall adopt the necessary decisions.

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**Explanation (if any) : See the explanation of the amendments on article 16, part II.**

## AMENDMENT FORM

### Suggestion for amendment of Article : 19, Part II

### Suggestion for protocol :

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

Status :    **Members**

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1.    The European ~~Armaments and Strategic Research~~ Defence Capabilities Agency shall have as its task to:
  - contribute to identifying the Member States' military capability objectives and evaluating observance of the capability commitments given by the Member States;
  - promote harmonisation of operational needs and adoption of effective, compatible procurement methods;
  - propose multilateral projects to fulfil the objectives in terms of military capabilities, ensure coordination of the programmes implemented by the Member States and management of specific cooperation programmes;
  - support defence technology research, and coordinate and plan joint research activities and the study of technical solutions meeting future operational needs;
  - contribute to identifying and, if necessary, implementing ~~any useful~~ measures for strengthening the industrial and technological base of the defence sector and for improving the effectiveness of military expenditure;
  - to promote the implementation of a system for assessing, evaluating and auditing capability commitments on the basis of qualitative and quantitative reference criteria.
2.    The Agency shall be open to all Member States wishing to be part of it. ~~The Council, acting~~

~~by qualified majority, shall adopt a decision defining the Agency's statute, seat and operational rules. Such rules should take account of the level of effective participation in the Agency's activities. Specific groups shall be set up within the Agency bringing together Member States engaged in joint projects.~~

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**Explanation (if any) : Detailed arrangements concerning EU agencies should not be laid down in the Constitution.**

## AMENDMENT FORM

**Suggestion for amendment of Article : 20, part II**

**Suggestion for protocol :**

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

**Status :    Members**

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1.     The Member States listed in Declaration 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 30(6) of Part One of the Constitution. The military capability criteria and commitments which those Member States have defined are set out in that Declaration. The relevant organs of the Council shall be fully involved.
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 restricted Council on structured cooperation shall decide on the Member State's request.
3.     Only Member States taking part in such cooperation shall adopt decisions relating to matters covered by it. The Minister for Foreign Affairs shall attend the deliberations. 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 17 of this Title.

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**Explanation (if any) :**    **See the explanation of the amendment on article 16(2).**





## AMENDMENT FORM

**Suggestion for amendment of Article : 21, part II**

**Suggestion for protocol :**

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

**Status :    Members**

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1. ~~The closer cooperation on mutual defence provided for in Article 30(7) of Part One 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 this 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) : See the explanation on article 30(7), part I/.**







## AMENDMENT FORM

**Suggestion for amendment of Article : 18 of Part II, Title B**

**Suggestion for protocol :**

**By Mr : Dick Roche**

**Status : - Member**

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### Article 18

1. Within the framework of the decisions adopted in accordance with Article 17 of this Title, the Council may entrust the implementation of a task to a group of Member States having the necessary capability and the desire to undertake the task. **Under the overall authority of the Council**, those Member States shall agree between themselves on the management of the task.
2. The Council shall be regularly informed by the Member States participating in the task on its progress ~~and~~. ~~Should the completion of the task involve major new consequences or require~~ **should the Union Minister of Foreign Affairs of the Union or a Member State of the Union propose** amendment of the objective, scope and conditions for implementation agreed by the Council under Article 17(2) of this Title, ~~the Member States participating shall refer the matter~~ **the Council shall take up the matter and, if appropriate, to the Council forthwith.** ~~In such cases, the Council shall~~ adopt the necessary decisions.

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**Explanation (if any) :** The Council as a whole should retain appropriate command and control over operations carried out by a group of Member States under the provisions of this article.

## AMENDMENT FORM

**Suggestion for amendment of Article : 19 of Part II, Title B**

**Suggestion for protocol :**

**By Mr : Dick Roche**

**Status : - Member**

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1. The European ~~Armaments~~ **Military Capabilities and Strategic Research** Agency **shall be open to all Member States wishing to be part of it. It** shall have as its task to:

- contribute to identifying the Member States' military capability objectives and evaluating observance of the capability commitments given by the Member States;
  - promote harmonisation of operational needs and adoption of effective, compatible procurement methods;
  - 
  - propose multilateral projects to fulfil the objectives in terms of military capabilities, ensure coordination of the programmes implemented by the Member States and management of specific cooperation programmes;
  - support defence technology research, and coordinate and plan joint research activities and the study of technical solutions meeting future operational needs;
- contribute to identifying and, if necessary, implementing any useful measure for strengthening the industrial and technological base of the defence sector and for improving the effectiveness of military expenditure;

2. ~~The Agency shall be open to all Member States wishing to be part of it.~~ The Council, acting by ~~qualified majority~~, **unanimity**, shall adopt a decision defining the Agency's statute, seat and operational rules. Such rules should take account of the level of effective participation in the Agency's activities. Specific groups shall be set up within the Agency bringing together Member States engaged in joint projects.

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**Explanation (if any) :** The title of the Agency should better reflect its purpose. It should also be made clearer that participation in the Agency is open to all Member States who wish to participate. The Agency should be created and operate on the basis of unanimity.

## **AMENDMENT FORM**

**Suggestion for amendment of Article : 20 of Part II, Title B**

**Suggestion for protocol :**

**By Mr : Dick Roche**

**Status : - Member**

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Place in brackets :

1. [The Member States listed in Declaration 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 30(6) of Part One of the Constitution. The military capability criteria and commitments which those Member States have defined are set out in that Declaration.
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 restricted Council on structured cooperation shall decide on the Member State's request.
3. Only Member States taking part in such cooperation shall adopt decisions relating to matters covered by it. The Minister for Foreign Affairs shall attend the deliberations. 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 17 of this Title.]

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**Explanation (if any) :** Much is already possible in this area under existing Treaty provisions concerning constructive abstention. The Praesidium's commentary on 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.

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article III-207

Déposée par Monsieur de Villepin

Qualité : - Membre

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1. L'Agence européenne de l'armement, de la recherche et , **du développement** des capacités militaires **et de l'armement**, placée sous l'autorité du Conseil, **contribue à la coordination des efforts entrepris par les Etats membres de même que dans le cadre de l'Union. Elle** a **notamment** pour mission de:
  - a) contribuer à identifier les objectifs **quantitatifs et qualitatifs** de capacités militaires des États membres et à évaluer **les progrès réalisés** le respect des engagements de capacités souscrits par les États membres;
  - b) promouvoir une **l'**harmonisation des besoins opérationnels et l'adoption de méthodes d'acquisition performantes **en termes de coût** et compatibles;
  - c) proposer des projets multilatéraux pour remplir les objectifs en termes de capacités militaires, et assurer la coordination **efficace** des programmes exécutés par les États membres et la gestion de programmes de coopération spécifiques;
  - d) soutenir la recherche en matière de technologie de défense, ~~coordonner et planifier~~ **contribuer à** des activités de recherche conjointes et **apporter sa contribution, en tant que de besoin, à la réalisation des objectifs et des programmes visés à l'article III-144 (PCRD).** ~~des études de solutions techniques répondant aux besoins opérationnels futurs;~~
  - e) contribuer à identifier, et le cas échéant mettre en œuvre, toute **des** mesures **utile** pour renforcer la base industrielle et technologique du secteur **européen** de la défense et ~~pour améliorer l'efficacité des dépenses militaires.~~
  - f) **contribuer à la définition progressive d'une politique européenne de l'armement et au développement d'un marché européen des équipements de défense, y compris par des recommandations sur les réglementations spécifiques applicables au secteur de l'armement.**
2. L'Agence est ouverte à tous les États membres qui souhaitent y participer. Le Conseil, statuant à la majorité qualifiée, adopte une décision définissant le statut, ~~le siège~~ et les modalités de fonctionnement de l'Agence. Ceux-ci doivent tenir compte du degré de participation effective dans les activités de l'Agence. ~~Des groupes spécifiques sont~~



~~constitués à l'intérieur de l'Agence rassemblant des États membres qui mènent des projets conjoints. L'Agence accomplit ses missions en liaison avec la Commission en tant que de besoin.~~

**3. L'Agence accomplit ses missions en liaison avec la Commission en tant que de besoin. Le Conseil veille à la cohérence des activités de l'Agence avec celles des autres organes de l'Union.**

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**Explication éventuelle :**

## AMENDMENT FORM

**Suggestion for amendment of: PART III OF THE CONSTITUTION:  
Article III-207**

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

**On behalf of the EPP Convention Group**

**Status :    - Member                    - Alternate**

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### **Suggestion**

#### **Article III-207 (ex Article 19)**

1. The European Armaments, Research and Military Capabilities Agency, subject to the Council's authority, shall have as its task to:
  - (a) contribute to identifying the Member States' military capability objectives and evaluating observance of the capability commitments given by the Member States;
  - (b) promote harmonisation of operational needs and adoption of effective, compatible procurement methods;
  - (c) propose multilateral projects to fulfil the objectives in terms of military capabilities, ensure coordination of the programmes implemented by the Member States and management of specific cooperation programmes;
  - (d) support defence technology research, and coordinate and plan joint research activities and the study of technical solutions meeting future operational needs;
  - (e) contribute to identifying and, if necessary, implementing any useful measure for strengthening the industrial and technological base of the defence sector and for improving the effectiveness of military expenditure.
2. The Agency shall be open to all Member States wishing to be part of it. The Council, acting by qualified majority *and after consent of the European Parliament*, shall adopt a decision defining the Agency's statute, seat and operational rules. Such rules should take account of the level of effective participation in the Agency's activities. Specific groups shall be set up within the Agency bringing together Member States engaged in joint projects. The Agency shall carry out its tasks in liaison with the Commission where necessary.

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### **Explanation (if any) :**

The role of the European Parliament should be strengthened here, also due to the fact that an armaments agency has also budgetary implications.

## AMENDMENT FORM

### Suggestion for amendment to Article III-206

By Mr Hannes Farnleitner

Status : - Member

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#### ***Article III-206***

- ~~1. Within the framework of the decisions adopted in accordance with [Article 17] of this Title, the Council may entrust the implementation of a task to a group of Member States having the necessary capability and the desire to undertake the task. Those Member States in association with the Union's Minister for Foreign Affairs shall agree between themselves on the management of the task.~~
  - ~~2. The Council shall be regularly informed by the Member States participating in the task on its progress and, should the completion of the task involve major new consequences or require amendment of the objective, scope and conditions for implementation agreed by the Council under [Article 17(2)] of this Title, the Member States participating shall refer the matter to the Council forthwith. In such cases, the Council shall adopt the necessary decisions.~~
- 

#### **Explanation (if any) :**

Any participation in an EU operation is voluntary and entails that not necessarily all Member States take part in an operation. Therefore this proposal does not seem to have any added value. Moreover, Austria is opposed to any restriction of the Council's or the Political and Security Committee's responsibilities.

## AMENDMENT FORM

**Suggestion for amendment of: PART III OF THE CONSTITUTION:  
Article III-205**

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

**On behalf of the EPP Convention Group**

**Status :    - Member                    - Alternate**

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### **Suggestion**

#### **Article III-205 (ex Article 17)**

1. The tasks referred to in [Article 32(1) of Part One] of the Constitution, in the course of which the Union may use military and civilian means, shall include joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peacemaking, and post-conflict stabilisation. All these tasks may contribute to the fight against terrorism, including by supporting third countries in combating terrorism in their territories.
  2. The Council, acting unanimously, shall adopt decisions relating to the tasks referred to in this Article, defining their objectives and scope and the general conditions for their implementation *after consulting the European Parliament*. The Minister for Foreign Affairs, acting under the authority of the Council and in close and constant contact with the Political and Security Committee, shall ensure coordination of the civilian and military aspects of such tasks.
- 

### **Explanation (if any) :**

It is rather unconceivable that the Union runs a crisis management operation without involving the European Parliament on the objectives and scope of such an operation. Since this seems not to be obvious, the right of the EP of being consulted should be made explicit.

## AMENDMENT FORM

Suggestion for amendment to Article III-209 21:

By Mr Hannes Farnleitner

Status : - Member

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### *Article III-209*

1. The closer cooperation on mutual defence provided for in [Article 30(7) of Part One] shall be open to all Member States of the Union. A list of participating Member States shall be set out in a **ProtocolDeclaration** annexed to this 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 **ProtocolDeclaration** 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.

Explanation (if any) :

## FICHE AMENDEMENT

Proposition d'amendement à l'Art III – 209.Demiralp.doc

Déposée par ~~Madame ou~~ Monsieur Oğuz DEMIRALP

Qualité :     ~~—Membre~~                   - Suppléant

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### Article III –209 (ex-Article 21)

#### • Supprimer cet article :

1. — La coopération plus étroite en matière de défense mutuelle telle que prévue à [l'article 32, paragraphe 7 de la Partie I] est ouverte à tous les États membres de l'Union. Une liste des États membres participant est reprise dans une déclaration annexée à la présente Constitution. Si un État membre souhaite y participer à un stade ultérieur, en souscrivant aux obligations qu'elle impose, il en informe le Conseil européen et souscrit à la déclaration annexée à la Constitution.

2. — Un État participant qui fait l'objet d'une agression armée sur son territoire informe les autres États participant de la situation et peut demander l'aide et l'assistance de ceux-ci. Les États participant se réunissent au niveau ministériel, assisté par leur représentant au sein du comité politique et de sécurité et du comité militaire.

3. — Le Conseil de Sécurité des Nations Unies est immédiatement informé de toute agression armée ainsi que des mesures prises en conséquence.

4. — Ces dispositions n'affectent pas, pour ceux qui sont concernés, les droits et obligations résultant du traité de l'Atlantique Nord.

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### Explication éventuelle :

L'OTAN a prouvé sa validité et ses compétences dans le cadre de la défense européenne durant ces cinquante dernières années. Nous ne devrions pas créer de nouveaux engagements en Europe qui mènerait à une défense commune. Une telle approche ne conduira pas seulement à la duplication et au gaspillage de nos ressources mais nuirait aussi sûrement aux relations transatlantiques lesquelles sont indispensables pour la sécurité européenne.

## **FICHE AMENDEMENT**

### **Proposition d'amendement à l'Article III-209**

**Déposée par Monsieur de Villepin**

**Qualité : - Membre**

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1. La coopération plus étroite en matière de défense mutuelle telle que prévue à [l'article 32, paragraphe 7 de la Partie I] est ouverte à tous les États membres de l'Union. Une liste des États membres participant est reprise dans une déclaration annexée à la présente Constitution. Si un État membre souhaite y participer à un stade ultérieur, en souscrivant aux obligations qu'elle impose, il en informe le Conseil européen et souscrit à la déclaration annexée à la Constitution.
  2. Un État participant qui fait l'objet d'une agression armée sur son territoire informe les autres États participant de la situation et peut demander l'aide et l'assistance de ceux-ci. Les États participant se réunissent au niveau ministériel, assisté par leur représentant au sein du comité politique et de sécurité et du comité militaire.
  3. Le Conseil de Sécurité des Nations Unies est immédiatement informé de toute agression armée ainsi que des mesures prises en conséquence.
  4. ~~Ces dispositions n'affectent pas, pour ceux qui sont concernés, les droits et obligations résultant du traité de l'Atlantique Nord.~~
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**Explication éventuelle :**

## AMENDMENT FORM

### Suggestion for amendment to Article III-208

By Mr Hannes FARNLEITNER

Status : - Member

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#### *Article III-208*

The Member States listed in Protocol X annexed to the Constitution, which fulfil high military capability criteria **including those in specific areas** 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 30(6) of Part One] of the Constitution. The military capability criteria and commitments ~~which those Member States have defined~~ are set out in that Protocol.

1. **Such a cooperation shall be open to all Member States that are willing to subscribe to the obligation it imposes. The Member States participating in such cooperation shall ensure that as many Member States as possible are encouraged to take part.**
- 2.4. If a Member State wishes to participate in such cooperation at a later stage, ~~and thus subscribe to the obligations it imposes, it shall~~ **notify its intention to** ~~inform the European Council of its intention.~~ The Council shall deliberate at the request of the Member State in question but only the Member States taking part in structured cooperation shall decide on the request.
- 3.2. **Without prejudice to paragraph 3, only** Member States taking part in such cooperation shall adopt decisions relating to matters covered by it. The Minister for Foreign Affairs shall attend the deliberations. Other Member States shall be duly and regularly informed by the Minister for Foreign Affairs of developments in cooperation.
- 4.3. **Expenditure resulting from implementation of structured cooperation shall be borne by the participating Member States.** ~~The Council may ask the Member States participating in such cooperation to carry out at Union level a task referred to in [Article 17] of this Title.~~

#### Explanation (if any) :

It should be clear that the structured cooperation is open to all interested Member States. The aim should be that as many Member States as possible take part in any structured cooperation.



## FICHE AMENDEMENT

### Proposition d'amendement à l'Article III-208

Déposée par Monsieur de Villepin

Qualité : - Membre

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Remplissant des critères de capacités militaires élevés et souhaitant entreprendre des engagements plus contraignants en cette matière en vue des missions plus exigeantes, les États membres, dont la liste figure à la déclaration ~~au protocole X annexée~~ à la Constitution, instaurent entre eux une coopération structurée au sens de [l'article 32, paragraphe 6 de la Partie I] de la Constitution. Les critères et les engagements en matière de capacités militaires que ces États membres ont définis sont repris dans le même protocole.

1. Si un État membre souhaite participer à cette coopération à un stade ultérieur, en souscrivant aux obligations qu'elle impose, il informe le Conseil européen de son intention. Le Conseil délibère sur la demande de l'État membre en question, toutefois seuls les États membres participant à la coopération structurée statuent sur cette demande.
  2. Seuls les États membres participant à la coopération adoptent des décisions relatives à l'objet de la coopération. Le Ministre des Affaires étrangères assiste aux délibérations. Les autres États membres sont dûment et régulièrement informés du développement de la coopération par le Ministre des Affaires étrangères.
  3. Le Conseil peut confier aux États participant à cette coopération la réalisation, dans le cadre de l'Union, d'une mission visée à [l'article 17] de ce Titre.
- 

Explication éventuelle :

## AMENDMENT FORM

**Suggestion for amendment of: PART III OF THE CONSTITUTION:  
Article III-208**

**By BROK, AZEVEDO, AKCAM, ALTMAIER, BREJC, DEMETRIOU, FIGEL, FOGLER, GIANNAKOU, 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**

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### **Suggestion**

#### ***Article III-208 (ex Article 20)***

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 32(6) of Part One] of the Constitution. ***The provisions of Articles I-43, III-319 to 325 of the Constitution shall apply.*** The military capability criteria and commitments which those Member States have defined are set out in that Protocol.

1. 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 Member States taking part in structured cooperation shall decide on the request.
2. Only Member States taking part in such cooperation shall adopt decisions relating to matters covered by it. The Minister for Foreign Affairs shall attend the deliberations. Other Member States shall be duly and regularly informed by the Minister for Foreign Affairs of developments in cooperation.
3. The Council may ask the Member States participating in such cooperation to carry out at Union level a task referred to in [Article 17] of this Title.

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### **Explanation (if any) :**

Defence matters should not be excluded from enhanced cooperation (e. g. necessity of involvement of Commission and European Parliament).

Article III-318 is therefore to be deleted.

## AMENDMENT FORM

### Suggestion for amendment to Article III-207

By Mr Hannes Farnleitner

Status : - Member

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#### *Article III-207*

1. **Member States shall undertake progressively to improve their military capabilities. To this end, a** The European Armaments, Research and Military Capabilities Agency, subject to the Council's authority, **shall be established that shall** have as its task to:

- contribute to identifying the Member States' military capability objectives and evaluating observance of the capability commitments given by the Member States;

(...)

2. The Agency shall be open to all Member States wishing to be part of it. The Council, acting by qualified majority, shall adopt a **European** decision defining the Agency's statute, seat and operational rules. ~~Such rules should take account of the level of effective participation in the Agency's activities.~~ Specific groups shall be set up within the Agency bringing together Member States engaged in joint projects. The Agency shall carry out its tasks in liaison with the Commission.

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#### **Explanation (if any) :**

It is generally accepted that in EU-Agencies all Member States have equal rights and obligations.

## FICHE AMENDEMENT

Proposition d'amendement à l'ArtIII – 207.Demiralp.doc

Déposée par ~~Madame ou~~ Monsieur Oğuz DEMIRALP

Qualité :      ~~Membre~~                      - Suppléant

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### Article III – 207 (ex-Article 19) :

2. L'Agence est ouverte à tous les États membres qui souhaitent y participer. Les membres européens de l'OTAN non membres de l'Union européenne peuvent également participer s'ils le souhaitent. Le Conseil, statuant à la majorité qualifiée, adopte une décision définissant le statut, le siège et les modalités de fonctionnement de l'Agence. Ceux-ci doivent tenir compte du degré de participation effective dans les activités de l'Agence. Des groupes spécifiques sont constitués à l'intérieur de l'Agence rassemblant des États membres de même que les membres de l'OTAN non membres de l'Union européenne qui mènent des projets conjoints. L'Agence accomplit ses missions en liaison avec la Commission en tant que de besoin.

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### Explication éventuelle :

De par la nature des domaines de coopération d'armement et de recherche stratégique, il serait nécessaire de créer une institution incluant tous les États européens y compris les membres européens de l'OTAN non membres de l'Union européenne qui souhaitent et sont capables de contribuer à ce projet.

## AMENDMENT FORM

### Suggestion for amendment of Article 209

#### Suggestion for Part: III

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

Status :           Member                   Alternate

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~~1. The closer co-operation 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 co-operation 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.~~

- ~~1. 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.~~
- ~~2. The United Nations Security Council shall be informed immediately of any armed aggression and the measures taken as a result.~~
- ~~3. These provisions shall not affect the rights and obligations resulting, for those concerned, from the North Atlantic Treaty.~~

## AMENDMENT FORM

**Suggestion for amendment of Article : III-209**

**By Ms / Mr : Voggenhuber, Wagener, MacCormick, Nagy**

**Status :    - Member            - Alternate**

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### **Artikel III-209**

#### 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.~~

**4. Military assistance of third countries, as part of the common defence, may be granted only upon a request by the Union. In the framework of a common defence against an attack, the supreme command over military action must not be transferred to any third country.**

**Explanation if any :**

## AMENDMENT FORM

### Suggestion for amendment of Article : 209 (ex Article 21), 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  
                 Peltomäki, Takkula and Helle - Alternates

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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.~~
- 

#### 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.*

## **AMENDMENT FORM**

**Suggestion for amendment of Article : III - 209**

**Suggestion for protocol :**

**By Mr : Dick Roche**

**Status : - Member**

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Place in brackets :

1. [The closer cooperation on mutual defence provided for in Article I - 40(7) of Part One 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 this 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.]
- 

**Explanation (if any) :** Provision for a possible EU common defence is already contained in current Treaty provisions which state that this is for decision both by the European Council acting unanimously and by Member States in accordance with their respective constitutional requirements (Art 17 TEU). Inclusion of a further such provision in the Treaty is not appropriate.



## FICHE AMENDEMENT

Proposition d'amendement à l'Article : 209

Déposée par Madame : **Cristiana MUSCARDINI**

Qualité : Membre

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### Articolo III - 209 (ex articolo 21)

#### Paragrafo 2

Qualora uno degli Stati partecipanti subisca un'aggressione armata **o di tipo terroristico** nel suo territorio, esso informa della situazione gli altri Stati partecipanti **i quali sono tenuti (obbligati) a prestare** aiuto e assistenza. ...

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Explication éventuelle :

## AMENDMENT FORM

### Suggestion for amendment of: Article III-209

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

Mr. Henrik Hololei, Mrs. Liina Tõnisson, Mr. Urmas Reinsalu - alternates

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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:**

Estonia does not see the possibility for a defence commitment among a small number of EU member states as justified.

The multiplication of defense commitments in Europe, at this stage, will undermine, rather than strengthen the Union's security.

## AMENDMENT FORM

### Suggestion for amendment of Article: III-209

By: Prof. Danuta Hübner

Status: Member

<i>Text of the Praesidium</i>	<i>Proposed Amendments</i>
<p>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.</p> <p>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.</p> <p>3. The United Nations Security Council shall be informed immediately of any armed aggression and the measures taken as a result.</p> <p>4. These provisions shall not affect the rights and obligations resulting, for those concerned, from the North Atlantic Treaty.</p>	<p><u>The principles of the closer cooperation on mutual defence within the European Union are to be based on the provisions of the Modified Brussels Treaty annexed herewith to the Constitutional Treaty. Such a cooperation shall remain open to any Member State not being a Party of the Modified Brussels Treaty up to date.</u><del>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.</del></p> <p><del>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.</del></p> <p><del>3. The United Nations Security Council shall be informed immediately of any armed aggression and the measures taken as a result.</del></p> <p><del>4. These provisions shall not affect the rights and obligations resulting, for those concerned, from the North Atlantic Treaty.</del></p>

### ***Explanation:***

This is a proposal of a description of mechanism adopting the Modified Brussels Treaty to the EU format. The Treaty offers ready-to-use tool, which can be easily adapted to the current membership pattern.



## AMENDMENT FORM

Suggestion for amendment of Article : III-209 (ex Article 21)

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

Status : - Member: Hjelm-Wallén and Lekberg

- Alternate: Petersson

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~~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 this 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.<sup>±</sup>~~

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<sup>1</sup> Allowing for flexible integration in this area will undermine the Union's political will to unite in the work of promoting international peace and security. Both Nato and the WEU already exist for those states that wish to commit themselves to mutual defence guarantees.

## AMENDMENT FORM

**Suggestion for amendment of Article : Part III, Title V, Article 209 (ex Art. 21)**

**Suggestion for protocol :**

**By Ms / Mr : Hain**

**Status :        - Member                      - ~~Alternate~~**

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*Delete.*

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**Explanation (if any) :**

*The UK has made clear that it cannot accept a provision importing a mutual defence commitment in the European Union. We support what the European Council at Nice stated: "NATO remains the basis for the collective defence of its members". Therefore the EU, most of whose members are NATO allies, cannot duplicate this role, either as a whole or through reinforced cooperation.*

## AMENDMENT FORM

**Suggestion for amendment of: PART III OF THE CONSTITUTION, Article III – 209 (ex article 21)**

**By: Mrs. Marietta GIANNAKOU and Mr. Evripidis STYLIANIDIS**

**Status : - Member and Alternate**

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**Suggestion :**

### **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~~ **shall invoke the procedure of Art. [III-226(2)]**. 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) :**

## AMENDMENT FORM

### Suggestion for amendment of Article : III-208

By Ms / Mr : Voggenhuber, Wagener, MacCormick, Nagy

Status :    - Member            - Alternate

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#### Artikel III-208

##### Article III-208 (ex Article 20)

1. The Member States listed in ~~Protokol~~ **Declaration** 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~~ **Declaration**.

**The general principles of enhanced cooperation as set out in Article I-43 shall apply to this article.**

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 :**



## 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  
Peltomäki, Takkula and Helle - Alternates**

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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.~~

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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.*



## **AMENDMENT FORM**

**Suggestion for amendment of Article : III - 208**

**Suggestion for protocol :**

**By Mr : Dick Roche**

**Status : - Member**

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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.]

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**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.

## AMENDMENT FORM

### Suggestion for amendment of Article III-208: Defence and enhanced cooperation

By Member Mr Göran Lennmarker

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Article III-208 (ex Article 20)

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.

5. The relevant rules in articles III-318–325 should be applied to this article.

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#### **Explanation:**

Given that Article I-40.6 in the first part of the Constitution is already submitted to the European Council I think the best solution when it comes to structured cooperation is to refer to the normal rules for enhanced cooperation in articles III-318-325.

## AMENDMENT FORM

### Suggestion for amendment of Article III-208

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

**Mr. Henrik Hololei, Mrs. Liina Tõnisson, Mr. Urmas Reinsalu - alternates**

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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.

## AMENDMENT FORM

### Suggestion for amendment of Article: III-208

**By: Prof. Danuta Hübner**

**Status: Member**

<i>Text of the Praesidium</i>	<i>Proposed Amendments</i>
<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p><del>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.</del></p> <p><del>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.</del></p> <p><del>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.</del></p> <p><del>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.</del></p>



## AMENDMENT FORM

Suggestion for amendment of Article: III-208 (ex Article 20)

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

Status : - Member: Hjelm-Wallén and Lekberg

- Alternate: Petersson

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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 States in question but only the Member States taking part in structured cooperation shall decide on the request.~~
3. ~~Only Member States taking part in such cooperation shall adopt decisions relating to matters covered by it. The Minister for Foreign Affairs shall attend the deliberations. 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 Art.17)].<sup>1</sup>~~

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<sup>1</sup> Allowing for *flexible integration* in the ESDP area, including the creation of “restricted Councils” and other restricted EU bodies, may create divisions within this field. It is also a very doubtful solution to make arrangements for a group of Member States to carry out operations using the Unions' structures without a decision taken by the Member States.

Flexible integration may easily hamper the development of the Union's crisis management capacity, rather than encourage such a development. *Flexible implementation* of ESDP activities can be handled within today's existing provisions, and is furthermore being addressed in the proposed new article 30(5). The established working methods for capability development which have proven to be efficient, such as those developed for instance within the ECAP process, can serve as a point of departure for deepened and intensified cooperation.

## AMENDMENT FORM

**Suggestion for amendment of Article : Part III, Title V, Article 208 (ex Art. 20)**

**Suggestion for protocol :**

**By Ms / Mr : Hain**

**Status :        - Member                      - ~~Alternate~~**

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*Delete.*

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**Explanation (if any) :**

*The UK has made clear that it cannot accept the proposed ESDP reinforced co-operation provisions. While we support Member States making higher capability commitments and co-operating with partners to this end, the approach described here – a self-selecting inner group - undermine the inclusive, flexible, model of ESDP that the EU has agreed.*

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article III-208

Déposée par M. Hubert HAENEL, membre titulaire, et M. Robert BADINTER, membre suppléant.

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#### Article III-208

Remplissant des critères de capacités militaires élevés et souhaitant entreprendre des engagements plus contraignants en cette matière en vue des missions plus exigeantes, les États membres, dont la liste figure à la déclaration ~~au protocole X annexée~~ à la Constitution, instaurent entre eux une coopération structurée au sens de [l'article 32, paragraphe 6 de la Partie I] de la Constitution. Les critères et les engagements en matière de capacités militaires que ces États membres ont définis sont repris dans la même déclaration ~~le même protocole~~.

1. Si un État membre souhaite participer à cette coopération à un stade ultérieur, en souscrivant aux obligations qu'elle impose, il informe le Conseil européen de son intention. Le Conseil délibère sur la demande de l'État membre en question, toutefois seuls les États membres participant à la coopération structurée statuent sur cette demande.

2. Seuls les États membres participant à la coopération adoptent des décisions relatives à l'objet de la coopération. Le Ministre des Affaires étrangères assiste aux délibérations. Les autres États membres sont dûment et régulièrement informés du développement de la coopération par le Ministre des Affaires étrangères.

3. Le Conseil peut confier aux États participant à cette coopération la réalisation, dans le cadre de l'Union, d'une mission visée à [l'article 17] de ce Titre.

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Explication éventuelle :

Afin de faciliter le lancement de cette coopération structurée, il est préférable que les critères et engagements soient définis par une déclaration des États membres concernés, plutôt que par un protocole soumis à la règle de l'unanimité.

## AMENDMENT FORM

### Suggestion for amendment of Article : III-208

By Mr Joschka Fischer

Status : - Member

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#### Artikel III-208 (ex-Artikel 20)

~~Das~~ Die der Verfassung beigefügte ~~Protokoll~~ Erklärung X enthält ein Verzeichnis der Mitgliedstaaten, welche anspruchsvolle Kriterien in Bezug auf die militärischen Fähigkeiten erfüllen und die im Hinblick auf Missionen mit größeren Anforderungen verbindlichere Zusagen machen wollen; diese Mitgliedstaaten nehmen untereinander eine strukturierte Zusammenarbeit im Sinne von [Teil I Artikel 32 Absatz 6] der Verfassung auf. ~~Das Protokoll~~ Die Erklärung enthält ebenfalls die von diesen Mitgliedstaaten festgelegten Kriterien und Zusagen hinsichtlich der militärischen Fähigkeiten.

- (1) Sollte sich ein Mitgliedstaat zu einem späteren Zeitpunkt an dieser Zusammenarbeit unter Erfüllung aller daraus für ihn entstehenden Pflichten beteiligen wollen, so setzt er den Europäischen Rat von seiner Absicht in Kenntnis. Der Rat erörtert den Antrag des entsprechenden Mitgliedstaats, doch bleibt die Entscheidung über den Antrag den Mitgliedstaaten vorbehalten, die an der strukturierten Zusammenarbeit teilnehmen
- (2) Beschlüsse im Zusammenhang mit dem Gegenstand der strukturierten Zusammenarbeit werden lediglich von den an der Zusammenarbeit beteiligten Mitgliedstaaten angenommen. Der Minister für auswärtige Angelegenheiten nimmt an den Beratungen teil. Die anderen Mitgliedstaaten werden ordnungsgemäß und in regelmäßigen Abständen vom Minister für auswärtige Angelegenheiten über die Entwicklung der Zusammenarbeit informiert.
- (3) Der Rat kann die an der strukturierten Zusammenarbeit beteiligten Staaten im Rahmen der Union mit der Durchführung einer Mission nach [Artikel 17] dieses Titels betrauen.

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#### Explanation (if any) :

Bei Notwendigkeit eines Protokolls würde die Errichtung einer strukturierten Zusammenarbeit durch implizite Einstimmigkeitserfordernis maßgeblich erschwert. Zudem wäre die Aufnahme neuer Mitglieder nur im Rahmen einer Änderung der Verfassung möglich.

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article III-208

Déposée par Monsieur de Villepin

Qualité : - Membre

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Remplissant des critères de capacités militaires élevés et souhaitant entreprendre des engagements plus contraignants en cette matière en vue des missions plus exigeantes, les États membres, dont la liste figure à la déclaration ~~au protocole X annexée~~ à la Constitution, instaurent entre eux une coopération structurée au sens de [l'article 32, paragraphe 6 de la Partie I] de la Constitution. Les critères et les engagements en matière de capacités militaires que ces États membres ont définis sont repris dans la même déclaration ~~le même protocole~~.

1. Si un État membre souhaite participer à cette coopération à un stade ultérieur, en souscrivant aux obligations qu'elle impose, il informe le Conseil européen de son intention. Le Conseil délibère sur la demande de l'État membre en question, toutefois seuls les États membres participant à la coopération structurée statuent sur cette demande.
  2. Seuls les États membres participant à la coopération adoptent des décisions relatives à l'objet de la coopération. Le Ministre des Affaires étrangères assiste aux délibérations. Les autres États membres sont dûment et régulièrement informés du développement de la coopération par le Ministre des Affaires étrangères.
  3. Le Conseil peut confier aux États participant à cette coopération la réalisation, dans le cadre de l'Union, d'une mission visée à [l'article 17] de ce Titre.
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Explication éventuelle :

## AMENDMENT FORM

**Suggestion for amendment of: PART III OF THE CONSTITUTION:  
Article III-208**

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

**On behalf of the EPP Convention Group**

**Status :    - Member                    - Alternate**

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### **Suggestion**

#### ***Article III-208 (ex Article 20)***

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 32(6) of Part One] of the Constitution. ***The provisions of Articles I-43, III-319 to 325 of the Constitution shall apply.*** The military capability criteria and commitments which those Member States have defined are set out in that Protocol.

1. 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 Member States taking part in structured cooperation shall decide on the request.
  2. Only Member States taking part in such cooperation shall adopt decisions relating to matters covered by it. The Minister for Foreign Affairs shall attend the deliberations. Other Member States shall be duly and regularly informed by the Minister for Foreign Affairs of developments in cooperation.
  3. The Council may ask the Member States participating in such cooperation to carry out at Union level a task referred to in [Article 17] of this Title.
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### **Explanation (if any) :**

Defence matters should not be excluded from enhanced cooperation (e. g. necessity of involvement of Commission and European Parliament).

Article III-318 is therefore to be deleted.

## AMENDMENT FORM

### Suggestion for amendment of Article : III-207

By Ms / Mr : Voggenhuber, Wagener, McCormick, Nagy

Status :    - Member            - Alternate

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#### Artikel III-207

##### Article III-207(ex Article 19)

1. The European Armaments and Strategic Research Agency shall have as its task to:

- contribute to identifying the Member States' military and **civilian** capability objectives and evaluating observance of the capability commitments given by the Member States;
- promote harmonisation of operational needs and adoption of effective, compatible procurement methods;
- propose multilateral projects to fulfil the objectives in terms of military and **civilian** capabilities, **with a view, in particular to conflict prevention and peace-keeping operations,** ensure coordination of the programmes implemented by the Member States and management of specific cooperation programmes;
- support defence technology research, and coordinate and plan joint research activities and the study of technical solutions meeting future operational needs;
- contribute to identifying and, if necessary, implementing any useful measure for strengthening the industrial and technological base of the defence sector and for improving the effectiveness of military and **civil defence-related** expenditure;

2. The Agency shall be open to all Member States wishing to be part of it. The Council, acting by qualified majority, shall adopt a decision defining the Agency's statute, seat and operational rules. Such rules should take account of the level of effective participation in the

Agency's activities. Specific groups shall be set up within the Agency bringing together Member States engaged in joint projects.

**Explanation if any :**



## AMENDMENT FORM

### Suggestion for amendment of Article : 207 (ex Article 19), 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  
Peltomäki, Takkula and Helle - Alternates**

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#### **Article III-207 (ex Article 19)**

1.            The European Armaments, Research and Military Capabilities Agency, subject to the Council's authority, shall have as its task to:

- (a)    contribute to identifying the Member States' military capability objectives and evaluating observance of the capability commitments given by the Member States;
- (b)    promote harmonisation of operational needs and adoption of effective, compatible procurement methods;
- (c)    propose multilateral projects to fulfil the objectives in terms of military capabilities, ensure coordination of the programmes implemented by the Member States and management of specific cooperation programmes;
- (d)    support defence technology research, and coordinate and plan joint research activities and the study of technical solutions meeting future operational needs;
- (e)    contribute to identifying and, if necessary, implementing any useful measure for strengthening the industrial and technological base of the defence sector and for improving the effectiveness of military expenditure.

2.            The Agency shall be open to all Member States wishing to be part of it. The Council, acting by qualified majority, shall adopt a European decision defining the Agency's statute, seat and operational rules. ~~Such rules should take account of the level of effective participation in the Agency's activities.~~ Specific groups shall be set up within the Agency bringing together Member States engaged in joint projects. The Agency shall carry out its tasks in liaison with the Commission where necessary.

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#### **Explanation (if any) :**

*The statutes and rules - to be adopted by a qualified majority - should not lead to inequality between the Member States on the basis of their participation in the Agency's operations.*

## AMENDMENT FORM

**Suggestion for amendment of Article : III - 207**

**Suggestion for protocol :**

**By Mr : Dick Roche**

**Status : - Member**

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1. The European ~~Armaments, Research and~~ **Military Capabilities** Agency **shall be open to all Member States wishing to be part of it. subject to the** ~~Council's~~ **Under the authority of the Council, it** shall have as its task to:
  - (a) contribute to identifying the Member States' military capability objectives and evaluating observance of the capability commitments given by the Member States;
  - (b) promote harmonisation of operational needs and adoption of effective, compatible procurement methods;
  - (c) propose multilateral projects to fulfil the objectives in terms of military capabilities, ensure coordination of the programmes implemented by the Member States and management of specific cooperation programmes;
  - (d) support defence technology research, and coordinate and plan joint research activities and the study of technical solutions meeting future operational needs;
  - (e) contribute to identifying and, if necessary, implementing any useful measure for strengthening the industrial and technological base of the defence sector and for improving the effectiveness of military expenditure;
2. ~~The Agency shall be open to all Member States wishing to be part of it. The~~ Council, acting by ~~qualified majority,~~ **unanimity**, shall adopt a European

decision defining the Agency's statute, seat and operational rules. Such rules should take account of the level of effective participation in the Agency's activities. Specific groups shall be set up within the Agency bringing together Member States engaged in joint projects. The Agency shall carry out its tasks in liaison with the Commission where, ~~necessary~~ **appropriate**.

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**Explanation (if any) :** The title of the Agency should better reflect its purpose. It should also be made clearer that participation in the Agency is open to all Member States who wish to participate. The Agency should be created and operate on the basis of unanimity.

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article : III-207

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

Qualité : - Membre titulaire

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Rédiger ainsi l'article III-207

1. L'Agence européenne ~~de l'armement~~, de la recherche ~~et~~ , **du développement** des capacités ~~militaires et de l'armement~~, placée sous l'autorité du Conseil, **contribue à la coordination des efforts entrepris par les Etats membres de même que dans le cadre de l'Union. Elle a notamment** pour mission de:
  - a) contribuer à identifier les objectifs **quantitatifs et qualitatifs** de capacités ~~militaires des États membres~~ et à évaluer **les progrès réalisés** ~~le respect des engagements de capacités souscrits par les États membres~~;
  - b) promouvoir ~~une~~ l'harmonisation des besoins opérationnels et l'adoption de méthodes d'acquisition performantes **en termes de coût** et compatibles;
  - c) proposer des projets multilatéraux pour remplir les objectifs en termes de capacités militaires, et assurer la coordination **efficace** des programmes exécutés par les États membres et la gestion de programmes de coopération spécifiques;
  - d) soutenir la recherche en matière de technologie de défense, ~~coordonner et planifier~~ **contribuer à des activités de recherche conjointes et apporter sa contribution, en tant que de besoin, à la réalisation des objectifs et des programmes visés à l'article III-144 (PCRD).** ~~des études de solutions techniques répondant aux besoins opérationnels futurs~~;
  - e) contribuer à identifier, et le cas échéant mettre en œuvre, ~~toute~~ **des** mesures ~~utile~~ pour renforcer la base industrielle et technologique du secteur **européen** de la défense ~~et pour améliorer l'efficacité des dépenses militaires~~.
  - f) **contribuer à la définition progressive d'une politique européenne de l'armement et au développement d'un marché européen des équipements de défense, y compris par des recommandations sur les réglementations spécifiques applicables au secteur de l'armement.**
2. L'Agence est ouverte à tous les États membres qui souhaitent y participer. Le Conseil, statuant à la majorité qualifiée, adopte une décision définissant le statut, ~~le siège~~ et les modalités de fonctionnement de l'Agence. Ceux-ci doivent tenir compte du degré de participation effective dans les activités de l'Agence. ~~Des groupes spécifiques sont constitués à l'intérieur de l'Agence rassemblant des États membres qui mènent des projets conjoints. L'Agence accomplit ses missions en liaison avec la Commission en tant que de besoin.~~
3. **L'Agence accomplit ses missions en liaison avec la Commission en tant que de besoin. Le Conseil veille à la cohérence des activités de l'Agence avec celles des autres organes de l'Union.**

## AMENDMENT FORM

Suggestion for amendment of Article : III-207

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

Status :    - Member            - ~~Alternate~~

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### Artikel III-207 (ex-Artikel 19)

(1) ...

(2) Alle Mitgliedstaaten können auf Wunsch an der Arbeit des Amtes teilnehmen. ~~Der Rat erlässt mit qualifizierter Mehrheit einen Europäischen Beschluss, in dem~~ **Durch ein Europäisches Gesetz werden** die Rechtsstellung, der Sitz und die Funktionsweise des Amtes festgelegt ~~werden~~. Dabei muss dem Umfang der effektiven Beteiligung an den Tätigkeiten des Amtes Rechnung getragen werden. Innerhalb des Amtes werden spezifische Gruppen gebildet, in denen Mitgliedstaaten zusammen kommen, die gemeinsame Projekte durchführen. Das Amt versieht seine Aufgaben in Verbindung mit der Kommission, wo immer dies erforderlich ist.

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### Explanation (if any) :

Ein Beschluss ist bereits seiner Rechtsnatur nach ungeeignet, um damit die in diesem Absatz vorgesehenen **abstrakten** Regelungen zu treffen. Zudem sollte in solch bedeutenden institutionellen Angelegenheiten das ordentliche Gesetzgebungsverfahren zur Anwendung kommen.

## AMENDMENT FORM

### Suggestion for amendment of Article III-207

By : Prof. Danuta Hübner

Status : Member

<i>Text of the Praesidium</i>	<i>Proposed Amendments</i>
<p>1. The European Armaments, Research and Military Capabilities Agency, subject to the Council's authority, shall have as its task to:</p> <p>(a) contribute to identifying the Member States' military capability objectives and evaluating observance of the capability commitments given by the Member States;</p> <p>(b) promote harmonisation of operational needs and adoption of effective, compatible procurement methods;</p> <p>(c) propose multilateral projects to fulfil the objectives in terms of military capabilities, ensure coordination of the programmes implemented by the Member States and management of specific cooperation programmes;</p> <p>(d) support defence technology research, and coordinate and plan joint research activities and the study of technical solutions meeting future operational needs;</p> <p>(e) contribute to identifying and, if necessary, implementing any useful measure for strengthening the industrial and technological base of the defence sector and for improving the effectiveness of military expenditure.</p> <p>2. The Agency shall be open to all Member States wishing to be part of it. The Council, acting by qualified majority, shall adopt a European decision defining the Agency's statute, seat and operational rules. Such rules should take account of the level of effective participation in the Agency's activities. Specific groups shall be set up within the Agency bringing together Member States engaged in joint projects. The Agency shall carry out its tasks in liaison with the Commission where necessary.</p>	<p>1. The European Armaments, Research and Military Capabilities Agency, subject to the Council's authority, shall have as its task to:</p> <p>(a) contribute to identifying the Member States' military capability objectives and evaluating observance of the capability commitments given by the Member States;</p> <p>(b) promote harmonisation of operational needs and adoption of effective, compatible procurement methods;</p> <p>(c) propose multilateral projects to fulfil the objectives in terms of military capabilities, ensure coordination of the programmes implemented by the Member States and management of specific cooperation programmes;</p> <p>(d) support defence technology research, and coordinate and plan joint research activities and the study of technical solutions meeting future operational needs;</p> <p>(e) contribute to identifying and, if necessary, implementing any useful measure for strengthening the industrial and technological base of the defence sector and for improving the effectiveness of military expenditure.</p> <p>2. The Agency shall be open to all Member States wishing to be part of it. The Council, <del>acting by qualified majority,</del> shall adopt a European decision defining the Agency's statute, seat and operational rules. <del>Such rules should take account of the level of effective participation in the Agency's activities.</del> Specific groups <del>shall</del> <u>may</u> be set up within the Agency bringing together Member States engaged in joint projects. The Agency shall carry out its tasks in liaison with the Commission where necessary.</p>

**Explanation (if any) :** This article shall offer the possibility of participation in the activities of the Agency for all the Member States. It is up to the Council to decide upon the terms of this participation. Any limitations enshrined in the text of the Constitution would not serve well the principle of equality of the Member States.

## AMENDMENT FORM

Suggestion for amendment of Article: III-207

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

Status : - Members: Hjelm-Wallén and Lekberg

- Alternates: Petersson

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A European Armaments Agency shall be established to support the development of military capabilities by co-operation between the Member States in the field of armaments. The Agency shall be open to all Member States wishing to be part of it. Specific groups can be set up within the Agency bringing together Member States engaged in joint projects.

The Council, acting unanimously, shall adopt a decision defining the Agency's statute, terms of reference, seat and operational rules. Such rules will take account of the level of effective participation in the Agency's activities.

1. ~~The European Armaments, Research and Military Capabilities Agency, subject to the Council's authority, shall have as its task to:~~
  - ~~— contribute to identifying the Member States' military capability objectives and evaluating observance of the capability commitments given by the Member States;~~
  - ~~— promote harmonisation of operational needs and adoption of effective, compatible procurement methods;~~
  - ~~— propose multilateral projects to fulfil the objectives in terms of military capabilities, ensure co-ordination of the programmes implemented by the Member States and management of specific cooperation programmes;~~
  - ~~— support defence technology research, and coordinate and plan joint research activities and the study of technical solutions meeting future operational needs;~~
  - ~~— contribute to identifying and, if necessary, implementing any useful measure for strengthening the industrial and technological base of the defence sector and for improving the effectiveness of military expenditure;~~
2. ~~The Agency shall be open to all Member States wishing to be part of it. The Council, acting by qualified majority, shall adopt a decision defining the Agency's statute, seat and operational rules. Such rules should take account of the level of effective participation in the Agency's activities. Specific groups shall be set up within the Agency bringing together Member States engaged in joint projects. The Agency shall carry out its tasks in liaison with the Commission where necessary.<sup>1</sup>~~

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<sup>1</sup> It is uncalled for to specify the Agency's tasks in the Constitution, in which only the overarching principles should be mentioned. For reasons of flexibility it is important that the agency's tasks can develop according to the Union's needs over time. The specific name of the agency should be decided when defining the Agency's statute, terms of reference, seat and operational rules. Decision making on these issues should be unanimous, as in all other questions having military or defence implications.



## AMENDMENT FORM

**Suggestion for amendment of Article : Part III, Title V, Article 207 (ex Art. 19)**

**Suggestion for protocol :**

**By Ms / Mr : Hain**

**Status :            - Member                            - Alternate**

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1. ~~The~~ Under the authority of the Council, the European Armaments, Capabilities Development, Research and Military Capabilities Armaments Agency, subject to the Council's authority, shall have as its task to: shall contribute to co-ordination of efforts undertaken by Member States, as well as within the framework of the Union. Its tasks shall include the following:

- (a) ~~contribute~~ ing to identifying the Member States' military capability objectives quantitative and qualitative capability objectives -and evaluating observance of the capability commitments given by the Member States progress against them;
- (b) ~~promote~~ ing harmonisation of operational needs and adoption of cost-effective, compatible procurement methods;
- (c) ~~propose~~ promoting multilateral ~~projects~~ solutions to fulfil the objectives in terms of military capabilities, ~~ensure~~ ing coordination of the programmes implemented by the Member States and management of ~~specific~~ certain cooperation programmes;
- (d) ~~support~~ facilitating the co-ordination of defence technology research, and ~~coordinate and plan joint research activities and the study of technical solutions meeting future operational needs~~ capability requirements;
- (e) ~~contribute~~ ing to identifying and, if necessary, implementing ~~any useful policies and measures for strengthening~~ aimed at strengthening the an internationally competitive defence industrial and technological base ~~of the defence sector and for improving the effectiveness of military expenditure.~~

2. The Agency shall be open to all Member States wishing to be part of it. The Council, acting by ~~qualified majority~~ unanimity, shall adopt a **European CFSP Decision** defining the Agency's statute, seat and ~~operational~~ operating rules and procedures. ~~Such rules~~ These shall ~~should~~ take account of the level of effective participation in the Agency's activities. ~~Specific groups shall be set up within the Agency bringing together Member States engaged in joint projects. The Agency shall carry out its tasks in liaison with the Commission where necessary.~~

2bis The Agency shall carry out its tasks in liaison with the Commission as appropriate. The Council shall ensure consistency between the activities of the Agency and other relevant EU bodies.

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### **Explanation (if any) :**

1. *The UK believes the proposed amendments will both stream-line the text, and clarify the activities of the Agency.*

2 bis: *In addition we consider it important that the text reflects:*

- *The importance of the Agency supporting the ESDP capability drive by promoting cost-effective solutions and a competitive, and innovative, European defence market;*

- *Military capability gaps are filled not solely by projects or procurement, so the stress should be on finding “solutions”;*
- *The Agency will be supporting the co-ordination of governmental and inter-governmental research programmes;*
- *The need for appropriate co-ordination and co-operation between the Agency and other EU bodies, notably the Commission, under the authority of the Council.*

*The UK comments reflect extensive discussions on the Agency concept with France and Germany.*

## AMENDMENT FORM

### Suggestion for amendment of Article : III-207

By Mr Joschka Fischer

Status : - Member

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#### Artikel III-207 (ex-Artikel 19)

- (1) ~~Aufgabe der~~ Die dem Rat unterstellten Europäischen Agentur für Fähigkeitenentwicklung, Forschung und Rüstung, ~~Forschung und militärische Fähigkeiten~~ soll zur Koordinierung der Bemühungen der Mitgliedstaaten und solcher im Rahmen der Union beitragen. Zu ihren Aufgaben gehört ~~ist es,~~
- a) bei der Ermittlung der quantitativen und qualitativen Ziele im Bereich der ~~militärischen~~ Fähigkeiten der Mitgliedstaaten mitzuwirken und ~~die Erfüllung der von den Mitgliedstaaten in Bezug auf diese Fähigkeiten eingegangenen Verpflichtungen~~ Fortschritte diesbezüglich zu bewerten;
  - b) auf eine Harmonisierung des operativen Bedarfs sowie die Festlegung kosteneffizienter und kompatibler Beschaffungsverfahren hinzuwirken;
  - c) multilaterale Projekte vorzuschlagen, durch die die Ziele im Bereich der militärischen Fähigkeiten erfüllt werden, und für die effektive Koordinierung der von den Mitgliedstaaten durchgeführten Programme sowie die Verwaltung spezifischer Kooperationsprogramme zu sorgen;
  - d) die Forschung auf dem Gebiet der Verteidigungstechnologie zu unterstützen, an gemeinsamen Forschungsaktivitäten mitzuwirken sowie soweit erforderlich ihren Beitrag bezüglich der Realisierung von Zielen und Programmen, die in Artikel III-144 [Gemeinschaftliche Forschungs und Entwicklungsprogramme] enthalten sind, zu leisten sowie Studien zu technischen Lösungen, die dem künftigen operativen Bedarf gerecht werden, zu koordinieren und zu planen;
  - e) dazu beizutragen, dass ~~zweckdienliche~~ Maßnahmen zur mit dem Ziel der Stärkung der industriellen und technologischen Basis des europäischen Verteidigungssektors ~~und für einen gezielteren Einsatz der Verteidigungsausgaben~~ ermittelt werden, und diese Maßnahmen gegebenenfalls durchzuführen.
  - f) an der schrittweisen Schaffung einer europäischen Rüstungspolitik und an der Entwicklung eines wettbewerbsfähigen europäischen Marktes für Rüstungsgüter mitzuwirken, einschließlich durch Empfehlungen für spezifische Vorschriften, die auf den Rüstungsbereich anwendbar.
- (2) Alle Mitgliedstaaten können auf Wunsch an der Arbeit der Agentur teilnehmen. Der Rat nimmt mit qualifizierter Mehrheit einen Beschluss an, in dem die Satzung, ~~der Sitz und die Funktionsweise~~ und die Funktionsweise der Agentur festgelegt werden. Dabei muss dem Umfang der effektiven Beteiligung an den Tätigkeiten der Agentur Rechnung getragen werden. ~~Innerhalb der~~

~~Agentur werden spezifische Gruppen gebildet, in denen Mitgliedstaaten zusammen kommen, die gemeinsame Projekte durchführen. Die Agentur versieht ihre Aufgaben in Verbindung mit der Kommission, wo immer dies erforderlich ist.~~

3) Die Agentur nimmt soweit erforderlich ihre Aufgaben in Verbindung mit der Kommission wahr. Der Rat stellt die Einheitlichkeit der Aktivitäten der Agentur mit denen anderer relevanter EU-Institutionen sicher.

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#### **Explanation :**

**Die Kommentierung zu diesem Artikel sowie zu Artikel I-40, Absatz 3 beruht auf einer engen Abstimmung mit den Konvents-Vertretern Frankreichs und des Vereinigten Königreichs.**

**Ziel der Änderungsvorschläge ist es, den bestmöglichen Rahmen für eine solche Agentur im Verfassungsvertrag zu schaffen. Es wird vorgeschlagen, die Aussagen im ersten Teil (Artikel I-40, Absatz 3) auf die wichtigsten Punkte zu beschränken. In Teil III soll die Aufgabe der zu gründenden Agentur näher beschrieben werden.**

**Zu Absatz 1: Es soll sich nicht um eine erschöpfende Aufzählung handeln. Vielmehr muß der Rahmen für die Agentur im Verfassungsvertrag flexibel gestaltet sein. Daneben soll deutlich werden, dass die Agentur vor allem die Funktion hat, die Bemühungen von Mitgliedstaaten (auch solche innerhalb von Gruppen oder Organisationen wie OCCAR) und die im Rahmen der Union durchgeführten Bemühungen zusammenzuführen.**

**Zu Absatz 2: Die Änderungen bezwecken eine Präzisierung der hier genannten Aufgaben. Daneben erscheint es wichtig, Aussagen zu einer europäischen Rüstungspolitik sowie zur Herstellung eines Rüstungsmarktes aufzunehmen.**

**Zu Absatz 3: Der Sicherstellung von Einheitlichkeit in diesem Bereich kommt besondere Bedeutung zu.**

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article III-207

Déposée par Monsieur de Villepin

Qualité : - Membre

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1. L'Agence européenne de l'armement, de la recherche et , **du développement** des capacités militaires **et de l'armement**, placée sous l'autorité du Conseil, **contribue à la coordination des efforts entrepris par les Etats membres de même que dans le cadre de l'Union. Elle** a **notamment** pour mission de:
  - a) contribuer à identifier les objectifs **quantitatifs et qualitatifs** de capacités militaires des États membres et à évaluer **les progrès réalisés** le respect des engagements de capacités souscrits par les États membres;
  - b) promouvoir une **l'**harmonisation des besoins opérationnels et l'adoption de méthodes d'acquisition performantes **en termes de coût** et compatibles;
  - c) proposer des projets multilatéraux pour remplir les objectifs en termes de capacités militaires, et assurer la coordination **efficace** des programmes exécutés par les États membres et la gestion de programmes de coopération spécifiques;
  - d) soutenir la recherche en matière de technologie de défense, ~~coordonner et planifier~~ **contribuer à** des activités de recherche conjointes et **apporter sa contribution, en tant que de besoin, à la réalisation des objectifs et des programmes visés à l'article III-144 (PCRD).** ~~des études de solutions techniques répondant aux besoins opérationnels futurs;~~
  - e) contribuer à identifier, et le cas échéant mettre en œuvre, toute **des** mesures **utile** pour renforcer la base industrielle et technologique du secteur **européen** de la défense et ~~pour améliorer l'efficacité des dépenses militaires.~~
  - f) **contribuer à la définition progressive d'une politique européenne de l'armement et au développement d'un marché européen des équipements de défense, y compris par des recommandations sur les réglementations spécifiques applicables au secteur de l'armement.**
2. L'Agence est ouverte à tous les États membres qui souhaitent y participer. Le Conseil, statuant à la majorité qualifiée, adopte une décision définissant le statut, ~~le siège~~ et les modalités de fonctionnement de l'Agence. Ceux-ci doivent tenir compte du degré de participation effective dans les activités de l'Agence. ~~Des groupes spécifiques sont~~

~~constitués à l'intérieur de l'Agence rassemblant des États membres qui mènent des projets conjoints. L'Agence accomplit ses missions en liaison avec la Commission en tant que de besoin.~~

**3. L'Agence accomplit ses missions en liaison avec la Commission en tant que de besoin. Le Conseil veille à la cohérence des activités de l'Agence avec celles des autres organes de l'Union.**

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**Explication éventuelle :**

## AMENDMENT FORM

**Suggestion for amendment of: PART III OF THE CONSTITUTION:  
Article III-207**

**By BROK, AZEVEDO, AKCAM, ALTMAIER, BREJC, DEMETRIOU, FIGEL, FOGLER, FRENDON, GIANNAKOU, KAUPPI, LENNMARKER, LIEPINA, MAIJ-WEGGEN, PIKS, RACK, SANTER, STOCKTON, SZAJER, VAN DER LINDEN, VAN DIJK, WITTBRODT, WUERMEILING**

**On behalf of the EPP Convention Group**

**Status :    - Member                    - Alternate**

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### **Suggestion**

#### **Article III-207 (ex Article 19)**

1. The European Armaments, Research and Military Capabilities Agency, subject to the Council's authority, shall have as its task to:
  - (a) contribute to identifying the Member States' military capability objectives and evaluating observance of the capability commitments given by the Member States;
  - (b) promote harmonisation of operational needs and adoption of effective, compatible procurement methods;
  - (c) propose multilateral projects to fulfil the objectives in terms of military capabilities, ensure coordination of the programmes implemented by the Member States and management of specific cooperation programmes;
  - (d) support defence technology research, and coordinate and plan joint research activities and the study of technical solutions meeting future operational needs;
  - (e) contribute to identifying and, if necessary, implementing any useful measure for strengthening the industrial and technological base of the defence sector and for improving the effectiveness of military expenditure.
2. The Agency shall be open to all Member States wishing to be part of it. The Council, acting by qualified majority *and after consent of the European Parliament*, shall adopt a decision defining the Agency's statute, seat and operational rules. Such rules should take account of the level of effective participation in the Agency's activities. Specific groups shall be set up within the Agency bringing together Member States engaged in joint projects. The Agency shall carry out its tasks in liaison with the Commission where necessary.

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### **Explanation (if any) :**

The role of the European Parliament should be strengthened here, also due to the fact that an armaments agency has also budgetary implications.

## AMENDMENT FORM

**Suggestion for amendment of Article : III - 206**

**Suggestion for protocol :**

**By Mr : Dick Roche**

**Status : - Member**

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### Article 18

1. Within the framework of the European decisions adopted in accordance with Article III - 205 of this Title, the Council may entrust the implementation of a task to a group of Member States having the necessary capability and the desire to undertake the task. **Under the overall authority of the Council,** those Member States, in association with the Minister for Foreign Affairs, shall agree between themselves on the management of the task.
2. The Council shall be regularly informed by the Member States participating in the task on its progress ~~and. Should the completion of the task involve major new consequences or require~~ **should the Union Minister of Foreign Affairs of the Union or a Member State of the Union propose** amendment of the objective, scope and conditions for implementation agreed by the Council under Article III - 205(2) of this Title, ~~the Member States participating shall refer the matter to the Council shall take up the matter and, if appropriate, to the Council forthwith. In such cases, the Council shall~~ adopt the European necessary decisions.

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**Explanation (if any) :** The Council as a whole should retain appropriate command and control over operations carried out by a group of Member States under the provisions of this article.



## AMENDMENT FORM

Suggestion for amendment of Article : III-206

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

Status :    - Member            - ~~Alternate~~

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### Artikel III-206 (ex-Artikel 18)

(1) ...

(2) Der Rat ~~wird~~ *und das Europäische Parlament werden* von den an der Durchführung der Mission beteiligten Staaten regelmäßig über den Stand der Mission unterrichtet und von ihnen sofort befasst, wenn sich aus der Durchführung der Mission neue weit reichende Konsequenzen ergeben oder das vom Rat nach [Artikel III-205 (ex-17) Absatz 2] festgelegte Ziel der Mission, ihr Umfang oder ihre Modalitäten geändert werden müssen. Der Rat erlässt in diesen Fällen *nach Zustimmung durch das Europäische Parlament* die erforderlichen Europäischen Beschlüsse.

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Explanation (if any) :

## AMENDMENT FORM

**Suggestion for amendment of Article: III-206.2 (ex Article 18)**

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

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

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2. The Council shall **retain the political control and strategic direction<sup>1</sup>** and be regularly informed by the Member States participating in the task on its progress and, should the completion of the task involve major new consequences or require amendment of the objective, scope and conditions for implementation agreed by the Council under Article 17(2) of this Title, ~~the Member States participating shall refer the matter to the Council forthwith. In such cases,~~<sup>2</sup> the Council shall adopt the necessary decisions.

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<sup>1</sup> Any operation carried out in the name of the Union must always be subject to the political control of all Member States

## AMENDMENT FORM

Suggestion for amendment of Article : Part III, Title V, Article 206 (ex Art. 18)

Suggestion for protocol :

By Ms / Mr : Hain

Status :        - Member                      - Alternate

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1. Within the framework of the **CFSP** Decisions adopted in accordance with Article III-205 (ex 17) of this Title, ~~the Council may entrust the implementation of a task to a group of Member States having the necessary capability and the desire the willingness~~ to undertake the task will contribute national and multinational resources to the operation. Non-EU states may participate in accordance with the modalities agreed by the Council, which include arrangements for management of operations as set out in Article III-203. Those Member States in association with the Union's Minister for Foreign Affairs shall agree between themselves on the management of the task.

*2. Delete*

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**Explanation (if any) :**

*The Treaty provisions should reflect the permanent arrangements for ESDP agreed at Nice, including the participation of non-EU states and the agreement on the modalities for operation management. These are referred to in Art III-203 on the PSC. There is no requirement for 206.2 give our amended 206.1.*

## AMENDMENT FORM

Suggestion for amendment of Article : III-205

By Ms / Mr : Voggenhuber, Wagener, MacCormick, Lichtenberger, Nagy

Status :    - Member                      - Alternate

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### Artikel III-205

Article III-205(ex Article 17)

The tasks referred to in (Article I-40(1) of Part One of the Constitution, in the course of which the Union may deploy military and civilian means, shall include joint disarmament operations, humanitarian and rescue tasks, **civil protection, protection of human right defenders, protection of public infrastructures, protection of archaeological sites and other objects of cultural heritage, and in accordance with the objectives of the Charter of the United Nations** military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peacemaking, ~~support action in combating terrorism at the request of a third country,~~ and post-conflict stabilisation.

1. The Council, acting unanimously, shall adopt decisions relating to the tasks referred to in this Article, defining their objectives and scope and the general conditions for their implementation. The Minister for Foreign Affairs, acting under the authority of the Council and in close and constant contact with the Political and Security Committee, shall ensure coordination of the civilian and military aspects of such tasks. **Military deployment and sanctions against States within the framework of the common foreign and security policy require the consent of the European Parliament.**

**17 bis (new) In order to establish a framework for joint contributions from European NGO's to the civilian peace-keeping, peace-building and humanitarian actions of the Union, a European Civil Peace Corps shall be set up. The European Parliament and the Council, in compliance with the legislative procedure, shall adopt a European law determining the rules and operations of the Corps.**

Explanation if any :

## **FICHE AMENDEMENT**

**Proposition d'amendement à l'Article : 205**

**Déposée par Madame : Cristiana MUSCARDINI**

**Qualité : Membre**

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**Articolo III - 205 (ex articolo 17) Politica di sicurezza e di difesa comune.**

Paragrafo 2

Il Consiglio, deliberando **a maggioranza qualificata**, adotta le decisioni europee...

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**Explication éventuelle :**

## AMENDMENT FORM

**Suggestion for amendment of Article :** Article III-205 (ex Article 17)

**By Ms :** Linda McAvan

**Status :** - Member

Change as follows:

1. The tasks referred to in [Article 32(1) of Part One] of the Constitution, in the course of which the Union may use military and civilian means, shall include joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peacemaking, and post-conflict stabilisation. All these tasks may contribute to the fight against terrorism, including by supporting third countries in combating terrorism in their territories.
2. **The delivery of humanitarian assistance is reserved and entrusted to international organisations and professional non-governmental organisations with a genuine humanitarian vocation. Military and civil defence resources may exceptionally be involved in humanitarian tasks as provided for in paragraph 1 when they are deemed necessary and appropriate to cover requirements that humanitarian organisations are unable to meet. The use of such resources shall be at the request and in support of humanitarian organisations, and shall respect international rules, guidelines and principles governing humanitarian assistance.**
3. The Council, acting unanimously, shall adopt decisions relating to the tasks referred to in this Article, defining their objectives and scope and the general conditions for their implementation. The Minister for Foreign Affairs, acting under the authority of the Council and in close and constant contact with the Political and Security Committee, shall ensure coordination of the civilian and military aspects of such tasks.

## AMENDMENT FORM

**Suggestion for amendment of Article : III-205**

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

**Status :    - Member            - ~~Alternate~~**

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### **Artikel III-205 (ex-Artikel 17)**

(1) ....

(2) Der Rat erlässt die Europäischen Beschlüsse über Missionen im Sinne des Absatzes 1 einstimmig *nach Zustimmung des Europäischen Parlaments*; in den Beschlüssen sind Ziel und Umfang der Missionen sowie die für sie geltenden allgemeinen Durchführungsbestimmungen festgelegt. Der Außenminister sorgt unter Aufsicht des Rates und in engem und ständigem Benehmen mit dem Politischen und Sicherheitspolitischen Komitee für die Koordinierung der zivilen und militärischen Aspekte dieser Missionen.

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**Explanation (if any) :**

## AMENDMENT FORM

**Suggestion for amendment of Article : Part III, Title V, Article 205 (ex Art. 17)**

**Suggestion for protocol :**

**By Ms / Mr : Hain**

**Status :        - Member                      - ~~Alternate~~**

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1. *Okay*

2.        The Council, acting unanimously, shall adopt ~~European~~ **CFSP Decisions** relating to the tasks referred to in paragraph 1, defining their objectives and scope and the general conditions for their implementation. The Minister for Foreign Affairs, acting under the authority of the Council and in close and constant contact with the Political and Security Committee, shall ensure coordination of the civilian and military aspects of such tasks.

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**Explanation (if any) :**

*To make clear the distinct nature of CFSP instruments.*



## AMENDMENT FORM

**Suggestion for amendment of: PART III OF THE CONSTITUTION:  
Article III-205**

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

**On behalf of the EPP Convention Group**

**Status :    - Member                    - Alternate**

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### **Suggestion**

#### **Article III-205 (ex Article 17)**

1. The tasks referred to in [Article 32(1) of Part One] of the Constitution, in the course of which the Union may use military and civilian means, shall include joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peacemaking, and post-conflict stabilisation. All these tasks may contribute to the fight against terrorism, including by supporting third countries in combating terrorism in their territories.
  2. The Council, acting unanimously, shall adopt decisions relating to the tasks referred to in this Article, defining their objectives and scope and the general conditions for their implementation *after consulting the European Parliament*. The Minister for Foreign Affairs, acting under the authority of the Council and in close and constant contact with the Political and Security Committee, shall ensure coordination of the civilian and military aspects of such tasks.
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### **Explanation (if any) :**

It is rather unconceivable that the Union runs a crisis management operation without involving the European Parliament on the objectives and scope of such an operation. Since this seems not to be obvious, the right of the EP of being consulted should be made explicit.