

AMENDMENT FORM

Suggestion for amendment of Article : 210 (ex Article 22), part III of the Constitution, including the creation of a new Chapter II a for Civilian Crisis Management.

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**Status : Tiilikainen, Kiljunen, Vilén - Members
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Article III-210 (ex Article 22)

1. Administrative expenditure which the provisions referred to in this Chapter entail for the institutions shall be charged to the Union budget.

2. Operating expenditure to which the implementation of those provisions gives rise shall also be charged to the Union budget, except for such expenditure arising from operations having military or defence implications and cases where the Council acting unanimously decides otherwise.

In cases where expenditure is not charged to the Union's budget it shall be charged to the Member States in accordance with the gross national product scale, unless the Council acting unanimously decides otherwise. As for expenditure arising from operations having military or defence implications, Member States whose representatives in the Council have made a formal declaration under [Article III-196(1), second subparagraph (ex Article 9(1), second subparagraph)], shall not be obliged to contribute to the financing thereof.

~~3. A European decision of the Council shall establish the specific procedures for guaranteeing rapid access to appropriations in the Union budget for urgent financing of initiatives in the framework of the common foreign and security policy, and in particular for preparatory activities for tasks as referred to in [Article I 40(1)].~~

~~Preparatory activities for tasks as referred to in [Article I 40(1)] which are not charged to the Union budget shall be financed by a start-up fund made up of Member States' contributions.~~

~~The Council shall adopt by a qualified majority on a proposal from the Minister for Foreign Affairs European decisions establishing:~~

- ~~(a) the procedures for setting up and financing the fund, in particular the amounts allocated to the fund and the procedures for reimbursement;~~
- ~~(b) the procedures for administering the fund;~~
- ~~(c) the financial control procedures.~~

~~When it is planning a task as referred to in [Article I-40(1)] which cannot be charged to the Union's budget, the Council shall authorise the Minister for Foreign Affairs to use the fund. The Minister for Foreign Affairs shall report to the Council on the implementation of the remit.~~

CHAPTER II a

CIVILIAN CRISIS MANAGEMENT

Article 210 a

1. In the context of the principles and objectives of the Union's external action under Article III-188 of this Title, the Union's actions in the field of civilian crisis management shall be carried out in order to prevent and manage conflicts and crises, including man-made and natural disasters. Civilian crisis management actions may also be used in post-conflict or post-crisis stabilisation situations.

2. The Union and the Member States shall undertake progressively to improve their civilian capabilities and make them available for the purposes of tasks referred to in this Article.

3. The Union may conclude with third countries and international organisations agreements facilitating to undertake actions referred to in paragraph 1. Such agreements shall be negotiated and concluded pursuant to Article III-222 of this Title. This shall be without prejudice to Member States' competence to negotiate in international bodies and to conclude international agreements.

4. The Union's actions and those of the Member States shall complement and reinforce each other.

5. The Commission may take initiatives to promote coordination between actions of the Union and those of the Member States, in order to enhance the efficiency and complementarity of Union and national civilian crisis management actions.

Article 210 b

The Council shall adopt decisions relating to the actions referred to in [Article 210 a], defining their objectives and scope as well as general conditions for their implementation. The specific decision-making procedures, relevant to the actions to be taken, shall be followed.

Article 210 c

All expenditure relating to the actions referred to in [Article 210 a paragraph 1] shall be treated, where applicable, according to the provisions in Article III-210 of this Title.

Explanation (if any) :

We propose the deletion of paragraph 3. The fund would create an exception to the principle of unity of the Union's budget. The respect of the unity is important for the functioning of the financial system and also from the institutional point of view.

A general comment: The clarity of the Constitution would require that all the financial and budgetary provisions be treated in a single context under the relevant Title.

Concerning the Chapter for Civilian Crisis Management:

We would prefer to complement the existing articles with a new chapter on civilian crisis management. This chapter would only refer to the civilian crisis management missions, their objectives (principles of democracy, respect for universal and indivisible human rights, fundamental freedoms and the rule of law), the types of actions to be taken etc.

From a civilian crises management viewpoint the present draft contains a deficiency which, if not corrected, would only cause more problems and confusion.

1. The on-going development of civilian crisis management capacities (i.e. police, in the area of rule of law, civil administration and civil protection) and the respective planning capabilities within the General Secretariat of the Council and the Commission have increased significantly recently and will continue to do so in the near future.

2. Civilian crisis management operations of the Union have both "multi-pillar" and/or "single-pillar" implications. An example of this is the activity in the field of civil protection (the tasks of the Commission (PROCIV) but also part of the Council (CIVCOM/CFSP)). Both community instruments and political, diplomatic or crisis management instruments can be used. Natural disasters are a typical concrete example. On the other hand, there are operations which can be described as purely civilian crisis management operations, such as EU Police Missions.

3. Civilian crises management operations include crises of the highest degree of complexity. They aim to respond earlier and much more effectively to indications of human rights violations (often the first warning signal of imminent violent conflict). The aim is also to enhance the capacity of the EU, by strengthening the principles of democracy, respect for universal and indivisible human rights, fundamental freedoms and the rule of law, to create peaceful processes for managing conflicts and preventing the use of arms and overall maintaining peace in the (conflict) area or country.

4. The decisions concerning civilian crisis management would be taken by QMV. In cases where situations, e.g. as described under Article III-205 or for any other reason, would cause concern to a Member State, unanimity would automatically be required.

5. This Title contains also the possibility that the implementation of a task may be entrusted to a group of Member States having the necessary capability and the desire to undertake the task.

6. The provisions of this Title are by no means intended to be interpreted in such a way that the prerogatives of the Commission would be limited.