

## AMENDMENT FORM

**Suggestion for amendment of Article X: solidarity clause**

**By : TIMOTHY KIRKHOPE MEP**

**Status : MEMBER**

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| PRAESIDIUM   | TIMOTHY KIRKHOPE MEP  |
|--|---|
| <p><b>Article X: Solidarity clause</b></p> <p>In application of the principle of solidarity, the Union shall mobilise all the instruments at its disposal, including military resources, to:</p> <ul style="list-style-type: none"><li>- prevent the terrorist threat;</li><li>- protect democratic institutions and the civilian population from any terrorist attack;</li><li>- assist a Member State in its territory at the request of its political authorities in the event of a terrorist attack .</li></ul> <p>The detailed rules for implementing this provision appear in Article X of Part Two, Title B, of the Constitution.</p> | <p><b>Article X: Solidarity clause</b></p> <p>In application of the principle of solidarity, the <u>Community</u> shall mobilise all the instruments at its disposal, including military resources, to:</p> <ul style="list-style-type: none"><li>- prevent the terrorist threat;</li><li>- protect democratic institutions and the civilian population from any terrorist attack;</li><li>- assist a Member State in its territory at the request of its political authorities in the event of a terrorist attack .</li></ul> <p>The detailed rules for implementing this provision appear in Article X of Part Two, Title B, of the Constitution.</p> |

## FICHE AMENDEMENT

Proposition d'amendement à l'Article X (mise en œuvre de la clause de solidarité)

Déposée par Monsieur de Villepin

Qualité : - Membre

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### Article X (mise en œuvre de la clause de solidarité)

1. ~~Sur base d'une proposition conjointe du Ministre des Affaires étrangères et de la Commission, le Conseil adopte des actes définissant un cadre pour la mise en œuvre de la clause de solidarité visée à l'article X de la Partie I. Ces actes sont adoptés conformément aux dispositions pertinentes de la Constitution.~~
2. ~~Si un État membre fait l'objet d'une attaque terroriste,~~ Pour la mise en oeuvre de l'article X de la première partie du présent traité, l'Union européenne et ses États membres ~~lui portent assistance à la demande de ses autorités politiques. A cette fin, les États membres se coordonnent~~ leur action ~~au sein du Conseil.~~

2bis Le Conseil adopte des actes définissant un cadre pour la mise en œuvre de la clause de solidarité visée à l'article X de la Partie I. Ces actes sont adoptés conformément aux dispositions pertinentes de la Constitution.

3. Dans le cadre du présent article, le Conseil est assisté par le Comité Politique et de Sécurité et par le Comité permanent de sécurité intérieure, qui lui présentent, le cas échéant, des avis conjoints.
4. Afin de permettre à l'Union d'agir d'une manière efficace, le Conseil européen, ~~sur base d'un rapport du Conseil,~~ procède à une évaluation régulière des menaces auxquelles l'Union est confrontée.

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Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of: **PART II OF THE CONSTITUTION,**  
**TITLE X: Solidarity, Article X: implementation of the solidarity clause**

By: Ms. GIANNAKOU Marietta, Mr. AVGERINOS Paraskevas, Mr. BROK Elmar, Members and Mr. STYLIANIDIS Evripidis, alternate

Status : - Members and Alternate

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Suggestion:

Part II

Title X: Solidarity

**Article X (implementation of the solidarity clause)**

1. ~~On the basis of a joint proposal by the Minister for Foreign Affairs and the Commission, the Council shall adopt acts defining a framework for the implementation of the solidarity clause referred to in Article X of Part One. These acts shall be adopted in accordance with the relevant provisions of the Constitution.~~

**Based on a common proposal by the Union's Minister for Foreign Affairs and the Commission, the Council of Ministers will enact provisions setting a framework for the implementation of the solidarity clause described in Article X, Part I of the Constitution. These provisions will be enacted according to the relevant provisions of the Constitution.**

2. ~~Should a Member State fall victim to a terrorist attack, the other Member States shall assist it at the request of its political authorities. To that end, the Member States shall coordinate between themselves in the Council.~~

**If any Member State should be the object of a terrorist attack or any other armed attack, the other Member States will afford the Member State so attacked, at the request of its civilian authorities, all military and other aid and assistance within their power. To this end, the Member States will co-ordinate their action through the Council of Ministers.**

3. ~~For the purposes of this Article, the Council shall be assisted by the Political and Security Committee and by the Standing Committee on Internal Security, which shall, if necessary, submit joint opinions.~~

**For the implementation of this provision, the Council of Minister shall be**

**assisted by the Political and Security Committee and the Permanent Committee of Internal Security, which may issue relevant opinions to the Council of Ministers.**

4. ~~The European Council shall regularly assess the threats facing the Union, on the basis of a report from the Commission, in order to enable the Union to take effective action.~~

**In order to increase the effectiveness of the Union's action in this field, the European Council, based on a report by the Council of Ministers, will evaluate, on a regular basis, the threats facing the Union.**

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**Explanation :** Although there are relevant provisions in Art. 30(7) of Part I, Title V and in Art. 21(2) of Part II, Title B of the Draft Constitution, we believe that their wording is not decisive enough. Therefore, in accordance with the recommendations of the Working Group VIII "Defence", we propose the enactment of a solidarity clause *expressis verbis* in order to establish a permanent mechanism of implementing the solidarity clause, thus enhancing the co-operation of the Member States in the field of Common Defence.

## AMENDMENT FORM

**Suggestion for amendment of Article : Chapter X Solidarity**

**Suggestion for protocol :**

**By Ms / Mr : Jens-Peter Bonde**

**Status :   X- Member                   - Alternate**

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## **PART II**

### **DELETE: CHAPTER X: SOLIDARITY**

#### **DELETE: Article X (implementation of the solidarity clause)**

1.   **[DELETE:** On the basis of a joint proposal by the Minister for Foreign Affairs and the Commission, the Council shall adopt acts defining a framework for the implementation of the solidarity clause referred to in Article X of Part One. These acts shall be adopted in accordance with the relevant provisions of the Constitution.
  2.   Should a Member State fall victim to a terrorist attack, the other Member States shall assist it at the request of its political authorities. To that end, the Member States shall coordinate between themselves in the Council.
  3.   For the purposes of this Article, the Council shall be assisted by the Political and Security Committee and by the Standing Committee on Internal Security, which shall, if necessary, submit joint opinions.
  4.   The European Council shall regularly assess the threats facing the Union, on the basis of a report from the Commission, in order to enable the Union to take effective action.]
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**Explanation (if any) :**

## AMENDMENT FORM

**Suggestion for amendment of Article :**

**X (Implementation of the solidarity clause**

**By Mr Kiljunen**

**Status : - Member**

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### **Article X (implementation of the solidarity clause)**

1. On the basis of a joint proposal by the Minister for Foreign Affairs and the Commission, the Council shall adopt acts defining a framework for the implementation of the solidarity clause referred to in Article X of Part One. These acts shall be adopted in accordance with the relevant provisions of the Constitution.
  2. Should a Member State fall victim to a terrorist attack, **or should a natural or a humanitarian disaster occur in its territory, the Union and** Member States shall assist it at the request of **the Member State concerned**. To that end, the Member States shall coordinate between themselves in the Council.
  3. For the purposes of this Article, the Council shall be assisted by the Political and Security Committee and by the Standing Committee on Internal Security, which shall, if necessary, submit joint opinions.
  4. The European Council shall regularly assess the threats facing the Union, on the basis of a report from the Commission, in order to enable the Union to take effective action.
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### **Explanation (if any):**

*As stated in my comments to the Article x on the solidarity clause to be included in the first Part of the Constitution, the Article on the implementation of the solidarity clause should be drafted taking account the conclusions of the Defence Working Group. It should apply to terrorist threats from non-state entities, but also to natural and humanitarian disasters.*

## AMENDMENT FORM

Suggestion for amendment of Article : X

By Mr Joschka Fischer

Status : - Member

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### *Artikel X*

#### ***Beistandsklausel******Klausel zu Sicherheit und Solidarität***

~~In Anwendung des Grundsatzes der Solidarität mobilisiert die Union alle ihr zur Verfügung stehenden Mittel, einschließlich militärischer Mittel, mit dem Ziel:~~

- ~~—— terroristische Bedrohungen abzuwenden;~~
- ~~—— die demokratischen Institutionen und die Zivilbevölkerung vor etwaigen Terroranschlägen zu schützen;~~
- ~~—— einen Mitgliedstaat im Falle eines Terroranschlags auf Ersuchen seiner politischen Instanzen innerhalb seines Hoheitsgebiets zu unterstützen.~~

Um Bedrohungen, die ihre gemeinsame Sicherheit betreffen, zu begegnen, handeln die Union und ihre Mitgliedstaaten gemeinsam im Geiste der Solidarität, wenn ein Mitgliedstaat das Ziel eines Terroranschlages oder einer anderen Katastrophe ist. Für diese Zwecke setzen die Union und ihre Mitgliedstaaten alle ihnen zur Verfügung stehenden Mittel ein, zu denen auch zivile und militärische Fähigkeiten im Rahmen des Artikels 30 gehören, um sich auf Ersuchen des betroffenen Mitgliedstaates Hilfe und Unterstützung zu gewähren. Dies ist Ausdruck des Prinzips der Unteilbarkeit der Sicherheit der Mitgliedstaaten der Union.

Die Modalitäten für die Durchführung dieser Bestimmung sind in Teil II Titel B Artikel X der Verfassung enthalten.

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Explanation (if any) :

**Die Klausel sollte nicht mit einer Beistandsklausel verwechselt werden. Zudem sollte sie allgemeiner gefasst werden und nicht auf Terrorismus begrenzt sein. Wichtig ist der Grundsatz der gemeinsamen Sicherheit, der dieser Klausel zugrunde liegt.**



## **AMENDMENT FORM**

**Suggestion for amendment of Article : X, 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. On the basis of a joint proposal by the Minister for Foreign Affairs and the Commission, the Council shall adopt acts defining a framework for the implementation of the solidarity clause referred to in Article X of Part One. These acts shall be adopted in accordance with the relevant provisions of the Constitution.~~
  
- ~~2. Should a Member State fall victim to a terrorist attack, the other Member States shall assist it at the request of its political authorities. To that end, the Member States shall coordinate between themselves in the Council.~~

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**Explanation (if any) :    See article X, part I.**

**AMENDMENT FORM**

**Suggestion for amendment of Article : X Part II**

**Suggestion for protocol :**

**By Mr : Dick Roche**

**Status : - Member**

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Delete article.

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**Explanation (if any) :** The detail of how the proposed solidarity clause would operate should be left to the Council to decide. For this reason there is no need for a separate article in Part II (see amendment proposed to Article X in Part I).

## AMENDMENT FORM

Suggestion for amendment of Article :    **Part II, Chapter X, Article X**

Suggestion for protocol :

By Ms / Mr : **Hain**

Status :        - Member                      - ~~Alternate~~

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1.    In order to implement Article X, Part I, the Union and Member States shall co-ordinate their action
2.    On the basis of a joint proposal by the Minister for Foreign Affairs and the Commission, tThe Council shall adopt acts defining a framework for the implementation of the solidarity clause referred to in Article X of Part One. These acts shall be adopted in accordance with the relevant provisions of the Constitution.
- ~~2.    Should a Member State fall victim to a terrorist attack, the other Member States shall assist it at the request of its political authorities. To that end, the Member States shall coordinate between themselves in the Council.~~
3.    For the purposes of this Article, the Council shall be assisted by the Political and Security Committee and by the Standing Committee on Internal Security, which shall, if necessary, submit joint opinions.
4.    The European Council shall regularly assess the threats facing the Union, ~~on the basis of a report from the Commission,~~ in order to enable the Union to take effective action.

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### Explanation (if any) :

Paragraph 1 reflects the practical cooperation, with paragraph 2 the legal means of giving expression to it. The change to paragraph 4 removes an unnecessary piece of detail.

## FICHE AMENDEMENT

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

Déposée par MM. Alexandru ATHANASIU et Hubert HAENEL

Qualité : Membres

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#### Article X :

#### Rédiger comme suit cet article :

*Le Congrès est le cadre de rencontre et d'expression commune des représentants des peuples de l'Europe sur les orientations et les priorités politiques générales de l'Union.*

*Il rassemble six représentants des parlements nationaux par État membre ainsi qu'un nombre de parlementaires européens égal à la moitié du total des représentants des parlements nationaux.*

*Le Congrès se réunit en public sur convocation et sous la présidence de son président, élu pour une durée de deux ans et demi renouvelable. Le président est assisté d'un bureau composé de trois membres.*

*Dans ce cadre, les représentants des peuples de l'Europe débattent du programme législatif annuel de la Commission, de la coordination des politiques de l'Union et des États membres et du rapport du président du Conseil européen sur l'état de l'Union. D'autres points peuvent être inscrits par le bureau à l'ordre du jour de leurs réunions.*

*Les représentants des peuples de l'Europe peuvent, sans intervenir dans la procédure législative, adresser aux institutions de l'Union des résolutions adoptées à la majorité des suffrages exprimés.*

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#### Explication éventuelle :

La compétence du Congrès doit être déterminée par rapport à celle du Conseil européen. Occupant une place particulière dans le processus de décision, le Conseil européen échappe, en tant qu'institution, à un contrôle parlementaire. D'où la nécessité d'un contrepoids par une réunion d'élus qui auraient vocation à s'exprimer sur les mêmes sujets que le Conseil européen. Une représentation égale des États membres s'impose dans cette logique. De même, le mandat du président du Congrès doit avoir la même durée que celui du président du Conseil européen.

## AMENDMENT FORM

Suggestion for amendment of Article : Article X (implementation of the solidarity clause)  
(PART TWO – TITLE B)

Suggestion for protocol :

By Mr : Ingvar SVENSSON

Status : - Alternate

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*Article X (implementation of the solidarity clause)*

1. On the basis of a ~~joint~~ proposal by ~~the Minister for Foreign Affairs and~~ the Commission, the Council shall adopt acts defining a framework for the implementation of the solidarity clause referred to in Article X of Part One. These acts shall be adopted in accordance with the relevant provisions of the Constitution.
2. Should a Member State fall victim to a terrorist attack, the other Member States shall assist it at the request of its political authorities. To that end, the Member States shall coordinate between themselves in the Council.
3. For the purposes of this Article, the Council shall be assisted by the Political and Security Committee and by the Standing Committee on Internal Security, which shall, if necessary, submit joint opinions.
4. The European Council shall regularly assess the threats facing the Union, on the basis of a report from the Commission, in order to enable the Union to take effective action.

## AMENDMENT FORM

**Suggestion for amendment of Article X: solidarity clause**

**By : TIMOTHY KIRKHOPE MEP**

**Status : MEMBER**

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| PRAESIDIUM   | TIMOTHY KIRKHOPE MEP  |
|--|---|
| <p><b>Article X: Solidarity clause</b></p> <p>In application of the principle of solidarity, the Union shall mobilise all the instruments at its disposal, including military resources, to:</p> <ul style="list-style-type: none"><li>- prevent the terrorist threat;</li><li>- protect democratic institutions and the civilian population from any terrorist attack;</li><li>- assist a Member State in its territory at the request of its political authorities in the event of a terrorist attack .</li></ul> <p>The detailed rules for implementing this provision appear in Article X of Part Two, Title B, of the Constitution.</p> | <p><b>Article X: Solidarity clause</b></p> <p>In application of the principle of solidarity, the <u>Community</u> shall mobilise all the instruments at its disposal, including military resources, to:</p> <ul style="list-style-type: none"><li>- prevent the terrorist threat;</li><li>- protect democratic institutions and the civilian population from any terrorist attack;</li><li>- assist a Member State in its territory at the request of its political authorities in the event of a terrorist attack .</li></ul> <p>The detailed rules for implementing this provision appear in Article X of Part Two, Title B, of the Constitution.</p> |

## AMENDMENT FORM

### Title ( Part II)

Suggestion for amendment of Article : X

By Members: Voggenhuber, Lichtenberger, Wagener

Status :       Members and alternate members.

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#### *~~Article X (implementation of the solidarity clause)~~*

~~1. On the basis of a joint proposal by the Minister for Foreign Affairs and the Commission, the Council shall adopt acts defining a framework for the implementation of the solidarity clause referred to in Article X of Part One. These acts shall be adopted in accordance with the relevant provisions of the Constitution.~~

~~2. Should a Member State fall victim to a terrorist attack, the other Member States shall assist it at the request of its political authorities. To that end, the Member States shall coordinate between themselves in the Council.~~

~~3. For the purposes of this Article, the Council shall be assisted by the Political and Security Committee and by the Standing Committee on Internal Security, which shall, if necessary, submit joint opinions.~~

~~4. The European Council shall regularly assess the threats facing the Union, on the basis of a report from the Commission, in order to enable the Union to take effective action.~~

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**Explanation:**

## AMENDMENT FORM

### Suggestion for amendment of Article X

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 X (implementation of the solidarity clause)

1. On the basis of a joint proposal by the Minister for Foreign Affairs and the Commission, the Council shall adopt acts defining a framework for the implementation of the solidarity clause referred to in Article X of Part One. These acts shall be adopted in accordance with the relevant provisions of the Constitution.
2. Should a Member State fall victim to a terrorist attack, the other Member States **will** ~~shall~~, **subject to national decisions**,<sup>1</sup> assist it at the request of its political authorities. To that end, the Member States shall coordinate between themselves in the Council.
3. For the purposes of this Article, the Council shall be assisted by the Political and Security Committee and by the Standing Committee on Internal Security, which shall, if necessary, submit joint opinions.
4. The European Council shall regularly assess the threats facing the Union, on the basis of a report from the **Council, assisted by the** Commission,<sup>2</sup> in order to enable the Union to take effective action.

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<sup>1</sup> Lending assistance to another state must always be subject to national decisions, which should be made clear in this article.

<sup>2</sup> The compilation of such assessments should preferably be done by the Council, assisted by the Commission



## AMENDMENT FORM

### Suggestion for amendment to Part II, Chapter X, Article X

By Mr Hannes Farnleitner

Status : - Member

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## PART II CHAPTER X: SOLIDARITY

### Article X (implementation of the solidarity clause)

1. On the basis of a joint proposal by the Minister for Foreign Affairs and the Commission, the Council shall adopt **legal** acts defining a framework for the implementation of the solidarity clause referred to in Article X of Part One. These **legal** acts shall be adopted in accordance with the ~~relevant~~ provisions of the Constitution **applicable to the procedure for adopting each of the legal acts making up such a framework.**
  2. Should a Member State fall victim to a terrorist attack **or to a natural or man-made disaster**, the other Member States shall assist it at the request of its political authorities. To that end, the Member States shall coordinate between themselves in the Council.
  3. For the purposes of this Article, the Council shall be assisted by the Political and Security Committee and by the Standing Committee on Internal Security, which shall, if necessary, submit joint opinions.
  4. The European Council shall regularly assess the threats facing the Union, on the basis of a report from the Commission, in order to enable the Union to take effective action.
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### Explanation (if any) :

Reference should be made to legal acts within the meaning of Articles 24 to 33 of Part I of the Constitution.

With the proposed rewording of the last sentence of para. 1 it is stated more explicitly that the different legal acts making up the framework for the implementation of the solidarity clause shall be adopted each in accordance with the specific procedures foreseen for this type of legal act by the Constitution.

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**AMENDMENT FORM**

**Suggestion for amendment of Article : X, Part II, Chapter X**

**Suggestion for protocol :**

**By Mr : John Gormley**

**Status : Alternate**

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**Article X (implementation of the solidarity clause) Delete entire Article.**

## FICHE AMENDEMENT

### Capítulo X - Cláusula de Solidariedade

**Proposition d'amendement à l'Article : Artigo X**  
**Déposée par Monsieur Luís Queiró**

**Qualité: Suppléant**

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1. Com base numa proposta conjunta do **Representante Europeu para as Relações Externas** e da Comissão, o Conselho aprovará actos que definam um quadro para a aplicação da cláusula de solidariedade a que se refere o artigo X da Parte I. Esses actos serão aprovados em conformidade com as disposições pertinentes **do Tratado**.
  2. Se um Estado-Membro for alvo de um ataque terrorista, os outros Estados-Membros prestar-lhe-ão assistência a pedido das autoridades políticas do Estado-Membro afectado. Para o efeito, os Estados-Membros coordenar-se-ão no quadro do Conselho.
  3. No âmbito do presente artigo, o Conselho será assistido pelo Comité Político e de Segurança e pelo Comité Permanente de Segurança Interna, que lhe apresentarão, se for caso disso, pareceres conjuntos.
  4. Para que a União possa agir de modo eficaz, o Conselho Europeu, com base num relatório do Conselho, procederá a uma avaliação regular das ameaças com as quais a União se confronta.
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**Explication éventuelle :**

## AMENDMENT FORM

**Suggestion for amendment of Article : Article X**

**Suggestion for protocol :**

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

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

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### **Article X (implementation of the solidarity clause)**

1. On the basis of a joint proposal by the Minister for Foreign Affairs and the Commission, the Council shall adopt acts defining a framework for the implementation of the solidarity clause referred to in Article X of Part One. These acts shall be adopted in accordance with the relevant provisions of the Constitution.
  2. Should a Member State fall victim to a terrorist attack, the Union and the other Member States shall assist it at the request of its political authorities the Member State concerned. To that end, the Member States shall coordinate between themselves in the Council.
  3. For the purposes of this Article, the Council shall be assisted by the Political and Security Committee and by the Standing Committee on Internal Security, which shall, if necessary, submit joint opinions.
  4. The European Council shall regularly assess the threats facing the Union, on the basis of a report from the Commission, in order to enable the Union to take effective action.
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### **Explanation (if any) :**

Explanation X(2): It is not necessary to refer to the political authorities empowered in the Member States to present the request.

## AMENDMENT FORM

Suggestion for amendment of Article : X

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

Status : - Member - ~~Alternate~~

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## KAPITEL X: SOLIDARITÄT

### ~~Artikel X (Anwendung der Solidaritätsklausel)~~

~~(1) — Aufgrund eines gemeinsamen Vorschlags des Ministers für auswärtige Angelegenheiten und der Kommission nimmt der Rat Rechtsakte zur Bestimmung eines Rahmens für die Anwendung der Solidaritätsklausel nach Artikel X von Teil I an. Die Annahme dieser Rechtsakte erfolgt gemäß den einschlägigen Bestimmungen der Verfassung.~~

~~(2) — Ist ein Mitgliedstaat Ziel eines terroristischen Anschlags, so leisten die anderen Mitgliedstaaten ihm auf Anforderung seiner politischen Organe Unterstützung. Zu diesem Zweck sprechen die Mitgliedstaaten sich im Rat ab.~~

~~(3) — Im Rahmen dieses Artikels wird der Rat vom Politischen und Sicherheitspolitischen Komitee und vom Ständigen Ausschuss für die Innere Sicherheit unterstützt, die ihm gegebenenfalls gemeinsame Stellungnahmen vorlegen.~~

~~(4) — Damit die Union auf effiziente Weise tätig werden kann, nimmt der Europäische Rat regelmäßig auf der Grundlage eines Berichts des Rates eine Einschätzung der Bedrohungen vor, denen die Union ausgesetzt ist.~~

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### Explanation (if any) :

**Streichung.** Der Präsidiumsvorschlag formuliert keine Klausel zur gegenseitigen Solidarität der Mitgliedstaaten, sondern die Rechtsgrundlage für ein autonomes Handeln der Union zur Terrorismusbekämpfung mit militärischen Mitteln. Dem kann ich jedoch nicht zustimmen. Vergleiche meinen Antrag zu Artikel X des Teils I (Beistandsklausel).

## AMENDMENT FORM

### Suggestion for amendment of Article III-226 (new)

By Mr: McCormick, Neil, Voggenhuber, Wagener, Lichtenberger, Nagy

Status: - Alternate, Member

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Add the following in and after Paragraph (1)

(1). On the basis of a proposal by the Minister for Foreign Affairs and the Commission, the Council shall adopt a decision defining the arrangements for the implementation of the solidarity Clause referred to in Article *I-42*

*(1 bis) The arrangement so defined shall include an obligation to notify the European Parliament about any decision to take specific action by way of implementing the solidarity Clause. It shall also include an obligation to obtain the approval of Parliament.*

*Each such decision shall be reported to Parliament as soon as possible after it is taken, and shall lapse if not confirmed by affirmative resolution of the Parliament within three months of receipt of such notification. Such a resolution may require reference back to Parliament at regular intervals for further approval, without which the decision shall lapse.*

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### Explanation:

The dangers foreseen in the "Solidarity Clause" are real ones, and provision needs to be made for them. In the case of sudden and violent natural or humanly devised disasters, there must be a capability for swift and decisive action.

Nevertheless there are manifest risks for invasions of the liberty of citizens, or even of action threatening their lives. It is not acceptable in a democracy for such risks to be incurred purely by the will of the executive branch of government. Although there may be a need for very speedy responses on the first onset of a grave situation, there must be subsequent democratic review through the European Parliament.

Democratic validation of such decisions is all-important. This can only be achieved by giving the European Parliament the proposed power to review the grounds for actions taken and the proportionality and acceptability of the action taken.

**AMENDMENT FORM**

**Suggestion for amendment of Article : III - 226**

**Suggestion for protocol :**

**By Mr : Dick Roche**

**Status : - Member**

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Delete article.

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**Explanation (if any) :** The detail of how the proposed solidarity clause would operate should be left to the Council to decide. For this reason there is no need for a separate article in Part III.

## AMENDMENT FORM

Suggestion for amendment of Article : III-226

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

Status :    - Member            - ~~Alternate~~

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### Artikel III-226 (ex-Artikel X)

(1) ~~Aufgrund eines gemeinsamen Vorschlags des Außenministers und der Kommission erlässt der Rat einen Europäischen Beschluss über die~~ Die Modalitäten für die Anwendung der Solidaritätsklausel nach [Artikel I-42] *werden durch ein Europäisches Gesetz auf gemeinsamen Vorschlag des Außenministers und der Kommission festgelegt.*

(2) ...

(3) ...

(4) ...



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**Explanation (if any) :**

## AMENDMENT FORM

**Suggestion for amendment of Article : III-226 (ex Article X, the Solidarity Clause)**

**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. On the basis of a joint proposal by the Minister for Foreign Affairs and the Commission, the Council shall adopt a decision defining the arrangements for the implementation of the solidarity clause referred to in [Article-42].
2. Should a Member State fall victim to a terrorist attack or a natural or man-made disaster, the other Member States ~~will shall~~, **subject to national decisions**,<sup>1</sup> assist it at the request of its political authorities. To that end, the Member States shall coordinate between themselves in the Council.
3. For the purposes of this Article, the Council shall be assisted by the Political and Security Committee, with the support of the structures developed in the context of the common security and defence policy, and by the Committee provided for in [Article III-157 (ex Article 5, JHA)], which shall, if necessary, submit joint opinions.
4. The European Council shall regularly assess the threats facing the Union, in order to enable the Union to take effective action.

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<sup>1</sup> Lending assistance to another state must always be subject to national decisions, which should be made clear in this article.

## AMENDMENT FORM

**Suggestion for amendment of: PART III OF THE CONSTITUTION, Article III – 226 (ex article X)**

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

**Status : - Member and Alternate**

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**Suggestion :**

### Article III-226 (ex Article X)

1. On the basis of a joint proposal by the Minister for Foreign Affairs and the Commission, the Council shall adopt a European decision defining the arrangements for the implementation of the solidarity clause referred to in [Article I-42].
2. Should a Member State fall victim to a terrorist attack or a natural or man-made disaster, the other Member States shall assist it at the request of its political authorities, **using all means, political or military, at their disposal**. To that end, the Member States shall coordinate between themselves in the Council.
3. For the purposes of this Article, the Council shall be assisted by the Political and Security Committee, with the support of the structures developed in the context of the common security and defence policy, and by the Committee provided for in [Article III-157 (ex 5, JHA)], which shall, if necessary, submit joint opinions.
4. The European Council shall regularly assess the threats facing the Union in order to enable the Union to take effective action.

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**Explanation (if any) :**