

CONV 707/03

**COVER NOTE**

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from :	Secretariat
to :	Convention
Subject :	<b>Summary sheet of proposals for amendments concerning external action, including defence policy: Draft Articles for Part One, Title V (Articles 29, 30 and X), Part Two, Title B (Articles 1 to 36) and Chapter X (Article X) of the Constitution</b>

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Members will find in the annex the summary sheet of proposals for amendments concerning external action, including defence policy: draft Articles for Part One, Title V (Articles 29, 30 and X), Part Two, Title B (Articles 1 to 36) and Chapter X (Article X) of the Constitution.

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**SUMMARY SHEET OF PROPOSALS FOR AMENDMENTS  
CONCERNING EXTERNAL ACTION, INCLUDING DEFENCE  
POLICY:**

**PART ONE, TITLE V (ARTICLES 29, 30 AND X)  
PART TWO, TITLE B (ARTICLES 1 TO 36)  
PART TWO, CHAPTER X (ARTICLE X), OF THE  
CONSTITUTION**

**I. THEMATIC ANALYSIS OF AMENDMENTS - SUMMARY**

The Members of the Convention tabled a total of 811 amendments to the draft articles on external action. The articles in Part One (Articles 29, 30 and the solidarity clause) were the subject of 110 amendments. The horizontal Articles in Title B concerning the principles and objectives of external action and the instruments covering several areas of external action were the subject of 73 amendments. Members presented 329 amendments to Chapter 1 on the CFSP, of which 190 relate specifically to the CFSP, 118 to the ESDP and 21 to the financial provisions. 59 amendments were tabled for Chapter 2 on commercial policy. 68 of the amendments put forward for Chapter 3 relate to development cooperation, 28 to cooperation with third countries and 18 to humanitarian aid. 17 amendments were proposed for Chapter 4 on restrictive measures, 55 for Chapter 5 on international agreements and 36 for Chapter 6 on relations with international organisations and third countries. Lastly, Article X on the implementation of the solidarity clause was the subject of 18 amendments.

**I. General structure**

There was broad support for the new structure of the texts, which aims to group all the legal bases for the various areas of external action in Title B of Part Two.

The Convention members felt that this structure gave a more coherent and clearer overall picture of the various means at the Union's disposal to act on the international scene. Furthermore, the members did not call into question the fact that different types of action and policy within Title B should continue to be governed by different arrangements.

## **II. Horizontal articles**

A large number of the amendments to Article 1 concerning principles and objectives, which was drawn up by Working Group VII, seek to incorporate various additional points into paragraphs 1 and 2. Several members also propose strengthening the provisions of paragraph 3 on the consistency of the Union's action.

Most of the amendments to Article 2 relate to the right of initiative in respect of the recommendations made to of the Council concerning the strategic interests and objectives of the Union. Several members proposed deleting the reference to joint recommendations by the Minister for Foreign Affairs of the Union and the Commission.

### **III.A. Common foreign and security policy**

A significant number of the amendments concerning the CFSP, including the ESDP (Articles 29 and 30 of Part One and Chapter 1 of Title B of Part Two) are directly linked to institutional questions, particularly the status and role of the Minister for Foreign Affairs.

A limited number of members stated their opposition to creating the post of a "two-hat" Minister for Foreign Affairs. These members believe that greater consistency in external action can be achieved by strengthening cooperation between the Council's representative for the CFSP and the Commission. However, the majority of members were in favour of creating the post of a Minister for Foreign Affairs combining under the authority of the Council CFSP functions and functions in

the areas of external relations managed by the Commission. The differences of views within this group relate mainly to the implications of such an institutional change for the Commission's powers in the field of the CFSP, exercise of the Presidency of the Foreign Affairs Council and representation of the Union on the international scene. It should be noted that many members proposed changing the Minister's title.

### **Right of initiative**

Some Convention members propose granting the right of initiative to the Commission as well to enable it to make CFSP proposals to the Council on its own or together with the Minister for Foreign Affairs. Others are against the Minister being able to make CFSP proposals in conjunction with the Commission. They see this as contradicting the creation of the post of a "two-hat" Minister for Foreign Affairs. Other amendments propose granting the right of initiative to the European Parliament, or confining it to the Member States.

### **Decision-making procedure**

Several members propose making qualified majority voting the general rule in the CFSP area (with unanimity becoming the exception), and to assign the role of mediator to the Minister of the Union and, if necessary, to the European Council in cases where a Member State invokes a major difficulty to prevent a vote. Other amendments propose, inter alia, retaining unanimity but extending the list of instances where the Council decides by qualified majority, applying qualified majority voting to all decisions, or even abolishing derogations from the unanimity rule. Several amendments oppose qualified majority voting for joint proposals by the Minister and the Commission

## **Instruments**

The instruments of the CFSP gave rise to few amendments. A few members of the Convention propose that only the Council of Ministers should adopt decisions, and not the European Council. Some members of the Convention propose changing the name of the instruments.

## **Role of the European Parliament**

The majority of members of the Convention who introduced amendments on this subject propose giving the European Parliament an explicit role in the CFSP decision-making procedure, or wish to strengthen the provisions in Article 6 on consulting and informing the European Parliament. Some amendments propose that national parliaments, possibly together with the European Parliament, should also be kept informed and consulted on the principal aspects of the CFSP.

## **External representation**

A number of members of the Convention propose strengthening the provisions that lay down that the Union's position is expressed by the Union Minister at international conferences and in international organisations, including within the Security Council. Other members of the Convention emphasised that the status of Member States within international organisations must not be affected, and that the role of the Member States in presenting the Union's position must not be neglected.

Some members of the Convention propose making it explicit that the Union's positions are binding on the Member States that sit in the Security Council.

The proposal to create a Union diplomatic service that would operate under the authority of the Minister for Foreign Affairs was also put forward by members of the Convention.

### **III.B. Common security and defence policy**

(The comments in point III on the CFSP also apply to this part).

Some members of the Convention would like the wording of Article 30 to be more similar to Article 17(1) TEU and the scope of the common security and defence policy to be specified.

#### **Right of initiative and decision-making procedure**

As regards the right of initiative, some suggest making provision, in addition to the right of initiative of the Minister for Foreign Affairs or of a Member State, also for that of the Commission or of the Minister for Foreign Affairs jointly with the Commission. Some members suggest replacing the right of initiative of the Minister for Foreign Affairs by that of the Commission.

Some amendments also concerned the question of the decision-making procedure in this area. In some cases, it is proposed that the Council should not act unanimously, but by qualified majority, or augmented qualified majority, and some propose participation by the European Parliament.

#### **Agency**

Many amendments suggested changing, adding to, or removing some of the Agency's tasks, and some therefore also wished to change its name. Some members of the Convention proposed removing the references to the Agency in Part One and transferring them to Part Two of the Constitution.

#### **Flexibility**

As regards the different types of flexibility proposed in the article, that concerning the implementation of a task by certain Member States did not give rise to many amendments. Structured cooperation (Article 30(6)) and closer cooperation on mutual defence (Article 30(7)) were the subject of several amendments, concerning in particular changes in the subject of structured cooperation, recourse to strengthened cooperation in this area or the abolition of such

cooperation. The amendments relating to closer cooperation on mutual defence concerned mainly its method of introduction, relations with NATO, and removing such a provision which was sometimes judged to duplicate that of the Treaties of Washington or Brussels.

#### **IV. Commercial policy**

A number of members of the Convention propose deleting the reference to direct foreign investment in Articles 23 and 24, as they felt that this area does not form part of the common commercial policy. As regards Article 24, it will be noted that divergent amendments were submitted concerning the negotiation and conclusion of agreements in the areas listed in paragraph 4 (which prescribes unanimity in the case of agreements in the fields of trade in services involving the movement of persons and the commercial aspects of intellectual property where unanimity is required for the adoption of internal rules). Several members of the Convention wanted to delete this paragraph, and so generalise adoption by qualified majority in commercial policy. A number of other members of the Convention, however, wanted the text to reflect the essence of the text of Article 133(6), second subparagraph TEC, or the whole of the text of Article 133(5) and (6) to be inserted. The role of the European Parliament has also been raised by several members of the Convention, who propose strengthening the provisions concerning its involvement.

#### **V. Development cooperation, cooperation with third countries and humanitarian aid**

Several members of the Convention stressed the need to define specific objectives for development cooperation policy in this section, in particular the reduction, and eventual eradication, of poverty, and support for sustainable economic, social and environmental development. Some propose emphasising that this policy is based on the principle of partnership.

Several Convention members requested deletion of paragraph 4 of Article 26 on the grounds that there was no longer any reason for a special approach in relation to the ACP countries. As for humanitarian aid, several stressed the need also to mention the principle of neutrality. Several Convention members also requested deletion of the paragraph on the voluntary humanitarian aid corps.

## **VI. International agreements**

With regard to Article 32 on the external competence of the Union and association agreements, several Convention members requested that association agreements be dealt with in a separate article. Some Convention members proposed adding that the Union may conclude international agreements not only where it is provided for in a provision of the Constitution, but also "in order to implement its policies" or, expressed differently, that "the Union may conclude international agreements whose scope is mirrored by the internal competencies of the Union".

A large number of amendments concerning Article 33 stem from Convention members' varying opinions on the status and remit of the Union's Minister for Foreign Affairs. Many amendments concern the European Parliament's role in the opening of negotiations, the negotiations themselves and the conclusion of agreements. As for Article 34, a number of Convention members proposed strengthening the Commission's role in the field of monetary policy.

## **VII. Relations with international organisations and third countries**

Several amendments concerned allowing the Union to accede to international organisations, with a number of Convention members proposing that Member States work to make this possible. Some members proposed fleshing out the provisions on the organisation of the Union's external representation.

## **VIII. Solidarity clause**

The actual principle of a solidarity clause prompted few amendments. Several members, however,



proposed new wordings amending its scope, with many of them requesting that the clause also apply in the event of natural or other disasters. Some also suggested that all operations undertaken in this context require a request from the Member State concerned.

## **II. ARTICLE-BY-ARTICLE ANALYSIS OF AMENDMENTS**

### **PART ONE – TITLE V**

#### **Article 29: The Union's common foreign and security policy**

- 1. *The European Union shall undertake to conduct a common foreign and security policy, based on the progressive development of mutual political solidarity among Member States, the progressive identification of questions of general interest and the achievement of an ever-increasing degree of convergence of Member States' actions.***
- 2. *The European Council shall identify the Union's strategic interests and determine the objectives of its common foreign and security policy. The Council of Ministers shall frame this policy in accordance with the arrangements in Part Two of the Constitution.***
- 3. *The European Council and the Council of Ministers shall adopt the necessary decisions.***
- 4. *The common foreign and security policy shall be put into effect by the Union's Minister for Foreign Affairs and by the Member States, using national and Union resources.***
- 5. *Member States shall consult one another within the Council and the European Council on any foreign and security policy issue which is of general interest in order to determine a common approach. Before undertaking any action on the international scene or any commitment which could affect the Union's interests, each Member State shall consult the others within the Council or the European Council. Member States shall ensure, through the convergence of their actions, that the Union is able to assert its interests and values on the international scene. Member States shall show mutual solidarity.***
- 6. *The European Parliament shall be consulted on the main aspects and basic choices of the common foreign and security policy, and shall be kept informed of how it develops.***
- 7. *Decisions relating to the common foreign and security policy shall be adopted by the European Council and the Council of Ministers unanimously, except in the cases referred to in Part Two of the Constitution. They shall act on a proposal from a Member State or from the Union's Minister for Foreign Affairs, alone or together with the Commission.***
- 8. *The European Council may unanimously decide that the Council should act by a qualified majority in cases other than those referred to in Part Two of the Constitution.***

## **THEMATIC EXAMINATION OF AMENDMENTS**

### **General**

- Suggestion to add a provision at the end of the article stipulating that implementation of the CFSP does not affect the competences of the Union referred to in Articles 11-13, 15 and 16 of the Constitution (*No 12/Farnleitner, No 28/O'Sullivan + 1*)
- Suggestion to include a reference to the general framework of external action, of which the CFSP is part (*No 36/Voggenhuber + 2*)
- Suggestion to include, in a separate paragraph, specific provisions on strengthened cooperation in the CFSP (*No 6/Borrell, No 15/Floch*)
- Suggestion to include in this article a description of the common policy on security and defence, indicating that it does not prejudice the commitments entered into by the Member States within NATO (*No 21/Kalniete + 5*)
- Alternative texts (*No 3/Abitbol, No 18/Heathcoat-Amory, No 22/Kaufmann*)
- Delete this article (*No 23/Kirkhope, No 26/Michel + 4*)

### **Paragraph 1**

- Give the wording more force by replacing "*undertake to conduct*" by "*shall conduct*" (*No 11/Duff + 19, No 12/Farnleitner, No 6/Borrell + 2, No 13/Fini + 1, No 24/Lamassoure*), or by "*shall establish and realise*" (*No 32/Spini*)
- Delete reference to the Member States before "*mutual solidarity*" (*No 11/Duff + 19*)
- Delete references to the progressive nature of development of the CFSP (*No 33/Svensson, No 35/Thorning-Schmidt, No 36/Voggenhuber + 2, Fini/Speroni, No 24/Lamassoure, No 9/de Villepin, No 14/Fischer, No 20/Hjelm-Wallén + 4*)
- Change and shorten the text to express the idea that the CFSP is based on loyalty and mutual political solidarity among Member States (*No 9/de Villepin*)
- Include a reference to the importance of coherence of Member States' actions (*No 7/Brok +29*)
- Stipulate that the CFSP covers all areas of foreign and security policy, including the common security and defence policy (*No 14/Fischer*)
- Add a reference to the Union's values and objectives (*No 6/Borrell + 2*)
- Add a reference to the central role of the UN (*No 5 Bonde + 2*)
- Delete this paragraph, reproducing certain elements in paragraph 5 (*No 35/Tiilikainen + 4*)

### **Paragraph 2**

- Change the wording to indicate that only the Council of Ministers may adopt decisions (and not the European Council) (*No 14/Fischer*)
- Specify that the Council frames the CFSP "*based on the general guidelines of the European Council*" (*No 12/Farnleitner*)
- Delete references to the European Council and the Council of Ministers, specifying that "*the European Institutions*" frame the CFSP (*No 36/Voggenhuber + 2*)
- Add a reference to the principles and objectives of external action, as defined in Article 1 of Title B in Part Two (*No 7/Brok + 29*)
- Add a reference to the active participation of the European Parliament and of the Commission (*No 6/Borrell + 2*)

### **Paragraph 3.**

- Change the wording to mention that only the Council of Ministers may adopt decisions (and not the European Council) and incorporate the last sentence of paragraph 2 (*No 7/Brok + 29, No 10/De Vries + 1*)
- Delete this paragraph (*No 12/Farnleitner, No 6/Borrell + 2, No 19/Helle, No 14/Fischer*)

### **Paragraph 4.**

- Specify that the Union's Minister for Foreign Affairs operates "under the Council's control" (*No 9/de Villepin*)
- Add that the CFSP is also put into effect by the Commission (*No 12/Farnleitner, No 31/Severin*)
- Replace "*the Minister for Foreign Affairs*" by "*the Commission*" (*No 33/Svensson*) or by "*the member of the Commission to whose sphere of competence the Union's common foreign and security policy belongs*" (*No 19/Helle*)
- Add that the CFSP is put into effect "*without prejudice to the constitutional prerogatives of the Commission*" (*No 11/Duff + 19*)
- Add a new provision on the link between CFSP decisions and the Union's acts in other areas: "*Where acts of the Union which come under other policies are necessary to implement decisions adopted in the field of the CFSP, such acts may, in accordance with Article 28, confer implementing powers on Council or the Commission.*" (*No 9/de Villepin*)
- Change the wording to provide that the Minister may only use Union resources (*No 30/Roche*)

- Delete reference to national resources and those of the Union (*No 9/de Villepin*)
- Delete "*Minister for Foreign Affairs*" (*No 5 Bonde + 2, No 29/Queiró*)
- Delete this paragraph (*No 36/Voggenhuber + 2*)

#### **Paragraph 5.**

- Add that the Minister, in the event of an international crisis or when necessitated by the international situation, shall convene a Council meeting with a view to defining the Union's position (*No 14/Fischer*)
- Add a provision providing for the introduction of sanctions against any Member State which takes action in defiance of an agreed Union position (*No 8/Cushnahan*)

#### **Paragraph 6.**

- Specify that the European Parliament must be kept regularly informed (*No 11/Duff + 19, No 25/Meyer, No 6/Borrell + 2*)
- Suggestions that the European Parliament's role be boosted by providing for its participation in the definition of the principles and directions of the CFSP (*No 36/Voggenhuber + 2, No 6/Borrell + 2*), or by specifying that CFSP operational actions must have the European Parliament's agreement (*No 37/Wuermeling*)
- Add that the national parliaments, the interparliamentary conference or the COSAC, shall be consulted on and kept informed of developments in the CFSP (*No 4/Azevedo + 1, No 16/Haenel + 1, No 32/Spini*)
- Suggestions that the text be fleshed out with provisions from Part Two regarding the role of the European Parliament (*No 7/Brok + 29, No 25/Meyer*)

#### **Paragraph 7.**

##### *Decision-making procedure:*

- Apply qualified majority voting across the board for all CFSP decisions (*No 6/Borrell + 2, No 27/Muscardini, No 35/Tiilikainen*), or provide for the application of an enhanced qualified majority (*No 31/Severin*). Universal application of qualified majority voting but adding that the Member States voting against a decision or abstaining are not bound to apply it (*No 25/Meyer*).
- Change the wording of the article to spell out that qualified majority voting is the rule and that unanimity applies by way of derogation from the general rule (*No 7/Brok + 29, No 11/Duff + 19, No 32/Spini*) and/or by referring to the conditions laid down in Part Two (*No 9/de Villepin*) and/or excluding the ESDP (*No 14/Fischer*). Idem, but adding provisions on arbitration by the European Council and the application of a "national interest clause" (*No 24/Lamassoure*)

- Rule out qualified majority voting for all CFSP decisions (*No 1/Seppanen, No 5/Bonde +2*)
- Amend the article by providing that only the Council of Ministers may take CFSP decisions (and not the European Council) (*No 7/Brok + 29, No 10/De Vries + 1, No 12/Farnleitner*)

*Right of initiative:*

- Delete "*alone or together with the Commission*" after the Minister for Foreign Affairs, since the Minister is part of the Commission (*No 9/de Villepin*)
- Amend the article to grant the right of initiative to the Commission also (alone or together with the Minister for Foreign Affairs) (*No 12/Farnleitner, No 10/De Vries + 1, No 20/Hjelm-Wallén + 4, No 35/Tiilikainen+4*)
- Amend the article to grant the right of initiative exclusively to the Member States (*No 5/Bonde + 2*)
- Replace "*the Minister for Foreign Affairs*" by "*the Commission*" (*No 33/Svensson*)
- Amend the article to limit Member States' right of initiative to cases in which three States jointly present an initiative (*No 10/De Vries*)
- Amend the article to grant the right of initiative to the European Parliament as well (*No 27/Muscardini*)

*Other amendments:*

- Delete this paragraph (*No 36/Voggenhuber + 2*)

**Paragraph 8.**

- Add that this paragraph does not apply to decisions having military or defence implications (*No 30/Roche*)
- Delete this paragraph (*No 7/Brok + 29, Svensson, Voggenhuber + 2, No 25/Meyer, No 2/Seppanen, No 9/de Villepin, No 36/Voggenhuber + 2*)

**LIST OF AMENDMENTS TO ARTICLE 29**

1. *Esko Seppänen*
2. *Esko Seppänen*
3. *William Abitbol*
4. *Maria Eduarda Azevedo and António Nazaré Pereira*
5. *Jens-Peter Bonde, Esko Seppänen and Jan Zahradil*
6. *Borrell, Carnero y López Garrido*
7. *Brok; Santer; Tajani; Van Der Linden; Almeida Garrett; Altmaier; Azevedo; Basile; Brejc; Cushnahan; Demetriou; Dolores; Fogler; Follini; Frendo; Giannakou; Kauppi; Kelemen; Korhonen; Krasts; Kroupa; Lennmarker; Maij-Weggen; Mladenov; Paks; Rack; Van Dijk; Wittbrodt; Zieleniec; Zile*
8. *John Cushnahan*
9. *de Villepin*
10. *de Vries and de Bruijn*
11. *Andrew Duff, Lamberto Dini, Paul Helminger, Dimitrij Rupel, Peeter Kreitzberg, Algirdas Griekus, Puius Hasotti, Jelko Kacin, Zekeriya Akçam, Eugenijus Maldeikis; Lone Dybkjaer, Willem Van Eekelen, MacLennan of Rogart, Nesrin Uzun, Marios Matsakis, Androula Vassiliou, Istvan Szent-Ivanyi, Péter Eckstein-Kovacs, Ibrahim Ozal and Gintautas Sivickas*
12. *Hannes Farnleitner*
13. *Gianfranco Fini and Francesco Speroni*
14. *Joschka Fischer*
15. *Jacques Floch*
16. *Hubert Haenel et Robert Badinter*
- 17.
18. *David Heathcoat-Amory*
19. *Esko Helle*
20. *Lena Hjelm-Wallén, Sven-Olof Petersson, Sören Lekberg, Göran Lennmarker, Kenneth Kvist*
21. *Sandra Kalniete, Roberts Zile, Liene Liepina, Rihards Paks, Arturs Krisjanis Karins, Guntars Krasts*
22. *Sylvia-Yvonne Kaufmann*
23. *Timothy Kirkhope*
24. *Alain Lamassoure*

25. *Jürgen Meyer*
26. *Louis Michel, Elio Di Rupo, Anne Van Lancker, Pierre Chevalier, Marie Nagy*
27. *Cristiana Muscardini*
28. *O'Sullivan and Ponzano*
29. *Luís Queiró*
30. *Dick Roche*
31. *Adrian Severin*
32. *Valdo Spini*
33. *Ingvar Svensson*
34. *Helle Thorning-Schmidt*
35. *Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Matti Vanhanen, Riitta Korhonen*
36. *Voggenhuber, Lichtenberger, Wagener*
37. *Joachim Wuermeling*
38. *John Gormley*



**Article 30: Common security and defence policy**

1. *The common security and defence policy, which is an integral part of the common foreign and security policy, shall provide the Union with an operational capability which makes use of military and civilian means. The Union may deploy them on tasks outside the Union to preserve peace and strengthen international security in accordance with the principles of the United Nations Charter.*
2. *The common security and defence policy shall include the progressive framing of a common defence policy for the Union. This will lead to a common defence, when the European Council, acting unanimously, so decides. It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements.*

*The policy of the Union in accordance with this Article shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation (NATO), under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework.*

3. *Member States shall make military and civilian capabilities available to the common security and defence policy, to contribute to the objectives defined by the Council.*

*Member States shall undertake progressively to improve their military capabilities. A European Armaments and Strategic Research Agency shall be established to identify operational requirements, to put forward measures to satisfy those requirements, to contribute to identifying and, where appropriate, implementing any measure needed to strengthen the industrial and technological base of the defence sector, and to assist the Council in evaluating the improvement of its military capabilities.*

*Those Member States which establish multinational forces together may also make those forces available to the common security and defence policy.*

4. *Decisions on the implementation of the common security and defence policy, including those initiating a task as referred to in this Article, shall be adopted by the Council acting unanimously on a proposal from the Union's Minister for Foreign Affairs or from a Member State. The Minister for Foreign Affairs may propose the use of both national resources and Union instruments, together with the Commission where appropriate.*
5. *The Council may entrust the execution of a task, within the Union framework, to a group of Member States. The execution of such a task shall be governed by Article 18 in Part Two, Title B, of the Constitution.*

6. *Those Member States which fulfil higher criteria for military capabilities and which have made more binding commitments to one another in this area with a view to more demanding tasks shall establish structured cooperation within the Union framework. Such cooperation shall be governed by the provisions of Article 20 of Part Two, Title B, of the Constitution.*
7. *Until such time as the European Council has acted in accordance with paragraph 2 of this Article, closer cooperation shall be established, in the Union framework, as regards mutual defence. Under this cooperation, if one of the Member States participating in such cooperation is the victim of armed aggression on its territory, the other participating States shall give it aid and assistance by all the means in their power, military and other, in accordance with Article 51 of the United Nations Charter. The detailed arrangements for participation in this cooperation and its operation, and the relevant decision-making procedures, are set out in Article 21 of Part Two, Title B, of the Constitution.*
8. *The European Parliament shall be consulted on the main aspects and basic choices of the common security and defence policy, and shall be kept informed of how it develops.*

## **THEMATIC EXAMINATION OF AMENDMENTS**

### **In general**

- Provisions establishing closer cooperation in the field of ESDP should require a threshold of at least one half of all Member States. (No 33/Kohout)
- Reword the Article (No 7/Abitbol, No 24/Heathcoat-Amory)
- Add a 9th paragraph to the effect that the Council and the Minister for Foreign Affairs will submit regular activity reports on the implementation of the common security and defence policy to the Assembly of the Western European Union (No 22/Haenel + 1)
- Add a 9th paragraph stating that the implementation of the CFSP does not affect the Union's competences listed in Articles 11 to 13, 15 and 16 of the Constitution (No 39/O'Sullivan + 1)
- Delete the Article (No 32/Kirkhope, No 29/Kalniete + 5, No 9/Bonde + 2), as its purpose is not that of Title V, and move its elements to Part Two. (No 37/Michel + 4, No 30/Kaufmann)

### **Paragraph 1**

*The common security and defence policy is part of CFSP*

- Delete "which" in the first sentence and split the sentence into two. (No 31/Kiljunen, No 41/Roche, No 46/Tiilikainen + 3)

### *Specifying the scope*

- Specify the scope of the paragraph by a reference to Article 17, Title B, Part Two (*No 41/Roche*) or by taking over Article 17(1), Title B, Part Two (*No 36/Meyer*)
- Specify that operational capability serves to manage conflicts and crises and that the Union may deploy this capability outside the Union (*No 31/Kiljunen, No 46/Tiilikainen + 3*)
- Specify that the Union's operational capability is tied in with crisis management (*No 47/Voggenhuber + 1*)
- New wording inserting the defence of the Union or one of its Member States, conflict prevention, crisis management and humanitarian aid. Also add a reference to compliance with the Constitution (*No 10/Borrel + 1*)

### *Place emphasis first on civilian capabilities, then on military capabilities*

- Invert the order of military and civilian capabilities, placing civilian capabilities before military capabilities (*No 36/Meyer, No 20/Fischer*)

### *Amendments adding conflict prevention and an explicit reference to the role of Member States' capabilities in conducting missions*

- Delete "The Union may deploy them on tasks outside the Union to" and replace it by "in order to". Insert the notion of preventing conflict after "preserve peace". Add a final sentence to the subparagraph: "Execution of these tasks will depend on capabilities provided by Member States" (*No 13/de Villepin, No 23/Hain, No 20/Fischer*)

### *Others*

- Add a new paragraph 1a (*No 47/Voggenhuber + 1*)
- Replace "outside the Union" by "arising in the territory of third States in order to" and replace "in accordance with" by in compliance with the principles of the United Nations Charter (*No 40/Queiró*)
- Add "and solely under a United Nations mandate" after compliance with the principles of the United Nations Charter (*No 48/Gormley*)
- New paragraph 1a on mutual defence (*No 10/Borrell + 1*)

## **Paragraph 2**

### *Amendment following Article 17(1) TEU*

- Replace "will" by might (*No 23/Hain, No 33/Kohout*) and "when" by should in the second sentence of the paragraph (*No 23/Hain, No 41/Roche, No 44/Svensson, No 26/Hjelm-Wallén + 4, No 31/Kiljunen, No 46/Tiilikainen + 3*)
- Take over Article 17(1), subpara. 1 TEU, in the first paragraph and, consequently, delete the reference that the common security and defence policy is an integral part of the CFSP (*No 19/Fini + 1*)

### *Common defence policy/common defence*

- Delete the reference to progressive framing of a common defence policy and the subsequent two sentences on the move to a common defence when the European Council so decides (*No 47/Voggenhuber + 1*)
- Delete the reference to the possibility of a common defence (*No 34/Kvist, No 48/Gormley*) and replace by "based on the Charter and the framework of the United Nations" (*No 48/Gormley*)
- Re-word the first sentence emphasising the fact that the progressive framing of a common defence policy for the Union is subject to a decision by the European Council, acting unanimously (*No 34/Kvist*)

### *Others*

- Replace "certain Member States" by "those Member States" in the second subparagraph (*No 33/Kohout*)
- Replace unanimous voting by qualified-majority voting (*No 38/Muscardini*)
- New paragraph (*No 10/Borrell + 1*)
- Specify in the second subparagraph that this refers to the non-aligned and, depending on the case, neutral, and not the "specific" nature of the security and defence policy of certain Member States (*No 34/Kvist, No 48/Gormley*)
- Delete the first subparagraph of the paragraph (*No 19/Fini + 1*)
- Delete the reference in the second subparagraph to the obligations and relations of certain Member States in respect of NATO (*No 47/Voggenhuber + 1*)
- Delete "and be compatible with the common security and defence policy established within that framework." (*No 48/Gormley*)

### **Paragraph 3**

#### *Multinational forces*

- Move the last subparagraph concerning multinational forces to follow the first sentence in the second subparagraph (*No 11/Brok +30, No 21/Giannakou*)
- Move the last subparagraph and place it after the first subparagraph (*No 17/Earl of Stockton*)
- Replace “may also make those forces available” with “shall also make those forces available” (*No 42/Severin*)
- Delete the last subparagraph relating to multinational forces (*No 1/Seppanen*)

#### *The commitment of the Member States to improve their capabilities*

- Delete the first sentence of the second subparagraph on the commitment of the Member States to improve their capabilities (*No 31/Kiljunen, No 46/Tiilikainen + 3, No 10/Borrell + 1, No 25/Helle*)

#### *Civilian capabilities*

- Reverse the order, putting civilian capabilities first in the first subparagraph (*No 20/Fischer*)
- Add civilian capacities in the first sentence of the second subparagraph (*No 20/Fischer, No 44/Svensson, No 26/Hjelm-Wallen + 4, No 34/Kvist*)
- Replace the concept of an improvement in capabilities by that of their development. This sentence in the second subparagraph should be moved to the first subparagraph. (*No 44/Svensson, No 26/Hjelm-Wallen + 4, No 34/Kvist*)

#### *International organisations*

- Add a reference to possible recourse to NATO assets and capabilities as part of the strategic partnership in crisis management established by the EU and NATO for the execution of the tasks referred to in this Article, at the end of the first subparagraph. (*No 23/Hain*)
- Replace "available to the common security and defence policy" with "available to the United Nations" and add "and the United Nations Charter" after "objectives defined by the Council". (*No 48/Gormley*)

#### *Agency - general*

- Make the intergovernmental character of the Agency explicit and add that the Agency will be established under the Council (*No 23/Hain*)

#### *The Agency's tasks*

- Add the study of measures for conflict prevention (*No 2/Thorning-Schmidt*)

- Replace "where appropriate" with "if necessary" (*No 14/de Vries + 1*)
- Add the concept of coordination to that of the identification of operational requirements by the Agency (*No 17/Earl of Stockton*)
- Replace the part of the paragraph covering the Agency's tasks with a reference to Article 19, Part II, Title B (*No 19/Fini + 1*)
- Replace the part of the paragraph covering the Agency's tasks with "to support these efforts including by proposing EU policies on capabilities development and acquisition and by evaluating member states' progress against agreed objectives and standards as defined by the Council" (*No 23/Hain*)
- Replace the part of the paragraph covering the Agency's tasks with "die die europäischen militärischen Fähigkeiten verbessern sowie Interoperabilität und Zusammenarbeit zwischen den Streitkräften der Mitgliedstaaten verstärken soll. Diese Agentur soll dazu beitragen, ein günstiges Umfeld für eine wettbewerbsfähige europäische Rüstungsindustrie zu schaffen sowie die schrittweise Schaffung eines europäischen Rüstungsmarkts zu fördern" (*No 20/Fischer*)
- Add the concept that the Agency should assist the Council in evaluating the military capabilities made available to the common security and defence policy
- Add to the Agency's tasks that of participation in defining a European capabilities and armament policy (*No 13/de Villepin*)
- Add a final subparagraph which reads "In the framework of financial means attributed to the agency, it may support arms procurement processes" (*No 11/Brok +30, No 21/Giannakou*)
- Delete the reference to putting forward and implementing measures to satisfy operational requirements (*No 35/Lopes + 3*)
- Delete "to identify operational requirements, to put forward measures to satisfy those requirements" (*No 25/Helle*)

#### *The name of the Agency*

- Change the Agency's name to "European Defence Capabilities Agency" (*No 14/de Vries + 1*), "Agence Européenne des Capacités Militaires et de recherche stratégique" (*No 19/Fini + 1*), "European Defence Development and Acquisition Agency" or "Agency for Capabilities and Acquisition" (*No 23/Hain*), "European Military Capabilities Agency" (*No 41/Roche*), "Agence Européenne d'Armement et des Capacités" (*No 20/Fischer*)

### *Delete references to the Agency in this paragraph*

- Delete the reference to the Agency, since the Agency should be established in Part II of the Constitution (No 33/Kohout, No 44/Svensson, No 26/Hjelm-Wallen + 4, No 34/Kvist). Replace support for the development of military capabilities with cooperation between the Member States in the armaments field. (No 44/Svensson, No 26/Hjelm-Wallen + 4, No 34/Kvist).
- Delete any reference to the Agency and replace it with coordination in the area of technological and military capabilities between the Member States (No 40/Queiro)
- Delete the second subparagraph (No 47/Voggenhuber + 1)

### *Deletions*

- Delete the second and third subparagraphs (No 48/Gormley)

### *Other*

- Add a reference to the fact that the Member States should make civilian and military capabilities available in accordance with the vote expressed (No 38/Muscardini)
- Replace the Council by the European Council in the first subparagraph (No 45/Teufel)
- Replace the Council by the European institutions, for the definition of objectives. (No 47/Voggenhuber + 1)

## **Paragraph 4**

### *Procedure*

- Replace the vote by unanimity with an augmented qualified majority of 75% of the Member States representing 75% of the Union's citizens (No 36/Meyer), a vote by a qualified majority (No 38/Muscardini, No 10/Borrell + 1), a vote by an enhanced qualified majority except for decisions implying a military action (No 42/Severin), the adoption of decisions by the Council and the European Parliament. (No 47/Voggenhuber + 1)
- Add a subparagraph stating that Member States which have abstained or voted against shall not be obliged to apply the decision, but shall accept that the decision commits the Union and shall refrain from action against the decision. (No 36/Meyer)
- Put initiative by a Member State at the beginning of the list of possible authors of the proposal, and add proposals by the Commission or the Minister for Foreign Affairs jointly with the Commission (No 18/Farnleitner)
- Delete the Minister's right of initiative and replace it with that of the Commission (No 44/Svensson, No 48/Gormley).
- Delete the last sentence of the paragraph (No 44/Svensson, No 47/Voggenhuber + 1)

- Delete the reference to the Commission in the proposal to use both national resources and Union instruments in the last sentence of the paragraph (*No 13/de Villepin*)
- Delete the reference to the Minister for Foreign Affairs and replace it by the Commission in the proposal to use both national resources and Union instruments in the last sentence of the paragraph (*No 48/Gormley*)
- Begin the paragraph with “without prejudice to the constitutional prerogatives of the Commission” (*No 16/Duff + 20*)
- Replace “the Council” by the European Council (*No 19/Fini + 1*)
- Add a sentence at the end of the paragraph stating that the commitment of national and multinational resources for operations will be a decision for the Member State or Member States concerned (*No 23/Hain*)
- Replace the Minister for Foreign Affairs by the Commissioner in charge of the Common Security and Defence Policy (*No 25/Helle*)

#### *Other*

- Inclusion of the budget intended to cover the costs of the common security and defence policy in the Union budget. (*No 47/Voggenhuber + 1*)
- New wording (*No 10/Borrell + 1*)

### **Paragraph 5**

- Add the expression for preserving the values of the Union and for serving its interests at the end of the first sentence of the paragraph (*No 11/Brok +30, No 21/Giannakou*)
- Add the provisions of Article 18 (*No 23/Hain*)
- Delete the paragraph (*No 3/Seppanen, No 18/Farnleitner, No 48/Gormley*)

### **Paragraph 6**

#### *Enhanced cooperation*

- Reference to the provisions on enhanced cooperation (*No 40/Queiro, No 28/Hübner, No 14/de Vries + 1, No 10/Borrell + 1*)

#### *Amendments to the subject of cooperation*

- Reword the paragraph, putting the stress on States which want to develop their civilian and military capabilities which might be used in crisis management (*No 28/Hübner*)



- Replace "shall" with "might" in the first sentence. (*No 33/Kohout*)
- Delete "and which have made more binding commitments to one another in this area with a view to more demanding tasks" and move the words "higher criteria for military capabilities within the Union framework" to in front of the reference to Article 20, Part Two, Title B  
*No 5/Thorning-Schmidt, No 12/Christophersen + 3*)
- Delete the notion of higher in relation to military capabilities. (*No 35/Lopes + 3 No 33/Kohout*)

#### *Deletions*

- Delete the paragraph (*No 4/Seppänen, No 23/Hain, No 27/Hololei, No 41/Roche, No 44/Svensson, No 47/Voggenhuber + 1, No 26/Hjelm-Wallén + 4, No 31/Kiljunen, No 34/Kvis, No 46/Tiilikainen + 3, No 48/Gormley, No 25/Helle*)

#### *Others*

- Add that the higher criteria for military capabilities will be established by the European Council, acting unanimously on a proposal from the Minister for Foreign Affairs of the Union or of a Member State. (Second part of amendment does not affect English version) (*No 19/Fini + 1*)

### **Paragraph 7.**

#### *Establishing closer cooperation*

- Replace "shall" by "may" or "might" in the first sentence (*No 6/Thorning-Schmidt, No 12/Christophersen + 3, No 33/Kohout, No 40/Queiró*)
- Add the clarification that closer cooperation will be established between those Member States wishing to participate (*No 18/Farnleitner*)

#### *NATO*

- Add a reference to closer cooperation with NATO in the implementation of cooperation in the field of mutual defence (*No 6/Thorning-Schmidt, No 12/Christophersen + 3*)
- Add that this clause works when NATO is not involved. (*No 33/Kohout*)

#### *New wording*

- Replace this paragraph with a new wording, emphasising Member States' duty to assist each other in case of a military attack from outside, on the assurance that military assistance of third States may be granted only upon a request by the Union and that the supreme command over military action must not be transferred to any third State (*No 47/Voggenhuber + 1*)
- Re-word the paragraph, emphasising use of the Brussels Treaty by States wishing to embark on common defence commitments. To that end, this mechanism should be opened to all Member States. (*No 28/Hübner*)

#### *Deletions*

- Delete the paragraph. (No 14/de Vries + 1, No 15/Demiralp, No 23/Hain, No 27/Hololei, No 41/Roche, No 44/Svensson, No 26/Hjelm-Wallén + 4, No 31/Kiljunen, No 34/Kvist, No 35/Lopes + 3, No 46/Tiilikainen + 3, No 48/Gormley, No 25/Helle)

#### *Miscellaneous*

- State that the Member States will seek ways of providing aid and assistance, and not that they will provide it automatically (No 33/Kohout)
- Specify by a reference to Article XXX of Part Two (No 40/Queiró)

### **Paragraph 8**

#### *European Parliament*

- Add that the European Parliament is to be regularly informed, and explicitly state that it is for the Council or the Minister for Foreign Affairs to do so (No 11/Brok +30, No 17/Earl of Stockton, No 21/Giannakou)
- Add that the European Parliament should also be advised (No 48/Gormley)
- Replace this paragraph with a new provision requiring the European Parliament's assent for military deployment and sanctions against States within the framework of the common security and defence policy (No 47/Voggenhuber + 1)
- New wording requiring European Parliament authorisation for the use of the Union's military means (No 10/Borrell + 1)

#### *National parliaments*

- Add that national parliaments be informed (No 43/Spini) as well as consulted in the context of the Interparliamentary Conference (No 8/Azevedo + 1)

#### *Deletions*

- Delete this paragraph, as the provisions of Article 29(6) and (9) apply to the common security and defence policy (No 18/Farnleitner, No 46/Tiilikainen)

### **LIST OF AMENDMENTS TO ARTICLE 30**

1. *Esko Seppänen*
2. *Helle Thorning-Schmidt*
3. *Esko Seppänen*
4. *Esko Seppänen*
5. *Helle Thorning-Schmidt*
6. *Helle Thorning-Schmidt*
7. *William Abitbol*
8. *Maria Eduarda Azevedo and António Nazaré Pereira*
9. *Jens-Peter Bonde, Esko Seppänen and Jan Zahradil*
10. *Borrell, Carnero and López Garrido*
11. *Brok; Santer; Tajani; van der Linden; Almeida Garrett; Altmaier; Azevedo; Basile; Brejc; Cristina; Cushnahan; Demetriou; Fogler; Follini; Frendo; Giannakou; Kauppi; Kelemen; Korhonen; Krasts; Kroupa; Lennmarker; Lequiller; Maij-Weggen; Mladenov; Paks; Rack; Van Dijk; Wittbrodt; Zieleniec; Zile*
12. *Henning Christophersen, Poul Schlüter, Henrik Dam Kristensen and Niels Helveg Petersen*
13. *de Villepin*
14. *G.M. De Vries and T.J.A.M. De Bruijn*
15. *Oğuz Demiralp*
16. *Andrew Duff, Lamberto Dini, Paul Helminger, Dimitrij Rupel, Peeter Kreitzberg, Algirdas Gricius, Puiu Hasotti, Jelko Kacin, Zekeriya Akçam, Eugenijus Maldeikis, Lone Dybkjaer, Willem Van Eekelen, Lord Maclellan of Rogart, Nesrin Uzun, Marios Matsakis, Androula Vassiliou, Istvan Szent-Ivanyi, Péter Eckstein-Kovacs, Ibrahim Ozal and Gintautas Sivickas*
17. *The Earl of Stockton*
18. *Hannes Farnleitner*
19. *Gianfranco Fini and Francesco Speroni*
20. *Joschka Fischer*
21. *Marietta Giannakou*
22. *Hubert Haenel and Robert Badinter*
23. *Hain*
24. *David Heathcoat-Amory*
25. *Esko Helle*
26. *Lena Hjelm-Wallén, Sven-Olof Petersson, Sören Lekberg and Kenneth Kvist*

27. *Henrik Hololei*
28. *Danuta Hübner*
29. *Sandra Kalniete, Roberts Zile, Liene Liepina, Rihards Piks, Arturs Krisjanis Karins, Guntars Krasts*
30. *Sylvia-Yvonne Kaufmann*
31. *Kiljunen*
32. *Timothy Kirkhope*
33. *J. Kohout*
34. *Kvist*
35. *Ernâni Lopes, Maria Eduarda Azevedo, Manuel Lobo Antunes and António Nazaré Pereira*
36. *Jürgen Meyer*
37. *Louis Michel, Elio Di Rupo, Anne Van Lancker, Pierre Chevalier and Marie Nagy*
38. *Cristiana Muscardini*
39. *O'Sullivan and M. Ponzano*
40. *Luís Queiró*
41. *Dick Roche*
42. *Adrian Severin*
43. *Valdo Spini*
44. *Ingvar Svensson*
45. *Erwin Teufel*
46. *Teija Tiilikainen, Antti Peltomäki, Matti Vanhanen, Riitta Korhonen*
47. *Voggenhuber, Wagener*
48. *John Gormley*

### Article X: Solidarity clause

*In application of the principle of solidarity, the Union shall mobilise all the instruments at its disposal, including military resources, to:*

- *prevent the terrorist threat;*
- *protect democratic institutions and the civilian population from any terrorist attack;*
- *assist a Member State in its territory at the request of its political authorities in the event of a terrorist attack .*

*The detailed rules for implementing this provision appear in Article X of Part Two, Title B, of the Constitution.*

## THEMATIC EXAMINATION OF AMENDMENTS

### General

*New heading*

- New heading: security and solidarity clause (No 5/de Villepin, No 7/Fischer)

*General amendment*

- New wording : In the face of threats which confront their common security, the Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the object of a terrorist attack or other disaster. The Union and its Member States shall for these purposes make use of all resources available to them, including civilian and military capabilities in the framework of Article 30, in order to grant help and assistance at the request of the Member State concerned. This will give expression to the principle of the indivisibility of the security of the Member States of the Union  
(No 5/de Villepin, No 7/Fischer, No 9/Hain)

*Scope of the solidarity clause*

- Add a reference, depending on the circumstances, to : natural, humanitarian or other disasters (No 6/Farnleitner, No 14/Kiljunen, No 18/Roche, No 5/de Villepin, No 7/Fischer, No 9/Hain, No 16/Michel + 3)
- New wording deleting the indents and including in the article the prevention of the threat of international terrorism in accordance with international law and the mobilisation of all the instruments at the Union's disposal to protect the civilian population and assist a Member State in its territory at the request of its political authorities (No 12/Hjelm-Wallén + 4)
- Add a reference to the democratic institutions of the Union and the Member States in the second indent (No 11/Helle)
- Shorten the article by deleting the idea of protecting the civilian population and the democratic institutions (No 17/Queiró)

- Clarify the extent of terrorist threat prevention (*No 10/Heathcoat-Amory + 1, No 15/Maclennan*) or delete the reference to prevention of the terrorist threat (*No 11/Helle, No 19/Seppänen*)
- Specify that the clause is to apply to terrorist threats from non-State entities (*No 14/ Kiljunen*)
- Insert an Article Xa on mutual defence (inclusion of Article 30(7)) (*No 2/Michel + 4*) or a paragraph also on mutual defence (*No 8/Giannakou + 3*)

#### *Legal bases*

- New wording emphasising assistance to a Member State which has been the victim of a terrorist attack or has suffered from a natural or man-made disaster. The detailed arrangements for the implementation of this provision should be adopted by the Council, acting unanimously, on the basis of a joint proposal by the Minister for Foreign Affairs and the Commission and, as appropriate, following consultation with the European Parliament (*No 18/Roche*)

#### *Request by a Member State*

- Move the reference to a request of a Member State concerned to the end of the first sentence (*No 6/Farnleitner, No 14/ Kiljunen, No 20/Tiilikainen + 3*)

#### *Deletions*

- Delete the article (*No 3/Bonde + 2, No 13/Kaufmann, No 21/Voggenhuber +2, No 48/Gormley*) as the scope of the article has already been covered by other articles in the Constitution (*No 4/de Vries + 1*)

#### *Miscellaneous*

- Add a provision stating that this article shall not prejudice the specific character of the security and defence policy of the Member States (*No 12/Hjelm-Wallén + 4*)
- Reword article specifying the means which the Union will mobilise (*No 8/Giannakou + 3*)
- Reword article to highlight the intergovernmental approach (*No 10/Heathcoat-Amory + 1*)
- Replace "Union" by Community (*No 1/Kirkhope*)

## **LIST OF AMENDMENTS TO ARTICLE X**

1. *Timothy Kirkhope*
2. *Louis Michel, Elio Di Rupo, Anne Van Lancker, Pierre Chevalier, Marie Nagy*
3. *Jens-Peter Bonde, Esko Seppänen and Jan Zahradil*
4. *G.M. De Vries and T.J.A.M. De Bruijn*
5. *de Villepin*
6. *Hannes Farnleitner*
7. *Joschka Fischer*
8. *Giannakou Marietta , Avgerinos Paraskevas, Brok Elmar and Stylianidis Evripidis*
9. *Hain*
10. *David Heathcoat-Amory, Earl of Stockton*
11. *Esko Helle*
12. *Lena Hjelm-Wallén and Sven-Olof Petersson, government representatives, and  
Sören Lekberg, Kenneth Kvist and Ingvar Svensson, national parliament representatives.*
13. *Sylvia-Yvonne Kaufmann*
14. *Kiljunen*
15. *Robert MacLennan*
16. *Louis Michel, Elio di Rupo, Anne Van Lancker, Convention members, and Pierre Chevalier,  
alternate member of the Convention*
17. *Luís Queiró*
18. *Dick Roche*
19. *Esko Seppänen*
20. *Teija Tiilikainen, Antti Peltomäki, Matti Vanhanen, Riitta Korhonen*
21. *Voggenhuber, Lichtenberger, Wagener,*
22. *John Gormley*

## **PART II — TITLE B — THE UNION'S EXTERNAL ACTION**

### **Article 1: Principles and objectives**

1. *The Union's action on the international scene shall be guided by, and designed to advance in the wider world, the principles which have inspired its own creation, development and enlargement: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, equality and solidarity, and for international law in accordance with the principles of the United Nations Charter. The Union shall seek to develop relations and build partnerships with countries, and regional or global organisations, which share these values. It shall promote multilateral solutions to common problems, in particular in the framework of the United Nations.*
2. *The European Union shall define and pursue common policies and Union actions, and shall work for a maximum degree of cooperation in all fields of international relations, in order to:*
  - (a) *safeguard the common values, fundamental interests, independence and integrity of the Union;*
  - (b) *consolidate and support democracy, the rule of law, human rights and international law;*
  - (c) *preserve peace, prevent conflicts and strengthen international security, in conformity with the principles of the United Nations Charter;*
  - (d) *foster the sustainable economic and social development of developing countries, with the primary aim of eradicating poverty, particularly in low-income countries;*
  - (e) *encourage the integration of all countries into the world economy, including through the progressive abolition of restrictions on international trade;*
  - (f) *develop international measures to preserve and improve the environment and global natural resources, and ensure sustainable development;*
  - (g) *assist populations, countries and regions confronting man-made or natural disasters; and*
  - (h) *promote an international system based on stronger multilateral cooperation and good global governance.*
3. The Union shall ensure consistency between the different areas of its external action. It shall also take into account the principles and objectives listed above in the development and implementation of external aspects of other Union policies.

## **THEMATIC EXAMINATION OF AMENDMENTS**

### **General**

- Replace “Union” with “Community” throughout (No 28/Kirkhope)



### **Paragraph 1**

- Insert "peace" after "enlargement" (*No 1/Gabaglio, No 39/Voggenhuber+2*) and insert "social justice" after "human dignity" (*No 1/Gabaglio*)
- Insert "peaceful and negotiated" before "multilateral" and "and regional conflicts" after "common problems" (*No 14/Borrell+2*)
- Add "and specifically within the Security Council" at the end of the paragraph (*No 11/Abitbol*)
- Replace "which share" with "by promoting" (*No 17/de Villepin*)
- Delete "the universality and indivisibility of", replace "human rights and fundamental freedoms" with "fundamental rights" and move "respect for" in front of "fundamental rights" (*No 19/Demiralp*). Delete "and fundamental freedoms", "dignity,", and "and solidarity" (*No 25/Heathcoat-Amory*). Delete the text of the first sentence after "enlargement" (*No 29/Lopes+3, No 36/Queiró*), while maintaining a reference to compliance with the principles of the United Nations Charter (*No 36/Queiró*)
- Delete ", and designed to advance in the wider world,", add "the social state" and replace "respect for human dignity" with "inviolability of human dignity" (*No 27/Kaufmann*)
- Add a subparagraph to the effect that the Union rejects war as a means of resolving disputes and shall use force only in the context of international law and in accordance with the United Nations Charter (*No 14/Borrell+2*), or add a separate paragraph along the same lines (*No 31/Martini*), or add a reference to the advancement of United Nations conflict resolution capacities (*No 39/Voggenhuber+2*), or add a reference to the peaceful settlement of disputes after "equality and solidarity" (*No 40/Gormley*)

### **Paragraph 2**

- Replace with a text under which Member States (of the Community) may pursue bilateral or multilateral policies (*No 28/Kirkhope*)

#### **Paragraph 2(a)**

- Replace "safeguard the common values" with "safeguard sustainable development" (*No 13/Bonde*). Replace "safeguard" with "guarantee" (*No 27/Kaufmann*). Add "and promote" after "safeguard" (*No 37/Svensson*)
- Add "security" (*No 24/Fischer*)
- Replace "the Union" with "the Union's Member States" (*No 25/Heathcoat-Amory*), or add a reference to the Member States at the end (*No 36/Queiró*)

### **Paragraph 2(b)**

- Insert ", including economic and social rights" after "human rights" (No 8/Thorning-Schmidt). Add "the social state" and a reference to the United Nations Charter (No 27/Kaufmann) .
- Add ", good governance" after "consolidate and support democracy" (No 12/Dybkjaer, No 15/Brok+31, No 32/McAvan+7).
- Replace "human rights" with "indivisibility of human rights and fundamental freedoms" (No 18/de Vries+1).

### **Paragraph 2(c)**

- Add "promote and" before "preserve" (No 32/McAvan+7), or "and actively support" after "preserve"(No 39/Voggenhuber+2).
- Add "and manage" after "prevent" and add "and crises" after "conflicts" (No 38/Tiilikainen+4).

### **Paragraph 2(d)**

- Add "environmental" after "economic" (No 3/Berger+1, No 4/Timmermans, No 5/Van Lancker, No 7/Gabaglio, No 16/Dybkjaer, No 20/ Duff+19, No 22/Farnleitner, No 26/Hjelm-Wallén+3, No 27/Kaufmann, No 30/Maclennan, No 33/Michel+4, No 37/Svensson, No 39/Voggenhuber+2, No 41/Carey).
- Delete "particularly in low-income countries" (No 3/Berger+1, No 4/Timmermans, No 5/Van Lancker, No 35/Palacio, No 39/Voggenhuber+2, No 41/Carey), or move the reference to low-income countries to before "with the primary aim" (No 29/Lopes+3). Delete the reference to developing countries (No 39/Voggenhuber+2).
- Add "where possible through the expansion of free trade" (No 28/Kirkhope).
- Add a reference to the promotion of health and education (No 30/Maclennan).
- Add ", in particular" after "countries" and delete "primary" (No 17/de Villepin).

### **Paragraph 2(e)**

- Replace "integration" with "participation" (No 11/ Abitbol).
- Add "progressive and continued" after "integration", add "in particular developing countries", and replace "on international trade" with "on international exchanges" (No 29/Lopes+3).
- Add "in goods and services and foreign direct investments" (No 18/de Vries+1).

- Delete "progressive" (*No 26/Hjelm-Wallén+3*).
- Replace the second part of the sentence with references to the abolition of restrictions on international trade and capital and the safeguarding of sovereignty (*No 27/Kaufmann*).
- Add a reference to paragraph (d) (*No 39/Voggenhuber+2*).
- Delete this paragraph (*No 40/Gormley*).

#### **Paragraph 2(f)**

- Replace "preserve" with "protect", insert "the quality of" before "the environment" and "the sustainable management of" before "global natural resources" and replace "and" with "in order to" (*No 3/Berger+1, No 37/Svensson, No 39/Voggenhuber+2*), or amend the paragraph in the same way but in greater detail as regards its objectives (*No 6/Van Lancker, No 23/Dybkjaer*).
- Add "and the development of international regulations" (*No 17/de Villepin*).
- Insert "to preserve" before "global natural resources" (*No 18/de Vries+1*).
- Add "and promote" before "sustainable development" (*No 20/ Duff+19, No 30/Maclennan*).

#### **Paragraph 2(g)**

- Replace "confronting" with "affected by" (*No 26/Hjelm-Wallén+3*).

#### **Paragraph 2(h).**

- Delete the reference to good global governance (*No 27/Kaufmann, No 36/Queiró*).
- Add "under the auspices of the United Nations" (*No 40/Gormley*).

#### **Proposals to add a paragraph.**

- Add a paragraph (i) under which promoting the transatlantic relationship is a cornerstone of peace, democracy and stability in the world (*No 2/Kohout*).
- Add a paragraph between (a) and (b) on reinforcing security and promoting solidarity between Member States (*No 17/de Villepin*), or a paragraph after (b) on strengthening the security of the Union in all ways, including security of supplies (*No 20/ Duff+19, No 30/Maclennan*).
- Add a paragraph (j) on promoting cultural and linguistic diversity (*No 17/de Villepin*).
- Add a paragraph on promoting international cooperation in managing migration flows (*No 18/de Vries+1*).

- Add a paragraph on promoting international cooperation in combating crime (No 18/de Vries + 1).
- Add a paragraph after (a) on consolidating, supporting and respecting democratic principles including the right to choose and change leaders (etc.) (No 21/The Earl of Stockton).
- Add a paragraph after the one above on respect for good governance, the rule of law, human rights and international law (No 21/The Earl of Stockton).
- Add a paragraph (i) on developing a special relationship with the Union's neighbouring States (No 38/Tiilikainen+4).
- Add a paragraph between (c) and (d) on promoting disarmament (No 39/Voggenhuber+2).

### **Paragraph 3.**

- Add a sentence on the coherence between the different domains of external action and between the external action and the other Union policies when they have an impact on developing countries (No 9/Berger+1, No 10/Van Lancker, No 15/Brok+31, No 37/Svensson, No 41/Carey). Rephrase to state that the Union must ensure the coherence between its external and internal policies (No 18/de Vries+1, No 20/Duff+19, No 30/Maclennan), that internal policies must contribute to reaching and reinforcing its development objectives, and that the Union shall take into account the principles and objectives of this Article in the development and implementation of other policies (No 39/Voggenhuber+2) which are likely to affect developing countries (No 18/de Vries+1), or add at the end of the current text "including those likely to affect developing countries" (No 26/Hjelm-Wallén+3).
- Specify that the Council and the Commission shall ensure coherence between the different areas of external action, and that they shall take into account the principles and objectives of this Article in the development and implementation of external aspects of other Union policies (No 10/Van Lancker).
- Replace "also take into account" with "respect" and delete "of external aspects" (No 38/Tiilikaninen+4)
- Replace the paragraph with a text on the respect of the principles and objectives by the Council and the Commission, stating each field of external action, and specifying their responsibility in ensuring coherence in external action as well as coherence between all policies (No 33/Michel+4).
- Add a reference to respect of the acquis, replace "also take into account" with "also respect", and delete "of external aspects" (No 22/Farnleitner)
- Add that Member States shall refrain from unconcerted actions, which could go against the interests of the Union or damage its effectiveness in international relations (No 24/Fischer).

- Replace "consistency" with "coherence" in the English version (*No 26/Hjelm-Wallén+3, No 37/Svensson*).
- Delete this paragraph (*No.28/Kirkhope*).

**Proposals to add a paragraph.**

- Add a paragraph to the effect that this Article shall not affect the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security (*No 18/de Vries+1*)
- Add a paragraph to the effect that this Article shall take precedence in areas where the internal policies of the Union conflict with such principles and objectives (*No 21/The Earl of Stockton, No 25/Heathcoat-Amory*).

### LIST OF AMENDMENTS TO ARTICLE 1

1. *Emilio Gabaglio*
2. *Jan Zahradil*
3. *Maria BERGER and Caspar EINEM*
4. *Frans Timmermans*
5. *Anne Van Lancker*
6. *Anne Van Lancker*
7. *Emilio Gabaglio*
8. *Helle THORNING-SCHMIDT*
9. *Maria BERGER and Caspar EINEM*
10. *Anne Van Lancker*
11. *William ABITBOL*
12. *Dybkjær*
13. *Jens-Peter Bonde*
14. *Borrell, Carnero Y López Garrido*
15. *Brok; Santer; Stylianidis; Tajani; Van Der Linden; Almeida Garrett; Altmaier; Azevedo; Basile; Brejc; Cristina; Cushnahan; Demetriou; Fogler; Follini; Frendo; Giannakou; Kauppi; Kelemen; Korhonen; Krasts; Kroupa; Lennmarker; Lequiller; Maij-Weggen; Mladenov; Paks; Rack; Van Dijk; Wittbrodt; Zieleniec; Zile*
16. *Dybkjær*
17. *De Villepin*
18. *G.M. De Vries and T.J.A.M. De Bruijn*
19. *Oğuz DEMIRALP*
20. *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.*
21. *The Earl of Stockton*
22. *Hannes Farnleitner*
23. *Dybkjær*
24. *Joschka Fischer*

25. *David Heathcoat-Amory*
26. *Lena Hjelm-Wallén and Sven-Olof Petersson, Government Representatives and Sören Lekberg and Kenneth Kvist, National Parliament Representatives.*
27. *Sylvia-Yvonne Kaufmann*
28. *TIMOTHY KIRKHOPE*
29. *Ernâni Lopes, Maria Eduarda Azevedo, Manuel Lobo Antunes and António Nazaré Pereira*
30. *Robert MacLennan*
31. *Claudio Martini*
32. *Linda Mcavan, Anne VAN LANCKER, Olivier DUHAMEL, Luis MARINHO, Pervenche BERÈS, Maria BERGER, Elena PACIOTTI, Helle THORNING-SCHMIDT*
33. *Louis Michel, Elio Di Rupo, Anne Van Lancker, Pierre Chevalier Marie Nagy*
34. *O'Sullivan and Ponzano*
35. *Palacio*
36. *Luís Queiró*
37. *Ingvar SVENSSON*
38. *Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Matti Vanhanen, Riitta Korhonen*
39. *Voggenhuber, Lichtenberger, Wagener,*
40. *John Gormley*
41. *Pat Carey*

## **Article 2**

1. *On the basis of the principles and objectives referred to in Article 1 of this Title, the European Council shall identify the strategic interests and objectives of the Union.*

*European Council decisions on the strategic interests and objectives of the Union may relate to foreign policy and to other areas of the external action of the Union. Such decisions may concern the relations of the Union with a specific country or region or may be thematic in approach. They shall define their duration, and the means to be made available by the Union and the Member States.*

*The European Council shall act unanimously on a proposal from the Council. The Council proposal shall be adopted by the Council by a qualified majority on the basis of recommendations by the Minister for Foreign Affairs (for matters relating to the common foreign and security policy), by the Commission (for other areas of external action), or by both together. The decisions of the European Council shall be implemented by the Council in accordance with the procedures provided for in the Constitution.*

2. *The Minister for Foreign Affairs, for the field of common foreign and security policy, and the Commission, for other fields of external action, may submit joint proposals to the Council. The Council shall adopt decisions on such joint proposals by qualified majority.*

## **THEMATIC EXAMINATION OF AMENDMENTS:**

### **Paragraph 1**

- Limit the European Council's definition of the strategic interests and objectives of the Union to the field of CFSP exclusively (No 9/Hain, No 26/Van Lancker)
- Add a reference to the role of the European Parliament (No 4/Borrell + 2, No 15/Kaufmann, No 18/Lopes + 3, No 27/Voggenhuber + 1)

### *European Council decisions:*

- Amend the text to state that the European Council adopts "guidelines" instead of decisions (No 6/de Vries + 1, No 8/Farnleitner)
- State that the European Council shall act on a proposal from the Foreign Affairs Council (No 5/de Villepin)
- The European Council shall act by a qualified majority (No 4/Borrell + 2, No 6 de Villepin)
- Add that European Council decisions in fields other than the CFSP shall be adopted in accordance with the legislative procedure (No 2/Berger + 1, No 28/Carey)



#### *Council recommendations:*

- ▶ The Council shall adopt a recommendation exclusively on the basis of a joint proposal by the Minister and the Commission (*No 8/Farnleitner*) or exclusively on the basis of a proposal from the Commission (*No 24/Svensson*)
- ▶ The Council must also be able to act on a recommendation from a Member State (*No 23/Roche, No 11/Hjelm-Wallén + 3*). Ditto for the Presidency (*No 18/Lopes + 3*)
- ▶ Delete the sentence concerning joint recommendations to the Council by the Minister for Foreign Affairs and the Commission (*No 5/de Villepin, No 9/Hain, No 10/Heathcoat-Amory*)
- ▶ Replace "*recommendation*" by "*proposal*" (*No 19/Michel + 4, No 20/O'Sullivan + 1*)
- ▶ Council proposals must be adopted unanimously by the Council instead of by a qualified majority (*No 9/Hain, No 18/Lopes + 3, No 3/Bonde*) with the exception of joint proposals by the Minister and the Commission (*No 5/de Vries + 1*)

#### *Implementation of European Council decisions:*

- ▶ Add that European Council decisions are implemented not only by the Council but also by the Minister for Foreign Affairs (*No 5/de Villepin*)
- ▶ Replace "*the Council*" by "*the appropriate institution*" (*No 7/Duff + 19*) or delete "*the Council*" (*No 19/Michel + 4, No 20/O'Sullivan + 1*) or add a reference to the Minister/Commission (*No 21/Palacio*)

#### *Other aspects:*

- ▶ Proposal to reintroduce the term "*common strategy*" (*No 17/Lekberg*)
- ▶ Drafting amendments (*No 6/de Vries + 1, No 13/Hubner*)
- ▶ Alternative text: (*No 16/Kirkhope*)

#### **Paragraph 2**

- ▶ State that joint proposals are without prejudice to the Commission's exclusive right of initiative as defined in other provisions of Part Two (*No 6/de Vries + 1, No 8/Farnleitner*)
- ▶ Delete the paragraph because the Minister forms part of the Commission (*No 5/de Villepin, No 9/Hain*)
- ▶ Delete qualified majority voting for joint proposals by the Minister for Foreign Affairs and the Commission (*No 1/Attalides, No 3/Bonde*)

- ▶ Rule out application of this Article to matters having military or defence implications (*No 23/Roche*)
- ▶ Delete the paragraph as it is already covered in Chapter 1 (*No 11/Hjelm-Wallén + 3, No 15 Kaufmann*)
- ▶ Delete the paragraph (*No 10/Heathcoat-Amory, No 24/Svensson*)

## **LIST OF AMENDMENTS TO ARTICLE 2**

1. *Attalides*
2. *Maria BERGER and Caspar EINEM*
3. *Jens-Peter Bonde*
4. *Borrell and Carnero y López Garrido*
5. *de Villepin*
6. *G.M. de Vries and T.J.A.M. de Bruijn*
7. *Andrew Duff, Lamberto Dini, Paul Helminger, Dimitrij Rupel, Peeter Kreitzberg, Algirdas Gričius, Puiu Hasotti, Jelko Kacin, Zekeriya Akçam, Eugenijus Maldeikis; Lone Dybkjaer, Willem Van Eekelen, Lord MacLennan of Rogart, Nesrin Uzun, Marios Matsakis, Androula Vassiliou, Istvan Szent-Ivanyi, Péter Eckstein-Kovacs, Ibrahim Ozal and Gintautas Sivickas*
8. *Hannes Farnleitner*
9. *Hain*
10. *David Heathcoat-Amory*
11. *Lena Hjelm-Wallén, Sven-Olof Petersson, Sören Lekberg and Kenneth Kvist*
12. *Henrik Hololei*
13. *Danuta Hübner*
14. *Sandra Kalniete, Roberts Zile, Liene Liepina, Rihards Piks, Arturs Krisjanis Karins, Guntars Krasts*
15. *Sylvia-Yvonne Kaufmann*
16. *Timothy Kirkhope*
17. *Lennmarker*
18. *Ernâni Lopes, Maria Eduarda Azevedo, Manuel Lobo Antunes and António Nazaré Pereira*
19. *Louis Michel, Elio di Rupo, Anne Van Lancker, Pierre Chevalier and Marie Nagy*
20. *O'Sullivan and Ponzano*
21. *Palacio*
22. *Luís Queiró*
23. *Dick Roche*
24. *Ingvar SVENSSON*
25. *Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Matti Vanhanen, Riitta Korhonen*
26. *Anne Van Lancker*
27. *Voggenhuber, Wagener*
28. *Pat Carey*
29. *John Gormley*

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

### **A. COMMON FOREIGN POLICY**

#### **Article 3**

- 1. *In the context of the principles and objectives of its external action as set out in Article 1 of this Title, the Union shall define and implement a common foreign and security policy covering all areas of foreign and security policy.***
- 2. *The Member States shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity.***

***The Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations.***

***The Council and the Minister for Foreign Affairs shall ensure that these principles are complied with.***

- 3. *The Union shall conduct the common foreign and security policy by:***
  - defining the principles and general guidelines,***
  - adopting decisions on:***
    - actions of the Union,***
    - positions of the Union,***
  - strengthening systematic cooperation between Member States in the conduct of policy.***

#### **THEMATIC EXAMINATION OF AMENDMENTS**

##### **General**

- Proposal for the addition of a paragraph stipulating that implementation of the CFSP shall not affect the Union's competences as listed in Articles 11 to 13 and Articles 15 and 16 of the Constitution (No11/Michel+4)
- Proposal to incorporate some elements of Article 29 in this Article (No9/Kaufmann)
- Delete this Article (No10/Kirkhope)

##### **Paragraph 1**

- Delete "covering all areas of foreign and security policy" (No4/De Vries+I)

### **Paragraph 2**

- Delete "*unreservedly*" (No1/Thorning-Schmidt) or the whole of this sentence (No2/Bonde)
- Include a reference to the Council Presidency (No12/Queiró), and/or delete "Minister for Foreign Affairs" (No13/Svensson, No14/Tiilikainen+4)
- Add "common" (No5/Duff+19)

### **Paragraph 3**

*The instruments:*

- Names: add "*CFSP*" (No7/Hain) or "*European*" (No 7/Farnleitner) before "*Decisions*"
- Include "*decisions on implementation*" in the list (No14/Tiilikainen + 4)
- At the end of the paragraph also allow for the use of other policies under this Title, in accordance with the procedures laid down in the Treaty (No 3/de Villepin)

### **LIST OF AMENDMENTS TO ARTICLE 3**

1. *Helle Thorning-Schmidt*
2. *Bonde*
3. *de Villepin*
4. *G.M. de Vries and T.J.A.M. de Bruijn*
5. *Andrew Duff, Lamberto Dini, Paul Helminger, Dimitrij Rupel, Peeter Kreitzberg, Algirdas Gričius, Puiu Hasotti, Jelko Kacin, Zekeriya Akçam, Eugenijus Maldeikis, Lone Dybkjaer, Willem Van Eekelen, Lord MacLennan of Rogart, Nesrin Uzun, Marios Matsakis, Androula Vassiliou, Istvan Szent-Ivanyi, Péter Eckstein-Kovacs, Ibrahim Ozal and Gintautas Sivickas*
6. *Hannes Farnleitner*
7. *Hain*
8. *David Heathcoat-Amory*
9. *Sylvia-Yvonne Kaufmann*
10. *Timothy Kirkhope*
11. *Louis Michel, Elio di Rupo, Anne Van Lancker, members of the Convention and Pierre Chevalier and Marie Nagy, alternate members of the Convention*
12. *Luís Queiró*
13. *Ingvar Svensson*
14. *Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Matti Vanhanen, Riitta Korhonen*
15. *John Gormley*

#### Article 4

*The European Council shall define the principles of and general guidelines for the common foreign and security policy, including for matters with defence implications.*

*If international developments so require, the President of the European Council shall convene an extraordinary meeting of the European Council in order to define the strategic lines of the Union's policy in the face of such developments.*

*The Council shall take the decisions necessary for defining and implementing the common foreign and security policy on the basis of the strategic lines defined by the European Council.*

### THEMATIC EXAMINATION OF AMENDMENTS

#### General

- Replace "President" by "Chair" (English version) (No 3/Brok+30, No 8/Hjelm-Wallén+4, No 7/Heathcoat-Amory), or by "the Presidency" (No 6/Farnleitner, No 11/Lopes+3, No 13/Queiró, No 15/Tiilikainen+4), or remove all reference (No 12/Michel+4)
- Amend wording to state that the European Council shall act by a qualified majority (No 2/Borrell+2)
- Delete the first paragraph as it is a repetition of Article 29 (No 5/Duff+19)
- Delete the second paragraph, as it is already covered by Article 16(3) of Part One (Institutions) (No 14/Roche, No 4/De Vries+1, No 5/Duff+19, No 9/Kaufmann)
- Incorporate Article 29(4) of Part One stating that the CFSP shall be put into effect by the Minister for Foreign Affairs and by the Member States (No 12/Michel+4)
- Delete the "common" in "common foreign and security policy" (Heathcoat-Amory)
- Delete this Article (No 10/Kirkhope)
- Delete the references to security and defence (No 1/Bonde)

#### **LIST OF AMENDMENTS TO ARTICLE 4**

1. *Bonde*
2. *Borrell, Carnero y López Garrido*
3. *Brok; Santer; Stylianidis; Tajani; Van Der Linden; Almeida Garrett; Altmaier; Azevedo; Basile; Brejc; Cristina; Cushnahan; Fogler; Follini; Frendo; Giannakou; Kauppi; Kelemen; Korhonen; Krasts; Kroupa; Lennmarker; Maij-Weggen; Mladenov; Paks; Rack; Van Dijk; Wittbrodt; Zieleniec; Zile*
4. *G.M. de Vries and T.J.A.M. de Bruijn*
5. *Andrew Duff, Lamberto Dini, Paul Helminger, Dimitrij Rupel, Peeter Kreitzberg, Algirdas Gričius, Puiu Hasotti, Jelko Kacin, Zekeriya Akçam, Eugenijus Maldeikis, Lone Dybkjaer, Willem Van Eekelen, Lord MacLennan of Rogart, Nesrin Uzun, Marios Matsakis, Androula Vassiliou, Istvan Szent-Ivanyi, Péter Eckstein-Kovacs, Ibrahim Ozal and Gintautas Sivickas*
6. *Hannes Farnleitner*
7. *David Heathcoat-Amory*
8. *Lena Hjelm-Wallén, Sven-Olof Petersson, Sören Lekberg, Kenneth Kvist and Ingvar Svensson*
9. *Sylvia-Yvonne Kaufmann*
10. *Timothy Kirkhope*
11. *Ernâni Lopes, Maria Eduarda Azevedo, Manuel Lobo Antunes and António Nazaré Pereira*
12. *Louis Michel, Elio di Rupo, Anne Van Lancker, Pierre Chevalier and Marie Nagy*
13. *Luís Queiró*
14. *Dick Roche*
15. *Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Matti Vanhanen, Riitta Korhonen*
16. *John Gormley*



## **Article 5**

- 1. The Minister for Foreign Affairs, who shall chair the Foreign Affairs Council, shall contribute through his proposals towards the preparation of the common foreign and security policy and shall be responsible for implementing the decisions taken by the European Council and the Council.**
- 2. For matters relating to the common foreign and security policy, the Union shall be represented by the Minister for Foreign Affairs, who shall conduct the political dialogue on the Union's behalf and shall express the Union's position in international organisations and at international conferences.**

## **THEMATIC EXAMINATION OF AMENDMENTS**

### **General**

- Proposal to add a paragraph on the creation of a joint diplomatic service, which would assist the Minister for Foreign Affairs (*No 1/Athanasiu + 1, No 9/Fischer*). Mr Fischer is proposing that provisions on the organisation and status of the service should be laid down in a protocol annexed to the Constitution.
- Proposal for the addition of a paragraph enabling the Council to ask the Minister for Foreign Affairs to frame proposals for implementing CFSP Decisions. (*No 6/de Villepin*)
- Proposal to add that the Commission should be fully associated in CFSP tasks (*No 8/Farnleitner*), and, in addition, that it may be asked to submit proposals for implementing the CFSP (*No 22/Tiilikainen + 4*)
- Deletion of the article proposed (*No 2/Bonde, No 15/Kirkhope, No 18/Queiró*)

### **Paragraph 1**

- The Foreign Affairs Council should not be chaired by the Union Minister (*No 4/Christophersen + 3, No 5/Costa + 1, No 12/Hjelm-Wallén + 3, No 13/Kalniete + 5, No 16/Lopes + 3, No 17/O'Sullivan + 1, No 19/Roche, No 20/Svensson, No 22/Tiilikainen + 4, Heathcoat-Amory*)
- Amend the wording to the effect that the European Council will adopt "guidelines" but only the Council may adopt "decisions" (*No 3/Brok + 31*)

### **Paragraph 2**

- In the part of the sentence referring to the Minister for Foreign Affairs expressing the Union's position in international organisations and at international conferences, insert "*where possible, when appropriate and acting on behalf of and at the request of the Council*" (*No/Roche, No 10/Hain*)
- Delete the paragraph (*No 11/Heathcoat-Amory, No 16/Lopes + 3*)

## **LIST OF AMENDMENTS TO ARTICLE 5**

1. *Alexandru Athanasiu and Hubert Haenel*
2. *Bonde*
3. *Brok; Santer; Stylianidis; Tajani; van der Linden; Almeida Garrett; Altmaier; Azevedo; Basile; Brejc; Cristina; Cushnahan; Demetriou; Fogler; Follini; Frendo; Giannakou; Kauppi; Kelemen; Korhonen; Krasts; Kroupa; Lennmarker; Lequiller; Maij-Weggen; Mladenov; Paks; Rack; van Dijk; Wittbrodt; Zieleniec; Zile*
4. *Henning Christophersen, Poul Schlüter, Henrik Dam Kristensen and Niels Helveg Petersen.*
5. *Alberto Costa and Guilherme d'Oliveira Martins*
6. *de Villepin*
7. *Andrew Duff, Lamberto Dini, Paul Helminger, Dimitrij Rupel, Peeter Kreitzberg, Algirdas Gricius, Puiu Hasotti, Jelko Kacin, Zekeriya Akçam, Eugenijus Maldeikis, Lone Dybkjaer, Willem Van Eekelen, Lord MacLennan of Rogart, Nesrin Uzun, Marios Matsakis, Androula Vassiliou, Istvan Szent-Ivanyi, Péter Eckstein-Kovacs, Ibrahim Ozal and Gintautas Sivickas*
8. *Hannes Farnleitner*
9. *Joschka Fischer*
10. *Hain*
11. *David Heathcoat-Amory*
12. *Lena Hjelm-Wallén, Sven-Olof Petersson, Sören Lekberg, Kenneth Kvist*
13. *Sandra Kalniete, Roberts Zile, Liene Liepina, Rihards Paks, Arturs Krisjanis Karins, Guntars Krasts*
14. *Sylvia-Yvonne Kaufmann*
15. *Timothy Kirkhope*
16. *Ernâni Lopes, Maria Eduarda Azevedo, Manuel Lobo Antunes and António Nazaré Pereira*
17. *O'Sullivan and Ponzano*
18. *Luís Queiró*
19. *Dick Roche*
20. *Ingvar Svensson*
21. *Helle Thorning-Schmidt*
22. *Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Matti Vanhanen, Riitta Korhonen*
23. *John Gormley*

## **Article 6**

1. *Where the international situation requires operational action by the Union, the Council shall take the necessary decisions. A decision shall lay down the objectives, scope, the means to be made available to the Union, if necessary its duration, and the conditions for implementation of the action.*
2. *If there is a change in circumstances having a substantial effect on a question subject to such a decision, the Council shall review the principles and objectives of the action and take the necessary decisions. As long as the Council has not acted, the decision on action by the Union shall stand.*
3. *Such decisions shall commit the Member States in the positions they adopt and in the conduct of their activity.*
4. *Whenever there is any plan to adopt a national position or take national action pursuant to such a decision, information shall be provided in time to allow, if necessary, for prior consultations within the Council. The obligation to provide prior information shall not apply to measures which are merely a national transposition of Council decisions.*
5. *In cases of imperative need arising from changes in the situation and failing a Council decision, Member States may take the necessary measures as a matter of urgency having regard to the general objectives of the decision on action by the Union. The Member State concerned shall inform the Council immediately of any such measures.*
6. *Should there be any major difficulties in implementing such a decision, a Member State shall refer them to the Council which shall discuss them and seek appropriate solutions. Such solutions shall not run counter to the objectives of the action or impair its effectiveness.*

## **THEMATIC EXAMINATION OF AMENDMENTS**

### **In general**

- Proposal to merge Article 6 and Article 7 to put all CFSP instruments in one article and add a paragraph on decisions setting out common strategies, which would then be adopted by the Council (No 4/Hain)
- Change the title of the instruments (No 4/Hain, No 3/Farnleitner, No 5/Heathcoat-Amory )
- Delete this Article (No 6/Kirkhope)

### **Paragraph 1.**

- Add a provision laying down that the Council shall take a decision with the consent of the European Parliament (No 9/Wuermeling)

### **Paragraph 3**

- Add "*the institutions of the Union*" to indicate that decisions adopted by the Council also commit them (*No 2/de Villepin*)
- Delete this paragraph (*No 5/Heathcoat-Amory*), as it is already covered by Article 24 of Part One (*No 3/Farnleitner*)

### **Paragraph 4**

- Delete this paragraph (*No 4/Hain*)

### **Paragraph 5**

- Delete this paragraph (*No 5/Heathcoat-Amory*)

### **Paragraph 6**

- Stipulate that the Council decides unanimously (*No 7/Queiró*)
- Add consent of the European Parliament (*No 9/Wuermeling*)
- Drafting amendment (*No 8/Tiilikainen+8*)

**LIST OF AMENDMENTS TO ARTICLE 6**

1. *Bonde*
2. *de Villepin*
3. *Hannes Farnleitner*
4. *Hain*
5. *David Heathcoat-Amory*
6. *Timothy Kirkhope*
7. *Luís Queiró*
8. *Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Matti Vanhanen, Riitta Korhonen*
9. *Joachim Wuermeling*

### Article 7

The Council shall adopt decisions which shall define the approach of the Union to a particular matter of a geographical or thematic nature. Member States shall ensure that their national policies conform to the positions of the Union.

## THEMATIC EXAMINATION OF AMENDMENTS

### In general

- Add the last sentence of Article 4 to show that the Council acts on the basis of the strategic lines defined by the European Council (No 3/*Duff+19*)
- Add "*the institutions of the Union*" and delete "*national*" from the second sentence (No 2/*de Villepin*)
- Delete this article (No 4/*Kikhope*), delete the second sentence (No 1/*Bonde*)

### **LIST OF AMENDMENTS TO ARTICLE 7**

1. *Bonde*
2. *de Villepin*
3. *Andrew Duff, Lamberto Dini, Paul Helminger, Dimitrij Rupel, Peeter Kreitzberg, Algirdas Gričius, Puiu Hasotti, Jelko Kacin, Zekeriya Akçam, Eugenijus Maldeikis, Lone Dybkjaer, Willem Van Eekelen, Lord MacLennan of Rogart, Nesrin Uzun, Marios Matsakis, Androula Vassiliou, Istvan Szent-Iványi, Péter Eckstein-Kovacs, Ibrahim Ozal and Gintautas Sivickas*
4. *Timothy Kirkhope*

## **Article 8**

1. *Any Member State or the Minister for Foreign Affairs, acting alone or together with the Commission, may refer to the Council any question relating to the common foreign and security policy and may submit proposals to the Council.*
2. *In cases requiring a rapid decision, the Minister for Foreign Affairs, of the Minister's own motion, or at the request of a Member State, shall convene an extraordinary Council meeting within forty-eight hours or, in an emergency, within a shorter period.*

## **THEMATIC EXAMINATION OF AMENDMENTS**

### **In general**

- Change the title of the Minister of Foreign Affairs (*No 4 /Duff+18, No 12/Queiró*)
- Add a reference to the Presidency (*No 10/Lopes+3*)
- Delete this article (*No 9/Kirkhope*)

### **Paragraph 1.**

- Delete "*acting alone or together with the Commission*" after "*Minister for Foreign Affairs*" to take into account the fact that the Minister is part of the Commission and that his CFSP proposals are not subject to prior approval by the college of Commissioners (*No 6/Hain, No 2/de Villepin*)
- Amend to grant right of initiative to the Commission (alone or together with the Minister for Foreign Affairs) (*No 3/De Vries+1, No 8/Hjelm-Wallén+3, No 5/Farnleitner*)
- Delete "*the Minister for Foreign Affairs, acting alone or together with the Commission*" to grant the exclusive right of initiative to the Member States (*No 7/Heathcoat-Amory*)
- Amend to grant the right of initiative to the European Parliament as well (*No 11/Muscardini*)
- Amend the article to limit Member States' right of initiative to cases where three States jointly present an initiative (*No 3/De Vries+1*)



**Paragraph 2.**

- Amend to take into account the fact that the Foreign Affairs Council is not chaired by the Minister for Foreign Affairs (*No 10/Lopes+3, No 8/Hjelm-Wallén+3, No 5/Farnleitner, No 1/Bonde, No 16 Gormley*)
- Amend to provide that a meeting may also be convened at the request of the Commission (*No 3/De Vries+1*)
- Delete this paragraph (*No 7/Heathcoat-Amory*)

### **LIST OF AMENDMENTS TO ARTICLE 8**

1. *Bonde*
2. *de Villepin*
3. *G.M. de Vries and T.J.A.M. de Bruijn*
4. *Andrew Duff, Lamberto Dini, Paul Helminger, Dimitrij Rupel, Peeter Kreitzberg, Algirdas Gričius, Puiu Hasotti, Jelko Kacin, Zekeriya Akçam, Eugenijus Maldeikis, Lone Dybkjaer, Willem Van Eekelen, Lord MacLennan of Rogart, Nesrin Uzun, Marios Matsakis, Andrroula Vassiliou, Istvan Szent-Iványi, Péter Eckstein-Kovacs, Ibrahim Ozal and Gintautas Sivickas*
5. *Hannes Farnleitner*
6. *Hain*
7. *David Heathcoat-Amory*
8. *Lena Hjelm-Wallén, Sven-Olof Petersson, Sören Lekberg and Kenneth Kvist*
9. *Timothy Kirkhope*
10. *Ernâni Lopes, Maria Eduarda Azevedo, Manuel Lobo Antunes and António Nazaré Pereira*
11. *Cristiana Muscardini*
12. *Luís Queiró*
13. *Dick Roche*
14. *Ingvar Svensson*
15. *Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Matti Vanhanen, Riitta Korhonen*
16. *John Gormley*

## Article 9

1. *Decisions under this Chapter shall be taken by the Council acting unanimously. Abstentions by members present in person or represented shall not prevent the adoption of such decisions.*

*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.*

2. *By derogation from paragraph 1, the Council shall act by qualified majority:*
  - *when adopting decisions on Union actions and positions on the basis of a European Council decision relating to the Union's strategic interests and objectives, as defined in Article 2(1) of this Title;*
  - *when acting on the basis of a joint proposal by the Minister for Foreign Affairs and the Commission, as defined in Article 2(2);*
  - *when adopting any decision implementing a decision on Union action or position;*
  - *when appointing a special representative in accordance with Article 11 of this Chapter.*

*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.*

*This paragraph shall not apply to decisions having military or defence implications.*

3. *The European Council may decide unanimously that the Council shall act by a qualified majority in cases other than those referred to in paragraph 2 above.*

## THEMATIC EXAMINATION OF AMENDMENTS

### General

- Proposal for a text stipulating that the Council acts by qualified majority, unless a Member State is opposed to this for important reasons of national policy, or when decisions have military or defence implications. The Minister for Foreign Affairs and the Chairman of the European Council have a mediating role, and the European Council may act by qualified majority to break the deadlock. It is impossible to depart from qualified majority voting in a certain number of cases (*No 5/Brok + 30*)

- Proposal for a text stipulating that the Council acts by qualified majority, except in the case of decisions having military or defence implications, or when the proposal does not come from the Minister for Foreign Affairs, or when a Member State claims a national interest. In that case, the Minister for Foreign Affairs, and possibly the Chairman of the European Council, tries to find a solution. The matter may be referred to the European Council in order for a decision to be taken by qualified majority. The provisions concerning constructive abstention are retained  
(No 6/de Villepin)
- Proposal for a text stipulating that the Council acts by qualified majority, except in the case of decisions having military or defence implications, or when a Member State is opposed to this for important reasons of national policy. The Minister for Foreign Affairs, and possibly the Chairman of the European Council, tries to find a solution. The matter may be referred to the European Council in order for a decision to be taken by qualified majority. The provisions concerning constructive abstention are retained (No 10/Fischer)
- Proposal for a text stipulating that the Council acts by qualified majority, except when it acts on the basis of a proposal by a Member State or on issues having military or defence implications, or when a Member State is opposed to this for important reasons of national policy (in this case the Council may refer the matter to the European Council). The provisions concerning constructive abstention are retained (No 9/Farnleitner)
- Move the final sentence of paragraph 2 (exclusion of decisions having military and defence implications) to the end of the Article so that it applies to all the provisions of Article 9  
(No 21/Roche, No 11/Hain)
- Change of name of instruments (No 11/Hain) or of title of Minister (No 20/Queiró, No 8/Duff + 18)
- Delete the article (No 16/Kirkhope)

### **Paragraph 1.**

- Generalise voting by qualified majority for all CFSP decisions (keeping the provisions concerning constructive abstention) (No 18/Muscardini, No 4/Borrell + 2, No 25/Voggenhuber + 2)
- Provide for voting by augmented qualified majority as a general rule, except for decisions having military or defence implications (No 22/Severin)
- Provide for voting by qualified majority as a general rule, except for decisions having military or defence implications, keeping constructive abstention and keeping the possibility of opposing the vote (No 24/Tiilikainen + 4, No /Dini)
- Provide for unanimity for all CFSP decisions, delete the derogations (No 12/Heathcoat-Amory)
- Replace "more than one third of the votes weighted in accordance with Article X of the Constitution" by "more than one third of the Member States representing more than one third of the population of the Union" (No 17/Michel + 4) or by "the qualified majority"  
(No 23/Svensson)

- Delete the final sentence of the second subparagraph (*No 8/Duff + 18*)

### **Paragraph 2.**

- Amend to express the fact that the European Council does not adopt decisions (*No 7/De Vries + 1*)
- Delete the second indent which provides for the Council to act by qualified majority on the basis of a joint proposal by the Minister and the Commission (by derogation from the unanimity rule) (*No 2/Attalides, No 11/Hain, No 13/Hjelm-Wallén + 3, No 14/Hololei, No 23/Svensson, No 26/Gormley*)
- Delete the reference to Article 2(2) in the second indent to extend qualified majority voting to all joint proposals by the Minister and the Commission (*No 19/O'Sullivan + 1, No 15/Kaufmann*)
- Delete the reference to unanimity in the case of the European Council, thus allowing the use of qualified majority voting (*No 8/Duff + 18*)
- Add to the list of cases to which qualified majority voting applies decisions referred to in Article 31 on restrictive measures (*No 7/de Vries*)
- Add to the list of cases to which qualified majority voting applies decisions having financial consequences up to a certain maximum amount established by the Council (*No 7/de Vries*)
- Add to the end of the sentence "*The Council may, acting by a qualified majority, request that the matter be referred to the European Council for decision by unanimity*", the statement that a Member State may not prevent the Council from taking such a vote (*No 21/Roche*)
- Delete the subparagraph concerning the possibility for a Member State to oppose the vote (*No 17/Michel + 4*)
- Make more strict the conditions under which a Member State may prevent a vote by qualified majority from being taken (*No 1/Lennmarker*)

### **Paragraph 3.**

- Replace "the European Council" by "the Council meeting in the composition of the Heads of State or Government" (*No 17/Michel + 4*)
- Delete the paragraph, in view of the generalisation of qualified majority voting (*No 4/Borrell*) or for other reasons (*No 23/Svensson, No 12/Heathcoat-Amory, No 26/Gormley*)

## **LIST OF AMENDMENTS TO ARTICLE 9**

1. *Lennmarker*
2. *Attalides*
3. *Bonde*
4. *Borrell, Carnero and López Garrido*
5. *Brok; Santer; Tajani; Van Der Linden; Almeida Garrett; Altmaier; Azevedo; Basile; Brejc; Cristina; Cushnahan; Demetriou; Fogler; Follini; Frendo; Giannakou; Kauppi; Kelemen; Korhonen; Krasts; Kroupa; Maij-Weggen; Mladenov; Paks; Rack; Van Dijk; Wittbrodt; Zieleniec; Zile*
6. *de Villepin*
7. *G.M. de Vries and T.J.A.M. de Bruijn*
8. *Andrew Duff, Lamberto Dini, Paul Helminger, Dimitrij Rupel, Peeter Kreitzberg, Algirdas Gricius, Puiu Hasotti, Jelko Kacin, Zekeriya Akçam, Eugenijus Maldeikis, Willem Van Eekelen, Lord MacLennan of Rogart, Nesrin Uzun, Marios Matsakis, Androula Vassiliou, Istvan Szent-Ivanyi, Péter Eckstein-Kovacs, Ibrahim Ozal and Gintautas Sivickas*
9. *Hannes Farnleitner*
10. *Joschka Fischer*
11. *Hain*
12. *David Heathcoat-Amory*
13. *Lena Hjelm-Wallén, Sven-Olof Petersson, Sören Lekberg and Kenneth Kvist*
14. *Henrik Hololei*
15. *Sylvia-Yvonne Kaufmann*
16. *Timothy Kirkhope*
17. *Louis Michel, Elio di Rupo, Anne Van Lancker, Pierre Chevalier and Marie Nagy*
18. *Cristiana Muscardini*
19. *O'Sullivan and Ponzano*
20. *Luís Queiró*
21. *Dick Roche*
22. *Adrian Severin*
23. *Ingvar Svensson*
24. *Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Matti Vanhanen, Riitta Korhonen*
25. *Voggenhuber, Lichtenberger, Wagener*
26. *John Gormley*

## Article 10

1. *When the Union has defined a common approach within the meaning of Article 29(5), there shall be close coordination between the activities of the Union's Minister for Foreign Affairs and the Ministers for Foreign Affairs of the Member States.*
2. *The diplomatic missions of the Member States and the delegations of the Union shall cooperate in third countries and in international organisations, and shall contribute to formulating and implementing a common approach.*

## THEMATIC EXAMINATION OF AMENDMENTS

### General

- Proposal that this Article include certain elements of Article 29(5) of Part One: *"Before undertaking on the international scene any commitment which could affect the Union's interests, the Member States shall inform and consult one another within the Council or the European Council. Member States shall ensure, through the convergence of their actions, that the Union is able to assert its interests and values on the international scene."* (No 5/Michel + 4)
- Change of title of Minister (No 2/Duff + 18, No 6/Queiró)
- Editorial amendments (No 10/Voggenhuber + 2, No 9/Thorning-Schmidt, No 8/Teufel)
- Delete the article (No 4/Kirkhope)

### Paragraph 1.

- Delete the references to the Union's Minister for Foreign Affairs (No 3/Heathcoat-Amory, No 1/Bonde, No 7/Svensson)

### Paragraph 2.

- Amend to express the fact that Member States always retain the right to present and to defend national positions (No 1/Bonde)

### **LIST OF AMENDMENTS TO ARTICLE 10**

1. *Bonde*
2. *Andrew Duff, Lamberto Dini, Paul Helminger, Dimitrij Rupel, Peeter Kreitzberg, Algirdas Gricius, Puiu Hasotti, Jelko Kacin, Zekeriya Akçam, Eugenijus Maldeikis, Lone Dybkjaer, Willem Van Eekelen, Lord MacLennan of Rogart, Nesrin Uzun, Marios Matsakis, Androula Vassiliou, Istvan Szent-Ivanyi, Péter Eckstein-Kovacs, Ibrahim Ozal and Gintautas Sivickas*
3. *David Heathcoat-Amory*
4. *Timothy Kirkhope*
5. *Louis Michel, Elio di Rupo, Anne Van Lancker, Pierre Chevalier and Marie Nagy*
6. *Luís Queiró*
7. *Ingvar Svensson*
8. *Erwin Teufel*
9. *Helle Thorning-Schmidt*
10. *Voggenhuber, Lichtenberger, Wagener*
11. *John Gormley*



## Article 11

The Council shall, whenever it deems it necessary, appoint, on a proposal from the Minister for Foreign Affairs, a special representative with a mandate in relation to particular policy issues. The special representative shall carry out his mandate under the authority of the Minister for Foreign Affairs.

## THEMATIC EXAMINATION OF AMENDMENTS

### General

*Proposal to appoint a representative:*

- Amend the text to stipulate that the Council may appoint a special representative without a relevant proposal from the Minister being made (*No 4/Hain, No 1/Bonde*), or in accordance with the provisions concerning the right of initiative as defined in Article 8 (*No 3/Farnleitner*)

*Role of the Parliament:*

- Add a provision requiring consultation of the Parliament (*No 2/Duff + 18*)
- Add a provision requiring the special representatives to brief the European Parliament (*No 9/Wuermeling*)

*Other amendments:*

- Delete the references to the Minister for Foreign Affairs (*No 5/Heathcoat-Amory, No 8/Svensson*)
- Change of title of the Minister for Foreign Affairs (*No 2/Duff + 18, No 7/Queiró*)
- Delete the article (*No 6/Kirkhope*)

**LIST OF AMENDMENTS TO ARTICLE 11**

1. *Bonde*
2. *Andrew Duff, Lamberto Dini, Paul Helminger, Dimitrij Rupel, Peeter Kreitzberg, Algirdas Gricius, Puiu Hasotti, Jelko Kacin, Zekeriya Akçam and Eugenijus Maldeikis; and alternate members: Lone Dybkjaer, Willem Van Eekelen, Lord MacLennan of Rogart, Nesrin Uzun, Marios Matsakis, Androula Vassiliou, Istvan Szent-Ivanyi, Péter Eckstein-Kovacs, Ibrahim Ozal and Gintautas Sivickas.*
3. *Hannes Farnleitner*
4. *Hain*
5. *David Heathcoat-Amory*
6. *Timothy Kirkhope*
7. *Luís Queiró*
8. *Ingvar Svensson*
9. *Joachim Wuermeling*
10. *John Gormley*

## Article 12

The Union may conclude agreements with one or more States or international organisations pursuant to this Chapter, in accordance with the procedure described in Article 33 of this Title.

## THEMATIC EXAMINATION OF AMENDMENTS

### General

- Replace "*in accordance with the procedure described in Article 33 of this Title*" with "*by unanimity*" (No 2/Heathcoat-Amory)
- Delete "*pursuant to this Chapter, in accordance with the procedure described in Article 33 of this Title*" (No 3/Kaufmann)
- Delete the article (No 4/Kirkhope)

**LIST OF AMENDMENTS TO ARTICLE 12**

- 1.
2. *David Heathcoat-Amory*
3. *Sylvia-Yvonne Kaufmann*
4. *Timothy Kirkhope*

### Article 13

1. *The Minister for Foreign Affairs shall consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and shall ensure that the views of the European Parliament are duly taken into consideration. The European Parliament shall be kept regularly informed by the Minister for Foreign Affairs of the development of the Union's foreign and security policy, including the security and defence policy.*
2. *The European Parliament may ask questions of the Council and of the Minister for Foreign Affairs or make recommendations to them. It shall hold an annual debate on progress in implementing the common foreign and security policy, including the security and defence policy.*

### EXAMINATION OF AMENDMENTS BY TOPIC

#### General

*Proposals to be added as separate paragraphs:*

- Include provisions concerning the involvement of and information for national Parliaments / the inter-parliamentary conference (*No 1/Athanasiu +1, No 5/Costa+1, No 7/Fini +1*)
- Add a provision concerning the role of the European Parliament in the Union's accession to international organisations (*No 3/Borrell+2*)

*Other amendments:*

- Delete references to the Minister for Foreign Affairs (*No 2/Bonde, No 13/Svensson*) and replace them with the Commission (*No 8/Heathcoat-Amory*). Add a reference to the Presidency (*No 5/Costa+1*)
- Proposal to move this Article to the beginning of Title B (*No 11/Lopes +3*)
- Change the title of the Minister for Foreign Affairs (*No 6/Duff+18, No 12/Queiró*)
- Delete the article (*No 10/Kirkhope*)

#### Paragraph 1.

- Add a reference to security and defence policy in the first sentence (*No 4/Brok + 30*)
- Add that the European Parliament should be kept informed, particularly on questions with budgetary implications (*No 4/Brok + 30*)
- Add that the European Parliament should be consulted in advance on the taking of restrictive measures (*No 9/Kaufmann*)

- Add that the European Parliament should be associated with the decision-making process as regards main aspects and fundamental choices (*No 14/Voggenhuber* +2)

**Paragraph 2.**

- Provide that a debate will take place twice a year/at least once a year (*No 4/Brok* + 30, *No 6/Duff+18*, *No 14/Voggenhuber* +2)

### **LIST OF AMENDMENTS TO ARTICLE 13**

1. *Alexandru ATHANASIU and Hubert HAENEL*
2. *No name*
3. *Borrell (member), Carnero and López Garrido (alternates)*
4. *BROK; SANTER; STYLIANIDIS; TAJANI; VAN DER LINDEN; ALMEIDA GARRETT; ALTMAIER; AZEVEDO; BASILE; BREJC; CUSHNAHAN; DEMETRIOU; DOLORES; FOGLER; FOLLINI; FRENDÓ; GIANNAKOU; KAUPPI; KELEMEN; KORHONEN; KRASTS; KROUPA; LENNMARKER; LEQUILLER; MAIJ-WEGGEN; MLADENOV; PIKS; RACK; VAN DIJK; WITTBRODT; ZIELENIEC; ZILE*
5. *Alberto Costa, member, and Guilherme d'Oliveira Martins, alternate*
6. *Andrew Duff, Lamberto Dini, Paul Helminger, Dimitrij Rupel, Peeter Kreitzberg, Algirdas Gricius, Puiu Hasotti, Jelko Kacin, Zekeriya Akçam and Eugenijus Maldeikis; and alternate members: Lone Dybkjaer, Willem Van Eekelen, Lord MacLennan of Rogart, Nesrin Uzun, Marios Matsakis, s Androula Vassiliou, Istvan Szent-Iványi, Péter Eckstein-Kovacs, Ibrahim Ozal and Gintautas Sivickas.*
7. *Gianfranco FINI – Francesco SPERONI*
8. *David Heathcoat-Amory, Earl of Stockton*
9. *Sylvia-Yvonne Kaufmann*
10. *TIMOTHY KIRKHOPE MEP*
11. *Ernâni Lopes, Maria Eduarda Azevedo, Manuel Lobo Antunes and António Nazaré Pereira*
12. *Luís Queiró*
13. *Ingvar SVENSSON*
14. *Voggenhuber, Lichtenberger, Wagener*
15. *John Gormley*

## **Article 14**

1. ***Member States shall coordinate their action in international organisations and at international conferences. They shall uphold the Union's positions in such fora. The Union's Minister for Foreign Affairs shall organise this coordination.***

***In international organisations and at international conferences where not all the Member States participate, those which do take part shall uphold the Union's positions.***

2. ***Without prejudice to paragraph 1 and Article 6(3) of this Title, Member States represented in international organisations or international conferences where not all the Member States participate shall keep the latter informed of any matter of common interest.***

***Member States which are also members of the United Nations Security Council will concert and keep the other Member States fully informed. Member States which are members of the Security Council will, in the execution of their functions, defend the positions and the interests of the Union, without prejudice to their responsibilities under the provisions of the United Nations Charter.***

***When the Union has defined a position on a subject which is on the United Nations Security Council agenda, those Member States which sit on the Security Council shall request that the Minister for Foreign Affairs be asked to present the Union's position.***

## **EXAMINATION OF AMENDMENTS BY TOPIC**

### **General**

- Proposal to include a new provision at the end of this Article that, in international organisations and at international conferences, the Union's position will be presented by a Member State if it is not possible for the Union's Minister for Foreign Affairs to be present to do so. To this end, a system of rotation would be established by those States which are members of the international organisation or are participating in the conference in question (*No 12/Roche*)
- Proposal to amend the wording of the Article by providing that the Commission shall represent the Union, except in the CFSP area, where the Union will be represented by the Minister for Foreign Affairs. The Member States shall uphold the Union's position when the Union is not a member of an international organisation or when it is not represented by the Commission or Minister. They shall ensure that the Commission or Minister can express the Union's position (*No 4/Duff+18*)
- Amend the wording of the text to state that the Union shall coordinate its positions/action, and not the Member States (*No 4/Duff+18*)



- Change the title of the Minister for Foreign Affairs (*No 4/Duff+18, No 11/Queiró*)
- Delete references to the Minister for Foreign Affairs (*No 1/Bonde, No 8/Heathcoat-Amory, No 13/Svensson*)
- Delete the article (*No 9/Kirkhope*)

**Paragraph 1.**

- Add "*as far as possible*" in the first sentence (*No 13/Svensson*)

**Paragraph 2.**

*Informing the Minister of Foreign Affairs/Commission :*

- Add a reference in the first and second subparagraphs to the Minister for Foreign Affairs to ensure that he too is kept informed by the States present at international organisations and conferences and within the Security Council (*No 2/Brok + 30, No 3/de Vries +1*). Same for the Commission (*No 4/Duff +18*)

*Union's positions on items on the Security Council agenda:*

- Amend the second subparagraph to state that Member States on the Security Council are bound by the Union's positions (*No 3/De Vries +1, No /Dini*) and are obliged to consult with the other Member States (*No 6/Fini +1*)
- Delete "*without prejudice to their responsibilities under the provisions of the United Nations Charter*" (*No 3/De Vries +1, No 5/Farnleitner, No 6/Fini +1*)
- Add a provision that Member States and the Minister for Foreign Affairs will make every effort to define a position on items on the Security Council agenda (*No 3/De Vries +1*), or that the Minister for Foreign Affairs will contribute to prior consultation on those subjects (*No 10/Michel +4*)
- Provide that the Union's positions on items on the Security Council agenda will be adopted by the Council acting by a qualified majority and in association with the European Parliament (*No 14/Voggenhuber + 2*)

*Presentation of the Union's positions by the Minister for Foreign Affairs:*

- Delete the last subparagraph (*No 1/Bonde, No 7/Hain, No 8/Heathcoat-Amory, No 13/Svensson*)
- Replace "*present the Union's position*" in the last subparagraph with "*participate in the Council*" (*No 10/ Michel + 4*)

*Union seat on the Security Council :*

- Add that the Union will make efforts to obtain a seat on the Security Council  
(No 14/Voggenhuber +2)

## **LIST OF AMENDMENTS TO ARTICLE 14**

1. *Bonde*
2. *BROK; SANTER; STYLIANIDIS; TAJANI; VAN DER LINDEN; ALMEIDA GARRETT; ALTMAIER; AZEVEDO; BASILE; BREJC; CUSHNAHAN; DEMETRIOU; CRISTINA; FOGLER; FOLLINI; FRENDON; GIANNAKOU; KAUPPI; KELEMEN; KORHONEN; KRASTS; KROUPA; LENNMARKER; MAIJ-WEGGEN; MLADENOV; PIKS; RACK; VAN DIJK; WITTBRODT; ZIELENIEC; ZILE*
3. *G.M. de Vries and T.J.A.M. de Bruijn*
4. *Andrew Duff, Lamberto Dini, Paul Helminger, Dimitrij Rupel, Peeter Kreitzberg, Algirdas Griekus, Puiu Hasotti, Jelko Kacin, Zekeriya Akcam and Eugenijus Maldeikis; and alternate members: Willem Van Eekelen, Lord MacLennan of Rogart, Nesrin Uzun, Marios Matsakis, s Androula Vassiliou, Istvan Szent-Ivanyi, Péter Eckstein-Kovacs, Ibrahim Ozal and Gintautas Sivickas*
5. *Hannes Farnleitner*
6. *Gianfranco FINI – Francesco SPERONI*
7. *Hain*
8. *David Heathcoat-Amory*
9. *Timothy Kirkhope*
10. *Louis Michel, Elio di Rupo, Anne Van Lancker, members of the Convention and Pierre Chevalier and Marie Nagy, alternate members of the Convention*
11. *Luís Queiró*
12. *Dick Roche*
13. *Ingvar SVENSSON*
14. *Voggenhuber, Lichtenberger, Wagener*
15. *John Gormley*

## **Article 15**

*The diplomatic and consular missions of the Member States and the Union delegations in third countries and international conferences, and their representations to international organisations, shall cooperate in ensuring that the decisions relating to Union positions and actions adopted by the Council are complied with and implemented. They shall step up cooperation by exchanging information and carrying out joint assessments.*

*They shall contribute to the implementation of the provisions referred to in Article 7(2) of Part One of the Constitution on the protection of European citizens in the territory of a third country. Member States shall establish the necessary rules among themselves and start the international negotiations required to secure this protection.*

## **EXAMINATION OF AMENDMENTS BY TOPIC**

### **General**

- Add that diplomatic missions of the Member States and Union delegations may act jointly, where appropriate (*No 2/de Villepin, No 8/Voggenhuber + 2*)
- Replace "Union delegations" by "Commission offices" (*No 3/Heathcoat-Amory*)
- Replace references to Article 7 of the Constitution with a reference to the Charter of Fundamental Rights (*No 4/Kaufmann*)
- Drafting amendments (*No 6/Queiró, No 7/Roche*)
- Delete the article (*No 5/Kirkhope*)

**LIST OF AMENDMENTS TO ARTICLE 15**

- 1.
- 2.
3. *No name*
4. *de Villepin*
5. *David Heathcoat-Amory*
6. *Sylvia-Yvonne Kaufmann*
7. *Timothy Kirkhope*
8. *Luís Queiró*
9. *Dick Roche*
10. *Voggenhuber, Lichtenberger, Wagener*

## **Article 16**

*Without prejudice to Article XX of the Constitution [on the organisation of the Council/Permanent Representatives Committee], a Political and Security Committee shall monitor the international situation in the areas covered by the common foreign and security policy and contribute to the definition of policies by delivering opinions to the Council at the request of the Council or on its own initiative. It shall also monitor the implementation of agreed policies, without prejudice to the responsibility of the Minister for Foreign Affairs.*

*Within the scope of this title, this Committee shall exercise, under the responsibility of the Council, and in close contact with the Minister for Foreign Affairs, political control and strategic direction of crisis management operations, as defined in Article 17 of this Title.*

*The Council may authorise the Committee, for the purpose and for the duration of a crisis management operation, as determined by the Council, to take the relevant decisions concerning the political control and strategic direction of the operation.*

## **THEMATIC EXAMINATION OF AMENDMENTS**

### **General**

- One Convention member commented that a review of the role of the PSC might be necessary in the light of the new Articles on institutional questions in Part Two (No 13/Roche)
- Another Convention member pointed out that other Council bodies should also be involved in crisis management operations (No 4/de Vries + 1)
- Add "and the Commission" after "the Minister for Foreign Affairs" in the first paragraph (No 5/Duff + 18, No 6 Farnleitner, No 9/Hjelm-Wallén + 4)
- Replace "the Minister for Foreign Affairs" by "the Commission" in the first two paragraphs (No 14/Svensson)
- Add a reference to the Presidency in the first paragraph (No 11/Lopes + 3)
- Delete the references to the Minister for Foreign Affairs (No 8/ Heathcoat-Amory)
- Change the title "Minister for Foreign Affairs" (No 5/Duff + 18, No 12/ Queiró)
- Drafting amendments (No 4/de Vries + 1, No 7/Fini + 1, No 12/Queiró)
- Delete the Article (No 10/Kirkhope)

## **LIST OF AMENDMENTS TO ARTICLE 16**

1. *Sylvia-Yvonne Kaufmann*
2. *Louis Michel, Elio di Rupo, Anne Van Lancker, members of the Convention and Pierre Chevalier, alternate member of the Convention*
3. *Bonde*
4. *G.M. de Vries and T.J.A.M. de Bruijn*
5. *Andrew Duff, Lamberto Dini, Paul Helminger, Dimitrij Rupel, Peeter Kreitzberg, Algirdas Gričius, Puiu Hasotti, Jelko Kacin, Zekeriya Akçam and Eugenijus Maldeikis; and alternate members: Lone Dybkjaer, Willem Van Eekelen, Lord MacLennan of Rogart, Nesrin Uzun, Marios Matsakis, Androula Vassiliou, Istvan Szent-Ivanyi, Péter Eckstein-Kovacs, Ibrahim Ozal and Gintautas Sivickas*
6. *Hannes Farnleitner*
7. *Gianfranco FINI – Francesco SPERONI*
8. *David Heathcoat-Amory*
9. *Lena Hjelm-Wallén and Sven-Olof Petersson, government representatives and Sören Lekberg, Göran Lennmarker and Kenneth Kvist, national parliament representatives*
10. *Timothy Kirkhope*
11. *Ernâni Lopes, Maria Eduarda Azevedo, Manuel Lobo Antunes and António Nazaré Pereira*
12. *Luís Queiró*
13. *Dick Roche*
14. *Ingvar SVENSSON*
15. *John Gormley*

## **B. THE COMMON SECURITY AND DEFENCE POLICY**

### **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.**

## **THEMATIC EXAMINATION OF AMENDMENTS**

### **General**

- Add a new Article 17a which emphasises the possibility of using the civilian and military resources for the humanitarian tasks described here (*No 1/Van Lancker*)
- Add a third paragraph stipulating that the Minister for Foreign Affairs will be assisted by a Deputy Minister, who will be responsible for informing and consulting the EP on the development of the common security and defence policy and of all tasks undertaken pursuant to this Article (*No 5/Cushnahan*)
- Add an Article 17a adjusting Article 30(5), Part One, Chapter III, Title C to the requirements of Article 17 (*No 22/Voggenhuber + 1*)
- Replace the reference to Article 30 by a reference to Article 16a in line with the amendments to Article 30, Part One and Article 16, Part Two (*No 15/Michel + 3*)
- Delete the Article (*No 2/Bonde, No 14/Kirkhope*)

### **Paragraph 1**

#### *Tasks*

- Add a final sentence to this paragraph, stipulating that all tasks may contribute to the fight against terrorism, including by supporting third countries in combating terrorism on their territories, and delete from the list of tasks those concerning support action in combating terrorism at the request of a third country (*No 6/de Villepin, No 9/Fischer, No 10/Hain*)
- Specify that it is international terrorism that is referred to here (*No 7/de Vries + 1*)
- Replace "peacemaking" by "peace enforcement" (*No 8/Duff + 19*)
- Add "small-scale" before "military advice" and add "logistical and administrative" before "assistance" (*No 11/Earl of Stockton*)



- Replace "joint disarmament operations" by "disarmament and non-proliferation tasks" and replace "military advice and assistance tasks" by "security-enhancing measures in the defence sector" (*No 12/Hjelm Wallén + 3, No 20/Svensson*)
- Add the following to the list of tasks: civil protection, protection of defenders of human rights, protection of public infrastructures, protection of archaeological sites and other cultural heritage objects (*No 22/Voggenhuber + 1*)
- Delete "peacemaking" (*No 11/Earl of Stockton*) and "support action in combating terrorism at the request of a third country" (*No 11/Earl of Stockton, No 22/Voggenhuber + 1*)
- Add a new task: "non-combat humanitarian and rescue tasks outside the UN framework" (*No 23/Gormley*)
- Delete "at the request of a third country" (*No 23/Gormley*)

#### *Other*

- Add a sentence that allows non-Member States to participate in operations (*No 7/de Vries + 1*)
- Add a sentence allowing for the possible use of NATO assets and capabilities by the Union (*No 7/de Vries + 1*)
- Add "under the auspices of the United Nations" after "civilian means" (*No 23/Gormley*)

### **Paragraph 2**

#### *Procedure*

- Replace unanimous voting by qualified majority voting (*No 3/Borrell + 1, No 16/Muscardini*) - an augmented qualified majority vote except in the case of decisions involving military action with, in this latter case, the addition of provisions covering constructive abstention (*No 19/Severin*)
- Add consultation of the European Parliament (*No 4/Brok + 30, No 5/Cushnahan*)
- Add reference to the European Parliament being informed of all decisions (*No 8/Duff + 19*)
- Add reference to the Commission, with which the Minister shall remain in close and constant contact when ensuring coordination of the civilian and military aspects of such tasks (*No 17/O'Sullivan + 1*) or "without prejudice to the prerogatives of the Commission" (*No 21/Tiilikainen + 4*)
- Replace the Minister for Foreign Affairs by the External Relations Commissioner and add a reference to the Commission's authority (*No 23/Gormley*)
- Delete the final sentence of the paragraph (*No 20/Svensson*)

**LIST OF AMENDMENTS TO ARTICLE 17**

1. *Anne Van Lancker*
2. *Bonde*
3. *Borrell (member), Carnero and López Garrido (alternates)*
4. *BROK; SANTER; STYLIANIDIS; TAJANI; VAN DER LINDEN; ALMEIDA GARRETT; ALTMAIER; AZEVEDO; BASILE; BREJC; CUSHNAHAN; DEMETRIOU; CRISTINA; FOGLER; FOLLINI; FRENDON; GIANNAKOU; KAUPPI; KELEMEN; KORHONEN; KRASTS; KROUPA; LENNMARKER; MAIJ-WEGGEN; MLADENOV; PIKS; RACK; VAN DIJK; WITTBRODT; ZIELENIEC; ZILE*
5. *John Cushnahan*
6. *de Villepin*
7. *G.M. de Vries and T.J.A.M. de Bruijn*
8. *Andrew Duff, Lamberto Dini, Paul Helminger, Dimitrij Rupel, Peeter Kreitzberg, Algirdas Griekus, Puiu Hasotti, Jelko Kacin, Zekeriya Akçam and Eugenijus Maldeikis; and alternate members: Lone Dybkjaer, Willem Van Eekelen, Lord MacLennan of Rogart, Nesrin Uzun, Marios Matsakis, Androula Vassiliou, Istvan Szent-Ivanyi, Péter Eckstein-Kovacs, Ibrahim Oza and Gintautas Sivickas*
9. *Joschka Fischer*
10. *Hain*
11. *David Heathcoat-Amory, Earl of Stockton*
12. *Lena Hjelm-Wallén and Sven-Olof Petersson, government representatives and Sören Lekberg and Kenneth Kvist, national parliament representatives*
13. *Sylvia-Yvonne Kaufmann*
14. *Timothy Kirkhope*
15. *Louis Michel, Elio di Rupo, Anne Van Lancker, members of the Convention and Pierre Chevalier, alternate member of the Convention*
16. *Cristiana MUSCARDINI*
17. *O'Sullivan and Ponzano*
18. *Luís Queiró*
19. *Adrian Severin*
20. *Ingvar SVENSSON*
21. *Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Matti Vanhanen, Riitta Korhonen*
22. *Voggenhuber, Wagener*
23. *John Gormley*

## **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.*

## **THEMATIC EXAMINATION OF AMENDMENTS**

### **General**

- Delete the Article (*No 1/Bonde, No 5/Farleitner, No 8/Heathcoat-Amory, No 11/Kirkhope*)

### **Paragraph 1**

#### *Procedure*

- Add a reference to the enhanced cooperation provisions (*No 2/Brok + 30*)
- Add that the Minister for Foreign Affairs will participate in the meetings of the participating Member States and will have a role in informing the European Parliament (*No 2/Brok + 30*)
- Add the method of voting (unanimity) (*No 12/Lopes + 3*)

#### *Task management*

- Add a reference to day-to-day management of implementation in the last sentence (*No 9/Hjelm Wallén + 4*)
- Add "under the overall authority of the Council" to the sentence concerning coordination of management of the task by a group of Member States (*No 13/Roche*)
- Delete the last sentence and replace it with a clause stating that the relevant Council bodies shall be fully involved in management of the task, but only participating Member States would take part in decision-making, without prejudice to the competences of the PSC (*No 3/de Vries + 1*)

#### *Other*

- Redraft the paragraph to state that Member States with the necessary capability and willingness will contribute national and multi-national resources to the operation. Add that non-Member States may participate in accordance with the modalities agreed by the Council (*No 7/Hain*)
- Add "through the framework of the United Nations" after "task" (*No 14/Gormley*)
- Replace "agree between themselves on the management of the task" by "enter into agreement with the United Nations on the management of the tasks" (*No 14/Gormley*)

- Delete "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."  
(No 14/Gormley)

## **Paragraph 2**

### *Role of the Council*

- Add that the Council will retain political control and strategic direction (No 9/Hjelm Wallén + 4)
- Redraft to state that the Council, having command and control of the operation, shall take the necessary decisions without the Member States participating referring the matter to it  
(No 9/Hjelm Wallén + 4, No 13/Roche)

### *Reason for a new Council decision*

- Add new decisions of a political nature (No 12/Lopes +3) or the proposed amendment for an initial decision by the Minister for Foreign Affairs or a Member State (No 13/Roche) as additional grounds for a new Council decision.

### *Role of the European Parliament*

- Add that the European Parliament must be informed (No 4/Duff + 19, No 6/Fini + 1, No 10/Kaufmann) and its agreement obtained in the event of a new decision  
(No 10/Kaufmann)

### *Deletions*

- Delete the paragraph, in the light of the amendments proposed to paragraph 1 (No 7/Hain)

## LIST OF AMENDMENTS TO ARTICLE 18

1. *Bonde*
2. *BROK; SANTER; STYLIANIDIS; TAJANI; VAN DER LINDEN; ALMEIDA GARRETT; ALTMAIER; AZEVEDO; BASILE; BREJC; CUSHNAHAN; DEMETRIOU; CRISTINA; DOLORES; FOGLER; FOLLINI; FRENDON; GIANNAKOU; KAUPPI; KELEMEN; KORHONEN; KRASTS; KROUPA; LENNMARKER; MAIJ-WEGGEN; MLADENOV; PIKS; RACK; VAN DIJK; WITTBRODT; ZIELENIEC; ZILE*
3. *G.M. de Vries and T.J.A.M. de Bruijn*
4. *Andrew Duff, Lamberto Dini, Paul Helminger, Dimitrij Rupel, Peeter Kreitzberg, Algirdas Griekus, Puiu Hasotti, Jelko Kacin, Zekeriya Akçam and Eugenijus Maldeikis; and alternate members: Lone Dybkjaer, Willem Van Eekelen, Lord MacLennan of Rogart, Nesrin Uzun, Marios Matsakis, Androula Vassiliou, Istvan Szent-Ivanyi, Péter Eckstein-Kovacs, Ibrahim Ozal and Gintautas Sivickas*
5. *Hannes Farnleitner*
6. *Gianfranco FINI – Francesco SPERONI*
7. *Hain*
8. *David Heathcoat-Amory*
9. *Lena Hjelm-Wallén and Sven-Olof Petersson, government representatives and Sören Lekberg, Kenneth Kvist and Ingvar Svensson, national parliament representatives*
10. *Sylvia-Yvonne Kaufmann*
11. *Timothy Kirkhope*
12. *Ernâni Lopes, Maria Eduarda Azevedo, Manuel Lobo Antunes and António Nazaré Pereira*
13. *Dick Roche*
14. *John Gormley*

## **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.*

## **THEMATIC EXAMINATION OF AMENDMENTS**

### **In general**

- Application of internal-market rules in the armaments field, and for the revision of Article 296 TEC (No 22/Kohout)
- Redraft of the Article (No 2/Kaufmann)
- Delete the Article (No 4/Bonde)

### **Paragraph 1**

*Name of the Agency*

- Replace the name "European Armaments and Strategic Research Agency" with "European Military Capabilities Agency" (No 27/Roche), or "European Military Capabilities and Strategic Research Agency" (No 14/Fini + 1), or "European Defence Capabilities Agency" (No 8/de Vries + 1), or "European Capabilities Development and Acquisition Agency" (No 16/Hain), or "Armaments and Capabilities Agency" (No 15/Fischer).

### *Tasks of the Agency*

- Specify that the Agency shall have as its task "in particular" to... *(No 7/de Villepin)*
- Supplement the Agency's tasks as follows:
  - first indent: "and assist the Council in evaluating and improving military capabilities"*(No 6/Costa + 1)*
  - first indent: add "civil capabilities"
  - the third indent: add "civil capabilities, with a view in particular to conflict prevention and peace-keeping operations"
  - the fifth indent: add civil defence-related expenditure *(No 31/Voggenhuber + 1)*
  - the third indent: "cooperate in this area with the relevant armaments-sector bodies in the context of promoting the adoption of efficient and lasting supply methods";
  - the fifth indent: "in the context of an open and competitive market in order" to improve the effectiveness of military expenditure *(No 14/Fini + 1)*;
  - the fourth indent: "and contribute to achieving the objectives and programmes referred to in Article xx of the Constitution" (current Article 163 TEC) *(No 15/Fischer)*;
  - a sixth indent: "to promote the implementation of a system for assessing, evaluating and auditing capability commitments on the basis of qualitative and quantitative reference criteria" *(No 8/de Vries + 1)*
  - a sixth indent: "contribute to identifying the relevant conflict-prevention strategies and measures" *(No 1/Thorning-Schmidt)*
- "the goal of the ... 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 as cost-effectively as possible. Its activities shall imply:
  - the first indent: add "quantitative and qualitative ... objectives" and "evaluating progress against them";
  - the second indent: replace "effective" with "cost-effective", and "based on the best practice";
  - the third indent: add "effective" co-ordination ;
  - the fourth indent: add "and provide contracting support services".*(No 16/Hain)*
  - Add "effective" to "coordination" in the second indent; in the third indent: add "and make its contribution to achieving the objectives and programmes referred to in the "RDFP" Article; add a sixth indent: "contribute to the development of a European armaments market and give its opinion on any proposal for an act concerning the regulation of that market" *(No 7/de Villepin)*
- Replace "harmonisation" with "evaluation" in the second indent and "implementing" with "promoting" in the fifth indent *(No 24/Lopes + 4)*
- Delete the following from the Agency's tasks:
  - the first indent *(No 30/Tiilikainen + 4)*
  - the first and second indents;
  - in the third indent replace "ensure coordination" with "facilitate";
  - in the fourth indent delete the word "plan";
  - at the end of the fifth indent, add "not including strategic asset management".*(No 17/Heathcoat-Amory)*

### *Beginning of the Article*

- Begin the Article with "The Agency, ... shall be open to all Member States wishing to be part of it". (No 27/Roche)
- Begin the Article with "Member States shall undertake progressively to improve their military capabilities. To this end, a European Armaments...shall be established" (No 12/Farnleitner).
- Begin the Article with: "in order to give the CFSP/ ESDP the necessary capabilities, a European Capabilities and Armaments Agency shall contribute, under the direction and political control of the Council, to drawing up and implementing a European capabilities and armaments policy. In the formulation of that policy, consideration shall be given to the particular nature of military and armament activities, in particular the security requirements, and to the need for the appropriate adjustments to be made gradually" (No 7/de Villepin).
- Reformulate the whole of paragraph 1 as follows: "A European Armaments Agency shall be established to support the development of military capabilities by cooperation 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." (No 18/Hjelm-Wallén + 3)

### *Miscellaneous*

- Delete the whole paragraph.  
(No 21/Kirkhope, No 32/Gormley, No 26/Queiró, No 23/Kvist, No 4/Bonde)

### **Paragraph 2**

#### *Procedure*

- Replace qualified majority voting with unanimity (No 27/Roche; No 29/Teufel; No 17/Heathcoat-Amory, No 25/Palacio, 24/Lopes+4, No 7/de Villepin, No 18/Hjelm-Wallén + 3)
- Redraft: "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." (Hjelm-Wallén + 3)
- Delete "qualified majority" (No 19/Hübner)
- Add that the decision defining the Agency's statute and operational rules must be adopted by the legislative procedure (No 28/Severin, No 10/Duff + 19)
- Add European Parliament consent (No 5/Brok + 30)
- Scrutiny of the Agency's activities by the EP and national parliaments should be added to the Agency's statute (No 28/Severin, No 10/Duff + 19)

#### *Participation in the Agency*

- Add: "European members of NATO which are not members of the European Union may also participate if they so wish"; and at the end of the paragraph: "and members of NATO not belonging to the European Union which carry out joint projects" (No 9/Demiralp)
- Add a paragraph 3: "The Agency is open to all other States wishing to be part of it, under the conditions laid down by the Council" (No 3/Azevedo + 1)
- Keep "The Agency shall be open to all Member States" and delete the rest of the paragraph.  
(No 8/de Vries + de Bruijn)



### *Inclusion of existing groups*

- After "operational rules ... shall take account of ...", add "and arrangements to incorporate within the framework of the Agency the OCCAR and LoI. Cooperation in OCCAR and LoI under the Agency framework will, exceptionally, only involve existing members at outset, but will be open to all Member States subject to rules governing accession as agreed by the Member States of OCCAR and LoI Framework Agreement", and delete the last sentence of this paragraph ("Specific groups shall be set up within the Agency..").  
(No 16/Hain)
- After "Specific groups shall be set up within the Agency bringing together Member States engaged in joint projects", add "or carrying on existing forms of coordination. The latter may be set up in accordance with the provisions of Article xxx in the form of enhanced cooperation".  
(No 15/Fischer)

### *Role of the Commission*

- "The Commission shall participate fully in the work of the Agency. The Union shall ensure the consistency of the measures" (No 15/Fischer)
- "In the fields of regulation of the defence armaments market and of defence research and technology, the Council shall ensure that the Agency's work is consistent with the activities of the other institutional players. The Commission shall be fully associated with the Agency's work concerning these aspects." (No 7/de Villepin)
- Add a sentence: "the Agency shall fulfil its tasks, as appropriate, in consultation with the Commission" (No 30/Tiilikainen +Peltomäki, Kiljunen, Vanhaven, Korhonen)

### *Miscellaneous*

- Add "European" to the decision which the Council is to adopt by a qualified majority  
(No 12/Farnleitner)
- Delete the reference to the Agency's seat  
(No 16/Hain)
- Delete the sentence "specific groups shall be set up within the Agency bringing together Member States engaged in joint projects" and replace it with "in the field and under the conditions determined by the Council, the Agency may implement its programmes in the form of enhanced cooperation, in accordance with the Article on enhanced cooperation"(No 7/de Villepin)
- Delete "such rules should take account of the level of effective participation in the Agency's activities" (No 30/Tiilikainen +4; No 19/Hübner; No 12/Farnleitner)
- Delete the whole paragraph.  
(No 21/Kirkhope, No 32/Gormley, No 26/Queiró, No 23/Kvist, No 4/Bonde)

## **LIST OF AMENDMENTS TO ARTICLE 19**

1. *Thorning-Schmidt*
2. *Sylvia-Yvonne Kaufmann*
3. *Maria Eduarda Azevedo and António Nazaré Pereira*
4. *Bonde*
5. *Brok; Santer; Stylianidis; Tajani; Van Der Linden; Almeida Garrett; Altmaier; Azevedo; Basile; Brejc; Cristina; Cushnahan; Demetriou; Fogler; Follini; Frendo; Giannakou; Kauppi; Kelemen; Korhonen; Krasts; Kroupa; Lennmarker; Lequiller; Maij-Weggen; Mladenov; Paks; Rack; Van Dijk; Wittbrodt; Zieleniec; Zile*
6. *Alberto Costa and Guilherme D'oliveira Martins*
7. *de Villepin*
8. *G.M. De Vries and T.J.A.M. de Bruijn*
9. *Oğuz Demiralp*
10. *Andrew Duff, Lamberto Dini, Paul Helminger, Dimitrij Rupel, Peeter Kreitzberg, Algirdas Gričius, Puiu Hasotti, Jelko Kacin, Zekeriya Akçam, Eugenijus Maldeikis, Lone Dybkjaer, Willem Van Eekelen, Lord MacLennan of Rogart, Nesrin Uzun, Marios Matsakis, Androula Vassiliou, Istvan Szent-Iványi, Péter Eckstein-Kovacs, Ibrahim Ozal and Gintautas Sivickas*
11. *The Earl of Stockton*
12. *Hannes Farnleitner*
- 13.
14. *Gianfranco Fini and Francesco Speroni*
15. *Joschka Fischer*
16. *Hain*
17. *David Heathcoat-Amory*
18. *Lena Hjelm-Wallén, Sven-Olof Petersson, Sören Lekberg and Ingvar Svensson*
19. *Danuta Hübner*
20. *Sylvia-Yvonne Kaufmann*
21. *Kirkhope*
22. *Jan Kohout*
23. *Kvist*
24. *Ernâni Lopes, Maria Eduarda Azevedo, Manuel Lobo Antunes and António Nazaré Pereira*
25. *Palacio*
26. *Luís Queiró*
27. *Dick Roche*
28. *Adrian Severin*
29. *Erwin Teufel*
30. *Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Matti Vanhanen, Riitta Korhonen*
31. *Voggenhuber, Wagener*
32. *John Gormley*

## **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.***

## **THEMATIC EXAMINATION OF AMENDMENTS**

### **General**

- Add a fifth paragraph stipulating that expenditure resulting from the implementation of structured cooperation shall be borne by the participating Member States (*No 7/Farnleitner*)
- Delete the article (*No 1/Bonde, No 8/Hain, No 9/Heathcoat-Amory, No 10/Hjelm-Wallen + 5, No 11/Hololei, No 12/Hubner, No 13/Kalnieta + 5, No 14/Kaufmann, No 15/Kiljunen, No 16/Kirkhope, No 20/Roche, No 21/Seppanen, No 23/Tiilikainen + 3, No 24/Voggenhuber + 2, No 25/Gormley*)

### **Paragraph 1**

- Replace "structured cooperation" by enhanced integration (*No 2/Borrel + 1*)

#### *Introduction of closer cooperation*

- Reword so that Member States may, after a proposal from one of them and after informing the EP and a decision of the Council by a qualified majority, establish structured cooperation. (*No 3/Brok + 29*)
- Reword to stipulate that Member States that wish to establish structured cooperation shall address a request to the Council, which shall grant authorisation, acting by a qualified majority and in accordance with the provisions of Article 9(2) of the same Title and with those on enhanced cooperation (*No 4/Christophersen + 3, No 22/Thorning-Schmidt*)
- Replace the paragraph by Article 27a TEU (*No 18/Lopes + 3*)

- Reword to stipulate that Member States which wish to enter into more binding commitments with a view to the most demanding tasks may establish structured cooperation within the meaning of Article 30(6) of the Treaty. (No 19/Quieró)
- Becomes the second paragraph, deleting the word "high" and replacing "structured cooperation" by enhanced cooperation. Delete the last sentence and replace by another stipulating that the Council, acting unanimously, shall decide on the conditions and terms of cooperation. (No 18/Lopez +3)

#### *Criteria*

- Add the full involvement of the relevant Council bodies at the end of the paragraph. (No 5/de Vries + 1)
- Replace "high" by agreed. (No 17/Kohout)
- Delete "which those Member States have defined". (No 7/Farnleitner)

#### *Declaration/Protocol*

- In the last sentence, replace "Declaration" by Protocol. (No 7/Farnleitner)

### **Paragraph 2**

#### *Restricted Council*

- Add the voting procedure for the restricted Council – qualified majority of the participating Member States weighted in accordance with the second paragraph of Article 17 -B, Part One of the Treaty. (No 19/Quieró)
- Delete the last sentence on decision-making by the restricted Council. (No 4/Christophersen + 3, No 22/Thorning-Schmidt)
- Replace the restricted Council by the Council and make provision for all the Member States to take part in the discussions, with only the participating States taking part in the adoption of decisions (the following paragraph to be amended accordingly). (No 7/Farnleitner)
- Becomes the third paragraph, which incorporates the former second paragraph while replacing the restricted Council by the Council acting by a qualified majority. (No 18/Lopes + 3)

#### *Other*

- Replace the European Council by the Council. (No 3/Brok + 29)
- New second paragraph stipulating that such cooperation shall be open to all Member States that are willing to subscribe to the obligations it imposes and that the participating Member States must encourage the other Member States to take part. (No 7/Farnleitner)

### **Paragraph 3**

- Specify that decision-making covers only the development of military capability criteria. (No 4/Christophersen + 3, No 22/Thorning-Schmidt)
- Add information to the European Parliament. (No 66/Duff + 19)

#### **Paragraph 4**

- New wording for the paragraph to stipulate that structured cooperation must safeguard the values and serve the interests of the Union as a coherent force on the international scene. It must also respect the principles, objectives, general guidelines and consistency of the CFSP and the decisions taken within that framework. (*No 4/Christophersen + 3, No 22/Thorning-Schmidt*)

**LIST OF AMENDMENTS TO ARTICLE 20**

1. *Bonde*
2. *Borrell, Carnero and López Garrido*
3. *BROK; SANTER; STYLIANIDIS; TAJANI; VAN DER LINDEN; ALMEIDA GARRETT; ALTMAIER; AZEVEDO; BASILE; BREJC; CUSHNAHAN; DEMETRIOU; CRISTINA; FOGLER; FOLLINI; FRENDÓ; GIANNAKOU; KAUPPI; KELEMEN; KORHONEN; KRASTS; KROUPA; MAIJ-WEGGEN; MLADENOV; PIKS; RACK; VAN DIJK; WITTBRODT; ZIELENIEC; ZILE*
4. *Henning Christophersen, Poul Schlüter, Henrik Dam Kristensen and Niels Helveg Petersen*
5. *G.M. de Vries and T.J.A.M. de Bruijn*
6. *Andrew Duff, Lamberto Dini, Paul Helminger, Dimitrij Rupel, Peeter Kreitzberg, Algirdas Gricius, Puiu Hasotti, Jelko Kacin, Zekeriya Akçam and Eugenijus Maldeikis; and alternate members: Lone Dybkjaer, Willem Van Eekelen, Lord MacLennan of Rogart, Nesrin Uzun, Marios Matsakis, Androula Vassiliou, Istvan Szent-Ivanyi, Péter Eckstein-Kovacs, Ibrahim Ozal and Gintautas Sivickas*
7. *Hannes FARNLEITNER*
8. *Hain*
9. *David Heathcoat-Amory*
10. *Hjelm-Wallén, Lekberg, Lennmarker, Petersson, Kvist and Svensson*
11. *Henrik Hololei*
12. *Danuta Hübner*
13. *Sandra Kalniete, Roberts Zile, Liene Liepina, Rihards Pīks, Arturs Krisjanis Karins, Guntars Krasts*
14. *Sylvia-Yvonne Kaufmann*
15. *Kiljunen*
16. *TIMOTHY KIRKHOPE MEP*
17. *Jan Kohout*
18. *Ernâni Lopes, Maria Eduarda Azevedo, Manuel Lobo Antunes and António Nazaré Pereira*
19. *Luís Queiró*
20. *Dick Roche*

21. *Esko Seppänen*
22. *Ms Helle Thorning-Schmidt*
23. *Teija Tiilikainen, Antti Peltomäki, Matti Vanhanen, Riitta Korhonen*
24. *Voggenhuber, Lichtenberger, Wagener*
25. *John Gormley*

## **Article 21**

*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.*

## **THEMATIC EXAMINATION OF AMENDMENTS**

### **General**

- New article providing that the principles of closer cooperation on mutual defence are based on the Modified Brussels Treaty, which is annexed to the Constitution, and that closer cooperation is open to States which are not bound by the Brussels Treaty (*No 13/Hübner*)
- Add that the provisions allowing for closer cooperation in the field of the ESDP should set a threshold of participation by at least one half of all Member States (*No 17/Kohout*)
- Add a fifth paragraph providing that the principle of unanimity applies to defence matters (*No 10/Heathcoat-Amory*)
- Delete this article (*No 1/Seppanen, No 2/Bonde, No 5/de Vries + 1, No 6/Demiralp, No 9/Hain, No 11/Hjelm-Wallén, No 12/Hololei, No 15/Kiljunen, No 16/Kirkhope, No 18/Lopes + 3, No 20/Roche, No 22/Tiilikainen + 3, No 23 Voggenhuber + 2, No 24/Gormley*)

### **Paragraph 1**

- Replace European Council by Council (*No 3/Brok + 29*)
- Replace "Declaration" by Protocol (*No 8/Farnleitner*)
- Delete all reference to a Declaration, amend to the effect that the list of participating States varies according to the mission (*No 10/Heathcoat-Amory*)

### **Paragraph 2**

- Add a reference to Article 30(7), Part One of the Constitution (*No 3/Brok + 29*)
- Replace "participating Member State" by a Member State at the beginning of the paragraph (*No 7/Earl of Stockton, No 19/Queiró*)



- Delete all reference to participating Member States, the possibility to request aid and assistance. Replace "shall" by may. (*No 7/Earl of Stockton*)

#### **Paragraph 4**

Add a reference to close cooperation with NATO in the execution of cooperation on mutual defence and the assurance that in order to avoid any duplication, participating Member States will rely on existing cooperation arrangements with NATO. (*No 4/Christophersen + 3, No 21/Thorning-Schmidt*)

- Add a reference to the constitutional neutral status of certain Member States (*No 7/Earl of Stockton, No 10/Heathcoat-Amory*)

## **LIST OF AMENDMENTS TO ARTICLE 21**

1. *Esko Seppänen*
2. *Bonde*
3. *Brok; Santer; Tajani; Van der Linden; Almeida Garrett; Altmaier; Azevedo; Basile; Brejc; Cushnahan; Demetriou; Cristina; Fogler; Follini; Frendo; Giannakou; Kauppi; Kelemen; Korhonen; Krasts; Kroupa; Lennmarker; Maij-Weggen; Mladenov; Paks; Rack; Van Dijk; Wittbrodt; Zieleniec; Zile*
4. *Henning Christophersen, Poul Schlüter, Henrik Dam Kristensen and Niels Helveg Petersen*
5. *G.M. de Vries and T.J.A.M. de Bruijn*
6. *Oğuz DEMIRALP*
7. *the Earl of Stockton MEP*
8. *Hannes Farnleitner*
9. *David Heathcoat-Amory*
10. *Hjelm-Wallén, Lekberg, Petersson, Kvist and Svensson*
11. *Henrik Hololei*
12. *Danuta Hübner*
13. *Sylvia-Yvonne Kaufmann*
14. *Kiljunen*
15. *Timothy Kirkhope*
16. *J. Kohout*
17. *Ernâni Lopes, Maria Eduarda Azevedo, Manuel Lobo Antunes and António Nazaré Pereira*
18. *Luís Queiró*
19. *Dick Roche*
20. *Helle THORNING-SCHMIDT*
21. *Teija Tiilikainen, Antti Peltomäki, Matti Vanhanen, Riitta Korhonen*
22. *Voggenhuber, Lichtenberger, Wagener*
23. *John Gormley*

## **C. FINANCIAL PROVISIONS**

### **Article 22**

1. *Administrative expenditure which the provisions relating to the areas referred to in this Title 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 9(1), second subparagraph, shall not be obliged to contribute to the financing thereof.*

3. *A Union budgetary heading shall be created for urgent financing of initiatives in the framework of the common foreign and security policy, in particular preparatory activities for tasks as referred to in by Article 30(1) of Part One of the Constitution. Specific procedures shall be put in place to guarantee rapid access to appropriations entered under this heading and their effective use within the deadlines imposed by the situations concerned.*

*Preparatory activities for tasks as referred to in Article 30(1) of Part One of the Constitution 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:*

- *the procedures for setting up and financing the fund, in particular the amounts allocated to the fund and the procedures for reimbursement;*
- *the procedures for administering the fund;*
- *the financial control procedures.*

*When it is planning a task as referred to in Article 30(1) of Part One of the Constitution 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.*

## **THEMATIC EXAMINATION OF AMENDMENTS**

### **General**

- Delete this article (No 1/Bonde, No 12/Kirkhope, No 21/Gormley)

### **Paragraph 1**

- Delete exclusion of expenditure in areas having military or defence implications (*No 10/Heathcoat-Amory*)
- Delete this entire paragraph (*No 12/Kirkhope*)
- Delete the adjective "administrative" (*No 20/Wuermeling*)

### **Paragraph 2**

- Add a paragraph 2a laying down that the Minister for Foreign Affairs shall establish the chapter of the draft Union budget on CFSP expenditure and that in the case of disagreement between the EP and the Council at the close of the budgetary procedure, the amount proposed by the Minister shall be entered into the budget. (*No 4/de Villepin*)
- Add a paragraph 2b laying down that the Minister is charged with implementation of CFSP expenditure (*No 4/de Villepin*)
- Add that when expenditure is not charged to the Union budget, it is charged to the "participating" Member States (*No 10/Heathcoat-Amory + 1*)
- Reword this paragraph to set out that operating expenditure to which the implementation of this chapter's provisions gives rise shall be charged to the Union budget "where the Council acting unanimously so decides" (*No 10/Heathcoat-Amory + 1*)
- Delete the first sentence and replace, in the second "expenditure is not charged to the Union's budget" by "not all Member States participate" (*No 20/Wuermeling*)
- Delete whole paragraph (*No 12/Kirkhope*)

### **Paragraph 3**

- Replace references to the articles in accordance with previous amendments (*No 14/Michel + 3*)
- Replace the Minister by the Commission (*No 18/Svensson*)
- Delete this paragraph (*No 13/Lopes + 3, No Tiilikainen + 4*), since although its content is relevant, it is rather a matter for secondary legislation (*No 13/Lopes*)

### **Union budgetary heading for urgent financing of initiatives in the framework of the CFSP**

- Add that the specific procedures put in place to guarantee rapid access to appropriations entered under this heading and their effective use within the deadlines imposed by the situations concerned must be adopted by the Council acting unanimously on a proposal from the Minister for Foreign Affairs (*No 16/Roche*)
- Add "without prejudice to the role of the European Parliament in budgetary affairs" (*No 2/Brok + 30, No 3/Cushnahan*)
- No amendments proposed, but this is a matter which merits closer consideration (*No 8/Fischer*)

- Delete "a Union budgetary heading should be created" and add that "shall be charged to the Union's budget for CFSP"; delete the following sentence concerning the specific procedures which shall be put in place to guarantee rapid access to appropriations entered under this heading (*No 5/de Vries + I*);
- Delete "preparatory activities" (*No 4/de Villepin*)
- Add the possibility for the Minister to propose an amending budget if it emerges in the course of the year that the amount is insufficient + fast-track decision-making procedure (8/15 days) (*No 4 /de Villepin*)

#### Start-up fund

- Delete "preparatory activities" and "start-up" (*No 4/de Villepin*)
- Add to the end of the article that after five years the start-up fund will become an integral part of the Union's budget (*No 2/Brok + 30, No 3/Cushnahan*)
- Delete the reference to the start-up fund (*No 7/Farleitner, No 8/Fischer*)
- Delete the second subparagraph (*No 10/Heathcoat-Amory + I*)

#### *Financing the fund*

- Add that the start-up fund is made up of Member States' contributions in accordance with the gross national product scale (*No 4/de Villepin, No 5/de Vries + I*)
- Replace "made up of member States' contributions" by "the Union budget" (*No 3/Cushnahan*)

#### *Procedure*

- Replace "qualified majority" by "unanimity" (*No de Vries + I, No 16/Roche, No 9/Hain, No 10/Heathcoat-Amory + I*)
- Add "in agreement with or after having consulted the Parliament" (*No 3/Cushnahan, No 6/Duff + 19, No 17/Severin*);
- Delete the three indents (*No 16/Roche*);
- Add "disbursing" after "administering" (*No 9/Hain*),
- Add to the third indent "including the effect of withheld budget discharge" (*No 10/Heathcoat-Amory + I*)

#### *Role of the Minister for Foreign Affairs*

- Add "in accordance with financial control procedures to be established by the Council" to the Minister's authorisation to use the fund (*No 16/Roche*)
- Add: "and to the European Parliament" (*No 3/Cushnahan*)

## **LIST OF AMENDMENTS TO ARTICLE 22**

1. *Bonde*
2. *Brok; Santer; Stylianidis; Tajani; Van der Linden; Almeida Garrett; Altmaier; Azevedo; Basile; Brejc; Cushnahan; Demetriou; Cristina; Fogler; Follini; Frendo; Giannakou; Kauppi; Kelemen; Korhonen; Krasts; Kroupa; Lequiller; Maij-Weggen; Mladenov; Paks; Rack; Van Dijk; Wittbrodt; Zieleniec; Zile*
3. *John Cushnahan*
4. *de Villepin*
5. *G.M. De Vries and J.A.M. De Bruijn*
6. *Andrew Duff, Lamberto Dini, Paul Helminger, Dimitrij Rupel, Peeter Kreitzberg, Algirdas Griekus, Puiu Hasotti, Jelko Kacin, Zekeriya Akçam, Eugenijus Maldeikis; Lone Dybkjaer, Willem Van Eekelen, Lord MacLennan of Rogart, Nesrin Uzun, Marios Matsakis, Androula Vassiliou, Istvan Szent-Ivanyi, Péter Eckstein-Kovacs, Ibrahim Ozal and Gintautas Sivickas*
7. *Hannes Farnleitner*
8. *Joschka Fischer*
9. *Hain*
10. *David Heathcoat-Amory, Earl of Stockton*
11. *Sylvia-Yvonne Kaufmann*
12. *Timothy Kirkhope*
13. *Ernâni Lopes, Maria Eduarda Azevedo, Manuel Lobo Antunes and António Nazaré Pereira*
14. *Louis Michel, Elio Di Rupo, Anne Van Lancker and Pierre Chevalier*
15. *Luís Queiró*
16. *Dick Roche*
17. *Adrian Severin*
18. *Ingvar Svensson*
19. *Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Matti Vanhanen, Riitta Korhonen*
20. *Joachim Wuermeling*
21. *John Gormley*

## CHAPTER 2: COMMON COMMERCIAL POLICY

### Article 23

*By establishing a customs union between themselves Member States aim to contribute, in the common interest, to the harmonious development of world trade, the progressive abolition of restrictions on international trade and to foreign direct investment, and the lowering of customs barriers.*

### THEMATIC EXAMINATION OF AMENDMENTS

#### General

- Delete the reference to foreign direct investment ((No 1/Abitbol, No 3/de Villepin, No 5/Fischer, No 11/Palacio, No 13/Teufel, No 14/Voggenhuber+1). Replace this reference by a more precise definition and refer to submission of a drafting proposal in the future (No 6/Hain). Amend wording in English: "on foreign investment" instead of "to" (No 12/Roche). Insert the words "and sustainable" after "harmonious" and delete the text after "world trade" (No 15/Gormley).
- Insert "in goods and services" after "restrictions on international trade" (No 4/de Vries + 1)
- Insert a reference to "increasing the Union's economic competitiveness" and "including the elimination of customs barriers" rather than the lowering of customs barriers (No 7/Hjelm-Wallén + 4). Add "having equivalent effect" after "customs barriers" (No 10/Lopes + 3). Add a second paragraph whereby the Customs Union will have to cover all trade in goods and services and whereby it will involve the prohibition of customs duties on imports and exports to and from the Union and all charges having equivalent effect (No 9/Lennmarker).
- Amend the wording slightly so as to change the meaning of the text concerning the link between the liberalisation of international trade and capital and the harmonious development of global trade by stating that the first two are dependent on the second (No 8/Kaufmann).
- Add "by ensuring conditions of reciprocity between Member States" at the end of the Article (No 10/Lopes + 3).

### **LIST OF AMENDMENTS TO ARTICLE 23**

1. *William ABITBOL*
2. *Jens-Peter Bonde*
3. *de Villepin*
4. *G.M. de Vries , T.J.A.M. de Bruijn*
5. *Joschka Fischer*
6. *Hain*
7. *Lena Hjelm-Wallén and Sven-Olof Petersson, government representatives and  
Sören Lekberg, Kenneth Kvist and Ingvar Svensson, national parliament representatives.*
8. *Sylvia-Yvonne Kaufmann*
9. *Lennmarker*
10. *Ernâni Lopes, Maria Eduarda Azevedo, Manuel Lobo Antunes and António Nazaré Pereira*
11. *Palacio*
12. *Dick Roche*
13. *Erwin Teufel*
14. *Voggenhuber, Wagener,*
15. *John Gormley*



## Article 24

1. *The common commercial policy shall be based on uniform principles, particularly with regard to changes in tariff rates, the conclusion of tariff and trade agreements relating to trade in goods and services and the commercial aspects of intellectual property, foreign direct investment, the achievement of uniformity in measures of liberalisation, export policy and measures to protect trade such as those to be taken in the event of dumping or subsidies. The common commercial policy shall be conducted in the context of the principles and objectives of the Union's external action, as set out in Article 1 of this Title.*
2. *The European Parliament and the Council shall adopt, in accordance with the legislative procedure, the European laws and framework laws required to implement the common commercial policy.*
3. *Where agreements with one or more States or international organisations need to be negotiated, the relevant provisions of Article 33 of this Title shall apply. The Commission shall make recommendations to the Council, which shall authorise the Commission to open the necessary negotiations. The Council and the Commission shall be responsible for ensuring that the agreements negotiated are compatible with internal Union policies and rules.*

*The Commission shall conduct these negotiations in consultation with a special committee appointed by the Council to assist the Commission in this task and within the framework of such directives as the Council may issue to it. The Commission shall report regularly to the special committee on the progress of negotiations.*

4. *For the negotiation and conclusion of agreements in the fields of trade in services involving the movement of persons and the commercial aspects of intellectual property, the Council shall act unanimously where such agreements include provisions for which unanimity is required for the adoption of internal rules.*
5. *The exercise of the competences conferred by this Article in the field of commercial policy shall not affect the delimitation of internal competences between the Union and the Member States, and shall not lead to harmonisation of legislative or regulatory provisions of Member States insofar as the Constitution excludes such harmonisation.*

## THEMATIC EXAMINATION OF AMENDMENTS

### General

- Replace "Union" by "Community" throughout the Article and replace "Constitution" by "simplifying Treaty" (No 28/Kirkhope).

### **Paragraph 1**

- Add a reference to the contribution to the aims of sustainable development and poverty eradication at the end of the paragraph (*No 2/Gabaglio, No 15/Dybkaer, No 38/Svensson, No 41/Van Lancker, No 43/Wagener, No 42/Voggenhuber+3 – also deleting the reference to Article 1 in the Title in the latter case*) or to consistency with the development cooperation policy and the environment policy (*No 9/Borrell + 2*). Insert a reference at the beginning of the Article to the effect that the common commercial policy will be based on unilateral concessions to least developed countries and on sustainable development (*No 8/Bonde*).
- Delete the reference to foreign direct investment (*No 12/de Villepin, No 16/The Earl of Stockton, No 18/Fischer, No 36/Roche*) or replace this reference with a more precise text (*No 22/Hain*). Delete the reference to the commercial aspects of intellectual property and foreign direct investment and add a sentence whereby these fields do not form part of the common commercial policy and remain areas covered by free cooperation between Member States (*No 5/Abitbol*).
- Add a reference to the "infringement of minimum standards for the protection of workers and the environment" after "subsidies" (*No 17/Fini + 1*).
- Add reservations on the preservation of services of general interest after "liberalisation" (*No 2/Gabaglio*).
- Add at the end of the paragraph that genuine substance must be given to the democracy clauses contained in the Union's association and trade agreements and that to this end an international code of conduct will be drawn up to govern the relations between the Union and third countries (*No 11/Cushnahan*).
- Delete the last sentence concerning the reference to the principles and objectives in Article 1 of this Title (*No 22/Hain*).
- Delete the text after "uniform principles" (*No 26/Kaufmann*).
- Insert a new paragraph 1a which lays down that in exercising the powers conferred upon it by the Article, the Council shall act by a qualified majority and that the European Parliament's assent shall be required for the conclusion of all significant agreements entered into under the terms of this Article (*No 1/Kauppi, No 6/Cushnahan, No 34/McAvan+8*) or that the Council shall act after consulting the European Parliament (*No 27/Kiljunen*).

### **Paragraph 2**

- Replace the paragraph with a text based on Article 133(2) TEC (*No 24/Hjelm-Wallén + 3*).
- Replace the paragraph with a text which lays down that the Council shall adopt by a qualified majority the regulations required to implement the common commercial policy and that it shall act after consulting the European Parliament (*No 40/Tiilikainen + 3*).

- Add that in accordance with Article 28 of Part One, laws or framework laws may confer implementing competences on the Council or the Commission (No 12/de Villepin).
- Replace "European framework laws" by "recommendations" (No 16/The Earl of Stockton). Delete the reference to laws (No 23/Heathcoat-Amory).

### **Paragraph 3**

- Add that the Commission shall make recommendations to the European Parliament as well (No 10/Brok + 29, No 20/Giannakou, No 42/Voggenhuber + 3, No 44/Wuermeling). State that the Council shall authorise the Commission to open negotiations after consulting the European Parliament (No 3/Kauppi, No 6/Cushnahan, No 9/Borrell + 2, No 14/Duff + 17, No 34/McAvan + 8, No 35/Michel + 3, No 37/Severin, No 41/Van Lancker). Add that the Council shall give this authorisation after receiving the European Parliament's consent (No 26/Kaufmann, No 44/Wuermeling) and that it should be made clear in the second subparagraph that the negotiating directives are communicated in the decision authorising the opening of negotiations (No 26/Kaufmann), or that it is the Council and the European Parliament which may issue directives (No 42/Voggenhuber + 3).
- Replace "the Council and the Commission" with "the institutions" (No 10/Brok + 29).
- Add at the end of the second subparagraph that the Commission will also keep the European Parliament fully and regularly informed of the progress of negotiations. (No 9/Borrell + 2, No 10/Brok + 29, No 20/Giannakou, No 35/Michel + 3, No 41/Van Lancker, No 42/Voggenhuber + 3). Add the Council and the European Parliament (No 26/Kaufmann).
- Insert a reference to the conclusion of agreements in the field of transport along the lines of the text of Article 133(6) TEC (No 4/Christophersen + 3).
- Make it clear that the principle of unanimity applies throughout the Article (No 23/Heathcoat-Amory).

### **Paragraph 4**

- Delete the paragraph (No 10/Brok + 29, No 14/Duff + 17, No 25/Jacobs, No 30/Lennmarker, No 27/Severin). Amend the paragraph to make it clear that qualified majority applies to the conclusion of agreements in the fields of trade in services involving the movement of persons and the commercial aspects of intellectual property (No 9/Borrell + 2, No 29/Kohout), and delete the part given over to non-harmonisation (No 9/Borrell + 2).

- Replace the paragraph and/or add (in a separate paragraph or in the paragraph) the gist of the text of the first sentence of the second subparagraph of Article 133(6) TEC as regards the fields of cultural and audiovisual services, social services and health and educational services (No 19/Floch, No 21/Haenel + 1, No 26/Kaufmann, No 27, Kiljunen, No 31/Lequiller, No 33/Mac Lennan, No 39/Teufel, No 42/Voggenhuber + 3 and No 24/Hjelm-Wallén + 3 with a reference also to the services provided by state monopolies) where the agreements go beyond harmonisation in these sectors within the Union (No 24/Hjelm-Wallén + 3) and make it clear that the Council will act unanimously (No 19/Floch, No 21/Haenel + 1, No 24/Hjelm-Wallén + 3), after obtaining the opinion of the European Parliament (No 19/Floch). Insert references to cultural and audiovisual services, educational services, social and human health services (No 32/Lopes + 3). Add that unanimity shall apply to agreements in the fields of foreign direct investment and the commercial aspects of intellectual property (No 24/Hjelm-Wallén + 3).
- Replace the paragraph with the second, third and fourth subparagraphs of Article 133(5) TEC (No 12/de Villepin).
- Add a subparagraph on the rights of the Member States to maintain and conclude agreements with third countries or international organisations insofar as such agreements comply with Union law and other relevant international agreements (No 22/Hain).
- Delete the words "involving the movement of persons" (No 36/Roche).

#### **Paragraph 5**

- Replace the paragraph with the text of Article 133(6) TEC (No 12/de Villepin) or with the first subparagraph thereof (No 22/Hain).
- Add a sixth paragraph on the rights of the Member States to maintain and conclude agreements with third countries or international organisations insofar as such agreements comply with Union law and other relevant international agreements (reference to the agreements in the transport field in the comments, No 13/de Vries + 1).
- Delete "insofar as the Constitution excludes such harmonisation" (No 23/Heathcoat-Amory).

#### **Proposals for a new Article**

- Add to this chapter an Article 24a containing a safeguard clause whereby Member States may request authorisation to take commercial policy measures themselves in urgent cases which may jeopardise national security or the survival of economic structures of considerable added value (No 7/Lopes + 3).

## **LIST OF AMENDMENTS TO ARTICLE 24**

1. *Piia-Noora KAUPPI*
2. *Emilio GABAGLIO*
3. *Piia-Noora KAUPPI*
4. *Henning Christophersen, Poul Schlüter, Henrik Dam Kristensen and Niels Helveg Petersen.*
5. *William ABITBOL*
6. *John Cushnahan*
7. *Ernâni Lopes, Maria Eduarda Azevedo, Manuel Lobo Antunes and António Nazaré Pereira*
8. *Jens-Peter Bonde*
9. *Borrell (member), Carnero and López Garrido (alternates)*
10. *BROK; SANTER; TAJANI; VAN DER LINDEN; ALMEIDA GARRETT; ALTMAIER; AZEVEDO; BASILE; BREJC; CUSHNAHAN; DEMETRIOU; CRISTINA; FOGLER; FOLLINI; FRENDON; GIANNAKOU; KAUPPI; KELEMEN; KORHONEN; KRASTS; KROUPA; LENNMARKER; MAIJ-WEGGEN; MLADENOV; PIKS; RACK; VAN DIJK; WITTBRODT; ZIELENIEC; ZILE*
11. *John Cushnahan*
12. *de Villepin*
13. *G.M. de Vries and T.J.A.M. de Bruijn*
14. *Andrew Duff, Lamberto Dini, Paul Helminger, Dimitrij Rupel, Peeter Kreitzberg, Algirdas Gricius, Puiu Hasotti, Jelko Kacin, Zekeriya Akçam and Eugenijus Maldeikis; and alternate members: Willem Van Eekelen, Nesrin Uzun, Marios Matsakis, Androula Vassiliou, Istvan Szent-Ivanyi, Péter Eckstein-Kovacs, Ibrahim Ozal and Gintautas Sivickas.*
15. *Dybkjær*
16. *The Earl of Stockton MEP*
17. *Gianfranco FINI – Francesco SPERONI*
18. *Joschka Fischer*
19. *Jacques FLOCH, alternate*
20. *GIANNAKOU Marietta*
21. *Hubert Haenel, member, and Robert Badinter, alternate*

22. *Hain*
23. *David Heathcoat-Amory*
24. *Lena Hjelm-Wallén and Sven-Olof Petersson, government representatives and Sören Lekberg and Kenneth Kvist, national parliament representatives.*
25. *Georges Jacobs - UNICE*
26. *Sylvia-Yvonne Kaufmann*
27. *Kiljunen*
28. *Timothy Kirkhope MEP*
29. *Jan Kohout*
30. *Lennmarker*
31. *Pierre Lequiller, Chairman of the European Union delegation in the French National Assembly.*
32. *Ernâni Lopes, Maria Eduarda Azevedo, Manuel Lobo Antunes and António Nazaré Pereira*
33. *Robert MacLennan*
34. *Linda McAVAN, Anne VAN LANCKER, Olivier DUHAMEL, Luis MARINHO, Pervenche BERÈS, Maria BERGER, Elena PACIOTTI, Helle THORNING-SCHMIDT, Jürgen MEYER*
35. *Louis Michel, Elio di Rupo, Anne Van Lancker, members of the Convention and Pierre Chevalier, alternate member of the Convention*
36. *Dick Roche*
37. *Adrian Severin*
38. *Ingvar SVENSSON*
39. *Erwin Teufel*
40. *Teija Tiilikainen, Antti Peltomäki, Matti Vanhanen, Riitta Korhonen*
41. *Anne Van Lancker*
42. *Voggenhuber, Lichtenberger, Wagener, Nagy*
43. *Renée Wagener*
44. *Joachim Wuermeling*

## CHAPTER 3: COOPERATION WITH THIRD COUNTRIES AND HUMANITARIAN AID

### I. DEVELOPMENT COOPERATION

#### Article 25

1. *Union policy in the sphere of development cooperation shall be conducted within the framework of the principles and objectives of the Union's external action as set out in Article 1 of this Title. The Union's development cooperation policy and that of the Member States complement and reinforce each other.*
2. *The Union and the Member States shall comply with the commitments and take account of the objectives they have approved in the context of the United Nations and other competent international organisations.*

#### THEMATIC EXAMINATION OF AMENDMENTS

##### General

- Amend the title of the Chapter to refer specifically to development cooperation (No 1/Berger + 1, No 2/Michel + 4, No 3/Timmermans, No 6/Wagener, No 7/Carey, No 11/Farnleitner) or "common development cooperation policy" (No 5/Voggenhuber + 2).
- Replace all references to "the Union" by "the Community" (No 14/Kirkhope).

##### Paragraph 1

- Redraft the paragraph with the addition of a paragraph / text indicating the specific objectives of development cooperation (No 1/Berger + 1, No 3/Timmermans, No 10/Duff + 19, No 19/Svensson, No 20/Van Lancker, No 23/Carey) or replace the text by another stating the specific objectives of this policy (No 12/Hain, No 18/Roche, No 22/Wagener), and also the fact that it refers to developing countries (No 12/Hain). Add a reference to the objective of eradicating poverty (No 17/O'Sullivan + 1).
- Add to the paragraph a sentence on the need for consistency between the CFSP and other spheres of external action and development cooperation policy (No 9/Borrell + 2).
- Add that the Union's policy in this sphere is founded on the partnership principle (No 2/Gabaglio, No 13/Kaufmann – by deleting the present first sentence, No 21/Voggenhuber + 3), or insert an additional paragraph to this effect (No 16/Michel + 4), and the promotion of the participation of civil society organisations (No 2/Gabaglio) or the participation of all sectors of society (No 16/Michel + 4, No 21/Voggenhuber + 3). Add that the Union shall develop a policy in this sphere (No 13/Kaufmann).
- Add that policy in this sphere is founded on the interests and needs of the developing countries (No 21/Voggenhuber + 3).

- Add a paragraph based on Article 178 TEC, referring to taking into account the objectives of development policy when implementing other policies likely to affect developing countries (No 11/Farnleitner).

### **Paragraph 2**

- Replace "take account of" by contribute to" (No 4/Berger + 1, No 5/Timmermans, No 20/Van Lancker, No 22/Wagener, No 24/Carey, No 25/Gormley) or by "actively promote" (No 19/Svensson).
- Add a third paragraph specifying that the chapter covers cooperation with developing countries, in order to distinguish it from economic, financial and technical cooperation with third countries (No 6/Timmermans, No 22/Wagener.).
- Add a reference to taking into account the objectives of development policy when implementing other policies likely to affect the developing countries (No 12/Hain), or replace the present paragraph with a text to this effect (No 18/Roche), or add a third paragraph to this effect (No 15/Lopes + 3).

### **Proposed addition of an Article**

- Add an Article to the effect that the Union and its Member States should work towards the introduction of harmonised procedures and agreed strategies as instruments for improving complementarity and coordination (No 7/Van Lancker).



## **LIST OF AMENDMENTS TO ARTICLE 25**

1. *Maria Berger, Caspar Einem*
2. *Emilio Gabaglio*
3. *Frans Timmermans*
4. *Maria Berger, Caspar Einem*
5. *Frans Timmermans*
6. *Frans Timmermans*
7. *Anne Van Lancker*
8. *Jens-Peter Bonde*
9. *Borrell (member), Carnero and López Garrido (alternates)*
10. *Andrew Duff, Lamberto Dini, Paul Helminger, Dimitrij Rupel, Peeter Kreitzberg, Algirdas Gričius, Puiū Hasotti, Jelko Kacin, Zeekeriya Akçam and Eugenijus Maldeikis; and alternate members: Lone Dybkjær, Willem Van Eekelen, Lord Mac Lennan of Rogart, Nesrin Uzun, Marios Matsakis, Androula Vassiliou, Istvan Szent-Ivanyi, Péter Eckstein-Kovacs, Ibrahim Ozal and Gintautas Sivickas.*
11. *Hannes Farnleitner*
12. *Hain*
13. *Sylvia-Yvonne Kaufmann*
14. *Timothy Kirkhope, MEP*
15. *Ernâni Lopes, Maria Eduarda Azevedo, Manuel Lobo Antunes and António Nazaré Pereira*
16. *Louis Michel, Elio di Rupo, Anne Van Lancker, members of the Convention, and Pierre Chevalier and Marie Nagy, alternate members of the Convention*
17. *O'Sullivan and Ponzano*
18. *Dick Roche*
19. *Ingvar Svensson*
20. *Anne Van Lancker*
21. *Members Voggenhuber, Lichtenberger, Wagener and Nagy*
22. *Renée Wagener*
23. *Pat Carey*
24. *Pat Carey*
25. *John Gormley*

## Article 26

1. *The European Parliament and the Council shall, in accordance with the legislative procedure, adopt the European laws and European framework laws necessary for the implementation of development cooperation policy, which may relate to multiannual cooperation programmes with developing countries or programmes with a thematic approach.*
2. *The Union may conclude with third countries and competent international organisations any agreement helping to achieve the objectives referred to in Article 1 of this Title. Such agreements shall be negotiated and concluded in accordance with Article 33 of this Title.*

*The first subparagraph shall be without prejudice to Member States' competence to negotiate in international bodies and to conclude international agreements.*

3. *The European Investment Bank shall contribute, under the terms laid down in its Statute, to the implementation of the measures referred to in paragraph 1.*
4. *This Article shall not affect cooperation with the African, Caribbean and Pacific countries in the framework of the ACP-EC Convention.*

## THEMATIC EXAMINATION OF AMENDMENTS

### General

- Replace all references to "the Union" by "the Community" (No 14/Kirkhope).

### Paragraph 1

- Replace the reference to "European framework laws" by "recommendations" (No 5/The Earl of Stockton), or delete the reference to "European laws" (No 7/Heathcoat-Amory) or add "and other instruments" (No 11/Lopes + 3).
- Delete the text after "multiannual cooperation programmes" (No 8/Hjelm-Wallén + 4).

### Paragraph 2

- Add "and regional" after "international" (No 8/Hjelm-Wallén+4).
- Delete the reference to the objectives of Article 1 and replace with "necessary for the implementation of this policy" (No 9/Kaufmann).
- Add "in the field of development cooperation" in order to make it clear that the competence to conclude agreements concerns this area (No 16/Teufel).

### **Paragraph 3**

(No amendments)

### **Paragraph 4**

- Delete this paragraph (No 3/de Vries + 1, No 4/Duff + 19, No 9/Kaufmann, No 13/Michel + 4, No 14/O'Sullivan + 1, No 15/Svensson, No 15/Tiilikainen + 4, No 18/Voggenhuber + 2).
- Add that the European Development Fund (EDF) will be integrated into the budget (No 2/Cushnahan, No 12/McAvan+5 - stating that EDF funding should be ring-fenced within the Union's budget) and subject to the same rules of procedure as those applicable to any other area of Community financial assistance (No 2/Cushnahan).
- Add that the article shall not affect associations such as the Commonwealth and la Francophonie either (No 7/Heathcoat-Amory).
- Correct the reference to the ACP-EC Partnership Agreement (No 11/Lopes + 3, No 12/McAvan + 5).

## **LIST OF AMENDMENTS TO ARTICLE 26**

1. *Mr Jens-Peter Bonde*
2. *Mr Cushnahan*
3. *Mr G.M. de Vries, T.J.A.M. de Bruijn*
4. *Members: Mr Andrew Duff, Mr Lamberto Dini, Mr Paul Helming, 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.*
5. *The Earl of Stockton MEP*
6. *Mr Hain*
7. *Mr David Heathcoat-Amory*
8. *Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives and Mr Sören Lekberg, Mr Göran Lennmarker and Mr Kenneth Kvist, national parliament representatives.*
9. *Dr. Sylvia-Yvonne Kaufmann*
10. *TIMOTHY KIRKHOPE MEP*
11. *Mr Ernâni Lopes, Ms Maria Eduarda Azevedo, Mr Manuel Lobo Antunes and Mr António Nazaré Pereira*
12. *Ms Linda McAVAN, Ms Anne VAN LANCKER, Mr Luis MARINHO, Ms Pervenche BERÈS, Ms Elena PACIOTTI, Ms Helle THORNING-SCHMIDT*
13. *Mr Louis Michel, Mr Elio di Rupo, Ms Anne Van Lancker, members and Mr Pierre Chevalier and Ms Marie Nagy, Alternate Members*
14. *Mr O'Sullivan and Mr Ponzano*
15. *Mr Ingvar SVENSSON*
16. *Mr Erwin Teufel*
17. *Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Matti Vanhanen, Riitta Korhonen*
18. *Voggenhuber, Lichtenberger, Wagener,*

## **Article 27**

1. *The Union and the Member States shall coordinate their policies on development cooperation and shall consult each other on their aid programmes, including in international organisations and during international conferences, in order to promote the complementarity and efficiency of their action. They may undertake joint action. Member States shall contribute if necessary to the implementation of Community aid programmes.*
2. *The Commission may take any useful initiative to promote the coordination referred to in paragraph 1.*
3. *Within their respective spheres of competence, the Union and the Member States shall cooperate with third countries and the competent international organisations.*

## **THEMATIC EXAMINATION OF AMENDMENTS**

### **General**

- Replace all references to "the Union" by "the Community" (No 14/Kirkhope).

### **Paragraph 1**

- Delete the last two sentences (No 11/Hjelm-Wallén + 3) or the last sentence (No 14/Lopes + 3).
- Add that the development cooperation of the Union shall take into account the general coordination of global aid (No 17/Tiilikainen + 4).
- Replace "promote" by "ensure" (No 14/Lopes + 3).
- Add a reference to the specific objectives of development policy (which it is proposed to insert in Article 25(1) (No 9/Hain).
- Replace "contribute" by "may contribute" (No 10/Heathcoat-Amory).
- Delete "in order to promote the complementarity and efficiency of their action" (No 12/Kaufmann).

### **Paragraph 2**

- Add that the Union and the Member States shall work towards the introduction of harmonised procedures and agreed strategies (No 7/Duff + 18).
- Replace "may take " by "shall take" (No 8/Farnleitner, No 15/McAvan + 7, No 16/Svensson) and delete "take any useful initiative to" (No 15/McAvan + 7).

### **Paragraph 3**

- Add that cooperation "is based on the fundamental principle of equality of the partners" (No 6/Demiralp) or "equal partnership" (No 7/Duff + 18).

- **Proposals for the addition of a paragraph or article**

Add a paragraph or an article stating that the Union's Development Cooperation policy shall be based on the principle of partnership, in order to integrate all sections in society, including civil society organisations (No 1/Dybkaer, No 2/Van Lancker, No 3/Wagener, No 4/Berger + 1) or insert in paragraph 3 (No 6/Demiralp).

**LIST OF AMENDMENTS TO ARTICLE 27**

1. *Ms. Dybkjær*
2. *Anne Van Lancker*
3. *Renée Wagener*
4. *Ms Maria BERGER, Mr Caspar EINEM*
5. *Mr. Jens-Peter Bonde*
6. *Mr Oğuz DEMIRALP*
7. *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, Mr Nesrin Uzun, Mr Marios Matsakis, Mrs Androula Vassiliou, Mr Istvan Szent-Ivanyi, Mr Péter Eckstein-Kovacs, Mr Ibrahim Ozal and Mr Gintautas Sivickas.*
8. *Mr Hannes FARNLEITNER*
9. *Mr Hain*
10. *Mr David Heathcoat-Amory*
11. *Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives and Mr Sören Lekberg and Mr Kenneth Kvist, national parliament representatives.*
12. *Dr. Sylvia-Yvonne Kaufmann*
13. *TIMOTHY KIRKHOPE MEP*
14. *M. Ernâni Lopes, Ms Maria Eduarda Azevedo, Mr Manuel Lobo Antunes and Mr António Nazaré Pereira*
15. *Ms Linda McAVAN, Ms Anne VAN LANCKER, Mr Olivier DUHAMEL, Mr Luis MARINHO, Ms Pervenche BERÈS, Ms Maria BERGER, Ms Elena PACIOTTI, Ms Helle THORNING-SCHMIDT*
16. *Mr Ingvar SVENSSON*
17. *Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Matti Vanhanen, Riitta Korhonen*
18. *Mr Pat Carey*

## **II. ECONOMIC, FINANCIAL AND TECHNICAL COOPERATION WITH THIRD COUNTRIES**

### **Article 28**

1. *Without prejudice to the other provisions of this Treaty, and in particular those of Articles 25 to 27 of this Title concerning development cooperation, the Union shall, within its spheres of competence, carry out economic, financial and technical cooperation measures with third countries. Such measures shall be consistent with the development policy of the Union. The Union's measures and those of the Member States shall complement and reinforce each other. They shall be carried out within the framework of the principles and objectives of the Union's external action as set out in Article 1 of this Title.*
2. *The European Parliament and the Council shall, in accordance with the legislative procedure, adopt the European laws and European framework laws necessary for the implementation of paragraph 1.*
3. *Within their respective spheres of competence, the Union and the Member States shall cooperate with third countries and the competent international organisations. The arrangements for Union cooperation may be the subject of agreements between the Union and the third parties concerned, which shall be negotiated and concluded pursuant to Article 33 of this Title. The Council shall act unanimously for the association agreements referred to in Article 32(2) of this Title and for the agreements to be concluded with the States which are candidates for accession to the Union.*

*The first subparagraph shall be without prejudice to Member States' competence to negotiate in international bodies and to conclude international agreements.*

## **THEMATIC EXAMINATION OF AMENDMENTS**

### **General**

- Replace all references to "the Union" by "the Community" (No 14/Kirkhope).

### **Paragraph 1**

- Add a reference to urgent, particularly financial aid (No 3/Brok + 29, No 6/Giannakou, No 10/McAvan + 7, No 11/Svensson).
- Replace "third countries" by "non-developing countries" (No 1/Timmermans, No 5/Dybkaer, No 12/Wagener) in order to clarify the scope of such assistance, or add "or groups of third countries" after "third countries" (No 9/Lopes + 3). Replace the last sentence, to state that such measures must in particular benefit the poorest people in the poorest nations in the world (No 2/Bonde). Add a reference to consistency with the CFSP (No 4/de Villepin).
- Delete the reference to Article 1 (No 7/Kaufmann).



### **Paragraph 2**

- Replace the procedure by adoption by the Council after consultation of the European Parliament (*No 4/de Villepin*).
- Add "and other instruments" after the references to laws and framework laws (*No 9/Lopes + 3*).

### **Paragraph 3**

- Delete the reference to agreements referred to in Article 32(2) of the title (*No 3/Brok + 29, No 7/Kaufmann*) and the reference to agreements to be concluded with the States which are candidates for accession to the Union (*No 7/Kaufmann*).

**LIST OF AMENDMENTS TO ARTICLE 28**

1. *Mr. Frans Timmermans*
2. *Mr. Jens-Peter Bonde*
3. *Ms / Mr : BROK; SANTER; TAJANI; VAN DER LINDEN; ALMEIDA GARRETT; ALTMAIER; AZEVEDO; BASILE; BREJC; CUSHNAHAN; DEMETRIOU; DOLORES; FOGLER; FOLLINI; FRENDON; GIANNAKOU; KAUPPI; KELEMEN; KORHONEN; KRASTS; KROUPA; LENNMARKER; MAIJ-WEGGEN; MLADENOV; PIKS; RACK; VAN DIJK; WITTBRODT; ZIELENIEC; ZILE*
4. *Mr de Villepin*
5. *Ms Dybkjær*
6. *Ms GIANNAKOU Marietta*
7. *Dr. Sylvia-Yvonne Kaufmann*
8. *TIMOTHY KIRKHOPE MEP*
9. *Mr Ernâni Lopes, Ms Maria Eduarda Azevedo, Mr Manuel Lobo Antunes and Mr António Nazaré Pereira*
10. *Ms Linda McAVAN, Ms Anne VAN LANCKER, Mr Olivier DUHAMEL, Mr Luis MARINHO, Ms Pervenche BERÈS, Ms Maria BERGER, Ms Elena PACIOTTI, Ms Helle THORNING-SCHMIDT*
11. *Mr Ingvar SVENSSON*
12. *Renée Wagener*

## Article 29

*When the situation in a third country requires urgent financial aid from the Union, the Council, on a proposal from the Commission, shall adopt the necessary measures by a qualified majority.*

## THEMATIC EXAMINATION OF AMENDMENTS

### In general

It should be noted that the original, correct version of the text is the French, according to which the Council shall adopt the necessary measures by a qualified majority, while the English speaks of "unanimously". The difference between the two versions has caused confusion and we apologise sincerely for that error.

- Delete the reference to unanimity in the English version (see remark above) (No 2/Brok+31, No 5/Duff+19, No 10/McAvan+7, No 15/Tiilikainen+4) and substitute "qualified majority" (No 12/Roche). State that measures shall be adopted unanimously (No 14/Teufel).
- State that the Council and the European Parliament shall adopt the necessary measures (No 2/Brok+31), or add "after consultation of the European Parliament" (No 16/Dybkaer, No 10/McAvan+7, No 13/Svensson), or add "having obtained the consent of the European Parliament" (No 8/Kaufmann). Make an amendment to the effect that the European Parliament shall also have the right of proposal (No 11/Muscardini).
- Amend wording so as to circumscribe recourse to this legal basis and ensure the consistency of the decisions taken with the objectives of the Union's external action (No 3/de Villepin) or restrict the scope of the Article by adding references to the "GENVAL" criteria (No 4/de Vries+1).
- Delete the Article (No 6/Hain, No 7/Hjelm-Wallén+3).
- Replace all references to "the Union" by references to "the Community" (No 9/Kirkhope).

## **LIST OF AMENDMENTS TO ARTICLE 29**

1. *Jens-Peter Bonde*
2. *BROK; SANTER; STYLIANIDIS; TAJANI; VAN DER LINDEN; ALMEIDA GARRETT; ALTMAIER; AZEVEDO; BASILE; BREJC; CRISTINA; CUSHNAHAN; DEMETRIOU; FOGLER; FOLLINI; FRENDON; GIANNAKOU; KAUPPI; KELEMEN; KORHONEN; KRASTS; KROUPA; LENNMARKER; LEQUILLER; MAIJ-WEGGEN; MLADENOV; PIKS; RACK; VAN DIJK; WITTBRODT; ZIELENIEC; ZILE*
3. *de Villepin*
4. *G.M. de Vries , T.J.A.M. de Bruijn*
5. *Members: Andrew Duff, Lamberto Dini, Paul Helminger, Dimitrij Rupel, Peeter Kreitzberg, Algirdas Gricius, Puiu Hasotti, Jelko Kacin, Zekeriya Akçam and Eugenijus Maldeikis; and alternate members: Lone Dybkjaer, Willem Van Eekelen, Lord MacLennan of Rogart, Nesrin Uzun, Marios Matsakis, Androula Vassiliou, Istvan Szent-Iványi, Péter Eckstein-Kovacs, Ibrahim Ozal and Gintautas Sivickas.*
6. *Hain*
7. *Lena Hjelm-Wallén and Sven-Olof Petersson, government representatives, and Sören Lekberg and Kenneth Kvist, national parliament representatives.*
8. *Sylvia-Yvonne Kaufmann*
9. *TIMOTHY KIRKHOPE MEP*
10. *Linda McAVAN, Anne VAN LANCKER, Olivier DUHAMEL, Luis MARINHO, Maria BERGER, Elena PACIOTTI, Helle THORNING-SCHMIDT, Jürgen MEYER*
11. *Cristiana MUSCARDINI*
12. *Dick Roche*
13. *Ingvar SVENSSON*
14. *Erwin Teufel*
15. *Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Matti Vanhanen, Riitta Korhonen*
16. *Dybkjær*

### **III. HUMANITARIAN AID**

#### **Article 30**

1. *The Union's operations in the field of humanitarian aid shall be conducted within the framework of the principles and objectives of the external action of the Union as set out in Article 1 of this Title. Such operations shall be intended to provide ad hoc assistance, relief and protection for people in third countries and victims of man-made and natural disasters, in order to meet the humanitarian needs resulting from these different situations. The Union's actions and those of the Member States shall complement and reinforce each other.*
2. *Humanitarian aid operations shall be conducted in compliance with the principles of international humanitarian law, in particular the principles of impartiality and non-discrimination.*
3. *The European Parliament and the Council, in accordance with the legislative procedure, shall adopt the necessary laws and framework laws defining the framework within which the Union's humanitarian aid operations shall be implemented.*
4. *The Union may conclude with third countries and competent international organisations any agreement helping to achieve the objectives referred to in Article 1. Such agreements shall be negotiated and concluded pursuant to Article 33 of this Title.*

*The first subparagraph shall be without prejudice to Member States' competence to negotiate in international bodies and to conclude international agreements.*

5. *In order to establish a framework for joint contributions from young Europeans to the humanitarian actions of the Union, a European Voluntary Humanitarian Aid 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 operation of the Corps.*
6. *The Commission may take any useful initiative 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 humanitarian aid measures.*
7. *The Union shall ensure that its humanitarian operations are coordinated and consistent with those of international organisations and bodies, in particular those forming part of the United Nations System.*

#### **THEMATIC EXAMINATION OF AMENDMENTS**

##### **In general**

- Replace all references to "the Union" by references to "the Community" (No 9/Kirkhope).

### **Paragraph 1**

- Delete the reference to Article 1 (*No 2/Bonde, No 9/Kaufmann*) and insert a reference to "the poorest people in the poorest nations in the world" (*No 2/Bonde*).
- Amend the wording to state that, *inter alia*, the objectives of action are to save lives, alleviate suffering and restore human dignity (*No 8/Hjelm-Wallén+4*).
- Delete "ad hoc" (*No 11/Lopes+3*).

### **Paragraph 2**

- Add a reference to neutrality, in order to cite all the international principles for human assistance (*No 1/Dybkaer, No 5/Duff+19, No 8/Hjelm-Wallén+4, No 14/Svensson, No 17/Van Lancker*) and substitute "independence" for "non-discrimination" (*No 8/Hjelm-Wallén+4*).
- Amend the wording to state, *inter alia*, that operations must also be carried out in accordance with "other established practice" (*No 8/Hjelm-Wallén+4*).
- Add a sentence to the effect that humanitarian actions may be conducted by military resources only on an exceptional basis, in support of humanitarian organisations, and in compliance with humanitarian law (*No 13/O'Sullivan+1*).

### **Paragraph 3**

- Add "and other instruments" after "European framework laws" (*No 11/Lopes+3*).

### **Paragraph 4**

- Delete the reference to Article 1 (*No 9/Kaufmann*).
- State that it is a question of agreements in the field of humanitarian aid (*No 15/Teufel*).

### **Paragraph 5**

- Delete this paragraph (*No 4/deVries+1, No 7/Heathcoat-Amory+1, No 8/Hjelm-Wallén+4, No 10/Kirkhope, No 12/McAvan+7, No 16/Tiilikainen+4, No 18/Voggenhuber+2*).

### **Paragraph 6**

- Substitute "shall" for "may" (*No 3/Brok+31, No 6/Farnleitner, No 9/Kaufmann, No 12/McAvan+7, No 14/Svensson*).

### **Paragraph 7**

(No amendment)

### **LIST OF AMENDMENTS TO ARTICLE 30**

1. *Dybkjær*
2. *Member of the Convention, Jens-Peter Bonde*
3. **BROK; SANTER; STYLIANIDIS; TAJANI; VAN DER LINDEN; ALMEIDA GARRETT; ALTMAIER; AZEVEDO; BASILE; BREJC; CRISTINA; CUSHNAHAN; DEMETRIOU; FOGLER; FOLLINI; FRENDÓ; GIANNAKOU; KAUPPI; KELEMEN; KORHONEN; KRASTS; KROUPA; LENNMARKER; LEQUILLER; MAIJ-WEGGEN; MLADENOV; PIKS; RACK; VAN DIJK; WITTBRODT; ZIELENIEC; ZILE**
4. *G.M. de Vries, T.J.A.M. de Bruijn*
5. *Members: Andrew Duff, Lamberto Dini, Paul Helminger, Dimitrij Rupel, Peeter Kreitzberg, Algirdas Gricius, Puiu Hasotti, Jelko Kacin, Zekeriya Akçam and Eugenijus Maldeikis; and alternate members: Lone Dybkjaer, Willem Van Eekelen, Lord MacLennan of Rogart, Nesrin Uzun, Marios Matsakis, Androula Vassiliou, Istvan Szent-Iványi, Péter Eckstein-Kovacs, Ibrahim Ozal and Gintautas Sivickas.*
6. *Hannes FARNLEITNER*
7. *David Heathcoat-Amory, Earl of Stockton MEP*
8. *Lena Hjelm-Wallén and Sven-Olof Petersson, government representatives, and Sören Lekberg, Göran Lennmarker and Kenneth Kvist, national parliament representatives.*
9. *Sylvia-Yvonne Kaufmann*
10. **TIMOTHY KIRKHOPE MEP**
11. *Ernâni Lopes, Maria Eduarda Azevedo, Manuel Lobo Antunes and António Nazaré Pereira*
12. *Linda McAVAN, Anne VAN LANCKER, Olivier DUHAMEL, Luis MARINHO, Pervenche BERÈS, Maria BERGER, Elena PACIOTTI, Helle THORNING-SCHMIDT*
13. *O'Sullivan and Ponzano*
14. *Ingvar SVENSSON*
15. *Erwin Teufel*
16. *Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Matti Vanhanen, Riitta Korhonen*
17. *Anne Van Lancker*
18. *Members: Voggenhuber, Lichtenberger, Wagener.*

## CHAPTER 4: RESTRICTIVE MEASURES

### Article 31

1. *Where a decision on a Union position or action adopted according to the provisions on the common foreign and security policy in Chapter 1 of this Title provides for the interruption or reduction, in part or completely, of economic and financial relations with one or more third countries, the Council, acting by a qualified majority on a joint proposal from the Minister for Foreign Affairs and the Commission, shall take the necessary measures. It shall inform the European Parliament thereof.*
2. *In the areas referred to in paragraph 1 the Council may adopt restrictive measures under the same procedure against natural or legal persons and non-State groups or bodies.*

## THEMATIC EXAMINATION OF AMENDMENTS

### In general

- Change in the designation of the Minister for Foreign Affairs (No 5/Duff+18, No 12/Queiró).
- Delete this Article (No 2/Kirkhope).

### Paragraph 1

- Delete "joint" and "and the Commission" (No 3/de Villepin).
- Delete "the Minister for Foreign Affairs and" (No 14/Tiilikainen+4).
- Delete "joint" and "Minister for Foreign Affairs and the Commission" and insert "President of the Council" (No 1/Bonde).
- State that the European Parliament will be kept fully and regularly informed (No 2/Borrell+2).
- Insert "urgent" before "measures" (No 4/De Vries+1).
- Substitute "unanimity" for "qualified majority" and add a reference to application of the principle of constructive abstention (No 7/Heathcoat Amory).

### Paragraph 2

- Add a provision to the effect that such measures must be in accordance with obligations under international law and the fundamental rights of the persons or groups concerned (No 6/Farnleitner).
- Add measures to restrict entry into EU territory (No 5/Duff+18, No 11/O'Sullivan+1).



- Add a restriction on the application of this provision to the effect that restrictive measures may be taken against persons or groups of persons only if they have or have had a "*vital function*" in a third country (*No 8/Hjelm-Wallén+4*).

### **LIST OF AMENDMENTS TO ARTICLE 31**

1. *Jens-Peter Bonde*
2. *Borrell (member), Carnero and López Garrido (alternates)*
3. *de Villepin*
4. *G.M. de Vries, T.J.A.M. de Bruijn*
5. *Members: Andrew Duff, Lamberto Dini, Paul Helminger, Dimitrij Rupel, Peeter Kreitzberg, Algirdas Gricius, Puiu Hasotti, Jelko Kacin, Zekeriya Akçam and Eugenijus Maldeikis; and alternate members: Lone Dybkjaer, Willem Van Eekelen, Nesrin Uzun, Marios Matsakis, Androula Vassiliou, Istvan Szent-Iványi, Péter Eckstein-Kovacs, Ibrahim Ozal and Gintautas Sivickas.*
6. *Hannes Farnleitner*
7. *David Heathcoat-Amory*
8. *Lena Hjelm-Wallén and Sven-Olof Petersson, government representatives, and Sören Lekberg, Göran Lennmarker and Kenneth Kvist, national parliament representatives.*
9. *Sylvia-Yvonne Kaufmann*
10. *TIMOTHY KIRKHOPE MEP*
11. *O'Sullivan and Ponzano*
12. *Luís Queiró*
13. *Dick Roche*
14. *Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Matti Vanhanen, Riitta Korhonen*
15. *John Gormley*

## CHAPTER 5: INTERNATIONAL AGREEMENTS

### Article 32

1. *The Union may commit itself through agreements concluded with one or more third countries or international organisations in cases where the provisions of the Constitution provide for the conclusion of such agreements.*

*The Union may conclude association agreements with one or more third countries or international organisations. Such agreements shall establish an association with one or more third countries or international organisations involving reciprocal rights and obligations, common action and special procedure.*

*The Union may conclude international agreements where conclusion is necessary to achieve a Union objective, where there is provision for it in a Union legislative act, or where the agreements affect one of the Union's internal acts.*

4. *Agreements concluded by the Union are binding upon the institutions of the Union and on its Member States.*

## THEMATIC EXAMINATION OF AMENDMENTS

### General

*Structure of the Article:*

- Merge paragraphs 1 and 3 (No 2/Farnleitner)

*Terminology:*

- Replace the term "Union" by "Community" (No 7/Kirkhope)
- Replace the term "Constitution" by "simplifying Treaty" (No 7/Kirkhope)
- Replace the term "Constitution" by "Treaty" (No 9/Queiró)

*Scope of the Union's external competence:*

- Confine the Union's external competence to matters relating to humanitarian aid and trade with developing countries (No 7/Kirkhope)

*Association agreements*

- Turn paragraph 2 into a separate article dealing specifically with association agreements (N°11/Tiilikainen, Peltomäki, Kiljunen, Vanhanen and Korhonen)

### *Competence of Member States*

- Empower not the Union but Member States to conclude international agreements by replacing the word "Union" by the words "Member States" (*No 5/Heathcoat-Amory*)
- Bear in mind that competence in the area of judicial and police cooperation in criminal matters and in the field of CFSP lies first and foremost with Member States (*No 6/Hjelm-Wallén, Lekberg, Lennmarker*)

### **Paragraph 1**

*Reference to the procedure for concluding agreements:*

- Add that agreements should be concluded in accordance with the agreement conclusion procedures set out in the Constitution, which should also provide for a special procedure in the case of agreements on judicial cooperation in criminal matters and police cooperation (*No 4/Hain*)

*Extend the scope of competence to include implicit competence:*

- Add that the Union may also conclude international agreements "in order to implement its policies" (*No 8 /O'Sullivan and Ponzano*)

### **Paragraph 3**

*Wording changes:*

- Specify that a Union legislative act providing for the conclusion of an agreement shall be adopted on the basis of other provisions relating to competence (*No 3/Fischer*)
- Replace "where the agreements affect one of the Union's internal acts" by "insofar as the conclusion of such agreements adversely affects one of the Union's internal acts" (*No 3/Fischer*)
- Replace "where the agreements affect" by "insofar as the agreements affect" (*No 11/ Tiilikainen, Peltomäki, Kiljunen, Vanhanen and Korhonen*)
- Amend text to state that the Union may conclude international agreements where the Constitution has created within the Union's internal system powers for the purpose of attaining a specific objective and the conclusion of an agreement is necessary for the attainment of that objective (*No 11/ Tiilikainen, Peltomäki, Kiljunen, Vanhanen and Korhonen*)

*Replace by a perfect match between internal and external competences:*

- Replace by "The Union may conclude international agreements whose scope is mirrored by the internal competencies of the Union" (*No 10/Teufel*).

*Deletion:*

- Delete the paragraph (No 4/Hain, No 5/Heathcoat Amory)

**Paragraph 4**

*Deletion:*

- Delete the paragraph (No 5/Heathcoat-Amory)

*Add that external competence is a shared competence:*

- Add that the first subparagraph shall be without prejudice to Member States' competence to negotiate in international bodies and to conclude international agreements (No 10/Teufel)

**LIST OF AMENDMENTS TO ARTICLE 32**

1. *Jens-Peter Bonde*
2. *Hannes Farnleitner*
3. *Joschka Fischer*
4. *Hain*
5. *David Heathcoat-Amory*
6. *Lena Hjelm-Wallén and Sven-Olof Petersson, government representatives, and  
Sören Lekberg, Göran Lennmarker and Kenneth Kvist, national parliament representatives.*
7. *TIMOTHY KIRKHOPE MEP*
8. *O'Sullivan and Ponzano*
9. *Luís Queiró*
10. *Erwin Teufel*
11. *Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Matti Vanhanen, Riitta Korhonen*

### Article 33

1. *Without prejudice to the specific provisions laid down in Articles 24 of this Title, agreements between the Union and third states or international organisations shall be negotiated and concluded by the following procedure.*
2. *The Council shall authorise negotiations to be opened, adopt negotiating directives and conclude agreements.*
3. *The Commission, or the Union's Minister for Foreign Affairs where the agreement exclusively or principally relates to the common foreign and security policy, shall submit recommendations to the Council, authorising him to open negotiations. The Commission and the Union's Minister for Foreign Affairs shall, where appropriate, present recommendations jointly.*
4. *In connection with the decision authorising negotiations, depending on the subject of the future agreement, the Council shall nominate the negotiator or leader of the Union's negotiating team.*
5. *The Council may address the negotiating directives to the negotiator of the agreement and may designate a special committee in consultation with which the negotiations must be held.*
6. *On a proposal from the agreement negotiator, the Council shall decide on the signing and, if necessary, provisional application of agreements before entry into force.*
7. *The Council shall conclude agreements on the proposal of the agreement negotiator. Except where agreements relate exclusively to the common foreign and security policy, the Council shall not conclude any agreement until the European Parliament has been consulted. The Parliament shall deliver its opinion within a time-limit which the Council may lay down according to the urgency of the matter. In the absence of an opinion within that time-limit, the Council may act. However, the European Parliament's assent shall be required for association agreements, accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms and for agreements establishing a specific institutional framework by organising cooperation procedures, agreements with important budgetary implications for the Union and agreements covering fields to which the legislative procedure applies. The Council and the European Parliament may, in an urgent situation, agree upon a time-limit for the assent.*
8. *When concluding an agreement, the Council may, by way of derogation from the foregoing, authorise the negotiator of the agreement to approve modifications on the Union's behalf where the agreement provides for them to be adopted by a simplified procedure or by a body set up by the agreement; it may attach specific conditions to such authorisation.*
9. *The Council shall act by a qualified majority throughout the procedure. However, it shall act unanimously when the agreement covers a field for which unanimity is required for the adoption of internal rules and for association agreements and accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms.*

- 10. The Council, on a proposal from the Union's Minister for Foreign Affairs or the Commission, shall decide to suspend the application of an agreement, and establish the positions to be adopted on the Union's behalf in a body set up by an agreement, when that body is called upon to adopt decisions having legal effects, with the exception of decisions supplementing or amending the institutional framework of the agreement.**
- 11. The European Parliament shall be immediately and fully informed of all the stages of the procedure described in this Article.**
- 12. The European Parliament, the Council, the Commission, the European Central Bank or a Member State may obtain the opinion of the Court of Justice as to whether an agreement envisaged is compatible with the provisions of the Constitution over which the Court of Justice has jurisdiction. Where the opinion of the Court of Justice is adverse, the agreement envisaged may not enter into force unless the Constitution is revised in accordance with the procedure laid down in Article [N].**

## **THEMATIC EXAMINATION OF AMENDMENTS**

### **General**

*Minister for Foreign Affairs:*

- Give the Union's Minister for Foreign Affairs and the Commission equal competence in matters of external action (paragraphs 3 and 4) (*No 12/Cushnahan*)
- Use the title Minister of Foreign Affairs/Secretary of the Union (*No 15/Duff + 18*)
- Use the title Commissioner for External Affairs (*No 32/Gormley*)
- Delete all reference to a Minister for Foreign Affairs of the Union and only mention the Commission (*No 28/Svensson*)

*Split the article into two*

- One article for agreements outside the CFSP area for which the right of initiative would lie with the Commission, and another for agreements relating to CFSP for which the right of initiative would lie with the Minister for Foreign Affairs (*No 18/Hain*)

*Terminology:*

- Translation of the title Minister for Foreign Affairs:
  - German: "Aussenminister" (*No 21/Kaufmann*)
  - Portuguese: "Representante Europeu para as Relações Externas" (*No 25/Queiró*)
- Replace the term "Union" by "Community" (*No 22/Kirkhope*)
  - Replace the term "Constitution" by "simplifying Treaty" (*No 22/Kirkhope*), "Treaty" (*No 25/Queiró*),



*Scope of the Union's external competence:*

- Confine the procedure to matters relating to humanitarian aid and trade with developing countries (*No 22/Kirkhope*)

### **Paragraph 1**

- Delete the reference to Article 24 (*No 10/Borrell, Carnero, López Garrido*)
- Add that the Protocol on the role of national parliaments shall be applied as appropriate (*No 29/Teufel*)

### **Paragraph 2**

*Consultation of the European Parliament*

- Include a requirement to consult the European Parliament before authorising the opening of negotiations (*No 3/Wuermeling, No 10/Borrell, Carnero, López Garrido*)

*Association of the European Parliament*

- Add that the Council acts in association with the European Parliament (*No 30/Voggenhuber + 4*)

*Signing of agreements*

- Add that the Council authorises the signing of agreements (*No 16/Farnleitner*)

*Delete the paragraph (No 21/Kaufmann)*

### **Paragraph 3**

*Right of initiative*

- Confer the right of initiative on the Presidency and the Presidency alone (*No 9/Bonde*)
- Drafting amendments with no change to the meaning (*No 20/Hjelm-Wallén + 4, No 26/Roche*)

*Minister for Foreign Affairs*

- Replace the reference to CFSP by a reference to Article 19 of Part One on the Minister for Foreign Affairs in order to define his field of competence (*No 13/de Villepin*)
- Confine his field of competence to agreements relating exclusively to CFSP (*No 23/Michel + 3*)

*Joint recommendations by the Commission and the Minister for Foreign Affairs:*

- Delete the reference to the possibility of joint recommendations (*No 13/de Villepin, No 23/Michel + 3*)
- Confine joint recommendations to issues covering both CFSP and other fields of external action (*No 14/de Vries, de Bruijn*)

#### *Consultation of the European Parliament*

- Require the Council to consult the European Parliament before authorising the opening of negotiations (*No 21/Kaufmann*)

#### *Role of the European Parliament*

- Authorisation to open negotiations given by the Council and the Parliament (*No 30/Voggenhuber + 4*)

#### *Drafting change in English text:*

- Replace "to open" by "the opening of" (*No 15/Duff + 18, No 30/Voggenhuber + 4*)

### **Paragraph 4**

#### *The negotiator:*

- Clarify that the Council shall nominate the Commission or the Union's Minister for Foreign Affairs as the negotiator (*No 11/Brok + 28, No 12/Cushnahan, No 17/Giannakou*)
- Establish the principle that the negotiations shall be conducted by the Commission:
  - with the Council choosing only in the case of agreements relating exclusively or principally to CFSP or in the case of agreements concerning criminal law matters (*No 14/de Vries, de Bruijn*)
  - except for agreements relating exclusively or principally to CFSP, which are to be negotiated by the Minister for Foreign Affairs (*No 15/Duff + 18, No 24/O'Sullivan and Ponzano*)
  - except for agreements relating exclusively to CFSP, which are to be negotiated by the Minister for Foreign Affairs (*No 23/Michel + 3, No 27/Severin*)
- Do not make the choice of negotiator dependent on the subject of the future agreement (*No 21/Kaufmann*)

*Delete the paragraph (No 20/Hjelm-Wallén + 4, No 30/Voggenhuber + 4)*

### **Paragraph 5**

### *The special committee*

- Make it obligatory to consult a special committee and specify that the committee is to be composed of an equal number of representatives from the Foreign Affairs Council and the European Parliament (*No 11/Brok + 28, No 17/Giannakou*) and add that members of the European Parliament will be included in Union delegations to international conferences and major agreements (*No 12/Cushnahan*).
- Provide for various special committees (*No 30/Voggenhuber + 4*).
- Drafting change (*No 21/Kaufmann*)

### *Addressing directives to the negotiator*

- Provide that the Council and the Parliament may issue directives to the negotiator (*No 30/Voggenhuber + 4*).

## **Paragraph 6**

### *Consultation of the European Parliament*

- Add a requirement to consult the European Parliament before deciding on the signing of an agreement (*No 21/Kaufmann*)

## **Paragraph 7**

### *Conclusion of agreements*

- State that it is the Union that concludes agreements, not the Council (*No 30/Voggenhuber + 4*).
- State that agreements are concluded on a proposal from the Commission, irrespective of who the negotiator is (*No 30/Voggenhuber + 4*).

### *Extend the requirement to consult the European Parliament*

- To all agreements including those relating exclusively to CFSP (*No 12/Cushnahan, No 15/Duff + 18, No 21/Kaufmann, No 27/Severin*).

### *Extend the requirement for the European Parliament's assent:*

- To all agreements (*No 5/Wuermeling, No 16/Farnleitner*), with the Parliament acting by majority vote (*No 10/Borrell, Carnero, López Garrido, No 30/Voggenhuber + 4*).
- To trade agreements (*No 1/McAvan, Van Lancker, Duhamel, Marinho, Berès, Paciotti, Thorning-Schmidt, No 4/Dybkaer, No 6/Cushnahan, No 7/Kauppi, No 11/Brok + 28, No 12/Cushnahan, No 15/Duff + 18, No 17/Giannakou*)
- To development and cooperation agreements (*No 4/Dybkaer, No 15/Duff + 18*)
- To agreements with financial consequences rather than important budgetary implications (*No 8/Wuermeling*)

- To any agreement concerning the protection of fundamental rights (*No 21/Kaufmann, No 23/Michel + 3*)

### **Paragraph 8**

#### *Role of the European Parliament*

- Add that the Council shall only empower the negotiator after consulting the European Parliament or obtaining its assent if the agreement concerns a subject for which consultation of Parliament or Parliament's assent is required under paragraph 7 (*No 21/Kaufmann*)

*Delete the paragraph (No 30/Voggenhuber + 4).*

### **Paragraph 9**

#### *Use of qualified majority*

- Clarify that in the case of agreements in the field of CFSP, the Council may only act by a qualified majority in the conditions set out in Article 9 of Title B of Part Two (*No 13/de Villepin*).

#### *Council acting by a qualified majority*

- Add that the Council shall act by a qualified majority unless otherwise provided for in the Constitution (*No 16/Farnleitner*)

#### *Extend qualified majority voting in the Council*

- To all agreements (*No 10/Borrell, Carnero, López Garrido, No 30/Voggenhuber +4*).
- To association agreements (*N°20/Hjelm-Wallén + 4*)
- To accession to the ECHR (*No 21/Kaufmann, No 31/Tiilikainen + 4*)
- To all agreements except for accession to the ECHR, which would be the sole instance of unanimity (*No 11/Brok + 28*)

#### *Extend the requirement for unanimity in the Council:*

- To cases where a Member State Parliament decides that a vital national interest is at stake and the Prime Minister is prepared to defend the veto at the next European Summit (*No 9/Bonde*)
- To all agreements (*No 19/Heathcoat-Amory*)
- To other agreements relating to the protection of fundamental rights (*No 23/Michel + 3*)
- Replace unanimity by enhanced qualified majority (*No 15/Duff + 18*)
- Reformulation with no change in meaning (*No 14/de Vries, de Bruijn, No 18/Hain*)

### **Paragraph 10**

- Delete the requirement for a proposal from the Commission or the Union's Minister for Foreign Affairs (*No 9/Bonde*)
- Add a requirement for European Parliament's assent, which must be given within a month (*No 21/Kaufmann*)

### **Paragraphe 11**

- Authorise the members of the European Parliament to participate in the procedure (*No 2/Wuermeling*)

### **Paragraphe 12**

- Extend the right to obtain an opinion of the Court of Justice to regions with legislative powers and national parliaments (*No 29/Teufel*)

*Extend the competence of the Court within the framework of the opinion*

- Delete the restriction on the provisions of the Constitution over which the Court has jurisdiction (*No 16/Farnleitner, No 23/Michel + 3*)
- Delete the requirement to revise the Constitution in the event of an adverse opinion of the Court (*No 26/Roche*)
- Delete the paragraph (*No 19/Heathcoat-Amory*)

### **LIST OF AMENDMENTS TO ARTICLE 33**

1. *Linda McAVAN, Anne VAN LANCKER, Olivier DUHAMEL, Luis MARINHO, Pervenche BERÈS, Elena PACIOTTI, Helle THORNING-SCHMIDT*
2. *Joachim Wuermeling*
3. *Joachim Wuermeling*
4. *Dybkjær*
5. *Joachim Wuermeling*
6. *John Cushnahan*
7. *Piia-Noora KAUPPI*
8. *Joachim Wuermeling*
9. *Jens-Peter Bonde*
10. *Borrell (member), Carnero and López Garrido (alternates)*
11. *BROK; SANTER; TAJANI; VAN DER LINDEN; ALMEIDA GARRETT; ALTMAIER; AZEVEDO; BASILE; BREJC; CRISTINA; CUSHNAHAN; DEMETRIOU; FOGLER; FOLLINI; FRENDON; GIANNAKOU; KAUPPI; KELEMEN; KORHONEN; KRASTS; KROUPA; MAIJ-WEGGEN; MLADENOV; PIKS; RACK; VAN DIJK; WITTBRODT; ZIELENIEC; ZILE*
12. *John Cushnahan*
13. *de Villepin*
14. *G.M. de Vries and T.J.A.M. de Bruijn*
15. *Andrew Duff, Lamberto Dini, Paul Helminger, Peeter Kreitzberg, Algirdas Gričius, Puiu Hasotti, Jelko Kacin, Zekeriya Akçam and Eugenijus Maldeikis; and alternate members: Lone Dybkjær, Willem Van Eekelen, Lord MacLennan of Rogart, Nesrin Uzun, Marios Matsakis, Androula Vassiliou, Istvan Szent-Ivanyi, Péter Eckstein-Kovacs, Ibrahim Oza and Gintautas Sivickas.*
16. *Hannes Farnleitner*
17. *GIANNAKOU Marietta*
18. *Hain*
19. *David Heathcoat-Amory*

20. *Lena Hjelm-Wallén and Sven-Olof Petersson, government representatives, and  
Sören Lekberg, Göran Lennmarker and Kenneth Kvist, national parliament representatives.*
21. *Sylvia-Yvonne Kaufmann*
22. *TIMOTHY KIRKHOPE MEP*
23. *Louis Michel, Elio di Rupo, Anne Van Lancker, members of the Convention and  
Pierre Chevalier, alternate member of the Convention*
24. *O'Sullivan and Ponzano*
25. *Luís Queiró*
26. *Dick Roche*
27. *Adrian Severin*
28. *Ingvar SVENSSON*
29. *Erwin Teufel*
30. *Voggenhuber, Lichtenberger, Wagener, Nagy*
31. *Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Matti Vanhanen, Riitta Korhonen*
32. *John Gormley*

## Article 34

1. *By way of derogation from Article 33, the Council, acting unanimously on a recommendation from the European Central Bank or from the Commission, and following consultation with the European Central Bank with a view to reaching a consensus compatible with the objective of price stability, and after consultation with the European Parliament in accordance with the procedure laid down in paragraph 3 for the arrangements there referred to, may conclude formal agreements on a system of exchange rates for the euro in relation to non-Union currencies. The Council may, acting by a qualified majority on a recommendation from the European Central Bank or the Commission, and after consulting the European Central Bank, in an endeavour to reach a consensus consistent with the objective of price stability, adopt, adjust or abandon the central rates of the euro within the exchange-rate system. The President of the Council shall inform the European Parliament of the adoption, adjustment or abandonment of the central rates of the euro.*
2. *In the absence of an exchange-rate system in relation to one or more third-country currencies as referred to in paragraph 1, the Council, acting by a qualified majority on a recommendation from the Commission after consulting the European Central Bank, may formulate general orientations for exchange-rate policy in relation to these currencies. These general orientations shall be without prejudice to the primary objective of the European System of Central Banks, to maintain price stability.*
3. *By way of derogation from Article 33, where agreements on matters relating to the monetary or exchange-rate system are to be the subject of negotiations between the Union and one or more States or international organisations, the Council shall, acting by a qualified majority on a recommendation from the Commission and after consulting the European Central Bank, decide the arrangements for the negotiation and for the conclusion of the agreements. These arrangements shall ensure that the Union expresses a single position. The Commission shall be fully associated with the negotiations.*
4. *Subject to paragraph 1, the Council shall, acting by a qualified majority on a proposal from the Commission and after consulting the European Central Bank, decide on the position occupied by the Union at international level in relation to questions having particular interest for the Economic and Monetary Union and on the Union's representation, while complying with the allocation of competences laid down in Articles X [formerly 99] and Y [formerly 105].*
5. *Without prejudice to Union competence and agreements as regards economic and monetary union, Member States may negotiate in international bodies and conclude international agreements.*

## THEMATIC EXAMINATION OF THE AMENDMENTS

### General

- New wording based on the structure of Article 33 (No 10/O'Sullivan, Ponzano)



- Replace "the Council" by "Member States which are part of the Eurozone" (*No 8/Kirkhope*)
- Replace the word "Union" by "Community" or "Eurozone" as appropriate (*No 8/Kirkhope*)
- Request for revision on the basis of Article 41 of Part One (*No 9/Michel + 4*)
- Move this article to the Title on Economic and Monetary Union (*No 12/Tiilikainen + 3*)

### **Paragraph 1**

- Establish the principle that when the Council acts on a recommendation from the Commission, it acts after consulting the Central Bank and when it acts on a recommendation from the Central Bank, it must act after consulting the European Parliament, as regards both the conclusion of agreements and the adjustment or abandonment of the central rates of the euro (*No 7/Kaufmann*)

### **Paragraph 2**

#### *Drafting amendments*

- Amendment to make the English version correspond to the French version, since the text relating to the Central Bank is missing in the English version (there is a translation error in the English version) (*No 5/Hain*)
- Delete the reference to a qualified majority since this is the general rule (*No 7/Kaufmann*)

### **Paragraph 3**

- Entrust the negotiation of monetary agreements to the Commission, in close consultation with the Council and the Central Bank (*No 3/Duff + 17*)

#### *Drafting amendments*

- Delete the reference to a qualified majority and the reference to a derogation from Article 33 since this is precisely the general rule laid down by Article 33. However, state that "In all other cases, Article 33 shall apply" (*No 7/Kaufmann*)
- Linguistic amendment in the German version where the term Union was incorrectly translated as "Gemeinschaft" (*No 7/Kaufmann*)

### **Paragraph 4**

- Amend the text to state that the Council agrees on a common position and on the appropriate institution to present the common position to the international financial institutions (*No 11/Roche*)

- State that the Union must adopt a single position at international level, while enabling all Member States in the euro area to be fully involved in each stage of preparing this position (*No 4/Farnleitner*)

*External representation of the euro*

- Entrust the external representation of the euro to the Commission (*No 2/Brok + 31*) without prejudice to the tasks of the Central Bank and in close contact with the Council and the Central Bank (*No 3/Duff + 17*).
- Split the article and insert a new paragraph on the external representation of the euro (*No 4/Farnleitner*).
- Add that this article does not affect the rights of Member States not participating in the euro (*No 6/Heathcoat-Amory, Stockton*)
- Delete the reference to a qualified majority and to the Commission's initiative since this is the general rule (*No 7/Kaufmann*)

### **LIST OF AMENDMENTS TO ARTICLE 34**

1. *Jens-Peter Bonde*
2. *BROK; SANTER; STYLIANIDIS; TAJANI; VAN DER LINDEN; ALMEIDA GARRETT; ALTMAIER; AZEVEDO; BASILE; BREJC; CUSHNAHAN; DEMETRIOU; CRISTINA; FOGLER; FOLLINI; FRENDON; GIANNAKOU; KAUPPI; KELEMEN; KORHONEN; KRASTS; KROUPA; LENNMARKER; LEQUILLER; MAIJ-WEGGEN; MLADENOV; PIKS; RACK; VAN DIJK; WITTBRODT; ZIELENIEC; ZILE*
3. *Andrew Duff, Lamberto Dini, Paul Helminger, Peeter Kreitzberg, Algirdas Gricius, Puiu Hasotti, Jelko Kacin, Zekeriya Akçam and Eugenijus Maldeikis; and Alternate Members: Lone Dybkjaer, Willem Van Eekelen, Nesrin Uzun, Marios Matsakis, Androula Vassiliou, Istvan Szent-Ivanyi, Péter Eckstein-Kovacs, Ibrahim Ozal and Gintautas Sivickas.*
4. *Hannes Farnleitner*
5. *Hain*
6. *David Heathcoat-Amory, Earl of Stockton MEP*
7. *Sylvia-Yvonne Kaufmann*
8. *Timothy Kirkhope MEP*
9. *Louis Michel, Elio di Rupo, Anne Van Lancker, members of the Convention and Pierre Chevalier and Marie Nagy, alternate members of the Convention*
10. *O'Sullivan and Ponzano*
11. *Dick Roche*
12. *Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Matti Vanhanen, Riitta Korhonen*

## **CHAPTER 6: RELATIONS WITH INTERNATIONAL ORGANISATIONS AND THIRD COUNTRIES AND UNION DELEGATIONS**

### **Article 35**

- 1. The Union shall establish all appropriate forms of cooperation with the United Nations, the Council of Europe, the Organisation for Security and Cooperation in Europe and the Organisation for Economic Cooperation and Development.***

*It shall also maintain such relations as are appropriate with all international organisations.*

- 2. The Union's Minister for Foreign Affairs and the Commission shall be instructed to implement the above paragraph.***

### **THEMATIC EXAMINATION OF AMENDMENTS**

#### **General**

- Amend the title by adding "external representation" (No. 1/Berès, No. 14/O'Sullivan + 1) and "the Eurozone" (No 1/Berès).
- Replace "Union" with "Community" (No 2/Kirkhope).

#### **Paragraph 1.**

- Add that the Union may request accession to organisations (No 3/Borrel + 2). Add (in a separate paragraph) that the Member States should assist the Union in attaining membership of relevant international organisations (No 6/Duff + 18, No 13/Michel + 4).
- Add NATO to the organisations mentioned (No 5/de Vries+1, No 7/Fini+1, No 10/Hübner, No 12/Kohout).
- Amend the wording of the second subparagraph to read "other forms of cooperation" instead of "such relations as are appropriate" (No 7/Fini+1). Add that maintaining relations with organisations does not mean that the Union will assume the status of statehood (No 9/Heathcoat-Amory+1).

#### **Paragraph 2.**

- A number of Convention members queried the designation of this position (No 6/Duff + 18, No 16/Queiró).
- Replace "Minister" with "Presidency" (No 2/Bonde). Delete the reference to the Minister (No 18/Svensson, No 20/Gormley)
- Delete the reference to the Commission (No 4/de Villepin)
- Add "as appropriate" (No 8/Hain)

- Delete the paragraph (*No 11/Kirkhope*).
- Delete the words "be instructed to" so that it reads "shall implement" (*No 17/Roche*).

**Proposals to add a new article or new paragraphs**

- Add paragraphs which expand on the organisation of the Union's external representation (*No 13/Michel+4, No 14/O'Sullivan + 1, No 19/Tiilikainen + 4*).
- Add an article on the external representation of Economic and Monetary Union (*No 1/Berès*).

### **LIST OF AMENDMENTS TO ARTICLE 35**

1. *Pervenche Berès*
2. *Jens-Peter Bonde*
3. *Borrell (member), Carnero and López Garrido (alternate members)*
4. *de Villepin*
5. *G.M de Vries and T.J.A.M de Bruijn*
6. *Andrew Duff, Lamberto Dini, Paul Helminger, Dimitrij Rupel, Peeter Kreitzberg, Algirdas Gricius, Puiu Hasotti, Jelko Kacin, Zekeriya Akçam and Eugenijus Maldeikis; and alternate members: Lone Dybkjaer, Willem Van Eekelen, Nesrin Uzun, Marios Matsakis, Androula Vassiliou, Istvan Szent-Ivanyi, Péter Eckstein-Kovacs, Ibrahim Ozal and Gintautas Sivickas.*
7. *Gianfranco FINI – Francesco Speroni*
8. *Hain*
9. *David Heathcoat-Amory, the Earl of Stockton MEP*
10. *Danuta Hübner*
11. *Timothy Kirkhope MEP*
12. *Jan Kohout*
13. *Louis Michel, Elio di Rupo, Anne Van Lancker, Convention members and Pierre Chevalier and Marie Nagy, alternate members of the Convention*
14. *O'Sullivan and Ponzano*
15. *Pervenche Berès*
16. *Luís Queiró*
17. *Dick Roche*
18. *Ingvar SVENSSON*
19. *Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Matti Vanhanen, Riitta Korhonen*
20. *John Gormley*

## **Article 36**

- 1. Union delegations in third countries and to international organisations shall represent the Union.**
- 2. Union delegations shall operate under the authority of the Union's Minister for Foreign Affairs and in close cooperation with Member States' missions.**

## **THEMATIC EXAMINATION OF AMENDMENTS**

### **General**

- Merge this article with Article 35 by also merging the two paragraphs on the Union's delegations (*No 17/Roche*).
- Replace the "Union" with the "Community" (*No. 8/Kirkhope*).

### **Paragraph 1**

- Merge the two paragraphs, by deleting the references to the Minister and the Commission (*No 6/Hjelm-Wallén*).
- Add an introductory paragraph laying down that the Union has its own diplomatic service and delete the reference to delegations and replace it with "diplomatic representations" and "delegations to international conferences" which may represent the Member States that so desire (*No 2/Farnleitner*). Add "and its citizens" after the Union (*No 7/Hübner*).
- Add "where appropriate" (*No 4/Hain*) or "where mandated" (*No 5/Heathcoat-Amory*).

### **Paragraph 2**

- Add that the delegations are part of the services of the Commission (*No 9/O'Sullivan + 1*).
- Indicate that Community delegations shall operate under the authority of the European Council (*No 8/Kirkhope*) or that the delegations operate under the authority of the Presidency or, in certain cases, the "Union's External Relations Representative" (*No 10/Queiró*). Delete the reference to the Minister (*No 12/Svensson*). Add a reference to the Commission (*No 13/Tiilikainen + 4*). Replace "Minister" with "Commissioner for External Affairs" (*No 14/Gormley*).
- Replace "Minister" with "Presidency" (*No 1/Bonde*).
- Replace "in close cooperation with" by "after consulting" (*No 3/Giannakou*).

### **LIST OF AMENDMENTS TO ARTICLE 36**

1. *Jens-Peter Bonde*
2. *Hannes Farnleitner*
3. *Marietta Giannakou*
4. *Hain*
5. *David Heathcoat-Amory*
6. *Lena Hjelm-Wallén and Sven-Olof Petersson, government representatives and  
Sören Lekberg, Göran Lennmarker and Kenneth Kvist, national parliament representatives.*
7. *Danuta Hübner*
8. *Timothy Kirkhope MEP*
9. *O'Sullivan and Ponzano*
10. *Luís Queiró*
11. *Dick Roche*
12. *Ingvar SVENSSON*
13. *Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Matti Vanhanen, Riitta Korhonen*
14. *John Gormley*



## **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 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.***

#### **EXAMINATION OF AMENDMENTS BY TOPIC**

##### **General**

- Change the title: implementation of the security and solidarity clause (No 4/Fischer)
- Delete the article (No 9/Kaufmann, No 13/Roche, No 16/Voggenhuber + 2, No 17/Bonde, No 18/Gormley)

##### **Paragraph 1**

- Replace "acts" by legal acts (No 3/Farnleitner)
- New wording providing for the coordination of the actions of the Union and its Member States in implementing the clause (No 1/de Villepin, No 4/Fischer, No 6/Hain)
- Replace the joint proposal with a proposal by the Commission (No 14/Svensson)
- Drafting (No 3/Farnleitner, No 5/Giannakou + 3)
- Delete the paragraph (No 2/de Vries + 1,)
- Becomes paragraph 2, reproducing the existing paragraph 1 and deleting the joint proposal by the Minister for Foreign Affairs and the Commission (No 1/de Villepin)

## **Paragraph 2**

### *Scope*

- Add a reference to natural catastrophes or disasters (*No 3/Farnleitner, No 10/Kiljunen*)
- Drafting, and add any armed attack (*No 5/Giannakou + 3*)
- Add a reference to the need for a national decision concerning assistance by one State to another (*No 8/Hjelm-Wallén + 3*)
- Replace "at the request of its political authorities" with at the request of the Member State concerned (*No 10/Kiljunen, No 15/Tiilikainen + 3*)
- Add the Union, in addition to the Member States providing assistance (*No 15/Tiilikainen + 3*)
- Delete the paragraph (*No 2/de Vries + 1, No 7/Heathcoat-Amory*)

## **Paragraph 3**

- Drafting, and delete the reference to "joint opinions" replacing it with relevant opinions (*No 5/Giannakou + 3*)
- Delete the paragraph (*No 7/Heathcoat-Amory*)

## **Paragraph 4**

- Add citizens: threats facing the citizens of the Union. (*No 7/Heathcoat-Amory*)
- Rewording providing that the Member States should be encouraged to report the possibility of a terrorist threat to the Council, and that those reports should be assessed by the Council. (*No 11/Kirkhope*)
- Delete the reference to a report to the Council (*No 1/de Villepin, No 4/Fischer, No 6/Hain*)
- Drafting (*No 5/Giannakou + 3*)

## **LIST OF AMENDMENTS TO ARTICLE X**

1. *de Villepin*
  2. *G.M. de Vries and T.J.A.M. de Bruijn*
  3. *Hannes Farnleitner*
  4. *Joschka Fischer*
  5. *GIANNAKOU Marietta, AVGERINOS Paraskevas, BROK Elmar, members, and STYLIANIDIS Evi, alternate*
  6. *Hain*
  7. *David Heathcoat-Amory*
  8. *Lena Hjelm-Wallén and Sven-Olof Petersson, government representatives and Sören Lekberg and Kenneth Kvist, national parliament representatives.*
  9. *Sylvia-Yvonne Kaufmann*
  10. *Kiljunen*
  11. *Timothy Kirkhope MEP*
  12. *Luís Queiró*
  13. *Dick Roche*
  14. *Ingvar SVENSSON*
  15. *Teija Tiilikainen, Antti Peltomäki, Matti Vanhanen, Riitta Korhonen*
  16. *Voggenhuber, Lichtenberger, Wagener*
  17. *Jens-Peter Bonde*
  18. *John Gormley*
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