

AMENDMENT FORM

Suggestion for amendment of Article : Part I, Title V, Article 30

Suggestion for protocol :

By Ms / Mr : Hain

Status : - Member - Alternate

Art 30.1: 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 in order to The Union may deploy them on tasks outside the Union to preserve peace, prevent conflicts, and strengthen international security in accordance with the principles of the United Nations Charter. Execution of these tasks will depend on capabilities provided by Member States.

Art 30.2: The common security and defence policy shall include the progressive framing of a common defence policy for the Union. This will might lead to a common defence, when should the European Council, acting unanimously, so decide. 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.

Art 30.3: 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. Execution of the tasks referred to in this Article may also involve recourse to NATO assets and capabilities as part of the strategic partnership in crisis management established by the EU and NATO.

Member States shall undertake progressively to improve their military capabilities. An intergovernmental European Defence Capabilities Development and Acquisition Armaments and Strategic Research Agency [or Agency for Capabilities and Acquisition] shall- will be established, under the Council, 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. 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.

Art 30.4: 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. The commitment of national and multinational resources for operations will be a decision for the Member State or Member States concerned.

Art 30.5: 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 the provisions of Article 18 in Part Two, Title B, of the Constitution.

Art 30.6: ~~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.~~

Art 30.7: ~~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.~~

Commentary, paragraph 4: "...the use of other instruments which the Union has available to it (eg technical assistance, development aid, etc.

Explanation (if any) :

30.1: These revisions are intended to clarify the Union's objectives, through a more complete reference to the UN Charter language, and to make it clear that it is MS who will contribute the capabilities for operations.

30.2: We believe there is no prospect of the Council taking a decision to agree common defence in the near future. It is therefore inappropriate for the text to pre-judge the decision of the Council.

30.3: We think it important that the Constitution reflects the NATO/EU arrangements that underpin ESDP. These proposals are intended to refine the purpose of the Agency. The title change reflects our view that “armaments” is a dated, excessively restrictive, term.

30.4 and 30.5: This language differs from the arrangements agreed at Nice. Our revisions seek to ensure it is faithful to that agreement and compatible with changes we have suggested for Art 18.

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

30.7: Common defence, including as a form of enhanced co-operation, is divisive and a duplication of the guarantees that 19 of the 25 MS of the enlarged EU will enjoy through NATO.