

## AMENDMENT FORM

**Suggestion for amendment of Article : Article 30: Common security and defence policy**

**Suggestion for protocol :**

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

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

---

### *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. It shall provide the Union with an operational capability which makes use of military and civilian means in order to manage conflicts and crises. The Union may deploy this capability ~~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~~ might lead to a common defence, ~~when~~ should 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.~~
- 

**Explanation (if any) :**

Explanation 30(1): We propose that the tasks of the Union be specified in a new second sentence of this Article with some more detail. This way the Constitution would provide a more solid basis for development of military and civilian capabilities. It would have a task oriented approach and would proceed, on the basis of the tasks, to the issue of capabilities.

Explanation 30(2): We prefer the language used in the Treaty on European Union.

Explanation 30(3): It is not necessary to state obligations relating the military capabilities of the Member States.

Explanation 30(6): This Article does not build on the idea of a Union sharing a common security and defence policy. The proposed Euro-zone approach would not apply in the field of security policy. As far as crisis management is concerned, an institutionalised division of the ESDP would be detrimental to the future of the CFSP and ESDP. Security policy and crisis management actions of the Union should be inclusive in nature and open to all Member States. Such actions should enjoy maximal support of the Member States instead of becoming tasks for closed country groupings only. A smaller group of Member States could even under the current Treaty carry out a military operation with the support of the entire Union, since participation in EU-led operations is optional. It could also be possible to develop military capabilities among interested Member States, and, if need be, develop further mechanisms for this purpose. Any provisions leading to an institutionalised division of ESDP and the establishment of close groupings, would undermine rather than strengthen the security of the Union. However, if the development of the described functions will be decided upon, the conditions and procedures in the present Treaties on the enhanced co-operation shall apply.

Explanation 30(7): We would prefer deletion of this Article. It is not necessary to establish closer co-operation in the field of defence. However, the provisions in the present Treaties on the number of participating Member States, openness and decision-making should be applied as a minimum

standard.

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

Explanation 30(8): This article is in fact redundant as there is already an identical provision (Article 29(6) (of Part I - Title V) covering all common foreign and security policy issues).