

AMENDMENT FORM

Suggestion for amendment of Article 30

By : TIMOTHY KIRKHOPE MEP

Status : MEMBER

PRAESIDIUM	TIMOTHY KIRKHOPE MEP
<u>Article 30: [Common defence policy]</u>	<i>DELETE</i>

AMENDMENT FORM

Suggestion for amendment of Article : I-39

By Mr Göran Lennmarker

Status : Member

Article I-39: Specific provisions for implementing common foreign and security policy

7. Decisions relating to the common foreign and security policy shall be adopted by the

European Council and the Council of Ministers by the normal rules for qualified majority, except for constructive abstention, vital and stated reasons of national policy for opposing a decision and decisions on sending troops which will be based on "coalitions of the willing".
~~unanimously, except in the cases referred to in Part Three of the Constitution.~~ Discussion shall be based on a proposal from a Member State, from the Union's Minister for Foreign Affairs or from the Minister with the Commission's support. Laws and framework laws are excluded.

Explanation:

As proposed by the Working Group qualified majority voting should be the norm in CFSP. As the Praesidium states in its comment to the articles a number of members of the Convention also want qualified majority voting to be the general rule (CONV 724/03, page 98). The three exceptions stated above could be explained in more detail in part three.

AMENDMENT FORM

Suggestion for amendment of Article : I-39

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

Status : - Member - ~~Alternate~~

Artikel I-39: Besondere Bestimmungen für die Durchführung der Gemeinsamen Außen- und Sicherheitspolitik

(1) Die Europäische Union verfolgt eine gemeinsame Außen- und Sicherheitspolitik, die auf einer Entwicklung der gegenseitigen politischen Solidarität der Mitgliedstaaten, der Ermittlung der Fragen von allgemeiner Bedeutung und der Erreichung einer immer stärkeren Konvergenz des Vorgehens der Mitgliedstaaten beruht.

(2) Der Europäische Rat bestimmt die strategischen Interessen der Union und legt die Ziele ihrer Gemeinsamen Außen- und Sicherheitspolitik fest. Der Ministerrat gestaltet diese Politik im Rahmen der vom Europäischen Rat festgelegten strategischen Leitlinien nach Maßgabe von Teil III der Verfassung.

~~(3) Der Europäische Rat und der Ministerrat erlassen die erforderlichen Europäischen Beschlüsse.~~

(4) Diese Gemeinsame Außen- und Sicherheitspolitik wird vom Minister für Auswärtige Angelegenheiten der Union und von den Mitgliedstaaten mit den einzelstaatlichen Mitteln und denen der Union durchgeführt.

(5) Die Mitgliedstaaten stimmen einander im Rat und im Europäischen Rat zu jeder außen- und sicherheitspolitischen Frage von allgemeiner Bedeutung ab, um ein gemeinsames Vorgehen festzulegen. Bevor ein Mitgliedstaat in einer Weise, die die Interessen der Union berühren könnte auf internationaler Ebene tätig wird oder eine Verpflichtung eingeht, konsultiert er die anderen Mitgliedstaaten im Rat oder im Europäischen Rat. Die Mitgliedstaaten gewährleisten durch konvergentes Handeln, dass die Union ihre Interessen und Werte auf internationaler Ebene geltend machen kann. Die Mitgliedstaaten sind untereinander solidarisch.

(6) Das Europäische Parlament wird zu den wichtigsten Aspekten ~~und den grundlegenden Weichenstellungen~~ der Gemeinsamen Außen- und Sicherheitspolitik regelmäßig gehört und über ihre Entwicklung auf dem Laufenden gehalten. **Grundlegende Weichenstellungen bedürfen der Zustimmung des Europäischen Parlaments.**

(7) Im Bereich der Gemeinsamen Außen- und Sicherheitspolitik fassen der Europäische Rat und der Ministerrat ~~außer in den in Teil III der Verfassung vorgesehenen Fällen~~ Beschlüsse einstimmig. ~~Sie beschließen~~ auf Vorschlag eines Mitgliedstaates, des Ministers für Auswärtige Angelegenheiten der Union oder des Ministers mit Unterstützung der Kommission. Europäische Gesetze und Rahmengesetze sind ausgeschlossen.

~~(8) Der Europäische Rat kann einstimmig beschließen, dass der Rat in anderen als den in Teil III der Verfassung genannten Fällen mit qualifizierter Mehrheit beschließt.~~

Explanation (if any) :

Absatz 3:

Diese Bestimmung könnte als Generalermächtigung im Bereich der GASP missverstanden werden.

Absätze 7 und 8:

Der Grundsatz des Artikel I-22 Absatz 3, wonach der Rat mit qualifizierter Mehrheit entscheidet sowie der Grundsatz des Artikel I-20 Absatz 4, wonach der Europäische Rat im Konsens entscheidet, müssen auch im Bereich der GASP gelten.

AMENDMENT FORM

Suggestion for amendment of Article : I-39

By Ms: Danuta Hübner

Status : - Member

<u>Article I-39: Specific provisions for implementing common foreign and security policy</u>	<u>Article I-39: Specific provisions for implementing common foreign and security policy</u>
<p>1. The European Union shall conduct a common foreign and security policy, based on the development of mutual political solidarity among Member States, the identification of questions of general interest and the achievement of an ever-increasing degree of convergence of Member States' actions.</p> <p>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 within the framework of the strategic guidelines established by the European Council and in accordance with the arrangements in Part Three of the Constitution.</p> <p>3. The European Council and the Council of Ministers shall adopt the necessary European decisions.</p> <p>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.</p> <p>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</p>	<p>1. The European Union shall conduct a common foreign and security policy, based on the development of mutual political solidarity among Member States, the identification of questions of general interest and the achievement of an ever-increasing degree of convergence of Member States' actions.</p> <p>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 within the framework of the strategic guidelines established by the European Council and in accordance with the arrangements in Part Three of the Constitution.</p> <p>3. The European Council <u>shall issue the appropriate political guidelines</u> and while the Council of Ministers shall adopt the necessary European political decisions.</p> <p>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.</p> <p>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</p>

<p>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.</p> <p>6. The European Parliament shall be regularly consulted on the main aspects and basic choices of the common foreign and security policy, and shall be kept informed of how it evolves.</p> <p>7. European 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 Three of the Constitution. Discussion shall be based on a proposal from a Member State, from the Union's Minister for Foreign Affairs or from the Minister with the Commission's support. European laws and framework laws are excluded.</p> <p>8. The European Council may unanimously decide that the Council should act by qualified majority in cases other than those referred to in Part Three of the Constitution.</p>	<p>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.</p> <p>6. The European Parliament shall be regularly consulted on the main aspects and basic choices of the common foreign and security policy, and shall be kept informed of how it evolves.</p> <p>7. European 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 Three of the Constitution. Discussion shall be based on a proposal from a Member State, from the Union's Minister for Foreign <u>Representative Affairs</u> or from the Minister with the on behalf of the Commission <u>Commission's support</u>. European laws and framework laws are excluded.</p> <p>8. The European Council may unanimously decide that the Council should act by qualified majority in cases other than those referred to in Part Three of the Constitution.</p>
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Explanation (if any) : According to the outcome of the work of the Convention and its appropriate Working Groups there was no intention to give the European Council the right to impose a law in the field of CFSP.

FICHE AMENDEMENT

Proposition d'amendement à l'Article I-39

Déposée par Monsieur de Villepin

Qualité : - Membre

Article I-39: Dispositions particulières à la mise en œuvre de la politique étrangère et de sécurité commune

1. L'Union européenne conduit une politique étrangère et de sécurité commune, fondée sur un développement de la solidarité politique mutuelle des États membres, sur l'identification des questions présentant un intérêt général et sur la réalisation d'un degré toujours croissant de convergence des actions des États membres.
2. Le Conseil européen identifie les intérêts stratégiques de l'Union et fixe les objectifs de sa politique étrangère et de sécurité commune. Le Conseil des ministres élabore cette politique dans le cadre des lignes stratégiques établies par le Conseil européen et selon les modalités de la Partie III de la Constitution.
3. Le Conseil européen et le Conseil des ministres adoptent les décisions nécessaires.
4. Cette politique étrangère et de sécurité commune est exécutée par le ministre des Affaires étrangères de l'Union et par les États membres, en utilisant les moyens nationaux et ceux de l'Union.
5. Les États membres se concertent au sein du Conseil et du Conseil européen sur toute question de politique étrangère et de sécurité présentant un intérêt général en vue de définir une approche commune. Avant d'entreprendre toute action sur la scène internationale ou tout engagement qui pourraient affecter les intérêts de l'Union, chaque État membre consulte les autres au sein du Conseil ou du Conseil européen. Les États membres assurent, par la convergence de leurs actions, que l'Union puisse faire valoir ses intérêts et valeurs sur la scène internationale. Les États membres sont solidaires entre eux.
6. Le Parlement européen est consulté régulièrement sur les aspects principaux et choix fondamentaux de la politique étrangère et de sécurité commune, et est tenu informé de son évolution.

7. En matière de politique étrangère et de sécurité commune, le Conseil européen et le Conseil des ministres adoptent des décisions à l'unanimité, sauf dans les cas prévus dans la Partie III de la Constitution. Ils se prononcent sur proposition d'un État membre, ou du ministre des Affaires étrangères de l'Union, ~~ou du ministre avec le soutien de la Commission~~. Les lois et lois-cadres sont exclues.
8. Le Conseil européen peut décider à l'unanimité que le Conseil statue à la majorité qualifiée dans d'autres cas que ceux visés dans la Partie III de la Constitution.

Explication éventuelle :

Les autorités françaises souhaitent rappeler qu'étant données les implications institutionnelles de la création d'un Ministre européen des affaires étrangères, l'idée d'une proposition conjointe du Ministre des affaires étrangères et de la Commission n'est pas pertinente (le Ministre étant membre de la Commission).

FICHE AMENDEMENT

Proposition d'amendement à l'Article: 39

Déposée par: Représentants de l'Assemblée de la République - Portugal

- **Membre:** Maria Eduarda Azevedo, Alberto Costa

- **Suppléant:** António Nazaré Pereira, Guilherme d'Oliveira Martins

Partie I – Chapitre II

Article I - 39

La politique externe et de sécurité commune

6. Le Parlement Européen et les parlements nationaux réunis dans la Conférence interparlementaire pour les affaires européenne selon le protocole annexe au Traité Constitutionnel, sont régulièrement consultés (...) et sont tenus informés (...)

AMENDMENT FORM

Title I: Definition and objectives of the Union

Suggestion for amendment of Article : Article I-2: The Union's values

By Members: Mr Andrew Duff, Mr Lamberto Dini, Mr Paul Helminger, Mr Rein Lang, Lord Maclellann

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Article I-39: Specific provisions for implementing common foreign and security policy

1. The European Union shall *conduct common* foreign and security policy, based on the development of mutual political solidarity among Member States, the identification of questions of general interest and the achievement of an ever-increasing degree of convergence of Member States' actions.
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Explanation:

We remove the indefinite article to indicate the point that the EU will have a plural common foreign and security policy.

AMENDMENT FORM

Suggestion for amendment of Article : I-39

By Mr : Lamberto Dini

Status : - Member

On paragraph 7, replace "unanimously, except in the cases referred to in part III of the Constitution" with " by qualified majority".
Consequently, delete paragraph 8

Explanation (if any) :

In order for CFSP to work efficiently, decisions must be taken by qualified majority. Should member States ask for a stronger protection of their prerogatives, an enhanced qualified majority could be taken into consideration. Should unanimity in CFSP prevail, the exceptions referred to in part III of the Constitution must be significantly extended.

FICHE AMENDEMENT 8 (FINAL)

Proposition d'amendement à l'Article : I-39

Déposée par Madame ou Monsieur : Borrell, Carnero y López Garrido

Qualité : - Membre - Suppléant

7. En lo relativo a la política exterior y de seguridad común, el Consejo Europeo y el Consejo de Ministros adoptarán decisiones europeas por **mayoría cualificada, de acuerdo con lo previsto** en la Parte III de la Constitución. Decidirán a propuesta...

8. Supresión

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article 39, Part I of the Constitution

By: Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Jari Vilén, Hannu Takkula and Esko Helle

**Status: Tiilikainen, Kiljunen, Vilén- Members
 Peltomäki, Takkula and Helle - Alternates**

Article I-39: Specific provisions for implementing common foreign and security policy

1. The European Union shall conduct a common foreign and security policy, based on the development of mutual political solidarity among Member States, the 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 within the framework of the strategic guidelines established by the European Council and in accordance with the arrangements in Part Three 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 regularly consulted on the main aspects and basic choices of the common foreign and security policy, and shall be kept informed of how it evolves.

7. Decisions relating to the common foreign and security policy shall be adopted by the ~~European Council and the Council, of Ministers~~ **acting by qualified majority** ~~unanimously, excluding matters with military defence implications, except in the cases referred to in Part Three of the Constitution.~~ Discussion shall be based on a proposal from a Member State, from the Union's Minister for Foreign Affairs or from the Minister with the Commission's support. Laws and framework laws are excluded.
8. ~~The European Council may unanimously decide that the Council should act by qualified majority in cases other than those referred to in Part Three of the Constitution.~~
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Explanation (if any):

In WG VII there was a large consensus on introducing QMV as a general rule for decision-making in the Council. This is an essential requirement to avoid CFSP inertia and encourage a pro-active CFSP. The existence of constructive abstention allows participation in the implementation based on national political interests whereas the 'emergency brake' will sufficiently guarantee the protection of vital national interests.

Paragraph 8 is not necessary if qualified majority is the general rule of decision-making.

AMENDMENT FORM

Suggestion for amendment of Article : 39

By Mr Joschka Fischer

Status : - Member

Artikel I-39: Besondere Bestimmungen für die Durchführung der Gemeinsamen Außen- und Sicherheitspolitik

- (1) Die Europäische Union verfolgt eine gemeinsame Außen- und Sicherheitspolitik, die auf einer Entwicklung der gegenseitigen politischen Solidarität der Mitgliedstaaten, der Ermittlung der Fragen von allgemeiner Bedeutung und der Erreichung einer immer stärkeren Konvergenz des Vorgehens der Mitgliedstaaten beruht.
- (2) Der Europäische Rat bestimmt die strategischen Interessen der Union und legt die Ziele ihrer Gemeinsamen Außen- und Sicherheitspolitik fest. Der Ministerrat ~~gestaltet diese Politik~~ trifft die für die Festlegung und Durchführung erforderlichen Entscheidungen im Rahmen der vom Europäischen Rat festgelegten strategischen Leitlinien nach Maßgabe von Teil III der Verfassung.
- (3) Der Europäische Rat und der Ministerrat erlassen die erforderlichen Beschlüsse.
- (4) Diese Gemeinsame Außen- und Sicherheitspolitik wird vom Minister für Auswärtige Angelegenheiten der Union und von den Mitgliedstaaten mit den einzelstaatlichen Mitteln und denen der Union durchgeführt.
- (5) Die Mitgliedstaaten stimmen einander im Rat und im Europäischen Rat zu jeder außen- und sicherheitspolitischen Frage von allgemeiner Bedeutung ab, um ein gemeinsames Vorgehen festzulegen. Bevor ein Mitgliedstaat in einer Weise, die die Interessen der Union berühren könnte auf internationaler Ebene tätig wird oder eine Verpflichtung eingeht, konsultiert er die anderen Mitgliedstaaten im Rat oder im Europäischen Rat. Die Mitgliedstaaten gewährleisten durch konvergentes Handeln, dass die Union ihre Interessen und Werte auf internationaler Ebene geltend machen kann. Die Mitgliedstaaten sind untereinander solidarisch.
- (6) Das Europäische Parlament wird zu den wichtigsten Aspekten und den grundlegenden Weichenstellungen der Gemeinsamen Außen- und Sicherheitspolitik regelmäßig gehört und über ihre Entwicklung auf dem Laufenden gehalten.

(7) Im Bereich der Gemeinsamen Außen- und Sicherheitspolitik fassen der Europäische Rat und der Ministerrat außer in den in Teil III der Verfassung vorgesehenen Fällen Beschlüsse einstimmig.* Sie beschließen auf Vorschlag eines Mitgliedstaates, des Ministers für Auswärtige Angelegenheiten der Union oder des Ministers mit Unterstützung der Kommission. Gesetze und Rahmengesetze sind ausgeschlossen.

(8) Der Europäische Rat kann einstimmig beschließen, dass der Rat in anderen als den in Teil III der Verfassung genannten Fällen mit qualifizierter Mehrheit beschließt.

Explanation (if any) :

- **Abs. 2: Genauere Sprache, die Art. III-191 entspricht.**
- **Abs. 7: Der Ministerrat sollte mit qualifizierter Mehrheit über gemeinsame Vorschläge des Ministers für Auswärtige Angelegenheiten und der Kommission entscheiden (ursprünglicher Vorschlag des Präsidiums). Da der Minister für Auswärtige Angelegenheiten Mitglied der Kommission ist, wäre es aber auch denkbar, dass der Ministerrat über Vorschläge des Ministers für Auswärtige Angelegenheiten mit qualifizierter Mehrheit entscheidet. Art. III-196 sollte entsprechend geändert werden.**
- **Damit der Minister für Auswärtige Angelegenheiten sein Amt effektiv ausüben kann, sollte ein einheitlicher Diplomatischer Dienst der Union eingerichtet werden, der dem Minister für Auswärtige Angelegenheiten untersteht. Art. III-192 sollte um folgenden Art. 3 ergänzt werden: "Der Minister für Auswärtige Angelegenheiten wird von einem Diplomatischen Dienst der Union unterstützt, der sich aus Mitarbeitern der Institutionen der Union und aus entsandten Mitarbeitern aus den Mitgliedstaaten zusammensetzt."**

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 39, Partie I, Titre V

Déposée par: M. Ernâni Lopes, M. Manuel Lobo Antunes

Qualité : - Membre et Suppléant

1. (...)
2. (...)
3. (...)
4. (...)
5. (...)
6. (...)
7. En matière de politique étrangère et de sécurité commune, le Conseil européen et le Conseil des ministres adoptent des décisions à l'unanimité, sauf dans les cas prévus dans la Partie III de la Constitution. Ils se prononcent sur proposition d'un État membre, du ministre des Affaires étrangères de l'Union, ou du ministre avec le soutien de la Commission. ~~Les lois et lois-cadres sont exclues.~~
8. (...)

Explication:

Nº. 7 - La référence aux lois et aus lois-cadres est superflue car les instruments de l'Union pour la PESC sont déjà enoncés dans l'article 190, Partie III.

AMENDMENT FORM

Suggestion for amendment of Article : I-39

By Mr : Hain

Status : - Member -

1. OK.
 2. OK.
 3. OK.
 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, while respecting the principles and objectives of the Union's external actions as set out in the Treaty, 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. OK.
 7. CFSP 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 Three of the Constitution. Discussion shall be based on a proposal from a Member State, from the Union's Minister for Foreign Affairs or from the Minister with the Commission's support. Laws and framework laws are excluded.
 8. OK.
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Explanation (if any) :

4. Repeated amendment: We want to make sure that there is no suggestion that the Minister of Foreign Affairs can propose the use of development funding in pursuit of CFSP or CDSP objectives.
5. Repeated amendment: We will need to ensure that we are not prevented by any provision in the Constitution from carrying out an independent foreign policy. The parenthesised provision should be amended to reflect this. The need for consultation is covered sufficiently by the first sentence of this paragraph.
7. Revised amendment: This amendment is needed to make clear that these are 'CFSP Decisions', rather than decisions in the technical sense of the instrument.

AMENDMENT FORM

Suggestion for amendment to Art I-39

Mr Hannes Farnleitner

Status : - Member

Chapter II

Article I-39: Specific provisions for implementing common foreign and security policy

1. The European Union shall conduct a common foreign and security policy, based on the development of mutual political solidarity among Member States, the 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 within the framework of the strategic guidelines established by the European Council and in accordance with the arrangements in Part Three of the Constitution.
- ~~3. The European Council and the Council of Ministers shall adopt the necessary decisions.~~
- 3 4. The common foreign and security policy shall be put into effect by the Union's Minister for Foreign Affairs, **by the Commission** and by the Member States, using national and Union resources.
- ~~4 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.
- 5 6. The European Parliament shall be regularly consulted on the main aspects and basic choices of the common foreign and security policy, and shall be kept informed of how it evolves.
- ~~6 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 accordance with Art. III-196 in Part Three~~ of the

Constitution. ~~Discussion~~ **The Council shall act** ~~be based on a proposal from a Member State, or or from the Union's Minister for Foreign Affairs or from the Commission or from the Minister for Foreign Affairs acting jointly with the Commission 's support. alone or together with the Commission. Laws and framework laws are excluded.~~

- 7 8. ~~The European Council may unanimously decide that the Council should act by qualified majority in cases other than those referred to in Part Three of the Constitution.~~

Foreign, Security and Defence Policy aspects of a particular measure and the implementation of the Foreign, Security and Defence Policy shall not affect the competences listed in Articles 11 to 13, 15 and 16 of the Constitution.

The Court of Justice shall have jurisdiction to monitor compliance with this article.

Explanation:

Ad ex-para.3 and 7:

The European Council should not act as a legislative institution.

Furthermore, for reasons of flexibility and against the background of recent experience there is no reason to rule out categorically the use of legislative acts.

Ad par.7:

Qualified Majority should be the rule, unanimity the exception.

Art. III-196 should read:

- 1. Decisions under this Chapter shall be taken by the Council.***
- 2. The Council shall act unanimously when acting on the basis of a proposal from a Member State or when adopting any decision having military or defence implications.***

Abstentions by members present in person or represented shall not prevent the adoption of a decision to be taken unanimously.

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.

- 3. 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 in accordance with par.1 , 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 qualified majority.***

ad 7):

The substance of Art. 47 TEU should be preserved. The proposed Art. III/204 does not reflect this idea properly. In accordance with my overall view that the Court of Justice shall have jurisdiction in CFSP matters (see amendment to delete art. 240a, CONV 734/03) it shall also have jurisdiction to monitor compliance in this specific case.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 29 de la Partie I

Déposée par Messieurs Santer, Helminger et Fayot (Titulaires, Luxembourg) et M. Schmit (Suppléant, Luxembourg)

Article 29: La politique étrangère et de sécurité commune de l'Union

1. ~~1.~~—L'Union européenne s'engage à conduire une politique étrangère et de sécurité commune, fondée sur un développement **progressif** de la solidarité politique mutuelle des États membres, sur l'identification progressive des questions présentant un intérêt général et sur la réalisation d'un degré toujours croissant de convergence des actions des États membres.
2. L'action de l'Union sur la scène internationale repose sur [s'inspire] des principes qui ont présidé à sa création, à son développement et à son élargissement et qu'elle vise à promouvoir dans le reste du monde : la démocratie, l'État de droit, l'universalité, et l'indivisibilité des droits de l'homme et des libertés fondamentales, le respect de la dignité humaine, les principes d'égalité et de solidarité et le respect du droit international conformément aux principes de la Charte des Nations Unies. L'Union s'efforce de développer des relations, et de construire des partenariats avec les pays et avec les organisations régionales ou mondiales qui partagent ces valeurs. Elle favorise des solutions multilatérales aux problèmes communs, en particulier dans le cadre des Nations Unies.
3. L'Union européenne définit et mène des politiques communes et des actions de l'Union, et œuvre pour assurer un degré de coopération maximal dans tous les domaines des relations internationales afin de :
 - a) sauvegarder les valeurs de l'Union, les intérêts fondamentaux, l'indépendance et l'intégrité de l'Union ;
 - b) consolider et soutenir la démocratie, l'État de droit, les droits de l'homme et les principes du droit international ;
 - c) préserver la paix, prévenir les conflits et renforcer la sécurité internationale, conformément aux principes de la Charte des Nations Unies ;

- d) soutenir le développement économique et social durable des pays en voie de développement dans le but essentiel d'éradiquer la pauvreté, en particulier dans les pays à faible revenu ;
- e) encourager l'intégration de tous les pays dans l'économie mondiale, y compris par la suppression progressive des obstacles au commerce international ;
- f) élaborer des mesures internationales pour préserver *et améliorer* l'environnement et les ressources naturelles mondiales, et assurer un développement durable ;
- g) aider les populations, les pays et les régions confrontés à des catastrophes d'origine humaine ou naturelle ; et
- h) promouvoir un système international basé sur une coopération multilatérale renforcée, et une bonne gouvernance mondiale.

42. Le Conseil européen identifie les intérêts stratégiques de l'Union et fixe les objectifs de sa politique étrangère et de sécurité commune. Le Conseil des ministres élabore cette politique selon les modalités de la Partie II de la Constitution.

~~3. — Le Conseil européen et le Conseil des ministres adoptent les décisions nécessaires.~~

54. Cette politique étrangère et de sécurité commune est exécutée par le Ministre des Affaires étrangères de l'Union et par les États membres, en utilisant les moyens nationaux et ceux de l'Union.

~~5. — Les États membres se concertent au sein du Conseil et du Conseil européen sur toute question de politique étrangère et de sécurité présentant un intérêt général en vue de définir une approche commune. Avant d'entreprendre toute action sur la scène internationale ou tout engagement qui pourrait affecter les intérêts de l'Union, chaque État membre consulte les autres au sein du Conseil ou du Conseil européen. Les États membres assurent, par la convergence de leurs actions, que l'Union puisse faire valoir ses intérêts et valeurs sur la scène internationale. Les États membres sont solidaires entre eux.~~

6. Le Parlement européen est consulté sur les aspects principaux et choix fondamentaux de la politique étrangère et de sécurité commune, et est tenu informé de son évolution.

7. En matière de politique étrangère et de sécurité commune, le Conseil européen et le Conseil des ministres adoptent des décisions à l'unanimité, sauf dans les cas prévus dans la Partie II de la Constitution. Ils se prononcent sur une proposition d'un État membre, ou du Ministre des Affaires étrangères de l'Union, seul ou conjointement avec la Commission.
8. Le Conseil européen peut décider à l'unanimité que le Conseil statue à la majorité qualifiée dans d'autres cas que ceux visés dans la Partie II de la Constitution.

Explication éventuelle :

ad paragraphe 1.: inutile, car le développement est par définition progressif

ad paragraphe 2 et 3: les dispositions de l'article 1^{er} de la Partie II trouvent plutôt leur place dans la partie I;

ad paragraphe ex-3.: Le principe est déjà contenu dans le paragraphe 2 et les modalités seront fixées dans les dispositions de la partie II de la Constitution

ad paragraphe ex-5.: une telle disposition n'a pas sa place dans la Partie I de la Constitution et il est donc suggéré de l'intégrer à l'article 10 de la Partie II.

AMENDMENT FORM

Suggestion for amendment of Article : I 29

Suggestion for protocol :

By: Mr Caspar EINEM

Status : Member

Artikel 29

- (1) Die Europäische Union verpflichtet sich zu einer gemeinsamen Außen- und Sicherheitspolitik, die auf einer fortschreitenden Entwicklung der gegenseitigen politischen Solidarität der Mitgliedstaaten, der fortschreitenden Ermittlung der Fragen von allgemeiner Bedeutung und einer zunehmend stärkeren Konvergenz zwischen den Maßnahmen der Mitgliedstaaten beruht.
- (2) Der Europäische Rat bestimmt die strategischen Interessen der Union und legt die Ziele ihrer Gemeinsamen Außen- und Sicherheitspolitik fest **und achtet dabei insbesondere auf die Kohärenz und Kontinuität der Maßnahmen zur Erreichung ihrer Ziele unter gleichzeitiger Wahrung und Weiterentwicklung des gemeinschaftlichen Besitzstandes.** . Der Ministerrat gestaltet diese Politik nach Maßgabe von Teil II der Verfassung aus.
- (3) Der Europäische Rat und der Ministerrat fassen die erforderlichen Beschlüsse. **Diese Beschlüsse schränken die Zuständigkeit der anderen Organe der EU in ihrem Wirkungsbereich nicht ein.**
- (4) Diese Gemeinsame Außen- und Sicherheitspolitik wird vom Außenminister der Union, **von der Kommission** und von den Mitgliedstaaten mit den auf einzelstaatlicher und auf Unionsebene verfügbaren Mitteln umgesetzt.
- (7) Im Bereich der Gemeinsamen Außen- und Sicherheitspolitik nehmen der Europäische Rat und der Ministerrat ~~außer in den in Teil II der Verfassung vorgesehenen Fällen~~ Beschlüsse ~~einstimmig~~ **immer dann**
 - **einstimmig an, wenn es um den Einsatz militärischer Mittel geht,**

- **mit einer Mehrheit von vier Fünfteln der Mitgliedstaaten, die zugleich vier Fünftel der Bevölkerung der Union repräsentieren an bzw.**
- **in den im Teil II davon abweichend geregelten Fällen mit qualifizierter Mehrheit.**

Sie beschließen auf Vorschlag eines Mitgliedstaates oder des Außenministers der Union oder auf gemeinsamen Vorschlag des Außenministers der Union und der Kommission.

- (8) Der Europäische Rat kann einstimmig entscheiden, dass der Rat in anderen als den **Fällen des Einsatzes militärischer Mittel oder den** in Teil II der Verfassung genannten Fällen mit qualifizierter Mehrheit beschließt.

Explanation (if any) :

Zu Abs. (2) und (3): Durch die Anfügungen soll sicher gestellt werden, dass es nicht zu einer vollständigen Veränderung der Verfassung der EU zugunsten des Europäischen Rates und zu Lasten von EK und EP kommt. In Abs. (2) wird die Formulierung des Artikels 3 EUV aufgegriffen.

Zu Abs. (4): Sollen im Interesse einer wirksamen Außen- und Sicherheitspolitik der Union wirklich alle zu Gebote stehenden Mittel eingesetzt werden, so sind darunter auch solche, bei denen die Kommission entscheidungs- bzw. handlungsbefugt ist.

Zu Abs. (7): Wenn ein Mindestmaß an Effizienz für die europäische Außen- und Sicherheitspolitik erreicht werden soll, dann muss ein Übergang zur Mehrheitsentscheidung – mit Ausnahme der Entscheidungen über den Einsatz militärischer Mittel - auch hier gefunden werden. Es wird eine superqualifizierte Mehrheit von 80% der Staaten und der repräsentierten Bevölkerung vorgeschlagen, die in der erweiterten Union Entscheidungen von 20 gegen 5 Staaten möglich machen soll.

FICHE AMENDEMENT

Partie I - Titre V

Proposition d'amendement à l'Article : 29

Déposée par Monsieur Pierre Lequiller, Président de la Délégation pour l'Union européenne de l'Assemblée nationale française.

Qualité : - Membre titulaire

5. Les États membres se concertent au sein du Conseil et du Conseil européen sur toute question de politique étrangère et de sécurité présentant un intérêt général en vue de définir une approche commune. Avant d'entreprendre toute action sur la scène internationale ou tout engagement qui pourrait affecter les intérêts de l'Union **préalablement définis**, chaque État membre consulte les autres au sein du Conseil ou du Conseil européen. Les États membres assurent, par la convergence de leurs actions, que l'Union puisse faire valoir ses intérêts et valeurs sur la scène internationale. Les États membres sont solidaires entre eux.

Explication éventuelle :

L'obligation de consulter les autres États membres avant d'entreprendre toute action sur la scène internationale ou tout engagement qui pourrait affecter les intérêts de l'Union doit se limiter aux intérêts préalablement définis par le Conseil européen ou, pour les intérêts non stratégiques, par le Conseil, afin d'éviter la paralysie des politiques nationales des États membres par un concept flou d'intérêt indéterminé de l'Union. Cette précision constituera également une incitation pour l'Union à définir clairement les intérêts communs à promouvoir par la PESC.

AMENDMENT FORM

Suggestion for amendment of PART I – TITLE V, Article 29

By Ms / Mr : **BROK; SANTER; TAJANI; VAN DER LINDEN; ALMEIDA GARRETT; ALTMAIER; AZEVEDO; BASILE; BREJC; CUSHNAHAN; DEMETRIOU; DOLORES; FOGLER; FRENDON; GIANNAKOU; KAUPPI; KELEMEN; KORHONEN; KRASTS; KROUPA; LENNMARKER; MAIJ-WEGGEN; MLADENOV; PIKS; RACK; VAN DIJK; WITTBRODT; ZIELENIEC; ZILE**

on behalf of the EPP Convention Group

Status : - Member - Alternate

Suggestion for PART I – 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 **and coherence** of Member States' actions.
2. The European Council shall ~~identify~~ **define** the Union's strategic interests and ~~determine the~~ objectives of its common foreign and security policy **as well as the Security and Defence Policy on the basis of the general principles and objectives referred to in Art. 1 Part II, Title B**. The Council of Ministers shall frame this policy in accordance with the arrangements in Part Two of the Constitution.
3. The European Council **shall adopt the guidelines** 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 *by the Council or the Union's Minister for Foreign Affairs. They shall ensure that the views of the European Parliament are duly taken into consideration.*
7. Decisions relating to the common foreign and security policy shall be adopted ~~by the European Council and the Council of Ministers unanimously,~~ *by qualified majority* except in the cases referred to in Part Two of the Constitution. ~~They~~ *The Council* 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.~~

Explanation (if any) :

Convergence and coherence is more ambitious.

Para 2: Cf. Art. 4 EUT, a reference should be made to the general principles and objectives.

The European Council should define general objectives. Their specification should be the task of the Council.

Para 6: Cf. Art. 21 EUT

Qualified Majority should be the general rule, exceptions possible due to the special nature of CFSP.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : Artículo 29

Déposée par Messieurs : Borrell (miembro), Carnero y López Garrido (suplentes)

Artículo 29: La Política Exterior y de Seguridad Común de la Unión

Modificar puntos 1, 2, 4, 6, 7, , nuevo 9 y suprimir el punto 3

1. *La Unión Europea desarrollará una política exterior y de seguridad común basada en los valores y orientada a los objetivos fijados en la Constitución, mediante el desarrollo de la solidaridad política mutua de los Estados miembros, la adopción de las cuestiones de interés general y la realización de una convergencia cada vez mayor de las actuaciones de los Estados miembros. Los Estados miembros se comprometen a participar activamente en su definición y aplicación.*
2. El Consejo Europeo determinará los intereses estratégicos de la Unión y fijará los objetivos de su política exterior y de seguridad común. El Consejo de Ministros elaborará dicha política conforme a lo dispuesto en la Parte II de la Constitución. *En ambos casos, se contará con la participación activa del Parlamento Europeo y la Comisión Europea.*
3. *Supresión.*
4. La política exterior y de seguridad común será ejecutada *de forma coordinada y solidaria* por el Ministro de Asuntos Exteriores de la Unión y por los Estados miembros, utilizando los medios nacionales y los de la Unión.
6. *El Parlamento Europeo, sobre la base de la información regular del Consejo Europeo o del Consejo o por propia iniciativa, se pronunciará sobre las orientaciones estratégicas y el desarrollo regular de la política exterior y de seguridad común, formulando recomendaciones y propuestas que serán tenidas en cuenta debidamente.*
7. En lo relativo a la política exterior y de seguridad común, el Consejo Europeo y el Consejo de Ministros adoptarán decisiones por *mayoría cualificada*, salvo en los casos previstos en la

parte II de la Constitución que exijan unanimidad. Decidirán a propuesta de un Estado miembro o del Ministro de Asuntos Exteriores de la Unión, ya sea solo o de forma conjunta con la Comisión.

9. *Previa comunicación seguida de debate en el Consejo Europeo o en el Consejo, y tras informar al Parlamento Europeo, un estado miembro podrá abstenerse de participar en la aplicación práctica de una acción de política exterior y de seguridad común, comprometiéndose en todo caso a no actuar contra la misma ni a entorpecer su desarrollo*

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : 29 Common foreign and security policy

Suggestion for protocol :

By Mr : Esko Helle

Status : - Alternate

PART I – 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. **(deleted)**
4. The common foreign and security policy shall be put into effect by the **(deleted) Member of the Commission to whose sphere of competence the Union's Common foreign and security policy belongs** 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 **(deleted) Member of the Commission to whose sphere of competence the Union's Common foreign and security policy belongs,** 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
-

Explanation (if any) :

The Union should not have its own Minister for Foreign Affairs and the Member of the Commission to whose sphere of competence the Union's Common foreign policy belongs must not be called one.

The European Council's role has to be to identify the Union's strategic interests and to determine the overall objectives, not to make decisions in individual cases.

AMENDMENT FORM

Suggestion for amendment of Article : Art. 29

Suggestion for protocol :

By Ms / Mr : Jens-Peter Bonde, Esko Seppanen and Jan Zahradil

Status : X - Member

X- Alternate

PART I – TITLE V

Article 29

The Union's common foreign and security policy

1. The European Union shall undertake to **SUPPORT THE UNITED NATIONS AND THE SEPCIALISED ORGANISATIONS UNDER THE UN WHERE POSSIBLE. MEMBER STATES PROVIDE THE UN WITH MILITARY UNITS FOR PEACEKEEPING MEASURES DEICDED BY THE UN. MEMBER STATES** 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 **BY UNANIMITY**. The Council of Ministers shall frame this policy in accordance with the arrangements in Part Two of the **TREATY [DELETE: 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 [**DELETE: 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 [**DELETE:** except in the cases referred to in Part Two of the Constitution.] They shall act on a proposal from a Member State [**DELETE:** 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 **TREAT** [**DELETE:** Constitution].

FICHE AMENDEMENT

Proposition d'amendement à l'Article: 29

Déposée par :

Maria Eduarda Azevedo - Membre
António Nazaré Pereira - Suppléant

Partie I – Titre V

Article 29

La politique étrangère et de sécurité commune de l'Union

6. Le Parlement européen et les parlements nationaux réunis dans la Conférence interparlementaire pour les affaires européenne selon le protocole annexe au Traité Constitutionnel, sont consultés (...) et sont tenus informés (...)

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 29 du Titre V

Déposée par Madame ou Monsieur : M. Louis Michel, M. Elio di Rupo, Mme Anne Van Lancker, membres de la Convention et M. Pierre Chevalier et Mme Marie Nagy, membres suppléants de la Convention

Qualité : - Membre - Suppléant

Supprimer l'article 29.

Explication éventuelle :

Le Titre V a trait aux instruments et moyens d'action de l'Union. Le projet d'article 29 a un autre objet. La plupart des paragraphes prévus dans cet article 29 figurent en outre déjà dans la partie II. Les autres peuvent y être transférés

AMENDMENT FORM

Suggestion for amendment of Article : 29

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

Status : - Member - ~~Alternate~~

~~Artikel 29: Die Gemeinsame Außen- und Sicherheitspolitik der Union~~

Erster Artikel im Kapitel "Gemeinsame Außen- und Sicherheitspolitik" in Teil II der Verfassung

(1) Die ~~Europäische~~ Union ~~verpflichtet sich zu einer gemeinsamen~~ **erarbeitet und verwirklicht eine Gemeinsame** Außen- und Sicherheitspolitik, die auf einer fortschreitenden Entwicklung der gegenseitigen politischen Solidarität der Mitgliedstaaten, der fortschreitenden Ermittlung der Fragen von allgemeiner Bedeutung und einer zunehmend stärkeren Konvergenz zwischen den Maßnahmen der Mitgliedstaaten beruht.

~~(2) Der Europäische Rat bestimmt die strategischen Interessen der Union und legt die Ziele ihrer Gemeinsamen Außen- und Sicherheitspolitik fest. Der Ministerrat gestaltet diese Politik nach Maßgabe von Teil II der Verfassung aus.~~

~~(3) Der Europäische Rat und der Ministerrat fassen die erforderlichen Beschlüsse.~~

~~(4) Diese Gemeinsame Außen- und Sicherheitspolitik wird vom Außenminister der Union und von den Mitgliedstaaten mit den auf einzelstaatlicher und auf Unionsebene verfügbaren Mitteln umgesetzt.~~

~~(5)~~

(2) Die Mitgliedstaaten unterstützen die Außen- und Sicherheitspolitik der Union aktiv und vorbehaltlos im Geiste der Loyalität und der gegenseitigen Solidarität.

Die Mitgliedstaaten arbeiten zusammen, um ihre gegenseitige politische Solidarität zu stärken und weiterzuentwickeln. Sie enthalten sich jeder Handlung, die den Interessen der Union zuwiderläuft oder ihrer Wirksamkeit als kohärente Kraft in den internationalen Beziehungen schaden könnte.

Die Mitgliedstaaten stimmen einander im Rat und im Europäischen Rat zu jeder außen- und sicherheitspolitischen Frage von allgemeiner Bedeutung ab, um ein gemeinsames Vorgehen festzulegen.

Bevor ein Mitgliedstaat auf internationaler Ebene eine Maßnahme ergreift oder eine Verpflichtung eingeht, die die Interessen der Union berühren könnte, konsultiert er die anderen Mitgliedstaaten im Rat oder im Europäischen Rat. ~~Die Mitgliedstaaten gewährleisten durch konvergentes Handeln, dass die Union ihre Interessen und Werte auf internationaler Ebene geltend machen kann. Die Mitgliedstaaten sind untereinander solidarisch.~~

Der Rat und der Außenminister tragen für die Einhaltung dieser Grundsätze Sorge.

~~(6) Das Europäische Parlament wird zu den wichtigsten Aspekten und den grundlegenden Weichenstellungen der Gemeinsamen Außen- und Sicherheitspolitik gehört und über ihre Entwicklung auf dem Laufenden gehalten.~~

~~(7) Im Bereich der Gemeinsamen Außen- und Sicherheitspolitik nehmen der Europäische Rat und der Ministerrat außer in den in Teil II der Verfassung vorgesehenen Fällen Beschlüsse einstimmig an. Sie beschließen auf Vorschlag eines Mitgliedstaates oder des Außenministers der Union oder auf gemeinsamen Vorschlag des Außenministers der Union und der Kommission.~~

~~(8) Der Europäische Rat kann einstimmig entscheiden, dass der Rat in anderen als den in Teil II der Verfassung genannten Fällen mit qualifizierter Mehrheit beschließt.~~

(3) Die Union verfolgt ihre Gemeinsame Außen- und Sicherheitspolitik, indem sie

- **die Grundsätze und allgemeinen Leitlinien bestimmt,**
 - **Beschlüsse über**
 - **Aktionen der Union,**
 - **Standpunkte der Union**
- annimmt**

und die regelmäßige Zusammenarbeit der Mitgliedstaaten bei der Führung ihrer Politik ausbaut.

Explanation (if any) :

Einordnung dieser Bestimmung:

Verschiebung in den Teil II. Diese Bestimmung ist im Hinblick auf den Regelungskontext verwirrend. Die Art. 24 bis 33 beschreiben allgemeine Formvorschriften der Kompetenzausübung der Union. Die vom Präsidium vorgeschlagene Bestimmung beschreibt dagegen die materiellen Grundsätze der GASP – diese jedoch gehören in den Teil II der Verfassung, wo sich dementsprechend auch etliche Regelungen dieser Bestimmung wiederfinden. Dieser Artikel sollte deshalb mit dem derzeitigen Artikel 3 des Teils II der Verfassung zu einer Bestimmung verschmolzen werden, die am Anfang des Kapitels "Gemeinsame Außen- und Sicherheitspolitik" in Teil II der Verfassung

einzuordnen wäre.

Absatz 1:

Die EU besitzt keine eigene Kompetenzkompetenz, aufgrund derer sie sich selbst zu einer Gemeinsamen Außen- und Sicherheitspolitik verpflichten könnte. Sie wird vielmehr durch die Mitgliedstaaten im Wege der Verfassung zur Erarbeitung und Verwirklichung einer Gemeinsamen Außen- und Sicherheitspolitik verpflichtet (vgl. Artikel 3 Absatz 1 des Präsidiumsentwurfs für den Titel "Außenpolitisches Handeln der Union" in Teil II der Verfassung).

Absatz 2 (alt):

Streichung. Der Regelungsgehalt entspricht dem des Artikels 4 Absätze 1 und 3 des Präsidiumsentwurfs für den Titel "Außenpolitisches Handeln der Union" in Teil II der Verfassung.

Absatz 3 (alt):

Streichung. Der rechtliche Gehalt dieser Regelung ist in Artikel 4 Absätze 1 und 3 des Präsidiumsentwurfs für den Titel "Außenpolitisches Handeln der Union" in Teil II der Verfassung enthalten.

Absatz 4 (alt):

Streichung. Hinsichtlich des Außenministers entspricht der Regelungsgehalt dem des Artikel 5 Absatz 1 des Präsidiumsentwurfs für den Titel "Außenpolitisches Handeln der Union" in Teil II der Verfassung. Hinsichtlich der Mitgliedstaaten ist die Regelung dagegen entbehrlich, jedenfalls findet sie sich bereits in Artikel 28 Absatz 1 des Präsidiumsentwurfs für den Teil I der Verfassung.

Absatz 5 (alt) = Absatz 2 (neu):

Ergänzung durch Übernahme der Regelung aus Artikel 3 Absatz 2 des Präsidiumsentwurfs für den Titel "Außenpolitisches Handeln der Union" in Teil II der Verfassung.

Absatz 6 (alt):

Streichung. Der rechtliche Gehalt dieser Regelung ist in Artikel 13 des Präsidiumsentwurfs für den Titel "Außenpolitisches Handeln der Union" in Teil II der Verfassung enthalten.

Absatz 7 (alt):

Streichung. Hinsichtlich des Europäischen Rates ergibt sich diese Regelung bereits aus Artikel 16 Absatz 4 des Präsidiumsentwurfs für den Teil I der Verfassung. Hinsichtlich des Rates ist diese Regelung bereits in Artikel 9 Absatz 1 des Präsidiumsentwurfs für den Titel "Außenpolitisches Handeln der Union" in Teil II der Verfassung verankert. Die Regelung zum Initiativrecht findet sich in Artikel 8 Absatz 1 des Präsidiumsentwurfs für den Titel "Außenpolitisches Handeln der Union" in Teil II der Verfassung.

Absatz 8 (alt):

Streichung. Diese Regelung ist bereits in Artikel 9 Absatz 3 des Präsidiumsentwurfs für den Titel "Außenpolitisches Handeln der Union" in Teil II der Verfassung enthalten.

Absatz 3 (neu):

Übernahme der Regelung aus Artikel 3 Absatz 3 des Präsidiumsentwurfs für den Titel "Außenpolitisches Handeln der Union" in Teil II der Verfassung.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 29 de la partie I

Déposée par Monsieur de Villepin

Qualité : - Membre

Article 29 : La politique étrangère et de sécurité commune de l'Union

1. L'Union européenne s'engage à conduire une politique étrangère et de sécurité commune, fondée sur ~~un développement progressif de la loyauté~~ et la solidarité politique mutuelle des États membres, ~~sur l'identification progressive des questions présentant un intérêt général et sur la réalisation d'un degré toujours croissant de convergence des actes des États membres.~~

2. Le Conseil européen identifie les intérêts stratégiques de l'Union et fixe les objectifs de sa politique étrangère et de sécurité commune. Le Conseil des ministres élabore cette politique selon les modalités de la Partie II de la Constitution.

3. Le Conseil européen et le Conseil des ministres adoptent les décisions nécessaires.

4. Cette politique étrangère et de sécurité commune est exécutée par le Ministre des Affaires étrangères de l'Union, sous le contrôle du Conseil, et par les États membres, ~~en utilisant les moyens nationaux et ceux de l'Union.~~

Lorsque des actes de l'Union relevant d'autres politiques sont requis pour mettre en œuvre des décisions prises dans le domaine de la politique étrangère et de sécurité commune, ces actes peuvent, conformément à l'article 28, conférer au Conseil ou à la Commission les compétences d'exécution.

5. Les États membres se concertent au sein du Conseil et du Conseil européen sur toute question de politique étrangère et de sécurité présentant un intérêt général en vue de définir une approche commune. Avant d'entreprendre toute action sur la scène internationale ou tout engagement qui pourrait affecter les intérêts de l'Union, chaque État membre consulte les autres au sein du Conseil ou du Conseil européen. Les États membres assurent, par la convergence de leurs actions, que l'Union puisse faire valoir ses intérêts et valeurs sur la

scène internationale. Les États membres sont solidaires entre eux.

6. Le Parlement européen est consulté sur les aspects principaux et choix fondamentaux de la politique étrangère et de sécurité commune, et est tenu informé de son évolution.
7. En matière de politique étrangère et de sécurité commune, le Conseil européen et le Conseil des ministres adoptent des décisions à l'unanimité la majorité qualifiée, ~~sauf dans les cas~~ dans les conditions prévues dans la Partie II de la Constitution. Ils se prononcent sur une proposition d'un État membre, ou du Ministre des Affaires étrangères de l'Union, ~~seul ou conjointement avec la Commission.~~
8. ~~Le Conseil européen peut décider à l'unanimité que le Conseil statue à la majorité qualifiée dans d'autres domaines que ceux visés dans la Partie II de la Constitution.~~

Explication éventuelle :

La rédaction proposée par le praesidium semble faire fi des acquis dans le domaine de la politique étrangère et de sécurité commune et dévaloriser la portée du devoir de solidarité. La modification du paragraphe 1 vise à reprendre l'article 11.2 TUE qui a toute sa place dans la première partie de la Constitution.

La modification du paragraphe 4 vise à laisser la possibilité au Conseil de retenir la compétence d'exécution des actes communautaires mettant en œuvre une décision PESC (par exemple, les actes d'exécution d'un règlement adoptant des sanctions économiques contre des organisations terroristes, comme par exemple la liste des organisations incriminées).

La modification du paragraphe 7 et la suppression du paragraphe 8 visent à la généralisation du vote à la majorité qualifiée, qui, dans une Europe élargie, doit devenir la règle de procédure d'adoption des décisions en matière de politique étrangère et de sécurité commune.

Enfin, la seconde modification au paragraphe 7 vise à tirer les conséquences procédurales de la création d'un Ministre des affaires étrangères, qui est vice-président de la Commission. L'idée de propositions conjointes du Ministre et de la Commission n'ont donc pas de sens.

AMENDMENT FORM

Suggestion for amendment of Article : **Article 29: Common foreign and security policy**

Suggestion for protocol :

By: Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Matti Vanhanen, Riitta Korhonen

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

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. The Council shall act on a proposal from a Member State, the Commission or from the Union's Minister for Foreign Affairs.
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 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. 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.~~

Explanation (if any) :

Explanation 29(1): The text should be deleted. Article 29 concerns instruments. Description of the content of common foreign and security policy is not necessary as this has already been done in Article 10 (of Part I - Title III) and Article 3 (of Part II - Title B). In addition, the text above would mean a clear step-back from the current Treaty: the substantive scope of CFSP is being limited and the requirement for solidarity is less binding.

Explanation 29(3): It would be logical to insert the whole decision-making procedure in the same paragraph (initiatives and decisions). The contents of the second sentence of paragraph 7 have therefore been moved to the end of this paragraph. The Union's Minister for Foreign Affairs shall have an independent right of initiative in CFSP matters along with the Commission and the Member States.

Explanation 29(5): The last two sentences of the paragraph have been moved to the beginning as they describe the philosophy of convergence and solidarity which are the cornerstones of common foreign and security policy. The latter part of the paragraph describes the means to achieve them.

Explanation 29(7 and 8): In WG VII there was a large consensus on introducing QMV as a general

rule for decision-making in the Council. This is an essential requirement to avoid CFSP inertia and encourage a pro-active CFSP. The existence of constructive abstention allows participation in the implementation based on national political interests whereas the 'emergency brake' would sufficiently guarantee the protection of vital national interests.

The first sentence of paragraph 7 and the paragraph 8 are not necessary if qualified majority is the general rule of decision-making.

FICHE AMENDEMENT

Titre V

Proposition d'amendement à l'Article : Artigo 29.º

Déposée par Monsieur Luís Queiró

Qualité: Suppléant

1. A União Europeia compromete-se a conduzir uma política externa e de segurança comum, baseada num desenvolvimento gradual da solidariedade política mútua entre os Estados Membros, na identificação gradual das questões que se revistam de interesse geral e na realização de um crescente grau de convergência das acções dos Estados-Membros.
2. O Conselho Europeu identificará os interesses estratégicos da União e fixará os objectivos da sua Política Externa e de Segurança Comum. O Conselho (2 palavras suprimidas) elaborará e **executará** essa política de acordo com as modalidades estabelecidas na Parte II **do Tratado**.
3. O Conselho Europeu e o Conselho (2 palavras suprimidas) aprovarão as decisões necessárias.
4. A Política Externa e de Segurança Comum será posta em prática **pela Presidência e** (7 palavras suprimidas) e pelos Estados-Membros, utilizando os meios **da União e os meios** nacionais(4 palavras suprimidas). **Para o efeito, são assistidos pelo Representante Europeu para as Relações Externas.**
5. Os Estados-Membros concertar-se-ão no âmbito do Conselho e do Conselho Europeu sobre todas as questões de política externa e de segurança que se revistam de interesse geral, a fim de definir uma abordagem comum. Antes de empreenderem qualquer acção no plano internacional ou de assumirem qualquer compromisso que possa afectar os interesses da União, os Estados-Membros consultarão cada um dos outros no âmbito do Conselho ou do Conselho Europeu. Os Estados-Membros assegurarão, através da convergência das suas acções, que a União possa fazer valer os seus interesses e valores no plano internacional. Os Estados-Membros serão solidários entre si.
6. O Parlamento Europeu será consultado sobre os principais aspectos e as opções fundamentais da Política Externa e de Segurança Comum e será mantido ao corrente da sua evolução.
7. Em matéria de Política Externa e de Segurança Comum, o Conselho Europeu e o Conselho (2

palavras suprimidas) aprovarão decisões por unanimidade, com excepção dos casos previstos na Parte II **do Tratado**. Pronunciar-se-ão sob proposta de um Estado-Membro ou do **Representante Europeu para as Relações Externas**, apresentada a título individual ou em conjunto com a Comissão.

8. O Conselho Europeu poderá decidir, por unanimidade, que o Conselho delibere por maioria qualificada **fora dos** casos (3 palavras suprimidas) previstos na Parte II **do Tratado**.

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : 29

Suggestion for protocol :

By Mr : Valdo Spini

Status : - Alternate

Articolo 29

Politica estera e di sicurezza comune dell'Unione

1. L'Unione europea ~~si impegna a condurre~~ **stabilisce e attua** una politica estera e di sicurezza comune fondata sullo sviluppo graduale della reciproca solidarietà politica degli Stati membri, sull'individuazione ~~progressiva~~ delle questioni di interesse generale e sulla realizzazione di un livello di convergenza delle azioni degli Stati membri in costante crescita.
2. Il Consiglio europeo individua gli interessi strategici dell'Unione e fissa gli obiettivi della sua politica estera e di sicurezza comune. Il Consiglio dei ministri elabora tale politica secondo le modalità descritte nella Parte II della Costituzione.
3. Il Consiglio europeo e il Consiglio dei ministri adottano le decisioni necessarie.
4. La politica estera e di sicurezza comune è attuata dal ministro degli affari esteri dell'Unione e dagli Stati membri, ricorrendo ai mezzi nazionali e a quelli dell'Unione.
5. Gli Stati membri si concertano in sede di Consiglio e di Consiglio europeo su qualsiasi questione di politica estera e di sicurezza di interesse generale per definire un approccio comune. Prima di intraprendere qualsiasi azione sulla scena internazionale o di assumere qualsiasi impegno che potrebbe incidere sugli interessi dell'Unione, ciascuno Stato membro consulta gli altri in sede di Consiglio o di Consiglio europeo. Gli Stati membri assicurano, mediante la convergenza delle loro azioni, che l'Unione possa affermare i suoi interessi e valori sulla scena internazionale. Gli Stati membri sono solidali tra loro.
6. Il Parlamento europeo è consultato sui principali aspetti e sulle scelte fondamentali della politica estera e di sicurezza comune ed è tenuto al corrente della sua evoluzione. ***I Parlamenti nazionali sono regolarmente informati in merito allo sviluppo della politica estera e di sicurezza dell'Unione europea.***
7. In materia di politica estera e di sicurezza comune, il Consiglio europeo e il Consiglio dei ministri ~~adottano decisioni all'unanimità,~~ **adottano decisioni a maggioranza qualificata** salvo nei casi previsti nella Parte II della Costituzione. Essi si pronunciano su proposta di uno Stato membro o del ministro degli affari esteri dell'Unione da solo o congiuntamente con la Commissione.
8. Il Consiglio europeo può decidere all'unanimità che il Consiglio deliberi a maggioranza qualificata in casi diversi da quelli previsti nella Parte II della Costituzione.

Explanation (if any) :

L'intento è di stabilire come regola generale la maggioranza qualificata e l'unanimità come

eccezione. L'unanimità con 25 paesi membri, e domani con 27 o addirittura 34, significherebbe la paralisi. I rimedi proposti come il meccanismo di astensione qualificata, l'attuazione di strategie comuni ecc. ecc, si sono dimostrati nella pratica come largamente insufficienti. Andrebbero di conseguenza modificati gli articoli della Parte II della Costituzione interessati dalla suddetta modifica.

AMENDMENT FORM

Suggestion for amendment of Article : 29

Suggestion for protocol :

By Mr : John Gormley

Status : Alternate

Article 29.1 Delete all words after ‘The European Union shall undertake to’ and insert **“support the United Nations and its specialized agencies. Member States will provide the United Nations with military units for UN-mandated missions. Member States will conduct a common foreign and security policy based on the progressive identification of questions of general interest and grounded on the principles of the United Nations Charter.”**

Article 29.2 Insert after ‘security policy’ **“by unanimity”**.

Article 29.4 After ‘The common foreign and security policy’ insert **“based on the primacy of the United Nations as the maintainer of international peace, justice and security”**. Delete ‘Union’s Minister for Foreign Affairs’ and insert **‘European Commissioner for External Affairs’**. Insert after ‘using’ **“United Nations”**

Article 29.5 Delete the last two sentences, from **“Member States shall ensure...”** to **“Member States shall show mutual solidarity”**

Article 29.6 Insert after ‘consulted’ **“and shall formally advise”**

Article 29.7 Delete ‘or from the Union’s Minister for Foreign Affairs’

Article 29.8 Delete

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of to PART ONE, Title V, Article 29

Mr Hannes Farnleitner

Status : - Member

PART I – 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 **based on general guidelines of the European Council** 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 **implemented** ~~put into effect~~ by the Union's Minister for Foreign Affairs, **by the Commission** 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. **European** decisions relating to the common foreign and security policy shall be adopted by ~~European Council and the Council of Ministers unanimously, except in the cases referred to in Part Two of the Constitution~~ **in accordance with art. 9 of Part II. The Council** ~~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~~ **or from the Commission or from the Minister for Foreign Affairs acting jointly 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.
9. **The implementation of the Common Foreign, Security and Defence Policy shall not affect the competences of the Union referred to in Articles 11 to 13, 15 and 16 of the Constitution.**

Explanation (if any) :

Ad paragraph 9: see Article 47 TEU;

AMENDMENT FORM

Title V

Suggestion for amendment of Article : 29

By Members: 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, 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.

Status : Members and alternate members.

Article 29

The Union's common foreign and security policy

1. *The Union shall conduct a common foreign and security policy based on the development of mutual solidarity, the identification of questions of common interest and a close degree of convergence of the actions of Member States.*
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. *Without prejudice to the constitutional prerogatives of the Commission,* the common foreign and security policy shall be put into effect by the [*Minister of Foreign Affairs/Secretary of the Union*] and by the Member States, using national and Union resources.
5. Member States shall consult one another within the European Council and Council *of Ministers* 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, ***Member States shall consult each other*** 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.

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 ***regularly*** 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 ***by qualified majority***, 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.

Explanation:

1. The language as drafted is very loose, and suggests an almost lackadaisical attitude to the development of CFSP.

4. The merger of the pillars means it will be vital to protect explicitly the prerogatives of the Commission under Articles 11, 12, 13, 15 and 16.

5. We have again sought to tighten the wording without changing the meaning.

7. Presentationally, it is better to make QMV the norm and unanimity, as explicated in Part Two, the exception.

AMENDMENT FORM

Suggestion for amendment of Article 29 of Part I

By Mr : O'Sullivan and Ponzano

Status : Alternates

1) In paragraphs 2, 3 and 7, replace « *Council of Ministers* » by « *Council* ».

2) Add a new paragraph 9, drafted as follows :

« The implementation of the common foreign and security policy does not affect the Union's competences listed in Articles 11 to 13, 15 and 16 of the Constitution. »

Explanation :

1) The term « Council is used throughout the remainder of the text, while the term « Council of Ministers » appears only sporadically. Only one term should be used, for consistency reasons.

2) As stated in the commentary on Article 29 (CONV 685/03, page 15), the specific CFSP provisions do not affect the provisions for other policies and areas of external action. The text of the treaty itself must therefore contain an explicit provision (), so as to allow its implementation to be monitored, in the interest of both the institutions and the Member States (it is not enough to put this in a commentary). This is essential because the scope of CFSP is not defined in the Constitutional treaty and because different decision-making and control mechanisms will remain. The purpose of the proposed text is to maintain a provision similar to that of current Article 47 of the Treaty on the European Union, but to take the disappearance of the « pillars » into account.

In addition, this fits the conclusions of the discussion circle on the Court of Justice (CONV 689/03, point 7b).

FICHE AMENDEMENT

Proposition d'amendement à l'article 29 de la partie I

Déposée par M. O'Sullivan et M. Ponzano

Qualité : Suppléants

1) Dans les paragraphes 2, 3 et 7, remplacer « *Conseil des Ministres* » par « *Conseil* ».

2) Ajouter un paragraphe 9, rédigé comme suit :

« La mise en œuvre de la politique étrangère et de sécurité commune n'affecte pas les compétences de l'Union énumérées aux articles 11 à 13, 15 et 16 de la Constitution »

Explication :

1) L'expression « *Conseil* » est utilisée dans le reste du texte, contrairement à l'expression « *Conseil des Ministres* » qui n'apparaît que sporadiquement. Pour des raisons de cohérence, il convient de ne retenir qu'une seule terminologie.

2) Comme l'indique le commentaire sous l'article 29 (CONV 685/03, page 15), les dispositions spécifiques de la PESC n'affectent pas les dispositions des autres politiques et domaines de l'action extérieure. Une disposition explicite doit donc figurer dans le texte du traité lui-même, et pas seulement dans un commentaire, afin de permettre un contrôle de son respect, tant dans l'intérêt des différentes institutions que des Etats membres. . Ceci est particulièrement nécessaire en raison de l'absence de définition dans le traité constitutionnel du champ d'application de la PESC et du maintien de procédures de décision et de contrôle différentes. Le texte proposé vise à maintenir une disposition similaire à celle de l'article 47 du traité sur l'Union européenne, dans une formulation tenant compte de la disparition des « piliers ».

Ceci est en outre conforme aux conclusions du cercle de réflexion sur la Cour de justice (CONV 689/03, point 7b).

AMENDMENT FORM

Suggestion for amendment of Article 29

By 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.

Status : - Member: Hjelm-Wallén, Lekberg and Lennmarker
 - Alternate: Petersson and Kvist

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~~¹ 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~~² determine the objectives of the ~~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~~

¹ Unnecessary

² Unnecessary; since the role of the ER is described in more detail in Part II

the Commission **or from the Union's Minister for Foreign Affairs together with the Commission.**³

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.

³ A Member State, the Minister for Foreign Affairs and the Commission should be equally entitled to submit proposals.

AMENDMENT FORM

Title V

Suggestion for amendment of Article : 29

By Members: Voggenhuber, Lichtenberger, Wagener,

Status : Members and alternate members.

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~~ **a full** degree of convergence of Member States' actions.

1 bis. The common framework for external relations shall combine foreign and security policy, international and economic relations and trade, common development, cooperation policy and humanitarian aid.

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~~ **European institutions** shall frame ~~this policy~~ the common foreign and **security 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 **according to their respective competences.**

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~~ **common** 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 participate in the definition of principles and directions of the common foreign and security policy in accordance with the provisions defined in Part Two of the Constitution.** ~~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.~~

Explanation:

AMENDMENT FORM

Suggestion for amendment of Article: 29, Part I

By Ms Sandra Kalniete, Mr Roberts Zile, Ms Liene Liepina, Mr Rihards Piks, Mr Arturs Krisjanis Karins, Mr Guntars Krasts.

**Status: - Member: S.Kalniete; L.Liepina; R.Piks
- Alternate: R.Zile; A.K.Karins; G.Krasts**

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 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.**

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. 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.
4. The European Council and the Council of Ministers shall adopt the necessary decisions.
5. 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.
6. 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.

7. 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.
8. 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.
9. 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.

Explanation (if any):

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 29

Proposition d'amendement au protocole:

Déposée par Madame ou Monsieur : Gianfranco FINI – Francesco SPERONI

Qualité : - Membre - Suppléant

Articolo 29: Politica estera e di sicurezza comune dell'Unione

1. L'Unione europea **stabilisce ed attua** ~~si impegna a condurre~~ una politica estera e di sicurezza comune fondata sullo sviluppo graduale della reciproca solidarietà politica degli Stati membri, sull'individuazione ~~progressiva~~ delle questioni di interesse generale e sulla realizzazione di un livello di convergenza delle azioni degli Stati membri in costante crescita.
2. Il Consiglio europeo individua gli interessi strategici dell'Unione e fissa gli obiettivi della sua politica estera e di sicurezza comune. Il Consiglio dei ministri elabora tale politica secondo le modalità descritte nella Parte II della Costituzione.
3. Il Consiglio europeo e il Consiglio dei ministri adottano le decisioni necessarie.
4. La politica estera e di sicurezza comune è attuata dal ministro degli affari esteri dell'Unione e dagli Stati membri, ricorrendo ai mezzi nazionali e a quelli dell'Unione.
5. Gli Stati membri si concertano in sede di Consiglio e di Consiglio europeo su qualsiasi questione di politica estera e di sicurezza di interesse generale per definire un approccio comune. Prima di intraprendere qualsiasi azione sulla scena internazionale o di assumere qualsiasi impegno che potrebbe incidere sugli interessi dell'Unione, ciascuno Stato membro consulta gli altri in sede di Consiglio o di Consiglio europeo. Gli Stati membri assicurano, mediante la convergenza delle loro azioni, che l'Unione possa affermare i suoi interessi e valori sulla scena internazionale. Gli Stati membri sono solidali tra loro.
6. Il Parlamento europeo è consultato sui principali aspetti e sulle scelte fondamentali della politica estera e di sicurezza comune ed è tenuto al corrente della sua evoluzione.

7. In materia di politica estera e di sicurezza comune, il Consiglio europeo e il Consiglio dei ministri adottano decisioni all'unanimità, salvo nei casi previsti nella Parte II della Costituzione. Essi si pronunciano su proposta di uno Stato membro o del ministro degli affari esteri dell'Unione da solo o congiuntamente con la Commissione.
8. Il Consiglio europeo può decidere all'unanimità che il Consiglio deliberi a maggioranza qualificata in casi diversi da quelli previsti nella Parte II della Costituzione.

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article 29

By Ms / Mr : Ms Helle THORNING-SCHMIDT

Status : - Alternate

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 *[2 words deleted]* development of mutual political solidarity among Member States, *[2 words deleted]* identification of questions of general interest and the achievement of an ever-increasing degree of convergence of Member States' actions.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 29 (Part 1)

By Mr : Ingvar SVENSSON

Status : - Alternate

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~~ ¹ **Commission** 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.~~²

¹ No Minister for Foreign Affairs shall be appointed; see my amendment on article 19 (Part 1).

² Rules for qualified majority shall be in the Constitution.

AMENDMENT FORM

Suggestion for amendment of Article : Entwurf der Artikel des Verfassungsvertrags, die das außenpolitische Handeln betreffen

Suggestion for protocol :

By Mr : Joachim Wuermeling

Status : - Alternate

TEIL I - TITEL V

Artikel 29

Die Gemeinsame Außen- und Sicherheitspolitik der Union

(6) Das Europäische Parlament wird zu den wichtigsten Aspekten und den grundlegenden Weichenstellungen der Gemeinsamen Außen- und Sicherheitspolitik gehört und über ihre Entwicklung auf dem Laufenden gehalten. **Operative Aktionen bedürfen seiner Zustimmung.**

Explanation (if any) :

Verbesserung der parlamentarischen Kontrolle des außenpolitischen Handelns.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 29 (paragraphe 1 et 7)

Déposée par Monsieur Alain Lamassoure

Qualité : Membre

Article 29

La politique étrangère et de sécurité commune de l'Union

1. L'Union européenne ~~s'engage à conduire~~ **conduit** une politique étrangère et de sécurité commune, fondée sur ~~un développement progressif de~~ la solidarité politique mutuelle des États membres, sur l'identification ~~progressive~~ des questions présentant un intérêt général et sur la ~~réalisation d'un degré toujours croissant de~~ convergence des actions des États membres.
2. Le Conseil européen identifie les intérêts stratégiques de l'Union et fixe les objectifs de sa politique étrangère et de sécurité commune. Le Conseil des ministres élabore cette politique selon les modalités de la Partie II de la Constitution.
3. Le Conseil européen et le Conseil des ministres adoptent les décisions nécessaires.
4. Cette politique étrangère et de sécurité commune est exécutée par le Ministre des Affaires étrangères de l'Union et par les États membres, en utilisant les moyens nationaux et ceux de l'Union.
5. Les États membres se concertent au sein du Conseil et du Conseil européen sur toute question de politique étrangère et de sécurité présentant un intérêt général en vue de définir une approche commune. Avant d'entreprendre toute action sur la scène internationale ou tout engagement qui pourrait affecter les intérêts de l'Union, chaque État membre consulte les autres au sein du Conseil ou du Conseil européen. Les États membres assurent, par la convergence de leurs actions, que l'Union puisse faire valoir ses intérêts et valeurs sur la scène internationale. Les États membres sont solidaires entre eux.

6. Le Parlement européen est consulté sur les aspects principaux et choix fondamentaux de la politique étrangère et de sécurité commune, et est tenu informé de son évolution.
7. En matière de politique étrangère et de sécurité commune, ~~le Conseil européen et le Conseil des ministres adoptent~~ des décisions à l'unanimité **la majorité qualifiée**, sauf dans les cas prévus dans la Partie II de la Constitution. Ils se prononcent sur une proposition d'un État membre, ou du Ministre des Affaires étrangères de l'Union, seul ou conjointement avec la Commission.

Toutefois, un Etat membre, le Ministre des Affaires étrangères ou le Président du Conseil européen peuvent demander l'arbitrage du Conseil européen, qui se prononce à la majorité qualifiée.

Un Etat membre mis en minorité peut évoquer une « clause d'intérêt national » pour ne pas participer à l'application des décisions de l'Union. Il s'abstient cependant de tout comportement susceptible de gêner celle-ci.

La clause d'intérêt national ne peut être invoquée pour l'application d'une décision prise dans le cadre de l'Organisation des Nations-Unies, ou d'une autre organisation internationale à laquelle adhèrent les Etats membres.

8. Le Conseil européen peut décider à l'unanimité que le Conseil statue à la majorité qualifiée dans d'autres cas que ceux visés dans la Partie II de la Constitution.

Explication sur le paragraphe 1 : Les nuances diplomatiques qui existaient dans les traités n'ont pas leur place dans une constitution. Que veut dire « l'Union s'engage à conduire une politique » ? Elle a la compétence de le faire, ou elle ne l'a pas – le reste est affaire de volonté politique. De même, la « progressivité » du sentiment de solidarité ou de l'identification des questions d'intérêt général fait sourire. Ces termes restrictifs sont d'ailleurs contredits par la style direct et mieux pensé des paragraphes suivants.

Explication sur le paragraphe 7 : A vingt-cinq membres, l'unanimité est impossible à obtenir sur un sujet sensible. Aussi la recherche de l'efficacité combinée avec la préservation des prérogatives des Etats membres peut-elle passer par un mécanisme en trois temps :

1 – Le droit commun est la compétence du Conseil des Ministres, et celui-ci décide à la majorité

qualifiée : l'action internationale exige une grande rapidité de réaction, et les chefs de gouvernement ne peuvent pas être systématiquement mis à contribution.

2 – Si une position du Conseil suscite de graves objections de la part d'un (ou plusieurs) Etat(s) mis en minorité, une procédure d'appel, conçue comme rare et solennelle, existe auprès du Conseil européen.

3 – Si, malgré cette « seconde lecture » au Sommet un (ou plusieurs) Etat(s) refuse(nt) la décision ainsi confirmée, on lui/leur ouvre la possibilité de ne pas participer à l'application, par une « clause d'intérêt national ». Une disposition de ce genre peut être utile, par exemple, pour un Etat qui aurait un intérêt particulier, distinct de ses partenaires, dans l'affaire en cause : pays voisin géographique du lieu de la crise, pays ayant des liens historiques ou économiques particuliers avec le pays concerné par la crise etc. En revanche, il est important de préciser qu'une telle clause ne doit pas permettre à un Etat de gêner la démarche de l'Union, ni de faire obstacle à une décision prise dans le cadre de l'ONU.

AMENDMENT FORM

Suggestion for amendment of PART I – TITLE V, Article 29

By : Mr. John Cushnahan

Status : -Alternate

Suggestion for PART I – 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. **However, to further strengthen an EU foreign**

policy, a system of sanctions against any member who takes unilateral action in defiance of agreed EU foreign policy, shall be introduced.

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. The Council 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.

Explanation (if any) : *Recent events show that systematic cooperation and solidarity between Member States may not be enough even after a common decision in the field of the CFSP has been adopted. Therefore, it is recommended to introduce a compulsory element to make sure that Members States will not undertake any kind of unilateral decision by their own in such cases.*

FICHE AMENDEMENT

Proposition d'amendement à l'Article 29- Partie I - Architecture constitutionnelle Titre V L'exercice des compétences de l'Union

Déposée par Monsieur William ABITBOL

Qualité : - Suppléant

Article 29 : De la diplomatie et de la sécurité commune

(Conv 685/03)

1. L'action diplomatique et la politique extérieure de l'Union sont fondées sur **la libre coopération entre les Etats-membres** et leur volonté commune d'associer plus étroitement leurs propres politiques étrangères.

2. Sur proposition du Ministre des Affaires étrangères, ou d'un ou plusieurs Etats membres, le Conseil européen définit les objectifs et les moyens de ces coopérations.

Ces coopérations peuvent associer l'ensemble des Etats-membres, ou seulement quelques-uns d'entre eux, avec l'accord de tous.

3. Une fois adoptées par le Conseil européen, les coopérations en matière de diplomatie et de sécurité extérieure sont conduites par le Ministre des Affaires étrangères et les Etats membres concernés. Le Parlement européen et les parlements nationaux des Etats concernés sont consultés.

4. Aucune coopération en matière de diplomatie et de sécurité extérieure ne peut aller à l'encontre d'une résolution du Conseil de sécurité de l'ONU.

FICHE D'AMENDEMENT

Proposition d'amendement à l'article: 29, Partie I, Titre V du projet de Traité constitutionnel (CONV 685/03)

Déposée par: Monsieur le Professeur Jürgen Meyer, délégué du Bundestag allemand

Qualité: - Membre -

Objectif: Mention des droits du PE au paragraphe 6, suppression du vote à l'unanimité et introduction, au paragraphe 7, de la prise de décision à la majorité qualifiée au Conseil européen et au Conseil des ministres.

Article 29: La politique étrangère et de sécurité commune de l'Union

[...]

6. ~~Le Parlement européen est consulté~~ **Le Ministre des Affaires étrangères consulte le Parlement européen** sur les aspects principaux et choix fondamentaux de la politique étrangère et de sécurité commune, ~~et est tenu informé de son évolution~~ **et veille à ce que les vues du Parlement européen soient prises en considération. Le Parlement européen est tenu régulièrement informé par le Ministre des Affaires étrangères sur l'évolution de la politique étrangère et de sécurité de l'Union.**

Le Parlement européen peut adresser des questions ou formuler des recommandations à l'intention du Ministre des Affaires étrangères ou du Conseil. Il procède chaque année à un débat sur les progrès réalisés dans la mise en œuvre de la politique étrangère et de sécurité commune.

7. En matière de politique étrangère et de sécurité commune, le Conseil européen et le Conseil des ministres adoptent des décisions à l'unanimité **à la majorité qualifiée**, ~~sauf dans les cas prévus dans la Partie II de la Constitution.~~ Ils se prononcent sur une proposition d'un État membre, ou du Ministre des Affaires étrangères de l'Union, seul ou conjointement avec la Commission.

Les États membres qui s'abstiennent ou votent contre la décision ne sont pas tenus d'appliquer celle-ci. Ils acceptent toutefois que la décision engage l'Union. Dans un esprit de

solidarité mutuelle, l'État membre concerné s'abstient de toute action susceptible d'entrer en conflit avec l'action de l'Union fondée sur cette décision ou d'y faire obstacle.

~~8. Le Conseil européen peut décider à l'unanimité que le Conseil statue à la majorité qualifiée dans d'autres cas que ceux visés dans la Partie II de la Constitution.~~

Explication:

Dans une Union élargie à 25 États membres, et sur la base des enseignements de la crise irakienne, la prise de décision à l'unanimité en matière de politique étrangère et de sécurité commune ne peut plus être considérée comme une structure de décision efficace. C'est pourquoi il faut introduire, au paragraphe 7, le principe de la prise de décision à la majorité qualifiée, tant au Conseil européen qu'au Conseil des ministres. En outre, conformément à l'actuel article 23 TUE, il faut garantir qu'aucun État membre ne soit obligé d'appliquer la décision pour laquelle il s'est abstenu ou a voté contre. Les dispositions de la Partie II, Titre B, doivent être adaptées en conséquence.

Les droits du Parlement européen en matière de PESC doivent être énoncés explicitement dans la Constitution, en correspondance avec l'actuel article 21 TUE, et après adaptation à la nouvelle fonction du Ministre des Affaires étrangères.

AMENDMENT FORM

Suggestion for amendment of: Article 29, Part I, Title V of the draft Constitution (CONV 685/03)

By: Professor Jürgen Meyer, delegate of the German Bundestag

Status : - Member -

Aim: To incorporate the rights of the European Parliament into paragraph 6, to abolish unanimity and introduce decision-making by qualified majority in the European Council and in the Council of Ministers in paragraph 7.

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

[...]

6. ~~The European Parliament~~ **The Minister for Foreign Affairs shall consult 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.~~ **and shall ensure that the views of the European Parliament are 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.**

The European Parliament may ask questions, or make recommendations to, the Minister for Foreign Affairs or the Council. It shall hold an annual debate on progress in implementing the common foreign and security policy.

7. Decisions relating to the common foreign and security policy shall be adopted by the European Council and the Council of Ministers ~~unanimously,~~ **by qualified majority.** ~~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.

Member States which have abstained or voted against in the vote 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.

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.~~

Explanation :

In an enlarged Union with 25 Member States, and in light of the lessons learned from the Iraq crisis, unanimity can no longer be regarded as an efficient decision-making structure in the common foreign and security policy. Decision-making by qualified majority must therefore be introduced both for the European Council and for the Council of Ministers in paragraph 7. In accordance with existing Article 23 of the Treaty on European Union (TEU), Member States which have abstained or voted against in the vote will not be obliged to apply the decision. The provisions in Part Two, Title B must be adapted accordingly.

The rights of the European Parliament in the area of the common foreign and security policy must be enshrined explicitly in the Constitution in accordance with existing Article 21 TEU and adapted to the new post of Minister for Foreign Affairs.

AMENDMENT FORM

Vorschlag für die Änderung von: Artikel 29, Teil I, Titel V des Verfassungsentwurfs (CONV 685/03)

von Herrn: Prof. Dr. Jürgen Meyer, Delegierter des Deutschen Bundestages

Status: - Mitglied -

Ziel: Aufnahme der Rechte des EP in Abs. 6, Abschaffung der Einstimmigkeit und Einführung der Beschlussfassung mit qualifizierter Mehrheit im Europäischen Rat und im Ministerrat in Abs. 7

Artikel 29: Die Gemeinsame Außen- und Sicherheitspolitik der Union

[...]

(6) Das Europäische Parlament wird **Der Minister für Auswärtige Angelegenheiten hört das Europäische Parlament** zu den wichtigsten Aspekten und den grundlegenden Weichenstellungen der Gemeinsamen Außen- und Sicherheitspolitik ~~gehört und über ihre Entwicklung auf dem Laufenden gehalten~~ **und achtet darauf, dass die Auffassungen des Europäischen Parlaments berücksichtigt werden. Das Europäische Parlament wird vom Minister für Auswärtige Angelegenheiten regelmäßig über die Entwicklung der Außen- und Sicherheitspolitik der Union unterrichtet.**

Das Europäische Parlament kann Anfragen oder Empfehlungen an den Minister für Auswärtige Angelegenheiten oder den Rat richten. Einmal jährlich führt es eine Aussprache über die Fortschritte bei der Durchführung der Gemeinsamen Außen- und Sicherheitspolitik.

(7) Im Bereich der Gemeinsamen Außen- und Sicherheitspolitik nehmen der Europäische Rat und der Ministerrat ~~außer in den in Teil II der Verfassung vorgesehenen Fällen~~ Beschlüsse einstimmig **mit qualifizierter Mehrheit** an. Sie beschließen auf Vorschlag eines Mitgliedstaates oder des Außenministers der Union oder auf gemeinsamen Vorschlag des Außenministers der Union und der Kommission.

Mitgliedstaaten, die sich bei der Abstimmung der Stimme enthalten oder eine Gegenstimme abgegeben haben, sind nicht verpflichtet, den Beschluss durchzuführen. Sie akzeptieren jedoch, dass der Beschluss für die Union bindend ist. Im Geiste gegenseitiger Solidarität unterlässt der betreffende Mitgliedstaat alles, was dem auf diesem Beschluss beruhenden

Vorgehen der Union zuwider laufen oder es behindern könnte.

~~(8) Der Europäische Rat kann einstimmig entscheiden, dass der Rat in anderen als den in Teil II der Verfassung genannten Fällen mit qualifizierter Mehrheit beschließt.~~

Begründung:

In einer erweiterten Union mit 25 Mitgliedstaaten und nach den Lehren der Irak-Krise kann in der Gemeinsamen Außen- und Sicherheitspolitik die einstimmige Beschlussfassung nicht mehr als effiziente Entscheidungsstruktur angesehen werden. Darum ist in Absatz 7 die Beschlussfassung mit qualifizierter Mehrheit sowohl für den Europäischen Rat als auch für den Ministerrat einzuführen. Dabei wird entsprechend dem heutigen Art. 23 EU kein Mitgliedstaat, der sich bei der Beschlussfassung enthalten oder eine Gegenstimme abgegeben hat, zur Durchführung des Beschlusses verpflichtet. Die Vorschriften in Teil II Titel B sind entsprechend anzupassen.

Die Rechte des EP in der GASP sind entsprechend dem heutigen Art. 21 EU und angepaßt an das neue Amt des Ministers für auswärtige Angelegenheiten explizit in der Verfassung zu verankern.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 29

Déposée par Madame : **Cristiana MUSCARDINI**

Qualité : Membre

Articolo 29:Politica estera e di sicurezza comune dell'Unione

Par. 7

In materia di politica estera e di sicurezza comune, il Consiglio europeo e il consiglio dei ministri adottano decisioni **a maggioranza qualificata**. Essi si pronunciano su proposta di uno Stato membro, o del ministro degli affari esteri dell'Unione da solo o congiuntamente con la Commissione, **o del Parlamento europeo**.

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : Article 29 Part I Title V (p.12)

Suggestion for protocol :

By Ms / Mr : David Heathcoat-Amory

Status : X - Member - Alternate

The Union's common foreign and security policy

1. *[Delete: 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.]*

Member States may use Communities facilities to foster mutual cooperation in foreign and security affairs.

[Delete: 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]* **may** adopt *[the necessary]* **joint CFSP Decisions. CFSP Decisions shall be determined by unanimity, and are non-legislative.**

*[Delete: 4. The common foreign and security policy [shall] **may** 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]* **may** 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.]*

[Delete: 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.]

Explanation (if any) : These amendments restore the intergovernmental, cooperative aspect to the CFSP.

AMENDMENT FORM

Title V

Suggestion for amendment of Article 29

By Mr. Adrian Severin

Status :Alternate Member

The paragraph 4 should be modified as follows:

4. The common foreign and security policy shall be put into effect by the Union's Minister for Foreign Affairs, **by the Commission** and by the Member States, using national and Union resources.

The paragraph 7 should be modified as follows:

7. Decisions relating to the common foreign and security policy shall be adopted by the European Council and the Council of Ministers by **enhanced qualified majority**. 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.

Explanation:

1. The Commission cannot be excluded completely from the implementation of the common foreign and security policy.

2. Unanimity does not represent a way to encourage a common position on foreign and security policy. Unanimity should be preserved only in the case when the Union takes military action.

AMENDMENT FORM

Suggestion for amendment of Article : 29 paragraph 8 (Part I title V)

Suggestion for protocol :

By Ms / Mr : Esko Seppänen

Status : Alternate

Article 29 paragraph 8

DELETE: 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.~~

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 29 paragraph 7 (Part I title V)

Suggestion for protocol :

By Ms / Mr : Esko Seppänen

Status : Alternate

Article 29 Paragraph 7

7. Decisions relating to the common foreign and security policy shall be adopted by the European Council and the Council of Ministers unanimously [**DELETE: 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.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 29

Suggestion for protocol :

By Mr : Dick Roche

Status : - Member

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~~ **Union** Minister for Foreign Affairs and by the Member States, using ~~national and Union~~ **Union and national** resources **respectively**.
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~~ **advance** its ~~values interests~~ **values interests** and ~~values interests~~ 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. **This provision shall not apply to decisions having military or defence implications.**

Explanation (if any) : The procedure outlined at subsection 8 should not apply to matters having military or defence implications in keeping with the general view within the Convention that unanimity should remain the rule in this area. It is more appropriate to refer to the Union advancing its values and then its interests at subsection 5. The change at subsection 4 ensures the text is consistent in the sequence of Union and national resources.

The term 'Union Minister for Foreign Affairs' should be used throughout.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 29, Titre V, Partie I

Déposée par M. Jacques FLOCH, Membre suppléant

Article 29 : La politique étrangère et de sécurité commune de l'Union

Insérer après le paragraphe 8 de l'article 29, le paragraphe suivant :

- « 1. En cas d'incapacité du Conseil européen et du Conseil à adopter des décisions, notamment celles relatives à l'identification des intérêts stratégiques de l'Union et des objectifs de la politique étrangère et de sécurité commune, un groupe d'Etats peut établir une coopération renforcée dans le cadre de l'Union.*
- 2. La coopération renforcée a pour but de sauvegarder les valeurs et de servir les intérêts de l'Union en affirmant son identité en tant que force cohérente et responsable sur la scène internationale.*
- 3. Les Etats qui proposent d'instaurer entre eux une coopération renforcée adressent une demande en ce sens au Ministre européen des affaires étrangères.*
- 4. La Commission vérifie dans un délai raisonnable que la coopération envisagée s'inscrit dans le respect de l'Union et de l'affirmation de ses valeurs et de ses objectifs fondamentaux.*
- 5. L'autorisation est accordée par le Conseil statuant à la majorité des Etats membres*
- 6. Un membre du Conseil peut demander que le Conseil européen soit saisi. Après examen, le Conseil statue comme prévu au point 5 de cet article.*
- 7. la coopération renforcée est ouverte à tout Etat membre pour autant qu'il remplisse les éventuels critères de capacités.*
- 8. La coopération renforcée s'appuie sur le dispositif institutionnel du traité, mais seuls les représentants des Etats membres participants à la coopération prennent part à l'adoption des décisions.*
- 9. Le Ministre européen des affaires étrangères est étroitement associé à la mise en œuvre de la coopération renforcée.*

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : 29, part 1

Suggestion for protocol :

**By Ms / Mr : G.M. de Vries
 T.J.A.M. de Bruijn**

Status : Members

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~~ shall define 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 Council of Ministers shall frame this policy in accordance with the arrangements in Part Two of the Constitution and 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 three or more Member States, ~~or~~ from the Union's Minister for Foreign Affairs or from the Commission, alone or together with the ~~Commission~~ Minister for Foreign Affairs.
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.

Explanation (if any) : As to paragraph 2 and 3, this leads to a better division of powers between the Council and the European Council.

AMENDMENT FORM

Suggestion for amendment of Article : 29

By Mr Joschka Fischer

Status : - Member

Artikel 29

Die Gemeinsame Außen- und Sicherheitspolitik der Union

- (1) Die Europäische Union verpflichtet sich zu einer gemeinsamen Außen- und Sicherheitspolitik, die sich auf alle Bereiche der Außen- und Sicherheitspolitik, einschließlich der Gemeinsamen Sicherheits- und Verteidigungspolitik erstreckt und die auf einer fortschreitenden Entwicklung der gegenseitigen politischen Solidarität der Mitgliedstaaten, der fortschreitenden gemeinsamen Ermittlung der Fragen von allgemeiner Bedeutung und der Positionen der Union auf diese Fragen, der gegenseitigen Abstimmung und einer zunehmend stärkeren Konvergenz zwischen den Maßnahmen der Mitgliedstaaten beruht.
- (2) Der Europäische Rat bestimmt die strategischen Interessen der Union und legt die Ziele ihrer Gemeinsamen Außen- und Sicherheitspolitik, und zwar auch bei Fragen mit verteidigungspolitischen Bezügen fest. Der Ministerrat Rat trifft die für die Festlegung und Durchführung der Gemeinsamen Außen- und Sicherheitspolitik erforderlichen Entscheidungen auf dieser Grundlage gestaltet diese Politik nach Maßgabe von Teil II der Verfassung aus.
- (3) ~~Der Europäische Rat und der Ministerrat fassen die erforderlichen Beschlüsse.~~
- (4) Diese Gemeinsame Außen- und Sicherheitspolitik wird vom Außenminister der Union und von den Mitgliedstaaten mit den auf einzelstaatlicher und auf Unionsebene verfügbaren Mitteln umgesetzt.
- (5) Die Mitgliedstaaten stimmen einander im Rat und im Europäischen Rat zu jeder außen- und sicherheitspolitischen Frage von allgemeiner Bedeutung ab, um ein gemeinsames Vorgehen festzulegen. Bei Auftreten einer internationalen Krise oder einer Frage von strategischer Bedeutung für die Union beruft der Europäische Außenminister unverzüglich den Rat ein. Dieser beschließt

eine gemeinsame Haltung der Union. Bevor ein Mitgliedstaat auf internationaler Ebene eine Maßnahme ergreift oder eine Verpflichtung eingeht, die die Interessen der Union berühren könnte, konsultiert er die anderen Mitgliedstaaten im Rat oder im Europäischen Rat. Die Mitgliedstaaten gewährleisten durch konvergentes Handeln, dass die Union ihre Interessen und Werte auf internationaler Ebene geltend machen kann. Die Mitgliedstaaten sind untereinander solidarisch.

(6) Das Europäische Parlament wird zu den wichtigsten Aspekten und den grundlegenden Weichenstellungen der Gemeinsamen Außen- und Sicherheitspolitik gehört und über ihre Entwicklung auf dem Laufenden gehalten.

(7) Im Bereich der Gemeinsamen Außen- und Sicherheitspolitik ~~nehmen der Europäische Rat und der Ministerrat~~ außer in den in Teil II der Verfassung vorgesehenen Fällen und mit der Ausnahme von Beschlüssen mit militärischen oder verteidigungspolitischen Bezügen, Beschlüsse ~~einstimmig~~ mit qualifizierter Mehrheit an. ~~Sie Er beschließen beschließt~~ auf Vorschlag eines Mitgliedstaates oder des Außenministers der Union oder auf gemeinsamen Vorschlag des Außenministers der Union und der Kommission.

[(8) Der Europäische Rat kann einstimmig entscheiden, dass der Rat in anderen als den in Teil II der Verfassung genannten Fällen mit qualifizierter Mehrheit beschließt.]*

Explanation (if any) :

Absatz 1: Die Rahmen der Gemeinsamen Außen- und Sicherheitspolitik darf nicht hinter die bestehenden Bestimmungen zurückfallen (Art. 11 EUV) sondern sollte weiterentwickelt werden.

Absatz 2: Die unterschiedlichen Aufgaben von Europäischem Rat und Rat sollten klar beschrieben werden: Der Europäische Rat bestimmt die strategischen Interessen der Union und legt die Ziele ihrer Gemeinsamen Außen- und Sicherheitspolitik fest, der Rat trifft auf dieser Grundlage die für die Festlegung und Durchführung der Gemeinsamen Außen- und Sicherheitspolitik erforderlichen Entscheidungen.

Absatz 3: Durch Überarbeitung von Absatz 2 überflüssig.

Absatz 5: Bei der Abstimmung von Positionen zu außen- und sicherheitspolitischen Frage von allgemeiner Bedeutung sollte der Europäische Außenminister eine besondere Rolle spielen. Zudem sollte deutlich gemacht werden, dass die Union in solchen Fällen die Festlegung einer

gemeinsamen Haltung anstrebt.

Absatz 7: Grundsätzlich sollten Entscheidungen im Bereich der Gemeinsamen Außen- und Sicherheitspolitik, mit der Ausnahme von Fragen mit militärischen oder verteidigungspolitischen Bezügen, mit qualifizierter Mehrheit getroffen werden.

Absatz 8: Diese Bestimmung ist bei grundsätzlicher Beschlussfassung mit qualifizierter Mehrheit nicht erforderlich.

Anmerkung: Zudem sollte das Instrument der verstärkten Zusammenarbeit auf alle Bereiche der Gemeinsamen Außen- und Sicherheitspolitik angewandt werden können. Bestehende Ausnahmeregelungen sollten gestrichen werden (Art. 27 b EUV).

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 29

Déposée par MM. Hubert Haenel, membre titulaire, et Robert Badinter, membre suppléant

Article 29 : La politique étrangère et de sécurité commune de l'Union

6 bis. **La COSAC est tenue informée de l'évolution de la politique étrangère et de sécurité commune et peut soumettre à ce sujet des contributions au Conseil.**

Explication éventuelle :

Les parlements nationaux ne peuvent être tenus à l'écart de la mise en oeuvre de la politique étrangère et de sécurité commune. C'est dans le cadre de la COSAC qu'il paraît souhaitable d'assurer leur information.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 29, 30, 31

Déposée par Madame et Monsieur : Maria Eduarda Azevedo / António Nazaré Pereira

Qualité : Membre Effective / Suppléant

Articles 29, 30, 31

Les exceptions aux règles générales doivent être clairement définies dans le cadre d'une clause évolutive qui entraîne la transition vers les règles générales dans un délai fixé et par consensus du Conseil européen.

AMENDMENT FORM

Suggestion for amendment of Article: 29 Common foreign and security policy

By The Earl of Stockton MEP

Status : Alternate

DELETE

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article 29:

By Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives and Mr Sören Lekberg, Mr Göran Lennmarker, Mr Kenneth Kvist and Mr Ingvar Svensson, national parliament representatives.

**Status : - Member: Hjelm-Wallén, Lekberg and Lennmarker
- Alternate: Petersson, Kvist and Svensson**

Article 29: ~~[Common foreign and security policy]~~ External action¹

¹ Specific provisions are probably necessary in all areas of external action (CFSP, defence policy, development policy and commercial policy). All areas of external action will also feature under a common heading in Part Two of the Constitution.

AMENDMENT FORM

Suggestion for amendment of Article 29

By : TIMOTHY KIRKHOPE MEP

Status : MEMBER

PRAESIDIUM	TIMOTHY KIRKHOPE MEP
<u>Article 29: [Common foreign and security policy]</u>	<i>DELETE</i>

AMENDMENT FORM

Suggestion for amendment of Article : I-39

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

Status : - Member - ~~Alternate~~

Artikel I-39: Besondere Bestimmungen für die Durchführung der Gemeinsamen Außen- und Sicherheitspolitik

(1) Die Europäische Union verfolgt eine gemeinsame Außen- und Sicherheitspolitik, die auf einer Entwicklung der gegenseitigen politischen Solidarität der Mitgliedstaaten, der Ermittlung der Fragen von allgemeiner Bedeutung und der Erreichung einer immer stärkeren Konvergenz des Vorgehens der Mitgliedstaaten beruht.

(2) Der Europäische Rat bestimmt die strategischen Interessen der Union und legt die Ziele ihrer Gemeinsamen Außen- und Sicherheitspolitik fest. Der Ministerrat gestaltet diese Politik im Rahmen der vom Europäischen Rat festgelegten strategischen Leitlinien nach Maßgabe von Teil III der Verfassung.

~~(3) Der Europäische Rat und der Ministerrat erlassen die erforderlichen Europäischen Beschlüsse.~~

(4) Diese Gemeinsame Außen- und Sicherheitspolitik wird vom Minister für Auswärtige Angelegenheiten der Union und von den Mitgliedstaaten mit den einzelstaatlichen Mitteln und denen der Union durchgeführt.

(5) Die Mitgliedstaaten stimmen einander im Rat und im Europäischen Rat zu jeder außen- und sicherheitspolitischen Frage von allgemeiner Bedeutung ab, um ein gemeinsames Vorgehen festzulegen. Bevor ein Mitgliedstaat in einer Weise, die die Interessen der Union berühren könnte auf internationaler Ebene tätig wird oder eine Verpflichtung eingeht, konsultiert er die anderen Mitgliedstaaten im Rat oder im Europäischen Rat. Die Mitgliedstaaten gewährleisten durch konvergentes Handeln, dass die Union ihre Interessen und Werte auf internationaler Ebene geltend machen kann. Die Mitgliedstaaten sind untereinander solidarisch.

(6) Das Europäische Parlament wird zu den wichtigsten Aspekten ~~und den grundlegenden Weichenstellungen~~ der Gemeinsamen Außen- und Sicherheitspolitik regelmäßig gehört und über ihre Entwicklung auf dem Laufenden gehalten. **Grundlegende Weichenstellungen bedürfen der Zustimmung des Europäischen Parlaments.**

(7) Im Bereich der Gemeinsamen Außen- und Sicherheitspolitik fassen der Europäische Rat und der Ministerrat ~~außer in den in Teil III der Verfassung vorgesehenen Fällen~~ Beschlüsse einstimmig. ~~Sie beschließen~~ auf Vorschlag eines Mitgliedstaates, des Ministers für Auswärtige Angelegenheiten der Union oder des Ministers mit Unterstützung der Kommission. Europäische Gesetze und Rahmengesetze sind ausgeschlossen.

~~(8) Der Europäische Rat kann einstimmig beschließen, dass der Rat in anderen als den in Teil III der Verfassung genannten Fällen mit qualifizierter Mehrheit beschließt.~~

Explanation (if any) :

Absatz 3:

Diese Bestimmung könnte als Generalermächtigung im Bereich der GASP missverstanden werden.

Absätze 7 und 8:

Der Grundsatz des Artikel I-22 Absatz 3, wonach der Rat mit qualifizierter Mehrheit entscheidet sowie der Grundsatz des Artikel I-20 Absatz 4, wonach der Europäische Rat im Konsens entscheidet, müssen auch im Bereich der GASP gelten.

AMENDMENT FORM

Suggestion for amendment of Article : I-39

By Ms: Danuta Hübner

Status : - Member

<u>Article I-39: Specific provisions for implementing common foreign and security policy</u>	<u>Article I-39: Specific provisions for implementing common foreign and security policy</u>
<p>1. The European Union shall conduct a common foreign and security policy, based on the development of mutual political solidarity among Member States, the identification of questions of general interest and the achievement of an ever-increasing degree of convergence of Member States' actions.</p> <p>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 within the framework of the strategic guidelines established by the European Council and in accordance with the arrangements in Part Three of the Constitution.</p> <p>3. The European Council and the Council of Ministers shall adopt the necessary European decisions.</p> <p>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.</p> <p>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</p>	<p>1. The European Union shall conduct a common foreign and security policy, based on the development of mutual political solidarity among Member States, the identification of questions of general interest and the achievement of an ever-increasing degree of convergence of Member States' actions.</p> <p>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 within the framework of the strategic guidelines established by the European Council and in accordance with the arrangements in Part Three of the Constitution.</p> <p>3. The European Council <u>shall issue the appropriate political guidelines</u> and while the Council of Ministers shall adopt the necessary European political decisions.</p> <p>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.</p> <p>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</p>

<p>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.</p> <p>6. The European Parliament shall be regularly consulted on the main aspects and basic choices of the common foreign and security policy, and shall be kept informed of how it evolves.</p> <p>7. European 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 Three of the Constitution. Discussion shall be based on a proposal from a Member State, from the Union's Minister for Foreign Affairs or from the Minister with the Commission's support. European laws and framework laws are excluded.</p> <p>8. The European Council may unanimously decide that the Council should act by qualified majority in cases other than those referred to in Part Three of the Constitution.</p>	<p>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.</p> <p>6. The European Parliament shall be regularly consulted on the main aspects and basic choices of the common foreign and security policy, and shall be kept informed of how it evolves.</p> <p>7. European 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 Three of the Constitution. Discussion shall be based on a proposal from a Member State, from the Union's Minister for Foreign <u>Representative Affairs</u> or from the Minister with the on behalf of the Commission <u>Commission's support</u>. European laws and framework laws are excluded.</p> <p>8. The European Council may unanimously decide that the Council should act by qualified majority in cases other than those referred to in Part Three of the Constitution.</p>
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Explanation (if any) : According to the outcome of the work of the Convention and its appropriate Working Groups there was no intention to give the European Council the right to impose a law in the field of CFSP.

FICHE AMENDEMENT

Proposition d'amendement à l'Article I-39

Déposée par Monsieur de Villepin

Qualité : - Membre

Article I-39: Dispositions particulières à la mise en œuvre de la politique étrangère et de sécurité commune

1. L'Union européenne conduit une politique étrangère et de sécurité commune, fondée sur un développement de la solidarité politique mutuelle des États membres, sur l'identification des questions présentant un intérêt général et sur la réalisation d'un degré toujours croissant de convergence des actions des États membres.
2. Le Conseil européen identifie les intérêts stratégiques de l'Union et fixe les objectifs de sa politique étrangère et de sécurité commune. Le Conseil des ministres élabore cette politique dans le cadre des lignes stratégiques établies par le Conseil européen et selon les modalités de la Partie III de la Constitution.
3. Le Conseil européen et le Conseil des ministres adoptent les décisions nécessaires.
4. Cette politique étrangère et de sécurité commune est exécutée par le ministre des Affaires étrangères de l'Union et par les États membres, en utilisant les moyens nationaux et ceux de l'Union.
5. Les États membres se concertent au sein du Conseil et du Conseil européen sur toute question de politique étrangère et de sécurité présentant un intérêt général en vue de définir une approche commune. Avant d'entreprendre toute action sur la scène internationale ou tout engagement qui pourraient affecter les intérêts de l'Union, chaque État membre consulte les autres au sein du Conseil ou du Conseil européen. Les États membres assurent, par la convergence de leurs actions, que l'Union puisse faire valoir ses intérêts et valeurs sur la scène internationale. Les États membres sont solidaires entre eux.
6. Le Parlement européen est consulté régulièrement sur les aspects principaux et choix fondamentaux de la politique étrangère et de sécurité commune, et est tenu informé de son évolution.

7. En matière de politique étrangère et de sécurité commune, le Conseil européen et le Conseil des ministres adoptent des décisions à l'unanimité, sauf dans les cas prévus dans la Partie III de la Constitution. Ils se prononcent sur proposition d'un État membre, ou du ministre des Affaires étrangères de l'Union, ~~ou du ministre avec le soutien de la Commission~~. Les lois et lois-cadres sont exclues.
8. Le Conseil européen peut décider à l'unanimité que le Conseil statue à la majorité qualifiée dans d'autres cas que ceux visés dans la Partie III de la Constitution.

Explication éventuelle :

Les autorités françaises souhaitent rappeler qu'étant données les implications institutionnelles de la création d'un Ministre européen des affaires étrangères, l'idée d'une proposition conjointe du Ministre des affaires étrangères et de la Commission n'est pas pertinente (le Ministre étant membre de la Commission).

FICHE AMENDEMENT

Proposition d'amendement à l'Article: 39

Déposée par: Représentants de l'Assemblée de la République - Portugal

- **Membre:** Maria Eduarda Azevedo, Alberto Costa

- **Suppléant:** António Nazaré Pereira, Guilherme d'Oliveira Martins

Partie I – Chapitre II

Article I - 39

La politique externe et de sécurité commune

6. Le Parlement Européen et les parlements nationaux réunis dans la Conférence interparlementaire pour les affaires européenne selon le protocole annexe au Traité Constitutionnel, sont régulièrement consultés (...) et sont tenus informés (...)

AMENDMENT FORM

Title I: Definition and objectives of the Union

Suggestion for amendment of Article : Article I-2: The Union's values

By Members: Mr Andrew Duff, Mr Lamberto Dini, Mr Paul Helminger, Mr Rein Lang, Lord MacLennan

.

Article I-39: Specific provisions for implementing common foreign and security policy

1. The European Union shall *conduct common* foreign and security policy, based on the development of mutual political solidarity among Member States, the identification of questions of general interest and the achievement of an ever-increasing degree of convergence of Member States' actions.
-

Explanation:

We remove the indefinite article to indicate the point that the EU will have a plural common foreign and security policy.

AMENDMENT FORM

Suggestion for amendment of Article : I-39

By Mr : Lamberto Dini

Status : - Member

On paragraph 7, replace "unanimously, except in the cases referred to in part III of the Constitution" with " by qualified majority".
Consequently, delete paragraph 8

Explanation (if any) :

In order for CFSP to work efficiently, decisions must be taken by qualified majority. Should member States ask for a stronger protection of their prerogatives, an enhanced qualified majority could be taken into consideration. Should unanimity in CFSP prevail, the exceptions referred to in part III of the Constitution must be significantly extended.

FICHE AMENDEMENT 8 (FINAL)

Proposition d'amendement à l'Article : I-39

Déposée par Madame ou Monsieur : Borrell, Carnero y López Garrido

Qualité : - Membre - Suppléant

7. En lo relativo a la política exterior y de seguridad común, el Consejo Europeo y el Consejo de Ministros adoptarán decisiones europeas por **mayoría cualificada, de acuerdo con lo previsto** en la Parte III de la Constitución. Decidirán a propuesta...

8. Supresión

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article 39, Part I of the Constitution

By: Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Jari Vilén, Hannu Takkula and Esko Helle

**Status: Tiilikainen, Kiljunen, Vilén- Members
 Peltomäki, Takkula and Helle - Alternates**

Article I-39: Specific provisions for implementing common foreign and security policy

1. The European Union shall conduct a common foreign and security policy, based on the development of mutual political solidarity among Member States, the 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 within the framework of the strategic guidelines established by the European Council and in accordance with the arrangements in Part Three 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 regularly consulted on the main aspects and basic choices of the common foreign and security policy, and shall be kept informed of how it evolves.

7. Decisions relating to the common foreign and security policy shall be adopted by the ~~European Council and the Council, of Ministers~~ **acting by qualified majority** ~~unanimously, excluding matters with military defence implications, except in the cases referred to in Part Three of the Constitution.~~ Discussion shall be based on a proposal from a Member State, from the Union's Minister for Foreign Affairs or from the Minister with the Commission's support. Laws and framework laws are excluded.
8. ~~The European Council may unanimously decide that the Council should act by qualified majority in cases other than those referred to in Part Three of the Constitution.~~
-

Explanation (if any):

In WG VII there was a large consensus on introducing QMV as a general rule for decision-making in the Council. This is an essential requirement to avoid CFSP inertia and encourage a pro-active CFSP. The existence of constructive abstention allows participation in the implementation based on national political interests whereas the 'emergency brake' will sufficiently guarantee the protection of vital national interests.

Paragraph 8 is not necessary if qualified majority is the general rule of decision-making.

AMENDMENT FORM

Suggestion for amendment of Article : 39

By Mr Joschka Fischer

Status : - Member

Artikel I-39: Besondere Bestimmungen für die Durchführung der Gemeinsamen Außen- und Sicherheitspolitik

- (1) Die Europäische Union verfolgt eine gemeinsame Außen- und Sicherheitspolitik, die auf einer Entwicklung der gegenseitigen politischen Solidarität der Mitgliedstaaten, der Ermittlung der Fragen von allgemeiner Bedeutung und der Erreichung einer immer stärkeren Konvergenz des Vorgehens der Mitgliedstaaten beruht.
- (2) Der Europäische Rat bestimmt die strategischen Interessen der Union und legt die Ziele ihrer Gemeinsamen Außen- und Sicherheitspolitik fest. Der Ministerrat ~~gestaltet diese Politik~~ trifft die für die Festlegung und Durchführung erforderlichen Entscheidungen im Rahmen der vom Europäischen Rat festgelegten strategischen Leitlinien nach Maßgabe von Teil III der Verfassung.
- (3) Der Europäische Rat und der Ministerrat erlassen die erforderlichen Beschlüsse.
- (4) Diese Gemeinsame Außen- und Sicherheitspolitik wird vom Minister für Auswärtige Angelegenheiten der Union und von den Mitgliedstaaten mit den einzelstaatlichen Mitteln und denen der Union durchgeführt.
- (5) Die Mitgliedstaaten stimmen einander im Rat und im Europäischen Rat zu jeder außen- und sicherheitspolitischen Frage von allgemeiner Bedeutung ab, um ein gemeinsames Vorgehen festzulegen. Bevor ein Mitgliedstaat in einer Weise, die die Interessen der Union berühren könnte auf internationaler Ebene tätig wird oder eine Verpflichtung eingeht, konsultiert er die anderen Mitgliedstaaten im Rat oder im Europäischen Rat. Die Mitgliedstaaten gewährleisten durch konvergentes Handeln, dass die Union ihre Interessen und Werte auf internationaler Ebene geltend machen kann. Die Mitgliedstaaten sind untereinander solidarisch.
- (6) Das Europäische Parlament wird zu den wichtigsten Aspekten und den grundlegenden Weichenstellungen der Gemeinsamen Außen- und Sicherheitspolitik regelmäßig gehört und über ihre Entwicklung auf dem Laufenden gehalten.

(7) Im Bereich der Gemeinsamen Außen- und Sicherheitspolitik fassen der Europäische Rat und der Ministerrat außer in den in Teil III der Verfassung vorgesehenen Fällen Beschlüsse einstimmig.* Sie beschließen auf Vorschlag eines Mitgliedstaates, des Ministers für Auswärtige Angelegenheiten der Union oder des Ministers mit Unterstützung der Kommission. Gesetze und Rahmengesetze sind ausgeschlossen.

(8) Der Europäische Rat kann einstimmig beschließen, dass der Rat in anderen als den in Teil III der Verfassung genannten Fällen mit qualifizierter Mehrheit beschließt.

Explanation (if any) :

- **Abs. 2: Genauere Sprache, die Art. III-191 entspricht.**
- **Abs. 7: Der Ministerrat sollte mit qualifizierter Mehrheit über gemeinsame Vorschläge des Ministers für Auswärtige Angelegenheiten und der Kommission entscheiden (ursprünglicher Vorschlag des Präsidiums). Da der Minister für Auswärtige Angelegenheiten Mitglied der Kommission ist, wäre es aber auch denkbar, dass der Ministerrat über Vorschläge des Ministers für Auswärtige Angelegenheiten mit qualifizierter Mehrheit entscheidet. Art. III-196 sollte entsprechend geändert werden.**
- **Damit der Minister für Auswärtige Angelegenheiten sein Amt effektiv ausüben kann, sollte ein einheitlicher Diplomatischer Dienst der Union eingerichtet werden, der dem Minister für Auswärtige Angelegenheiten untersteht. Art. III-192 sollte um folgenden Art. 3 ergänzt werden: "Der Minister für Auswärtige Angelegenheiten wird von einem Diplomatischen Dienst der Union unterstützt, der sich aus Mitarbeitern der Institutionen der Union und aus entsandten Mitarbeitern aus den Mitgliedstaaten zusammensetzt."**

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 39, Partie I, Titre V

Déposée par: M. Ernâni Lopes, M. Manuel Lobo Antunes

Qualité : - Membre et Suppléant

1. (...)
2. (...)
3. (...)
4. (...)
5. (...)
6. (...)
7. En matière de politique étrangère et de sécurité commune, le Conseil européen et le Conseil des ministres adoptent des décisions à l'unanimité, sauf dans les cas prévus dans la Partie III de la Constitution. Ils se prononcent sur proposition d'un État membre, du ministre des Affaires étrangères de l'Union, ou du ministre avec le soutien de la Commission. ~~Les lois et lois-cadres sont exclues.~~
8. (...)

Explication:

Nº. 7 - La référence aux lois et aus lois-cadres est superflue car les instruments de l'Union pour la PESC sont déjà enoncés dans l'article 190, Partie III.

AMENDMENT FORM

Suggestion for amendment of Article : I-39

By Mr : Hain

Status : - Member -

1. OK.
 2. OK.
 3. OK.
 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, while respecting the principles and objectives of the Union's external actions as set out in the Treaty, 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. OK.
 7. CFSP 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 Three of the Constitution. Discussion shall be based on a proposal from a Member State, from the Union's Minister for Foreign Affairs or from the Minister with the Commission's support. Laws and framework laws are excluded.
 8. OK.
-

Explanation (if any) :

4. Repeated amendment: We want to make sure that there is no suggestion that the Minister of Foreign Affairs can propose the use of development funding in pursuit of CFSP or CDSP objectives.
5. Repeated amendment: We will need to ensure that we are not prevented by any provision in the Constitution from carrying out an independent foreign policy. The parenthesised provision should be amended to reflect this. The need for consultation is covered sufficiently by the first sentence of this paragraph.
7. Revised amendment: This amendment is needed to make clear that these are 'CFSP Decisions', rather than decisions in the technical sense of the instrument.

AMENDMENT FORM

Suggestion for amendment to Art I-39

Mr Hannes Farnleitner

Status : - Member

Chapter II

Article I-39: Specific provisions for implementing common foreign and security policy

1. The European Union shall conduct a common foreign and security policy, based on the development of mutual political solidarity among Member States, the 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 within the framework of the strategic guidelines established by the European Council and in accordance with the arrangements in Part Three of the Constitution.
- ~~3. The European Council and the Council of Ministers shall adopt the necessary decisions.~~
- 3 4. The common foreign and security policy shall be put into effect by the Union's Minister for Foreign Affairs, **by the Commission** and by the Member States, using national and Union resources.
- 4 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.
- 5 6. The European Parliament shall be regularly consulted on the main aspects and basic choices of the common foreign and security policy, and shall be kept informed of how it evolves.
- 6 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 accordance with Art. III-196 in Part Three** of the

Constitution. ~~Discussion~~ **The Council shall act** ~~be based on a proposal from a Member State, or or from the Union's Minister for Foreign Affairs or from the Commission or from the Minister for Foreign Affairs acting jointly with the Commission 's support. alone or together with the Commission. Laws and framework laws are excluded.~~

- 7 8. ~~The European Council may unanimously decide that the Council should act by qualified majority in cases other than those referred to in Part Three of the Constitution.~~

Foreign, Security and Defence Policy aspects of a particular measure and the implementation of the Foreign, Security and Defence Policy shall not affect the competences listed in Articles 11 to 13, 15 and 16 of the Constitution.

The Court of Justice shall have jurisdiction to monitor compliance with this article.

Explanation:

Ad ex-para.3 and 7:

The European Council should not act as a legislative institution.

Furthermore, for reasons of flexibility and against the background of recent experience there is no reason to rule out categorically the use of legislative acts.

Ad par.7:

Qualified Majority should be the rule, unanimity the exception.

Art. III-196 should read:

- 1. Decisions under this Chapter shall be taken by the Council.***
- 2. The Council shall act unanimously when acting on the basis of a proposal from a Member State or when adopting any decision having military or defence implications.***

Abstentions by members present in person or represented shall not prevent the adoption of a decision to be taken unanimously.

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.

- 3. 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 in accordance with par.1 , 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 qualified majority.***

ad 7):

The substance of Art. 47 TEU should be preserved. The proposed Art. III/204 does not reflect this idea properly. In accordance with my overall view that the Court of Justice shall have jurisdiction in CFSP matters (see amendment to delete art. 240a, CONV 734/03) it shall also have jurisdiction to monitor compliance in this specific case.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 29 de la Partie I

Déposée par Messieurs Santer, Helminger et Fayot (Titulaires, Luxembourg) et M. Schmit (Suppléant, Luxembourg)

Article 29: La politique étrangère et de sécurité commune de l'Union

1. ~~1.~~—L'Union européenne s'engage à conduire une politique étrangère et de sécurité commune, fondée sur un développement **progressif** de la solidarité politique mutuelle des États membres, sur l'identification progressive des questions présentant un intérêt général et sur la réalisation d'un degré toujours croissant de convergence des actions des États membres.
2. L'action de l'Union sur la scène internationale *repose sur* [s'inspire] des principes qui ont présidé à sa création, à son développement et à son élargissement et qu'elle vise à promouvoir dans le reste du monde : la démocratie, l'État de droit, l'universalité, et l'indivisibilité des droits de l'homme et des libertés fondamentales, le respect de la dignité humaine, les principes d'égalité et de solidarité et le respect du droit international conformément aux principes de la Charte des Nations Unies. L'Union s'efforce de développer des relations, et de construire des partenariats avec les pays et avec les organisations régionales ou mondiales qui partagent ces valeurs. Elle favorise des solutions multilatérales aux problèmes communs, en particulier dans le cadre des Nations Unies.
3. L'Union européenne définit et mène des politiques communes et des actions de l'Union, et œuvre pour assurer un degré de coopération maximal dans tous les domaines des relations internationales afin de :
 - a) sauvegarder les valeurs de l'Union, les intérêts fondamentaux, l'indépendance et l'intégrité de l'Union ;
 - b) consolider et soutenir la démocratie, l'État de droit, les droits de l'homme et les principes du droit international ;
 - c) préserver la paix, prévenir les conflits et renforcer la sécurité internationale, conformément aux principes de la Charte des Nations Unies ;

- d) soutenir le développement économique et social durable des pays en voie de développement dans le but essentiel d'éradiquer la pauvreté, en particulier dans les pays à faible revenu ;
- e) encourager l'intégration de tous les pays dans l'économie mondiale, y compris par la suppression progressive des obstacles au commerce international ;
- f) élaborer des mesures internationales pour préserver *et améliorer* l'environnement et les ressources naturelles mondiales, et assurer un développement durable ;
- g) aider les populations, les pays et les régions confrontés à des catastrophes d'origine humaine ou naturelle ; et
- h) promouvoir un système international basé sur une coopération multilatérale renforcée, et une bonne gouvernance mondiale.

42. Le Conseil européen identifie les intérêts stratégiques de l'Union et fixe les objectifs de sa politique étrangère et de sécurité commune. Le Conseil des ministres élabore cette politique selon les modalités de la Partie II de la Constitution.

~~3. — Le Conseil européen et le Conseil des ministres adoptent les décisions nécessaires.~~

54. Cette politique étrangère et de sécurité commune est exécutée par le Ministre des Affaires étrangères de l'Union et par les États membres, en utilisant les moyens nationaux et ceux de l'Union.

~~5. — Les États membres se concertent au sein du Conseil et du Conseil européen sur toute question de politique étrangère et de sécurité présentant un intérêt général en vue de définir une approche commune. Avant d'entreprendre toute action sur la scène internationale ou tout engagement qui pourrait affecter les intérêts de l'Union, chaque État membre consulte les autres au sein du Conseil ou du Conseil européen. Les États membres assurent, par la convergence de leurs actions, que l'Union puisse faire valoir ses intérêts et valeurs sur la scène internationale. Les États membres sont solidaires entre eux.~~

6. Le Parlement européen est consulté sur les aspects principaux et choix fondamentaux de la politique étrangère et de sécurité commune, et est tenu informé de son évolution.

7. En matière de politique étrangère et de sécurité commune, le Conseil européen et le Conseil des ministres adoptent des décisions à l'unanimité, sauf dans les cas prévus dans la Partie II de la Constitution. Ils se prononcent sur une proposition d'un État membre, ou du Ministre des Affaires étrangères de l'Union, seul ou conjointement avec la Commission.
8. Le Conseil européen peut décider à l'unanimité que le Conseil statue à la majorité qualifiée dans d'autres cas que ceux visés dans la Partie II de la Constitution.

Explication éventuelle :

ad paragraphe 1.: inutile, car le développement est par définition progressif

ad paragraphe 2 et 3: les dispositions de l'article 1^{er} de la Partie II trouvent plutôt leur place dans la partie I;

ad paragraphe ex-3.: Le principe est déjà contenu dans le paragraphe 2 et les modalités seront fixées dans les dispositions de la partie II de la Constitution

ad paragraphe ex-5.: une telle disposition n'a pas sa place dans la Partie I de la Constitution et il est donc suggéré de l'intégrer à l'article 10 de la Partie II.

AMENDMENT FORM

Suggestion for amendment of Article : I 29

Suggestion for protocol :

By: Mr Caspar EINEM

Status : Member

Artikel 29

- (1) Die Europäische Union verpflichtet sich zu einer gemeinsamen Außen- und Sicherheitspolitik, die auf einer fortschreitenden Entwicklung der gegenseitigen politischen Solidarität der Mitgliedstaaten, der fortschreitenden Ermittlung der Fragen von allgemeiner Bedeutung und einer zunehmend stärkeren Konvergenz zwischen den Maßnahmen der Mitgliedstaaten beruht.
- (2) Der Europäische Rat bestimmt die strategischen Interessen der Union und legt die Ziele ihrer Gemeinsamen Außen- und Sicherheitspolitik fest **und achtet dabei insbesondere auf die Kohärenz und Kontinuität der Maßnahmen zur Erreichung ihrer Ziele unter gleichzeitiger Wahrung und Weiterentwicklung des gemeinschaftlichen Besitzstandes.** . Der Ministerrat gestaltet diese Politik nach Maßgabe von Teil II der Verfassung aus.
- (3) Der Europäische Rat und der Ministerrat fassen die erforderlichen Beschlüsse. **Diese Beschlüsse schränken die Zuständigkeit der anderen Organe der EU in ihrem Wirkungsbereich nicht ein.**
- (4) Diese Gemeinsame Außen- und Sicherheitspolitik wird vom Außenminister der Union, **von der Kommission** und von den Mitgliedstaaten mit den auf einzelstaatlicher und auf Unionsebene verfügbaren Mitteln umgesetzt.
- (7) Im Bereich der Gemeinsamen Außen- und Sicherheitspolitik nehmen der Europäische Rat und der Ministerrat ~~außer in den in Teil II der Verfassung vorgesehenen Fällen~~ Beschlüsse ~~einstimmig~~ **immer dann**
 - **einstimmig an, wenn es um den Einsatz militärischer Mittel geht,**

- **mit einer Mehrheit von vier Fünfteln der Mitgliedstaaten, die zugleich vier Fünftel der Bevölkerung der Union repräsentieren an bzw.**
- **in den im Teil II davon abweichend geregelten Fällen mit qualifizierter Mehrheit.**

Sie beschließen auf Vorschlag eines Mitgliedstaates oder des Außenministers der Union oder auf gemeinsamen Vorschlag des Außenministers der Union und der Kommission.

- (8) Der Europäische Rat kann einstimmig entscheiden, dass der Rat in anderen als den **Fällen des Einsatzes militärischer Mittel oder den** in Teil II der Verfassung genannten Fällen mit qualifizierter Mehrheit beschließt.

Explanation (if any) :

Zu Abs. (2) und (3): Durch die Anfügungen soll sicher gestellt werden, dass es nicht zu einer vollständigen Veränderung der Verfassung der EU zugunsten des Europäischen Rates und zu Lasten von EK und EP kommt. In Abs. (2) wird die Formulierung des Artikels 3 EUV aufgegriffen.

Zu Abs. (4): Sollen im Interesse einer wirksamen Außen- und Sicherheitspolitik der Union wirklich alle zu Gebote stehenden Mittel eingesetzt werden, so sind darunter auch solche, bei denen die Kommission entscheidungs- bzw. handlungsbefugt ist.

Zu Abs. (7): Wenn ein Mindestmaß an Effizienz für die europäische Außen- und Sicherheitspolitik erreicht werden soll, dann muss ein Übergang zur Mehrheitsentscheidung – mit Ausnahme der Entscheidungen über den Einsatz militärischer Mittel - auch hier gefunden werden. Es wird eine superqualifizierte Mehrheit von 80% der Staaten und der repräsentierten Bevölkerung vorgeschlagen, die in der erweiterten Union Entscheidungen von 20 gegen 5 Staaten möglich machen soll.

FICHE AMENDEMENT

Partie I - Titre V

Proposition d'amendement à l'Article : 29

Déposée par Monsieur Pierre Lequiller, Président de la Délégation pour l'Union européenne de l'Assemblée nationale française.

Qualité : - Membre titulaire

5. Les États membres se concertent au sein du Conseil et du Conseil européen sur toute question de politique étrangère et de sécurité présentant un intérêt général en vue de définir une approche commune. Avant d'entreprendre toute action sur la scène internationale ou tout engagement qui pourrait affecter les intérêts de l'Union **préalablement définis**, chaque État membre consulte les autres au sein du Conseil ou du Conseil européen. Les États membres assurent, par la convergence de leurs actions, que l'Union puisse faire valoir ses intérêts et valeurs sur la scène internationale. Les États membres sont solidaires entre eux.

Explication éventuelle :

L'obligation de consulter les autres États membres avant d'entreprendre toute action sur la scène internationale ou tout engagement qui pourrait affecter les intérêts de l'Union doit se limiter aux intérêts préalablement définis par le Conseil européen ou, pour les intérêts non stratégiques, par le Conseil, afin d'éviter la paralysie des politiques nationales des États membres par un concept flou d'intérêt indéterminé de l'Union. Cette précision constituera également une incitation pour l'Union à définir clairement les intérêts communs à promouvoir par la PESC.

AMENDMENT FORM

Suggestion for amendment of PART I – TITLE V, Article 29

By Ms / Mr : **BROK; SANTER; TAJANI; VAN DER LINDEN; ALMEIDA GARRETT; ALTMAIER; AZEVEDO; BASILE; BREJC; CUSHNAHAN; DEMETRIOU; DOLORES; FOGLER; FRENDON; GIANNAKOU; KAUPPI; KELEMEN; KORHONEN; KRASTS; KROUPA; LENNMARKER; MAIJ-WEGGEN; MLADENOV; PIKS; RACK; VAN DIJK; WITTBRODT; ZIELENIEC; ZILE**

on behalf of the EPP Convention Group

Status : - Member - Alternate

Suggestion for PART I – 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 *and coherence* of Member States' actions.
2. The European Council shall ~~identify~~ *define* the Union's strategic interests and ~~determine the~~ objectives of its common foreign and security policy *as well as the Security and Defence Policy on the basis of the general principles and objectives referred to in Art. 1 Part II, Title B*. The Council of Ministers shall frame this policy in accordance with the arrangements in Part Two of the Constitution.
3. The European Council *shall adopt the guidelines* 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 *by the Council or the Union's Minister for Foreign Affairs. They shall ensure that the views of the European Parliament are duly taken into consideration.*
7. Decisions relating to the common foreign and security policy shall be adopted ~~by the European Council and the Council of Ministers unanimously,~~ *by qualified majority* except in the cases referred to in Part Two of the Constitution. ~~They~~ *The Council* 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.~~

Explanation (if any) :

Convergence and coherence is more ambitious.

Para 2: Cf. Art. 4 EUT, a reference should be made to the general principles and objectives.

The European Council should define general objectives. Their specification should be the task of the Council.

Para 6: Cf. Art. 21 EUT

Qualified Majority should be the general rule, exceptions possible due to the special nature of CFSP.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : Artículo 29

Déposée par Messieurs : Borrell (miembro), Carnero y López Garrido (suplentes)

Artículo 29: La Política Exterior y de Seguridad Común de la Unión

Modificar puntos 1, 2, 4, 6, 7, , nuevo 9 y suprimir el punto 3

1. *La Unión Europea desarrollará una política exterior y de seguridad común basada en los valores y orientada a los objetivos fijados en la Constitución, mediante el desarrollo de la solidaridad política mutua de los Estados miembros, la adopción de las cuestiones de interés general y la realización de una convergencia cada vez mayor de las actuaciones de los Estados miembros. Los Estados miembros se comprometen a participar activamente en su definición y aplicación.*
2. El Consejo Europeo determinará los intereses estratégicos de la Unión y fijará los objetivos de su política exterior y de seguridad común. El Consejo de Ministros elaborará dicha política conforme a lo dispuesto en la Parte II de la Constitución. *En ambos casos, se contará con la participación activa del Parlamento Europeo y la Comisión Europea.*
3. *Supresión.*
4. La política exterior y de seguridad común será ejecutada *de forma coordinada y solidaria* por el Ministro de Asuntos Exteriores de la Unión y por los Estados miembros, utilizando los medios nacionales y los de la Unión.
6. *El Parlamento Europeo, sobre la base de la información regular del Consejo Europeo o del Consejo o por propia iniciativa, se pronunciará sobre las orientaciones estratégicas y el desarrollo regular de la política exterior y de seguridad común, formulando recomendaciones y propuestas que serán tenidas en cuenta debidamente.*
7. En lo relativo a la política exterior y de seguridad común, el Consejo Europeo y el Consejo de Ministros adoptarán decisiones por *mayoría cualificada*, salvo en los casos previstos en la

parte II de la Constitución que exijan unanimidad. Decidirán a propuesta de un Estado miembro o del Ministro de Asuntos Exteriores de la Unión, ya sea solo o de forma conjunta con la Comisión.

9. *Previa comunicación seguida de debate en el Consejo Europeo o en el Consejo, y tras informar al Parlamento Europeo, un estado miembro podrá abstenerse de participar en la aplicación práctica de una acción de política exterior y de seguridad común, comprometiéndose en todo caso a no actuar contra la misma ni a entorpecer su desarrollo*

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : 29 Common foreign and security policy

Suggestion for protocol :

By Mr : Esko Helle

Status : - Alternate

PART I – 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. **(deleted)**
4. The common foreign and security policy shall be put into effect by the **(deleted) Member of the Commission to whose sphere of competence the Union's Common foreign and security policy belongs** 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 **(deleted) Member of the Commission to whose sphere of competence the Union's Common foreign and security policy belongs,** 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
-

Explanation (if any) :

The Union should not have its own Minister for Foreign Affairs and the Member of the Commission to whose sphere of competence the Union's Common foreign policy belongs must not be called one.

The European Council's role has to be to identify the Union's strategic interests and to determine the overall objectives, not to make decisions in individual cases.

AMENDMENT FORM

Suggestion for amendment of Article : Art. 29

Suggestion for protocol :

By Ms / Mr : Jens-Peter Bonde, Esko Seppanen and Jan Zahradil

Status : X - Member

X- Alternate

PART I – TITLE V

Article 29

The Union's common foreign and security policy

1. The European Union shall undertake to **SUPPORT THE UNITED NATIONS AND THE SEPCIALISED ORGANISATIONS UNDER THE UN WHERE POSSIBLE. MEMBER STATES PROVIDE THE UN WITH MILITARY UNITS FOR PEACEKEEPING MEASURES DEICDED BY THE UN. MEMBER STATES** 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 **BY UNANIMITY**. The Council of Ministers shall frame this policy in accordance with the arrangements in Part Two of the **TREATY [DELETE: 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 [**DELETE: 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 [**DELETE:** except in the cases referred to in Part Two of the Constitution.] They shall act on a proposal from a Member State [**DELETE:** 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 **TREAT** [**DELETE:** Constitution].

FICHE AMENDEMENT

Proposition d'amendement à l'Article: 29

Déposée par :

Maria Eduarda Azevedo - Membre
António Nazaré Pereira - Suppléant

Partie I – Titre V

Article 29

La politique étrangère et de sécurité commune de l'Union

6. Le Parlement européen et les parlements nationaux réunis dans la Conférence interparlementaire pour les affaires européenne selon le protocole annexe au Traité Constitutionnel, sont consultés (...) et sont tenus informés (...)

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 29 du Titre V

Déposée par Madame ou Monsieur : **M. Louis Michel, M. Elio di Rupo, Mme Anne Van Lancker, membres de la Convention et M. Pierre Chevalier et Mme Marie Nagy, membres suppléants de la Convention**

Qualité : - Membre - Suppléant

Supprimer l'article 29.

Explication éventuelle :

Le Titre V a trait aux instruments et moyens d'action de l'Union. Le projet d'article 29 a un autre objet. La plupart des paragraphes prévus dans cet article 29 figurent en outre déjà dans la partie II. Les autres peuvent y être transférés

AMENDMENT FORM

Suggestion for amendment of Article : 29

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

Status : - Member - ~~Alternate~~

~~Artikel 29: Die Gemeinsame Außen- und Sicherheitspolitik der Union~~

Erster Artikel im Kapitel "Gemeinsame Außen- und Sicherheitspolitik" in Teil II der Verfassung

(1) Die ~~Europäische~~ Union ~~verpflichtet sich zu einer gemeinsamen~~ **erarbeitet und verwirklicht eine Gemeinsame** Außen- und Sicherheitspolitik, die auf einer fortschreitenden Entwicklung der gegenseitigen politischen Solidarität der Mitgliedstaaten, der fortschreitenden Ermittlung der Fragen von allgemeiner Bedeutung und einer zunehmend stärkeren Konvergenz zwischen den Maßnahmen der Mitgliedstaaten beruht.

~~(2) Der Europäische Rat bestimmt die strategischen Interessen der Union und legt die Ziele ihrer Gemeinsamen Außen- und Sicherheitspolitik fest. Der Ministerrat gestaltet diese Politik nach Maßgabe von Teil II der Verfassung aus.~~

~~(3) Der Europäische Rat und der Ministerrat fassen die erforderlichen Beschlüsse.~~

~~(4) Diese Gemeinsame Außen- und Sicherheitspolitik wird vom Außenminister der Union und von den Mitgliedstaaten mit den auf einzelstaatlicher und auf Unionsebene verfügbaren Mitteln umgesetzt.~~

~~(5)~~

(2) Die Mitgliedstaaten unterstützen die Außen- und Sicherheitspolitik der Union aktiv und vorbehaltlos im Geiste der Loyalität und der gegenseitigen Solidarität.

Die Mitgliedstaaten arbeiten zusammen, um ihre gegenseitige politische Solidarität zu stärken und weiterzuentwickeln. Sie enthalten sich jeder Handlung, die den Interessen der Union zuwiderläuft oder ihrer Wirksamkeit als kohärente Kraft in den internationalen Beziehungen schaden könnte.

Die Mitgliedstaaten stimmen einander im Rat und im Europäischen Rat zu jeder außen- und sicherheitspolitischen Frage von allgemeiner Bedeutung ab, um ein gemeinsames Vorgehen festzulegen.

Bevor ein Mitgliedstaat auf internationaler Ebene eine Maßnahme ergreift oder eine Verpflichtung eingeht, die die Interessen der Union berühren könnte, konsultiert er die anderen Mitgliedstaaten im Rat oder im Europäischen Rat. ~~Die Mitgliedstaaten gewährleisten durch konvergentes Handeln, dass die Union ihre Interessen und Werte auf internationaler Ebene geltend machen kann. Die Mitgliedstaaten sind untereinander solidarisch.~~

Der Rat und der Außenminister tragen für die Einhaltung dieser Grundsätze Sorge.

~~(6) Das Europäische Parlament wird zu den wichtigsten Aspekten und den grundlegenden Weichenstellungen der Gemeinsamen Außen- und Sicherheitspolitik gehört und über ihre Entwicklung auf dem Laufenden gehalten.~~

~~(7) Im Bereich der Gemeinsamen Außen- und Sicherheitspolitik nehmen der Europäische Rat und der Ministerrat außer in den in Teil II der Verfassung vorgesehenen Fällen Beschlüsse einstimmig an. Sie beschließen auf Vorschlag eines Mitgliedstaates oder des Außenministers der Union oder auf gemeinsamen Vorschlag des Außenministers der Union und der Kommission.~~

~~(8) Der Europäische Rat kann einstimmig entscheiden, dass der Rat in anderen als den in Teil II der Verfassung genannten Fällen mit qualifizierter Mehrheit beschließt.~~

(3) Die Union verfolgt ihre Gemeinsame Außen- und Sicherheitspolitik, indem sie

- **die Grundsätze und allgemeinen Leitlinien bestimmt,**
 - **Beschlüsse über**
 - **Aktionen der Union,**
 - **Standpunkte der Union**
- annimmt**

und die regelmäßige Zusammenarbeit der Mitgliedstaaten bei der Führung ihrer Politik ausbaut.

Explanation (if any) :

Einordnung dieser Bestimmung:

Verschiebung in den Teil II. Diese Bestimmung ist im Hinblick auf den Regelungskontext verwirrend. Die Art. 24 bis 33 beschreiben allgemeine Formvorschriften der Kompetenzausübung der Union. Die vom Präsidium vorgeschlagene Bestimmung beschreibt dagegen die materiellen Grundsätze der GASP – diese jedoch gehören in den Teil II der Verfassung, wo sich dementsprechend auch etliche Regelungen dieser Bestimmung wiederfinden. Dieser Artikel sollte deshalb mit dem derzeitigen Artikel 3 des Teils II der Verfassung zu einer Bestimmung verschmolzen werden, die am Anfang des Kapitels "Gemeinsame Außen- und Sicherheitspolitik" in Teil II der Verfassung

einzuordnen wäre.

Absatz 1:

Die EU besitzt keine eigene Kompetenzkompetenz, aufgrund derer sie sich selbst zu einer Gemeinsamen Außen- und Sicherheitspolitik verpflichten könnte. Sie wird vielmehr durch die Mitgliedstaaten im Wege der Verfassung zur Erarbeitung und Verwirklichung einer Gemeinsamen Außen- und Sicherheitspolitik verpflichtet (vgl. Artikel 3 Absatz 1 des Präsidiumsentwurfs für den Titel "Außenpolitisches Handeln der Union" in Teil II der Verfassung).

Absatz 2 (alt):

Streichung. Der Regelungsgehalt entspricht dem des Artikels 4 Absätze 1 und 3 des Präsidiumsentwurfs für den Titel "Außenpolitisches Handeln der Union" in Teil II der Verfassung.

Absatz 3 (alt):

Streichung. Der rechtliche Gehalt dieser Regelung ist in Artikel 4 Absätze 1 und 3 des Präsidiumsentwurfs für den Titel "Außenpolitisches Handeln der Union" in Teil II der Verfassung enthalten.

Absatz 4 (alt):

Streichung. Hinsichtlich des Außenministers entspricht der Regelungsgehalt dem des Artikel 5 Absatz 1 des Präsidiumsentwurfs für den Titel "Außenpolitisches Handeln der Union" in Teil II der Verfassung. Hinsichtlich der Mitgliedstaaten ist die Regelung dagegen entbehrlich, jedenfalls findet sie sich bereits in Artikel 28 Absatz 1 des Präsidiumsentwurfs für den Teil I der Verfassung.

Absatz 5 (alt) = Absatz 2 (neu):

Ergänzung durch Übernahme der Regelung aus Artikel 3 Absatz 2 des Präsidiumsentwurfs für den Titel "Außenpolitisches Handeln der Union" in Teil II der Verfassung.

Absatz 6 (alt):

Streichung. Der rechtliche Gehalt dieser Regelung ist in Artikel 13 des Präsidiumsentwurfs für den Titel "Außenpolitisches Handeln der Union" in Teil II der Verfassung enthalten.

Absatz 7 (alt):

Streichung. Hinsichtlich des Europäischen Rates ergibt sich diese Regelung bereits aus Artikel 16 Absatz 4 des Präsidiumsentwurfs für den Teil I der Verfassung. Hinsichtlich des Rates ist diese Regelung bereits in Artikel 9 Absatz 1 des Präsidiumsentwurfs für den Titel "Außenpolitisches Handeln der Union" in Teil II der Verfassung verankert. Die Regelung zum Initiativrecht findet sich in Artikel 8 Absatz 1 des Präsidiumsentwurfs für den Titel "Außenpolitisches Handeln der Union" in Teil II der Verfassung.

Absatz 8 (alt):

Streichung. Diese Regelung ist bereits in Artikel 9 Absatz 3 des Präsidiumsentwurfs für den Titel "Außenpolitisches Handeln der Union" in Teil II der Verfassung enthalten.

Absatz 3 (neu):

Übernahme der Regelung aus Artikel 3 Absatz 3 des Präsidiumsentwurfs für den Titel "Außenpolitisches Handeln der Union" in Teil II der Verfassung.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 29 de la partie I

Déposée par Monsieur de Villepin

Qualité : - Membre

Article 29 : La politique étrangère et de sécurité commune de l'Union

1. L'Union européenne s'engage à conduire une politique étrangère et de sécurité commune, fondée sur ~~un développement progressif de la loyauté~~ et la solidarité politique mutuelle des États membres, ~~sur l'identification progressive des questions présentant un intérêt général et sur la réalisation d'un degré toujours croissant de convergence des actes des États membres.~~

2. Le Conseil européen identifie les intérêts stratégiques de l'Union et fixe les objectifs de sa politique étrangère et de sécurité commune. Le Conseil des ministres élabore cette politique selon les modalités de la Partie II de la Constitution.

3. Le Conseil européen et le Conseil des ministres adoptent les décisions nécessaires.

4. Cette politique étrangère et de sécurité commune est exécutée par le Ministre des Affaires étrangères de l'Union, sous le contrôle du Conseil, et par les États membres, ~~en utilisant les moyens nationaux et ceux de l'Union.~~

Lorsque des actes de l'Union relevant d'autres politiques sont requis pour mettre en œuvre des décisions prises dans le domaine de la politique étrangère et de sécurité commune, ces actes peuvent, conformément à l'article 28, conférer au Conseil ou à la Commission les compétences d'exécution.

5. Les États membres se concertent au sein du Conseil et du Conseil européen sur toute question de politique étrangère et de sécurité présentant un intérêt général en vue de définir une approche commune. Avant d'entreprendre toute action sur la scène internationale ou tout engagement qui pourrait affecter les intérêts de l'Union, chaque État membre consulte les autres au sein du Conseil ou du Conseil européen. Les États membres assurent, par la convergence de leurs actions, que l'Union puisse faire valoir ses intérêts et valeurs sur la

scène internationale. Les États membres sont solidaires entre eux.

6. Le Parlement européen est consulté sur les aspects principaux et choix fondamentaux de la politique étrangère et de sécurité commune, et est tenu informé de son évolution.
7. En matière de politique étrangère et de sécurité commune, le Conseil européen et le Conseil des ministres adoptent des décisions à l'unanimité la majorité qualifiée, ~~sauf dans les cas~~ dans les conditions prévues dans la Partie II de la Constitution. Ils se prononcent sur une proposition d'un État membre, ou du Ministre des Affaires étrangères de l'Union, ~~seul ou conjointement avec la Commission.~~
8. ~~Le Conseil européen peut décider à l'unanimité que le Conseil statue à la majorité qualifiée dans d'autres domaines que ceux visés dans la Partie II de la Constitution.~~

Explication éventuelle :

La rédaction proposée par le praesidium semble faire fi des acquis dans le domaine de la politique étrangère et de sécurité commune et dévaloriser la portée du devoir de solidarité. La modification du paragraphe 1 vise à reprendre l'article 11.2 TUE qui a toute sa place dans la première partie de la Constitution.

La modification du paragraphe 4 vise à laisser la possibilité au Conseil de retenir la compétence d'exécution des actes communautaires mettant en œuvre une décision PESC (par exemple, les actes d'exécution d'un règlement adoptant des sanctions économiques contre des organisations terroristes, comme par exemple la liste des organisations incriminées).

La modification du paragraphe 7 et la suppression du paragraphe 8 visent à la généralisation du vote à la majorité qualifiée, qui, dans une Europe élargie, doit devenir la règle de procédure d'adoption des décisions en matière de politique étrangère et de sécurité commune.

Enfin, la seconde modification au paragraphe 7 vise à tirer les conséquences procédurales de la création d'un Ministre des affaires étrangères, qui est vice-président de la Commission. L'idée de propositions conjointes du Ministre et de la Commission n'ont donc pas de sens.

AMENDMENT FORM

Suggestion for amendment of Article : **Article 29: Common foreign and security policy**

Suggestion for protocol :

By: Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Matti Vanhanen, Riitta Korhonen

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

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. The Council shall act on a proposal from a Member State, the Commission or from the Union's Minister for Foreign Affairs.
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 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. 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.~~

Explanation (if any) :

Explanation 29(1): The text should be deleted. Article 29 concerns instruments. Description of the content of common foreign and security policy is not necessary as this has already been done in Article 10 (of Part I - Title III) and Article 3 (of Part II - Title B). In addition, the text above would mean a clear step-back from the current Treaty: the substantive scope of CFSP is being limited and the requirement for solidarity is less binding.

Explanation 29(3): It would be logical to insert the whole decision-making procedure in the same paragraph (initiatives and decisions). The contents of the second sentence of paragraph 7 have therefore been moved to the end of this paragraph. The Union's Minister for Foreign Affairs shall have an independent right of initiative in CFSP matters along with the Commission and the Member States.

Explanation 29(5): The last two sentences of the paragraph have been moved to the beginning as they describe the philosophy of convergence and solidarity which are the cornerstones of common foreign and security policy. The latter part of the paragraph describes the means to achieve them.

Explanation 29(7 and 8): In WG VII there was a large consensus on introducing QMV as a general

rule for decision-making in the Council. This is an essential requirement to avoid CFSP inertia and encourage a pro-active CFSP. The existence of constructive abstention allows participation in the implementation based on national political interests whereas the 'emergency brake' would sufficiently guarantee the protection of vital national interests.

The first sentence of paragraph 7 and the paragraph 8 are not necessary if qualified majority is the general rule of decision-making.

FICHE AMENDEMENT

Titre V

Proposition d'amendement à l'Article : Artigo 29.º

Déposée par Monsieur Luís Queiró

Qualité: Suppléant

1. A União Europeia compromete-se a conduzir uma política externa e de segurança comum, baseada num desenvolvimento gradual da solidariedade política mútua entre os Estados Membros, na identificação gradual das questões que se revistam de interesse geral e na realização de um crescente grau de convergência das acções dos Estados-Membros.
2. O Conselho Europeu identificará os interesses estratégicos da União e fixará os objectivos da sua Política Externa e de Segurança Comum. O Conselho (2 palavras suprimidas) elaborará e **executará** essa política de acordo com as modalidades estabelecidas na Parte II **do Tratado**.
3. O Conselho Europeu e o Conselho (2 palavras suprimidas) aprovarão as decisões necessárias.
4. A Política Externa e de Segurança Comum será posta em prática **pela Presidência e** (7 palavras suprimidas) e pelos Estados-Membros, utilizando os meios **da União e os meios** nacionais(4 palavras suprimidas). **Para o efeito, são assistidos pelo Representante Europeu para as Relações Externas.**
5. Os Estados-Membros concertar-se-ão no âmbito do Conselho e do Conselho Europeu sobre todas as questões de política externa e de segurança que se revistam de interesse geral, a fim de definir uma abordagem comum. Antes de empreenderem qualquer acção no plano internacional ou de assumirem qualquer compromisso que possa afectar os interesses da União, os Estados-Membros consultarão cada um dos outros no âmbito do Conselho ou do Conselho Europeu. Os Estados-Membros assegurarão, através da convergência das suas acções, que a União possa fazer valer os seus interesses e valores no plano internacional. Os Estados-Membros serão solidários entre si.
6. O Parlamento Europeu será consultado sobre os principais aspectos e as opções fundamentais da Política Externa e de Segurança Comum e será mantido ao corrente da sua evolução.
7. Em matéria de Política Externa e de Segurança Comum, o Conselho Europeu e o Conselho (2

palavras suprimidas) aprovarão decisões por unanimidade, com excepção dos casos previstos na Parte II **do Tratado**. Pronunciar-se-ão sob proposta de um Estado-Membro ou do **Representante Europeu para as Relações Externas**, apresentada a título individual ou em conjunto com a Comissão.

8. O Conselho Europeu poderá decidir, por unanimidade, que o Conselho delibere por maioria qualificada **fora dos** casos (3 palavras suprimidas) previstos na Parte II **do Tratado**.

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : 29

Suggestion for protocol :

By Mr : Valdo Spini

Status : - Alternate

Articolo 29

Politica estera e di sicurezza comune dell'Unione

1. L'Unione europea ~~si impegna a condurre~~ **stabilisce e attua** una politica estera e di sicurezza comune fondata sullo sviluppo graduale della reciproca solidarietà politica degli Stati membri, sull'individuazione ~~progressiva~~ delle questioni di interesse generale e sulla realizzazione di un livello di convergenza delle azioni degli Stati membri in costante crescita.
2. Il Consiglio europeo individua gli interessi strategici dell'Unione e fissa gli obiettivi della sua politica estera e di sicurezza comune. Il Consiglio dei ministri elabora tale politica secondo le modalità descritte nella Parte II della Costituzione.
3. Il Consiglio europeo e il Consiglio dei ministri adottano le decisioni necessarie.
4. La politica estera e di sicurezza comune è attuata dal ministro degli affari esteri dell'Unione e dagli Stati membri, ricorrendo ai mezzi nazionali e a quelli dell'Unione.
5. Gli Stati membri si concertano in sede di Consiglio e di Consiglio europeo su qualsiasi questione di politica estera e di sicurezza di interesse generale per definire un approccio comune. Prima di intraprendere qualsiasi azione sulla scena internazionale o di assumere qualsiasi impegno che potrebbe incidere sugli interessi dell'Unione, ciascuno Stato membro consulta gli altri in sede di Consiglio o di Consiglio europeo. Gli Stati membri assicurano, mediante la convergenza delle loro azioni, che l'Unione possa affermare i suoi interessi e valori sulla scena internazionale. Gli Stati membri sono solidali tra loro.
6. Il Parlamento europeo è consultato sui principali aspetti e sulle scelte fondamentali della politica estera e di sicurezza comune ed è tenuto al corrente della sua evoluzione. ***I Parlamenti nazionali sono regolarmente informati in merito allo sviluppo della politica estera e di sicurezza dell'Unione europea.***
7. In materia di politica estera e di sicurezza comune, il Consiglio europeo e il Consiglio dei ministri ~~adottano decisioni all'unanimità,~~ **adottano decisioni a maggioranza qualificata** salvo nei casi previsti nella Parte II della Costituzione. Essi si pronunciano su proposta di uno Stato membro o del ministro degli affari esteri dell'Unione da solo o congiuntamente con la Commissione.
8. Il Consiglio europeo può decidere all'unanimità che il Consiglio deliberi a maggioranza qualificata in casi diversi da quelli previsti nella Parte II della Costituzione.

Explanation (if any) :

L'intento è di stabilire come regola generale la maggioranza qualificata e l'unanimità come

eccezione. L'unanimità con 25 paesi membri, e domani con 27 o addirittura 34, significherebbe la paralisi. I rimedi proposti come il meccanismo di astensione qualificata, l'attuazione di strategie comuni ecc. ecc, si sono dimostrati nella pratica come largamente insufficienti. Andrebbero di conseguenza modificati gli articoli della Parte II della Costituzione interessati dalla suddetta modifica.

AMENDMENT FORM

Suggestion for amendment of Article : 29

Suggestion for protocol :

By Mr : John Gormley

Status : Alternate

Article 29.1 Delete all words after ‘The European Union shall undertake to’ and insert **“support the United Nations and its specialized agencies. Member States will provide the United Nations with military units for UN-mandated missions. Member States will conduct a common foreign and security policy based on the progressive identification of questions of general interest and grounded on the principles of the United Nations Charter.”**

Article 29.2 Insert after ‘security policy’ **“by unanimity”**.

Article 29.4 After ‘The common foreign and security policy’ insert **“based on the primacy of the United Nations as the maintainer of international peace, justice and security”**. Delete ‘Union’s Minister for Foreign Affairs’ and insert **‘European Commissioner for External Affairs’**. Insert after ‘using’ **“United Nations”**

Article 29.5 Delete the last two sentences, from **“Member States shall ensure...”** to **“Member States shall show mutual solidarity”**

Article 29.6 Insert after ‘consulted’ **“and shall formally advise”**

Article 29.7 Delete ‘or from the Union’s Minister for Foreign Affairs’

Article 29.8 Delete

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of to PART ONE, Title V, Article 29

Mr Hannes Farnleitner

Status : - Member

PART I – 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 **based on general guidelines of the European Council** 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 **implemented** ~~put into effect~~ by the Union's Minister for Foreign Affairs, **by the Commission** 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. **European** decisions relating to the common foreign and security policy shall be adopted by ~~European Council and the Council of Ministers unanimously, except in the cases referred to in Part Two of the Constitution~~ **in accordance with art. 9 of Part II. The Council** ~~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~~ **or from the Commission or from the Minister for Foreign Affairs acting jointly 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.
9. **The implementation of the Common Foreign, Security and Defence Policy shall not affect the competences of the Union referred to in Articles 11 to 13, 15 and 16 of the Constitution.**

Explanation (if any) :

Ad paragraph 9: see Article 47 TEU;

AMENDMENT FORM

Title V

Suggestion for amendment of Article : 29

By Members: 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, 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.

Status : Members and alternate members.

Article 29

The Union's common foreign and security policy

1. *The Union shall conduct a common foreign and security policy based on the development of mutual solidarity, the identification of questions of common interest and a close degree of convergence of the actions of Member States.*
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. *Without prejudice to the constitutional prerogatives of the Commission,* the common foreign and security policy shall be put into effect by the [*Minister of Foreign Affairs/Secretary of the Union*] and by the Member States, using national and Union resources.
5. Member States shall consult one another within the European Council and Council *of Ministers* 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, ***Member States shall consult each other*** 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.

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 ***regularly*** 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 ***by qualified majority***, 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.

Explanation:

1. The language as drafted is very loose, and suggests an almost lackadaisical attitude to the development of CFSP.

4. The merger of the pillars means it will be vital to protect explicitly the prerogatives of the Commission under Articles 11, 12, 13, 15 and 16.

5. We have again sought to tighten the wording without changing the meaning.

7. Presentationally, it is better to make QMV the norm and unanimity, as explicated in Part Two, the exception.

AMENDMENT FORM

Suggestion for amendment of Article 29 of Part I

By Mr : O'Sullivan and Ponzano

Status : Alternates

1) In paragraphs 2, 3 and 7, replace « *Council of Ministers* » by « *Council* ».

2) Add a new paragraph 9, drafted as follows :

« The implementation of the common foreign and security policy does not affect the Union's competences listed in Articles 11 to 13, 15 and 16 of the Constitution.»

Explanation :

1) The term « Council is used throughout the remainder of the text, while the term « Council of Ministers » appears only sporadically. Only one term should be used, for consistency reasons.

2) As stated in the commentary on Article 29 (CONV 685/03, page 15), the specific CFSP provisions do not affect the provisions for other policies and areas of external action. The text of the treaty itself must therefore contain an explicit provision (), so as to allow its implementation to be monitored, in the interest of both the institutions and the Member States (it is not enough to put this in a commentary). This is essential because the scope of CFSP is not defined in the Constitutional treaty and because different decision-making and control mechanisms will remain. The purpose of the proposed text is to maintain a provision similar to that of current Article 47 of the Treaty on the European Union, but to take the disappearance of the « pillars » into account.

In addition, this fits the conclusions of the discussion circle on the Court of Justice (CONV 689/03, point 7b).

FICHE AMENDEMENT

Proposition d'amendement à l'article 29 de la partie I

Déposée par M. O'Sullivan et M. Ponzano

Qualité : Suppléants

1) Dans les paragraphes 2, 3 et 7, remplacer « *Conseil des Ministres* » par « *Conseil* ».

2) Ajouter un paragraphe 9, rédigé comme suit :

« La mise en œuvre de la politique étrangère et de sécurité commune n'affecte pas les compétences de l'Union énumérées aux articles 11 à 13, 15 et 16 de la Constitution »

Explication :

1) L'expression « *Conseil* » est utilisée dans le reste du texte, contrairement à l'expression « *Conseil des Ministres* » qui n'apparaît que sporadiquement. Pour des raisons de cohérence, il convient de ne retenir qu'une seule terminologie.

2) Comme l'indique le commentaire sous l'article 29 (CONV 685/03, page 15), les dispositions spécifiques de la PESC n'affectent pas les dispositions des autres politiques et domaines de l'action extérieure. Une disposition explicite doit donc figurer dans le texte du traité lui-même, et pas seulement dans un commentaire, afin de permettre un contrôle de son respect, tant dans l'intérêt des différentes institutions que des Etats membres. . Ceci est particulièrement nécessaire en raison de l'absence de définition dans le traité constitutionnel du champ d'application de la PESC et du maintien de procédures de décision et de contrôle différentes. Le texte proposé vise à maintenir une disposition similaire à celle de l'article 47 du traité sur l'Union européenne, dans une formulation tenant compte de la disparition des « piliers ».

Ceci est en outre conforme aux conclusions du cercle de réflexion sur la Cour de justice (CONV 689/03, point 7b).

AMENDMENT FORM

Suggestion for amendment of Article 29

By 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.

Status : - Member: Hjelm-Wallén, Lekberg and Lennmarker
 - Alternate: Petersson and Kvist

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~~¹ 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~~² determine the objectives of the ~~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~~

¹ Unnecessary

² Unnecessary; since the role of the ER is described in more detail in Part II

the Commission **or from the Union's Minister for Foreign Affairs together with the Commission.**³

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.

³ A Member State, the Minister for Foreign Affairs and the Commission should be equally entitled to submit proposals.

AMENDMENT FORM

Title V

Suggestion for amendment of Article : 29

By Members: Voggenhuber, Lichtenberger, Wagener,

Status : Members and alternate members.

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~~ **a full** degree of convergence of Member States' actions.

1 bis. The common framework for external relations shall combine foreign and security policy, international and economic relations and trade, common development, cooperation policy and humanitarian aid.

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~~ **European institutions** shall frame ~~this policy~~ the common foreign and **security 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 **according to their respective competences.**

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~~ **common** 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 participate in the definition of principles and directions of the common foreign and security policy in accordance with the provisions defined in Part Two of the Constitution.** ~~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.~~

Explanation:

AMENDMENT FORM

Suggestion for amendment of Article: 29, Part I

By Ms Sandra Kalniete, Mr Roberts Zile, Ms Liene Liepina, Mr Rihards Piks, Mr Arturs Krisjanis Karins, Mr Guntars Krasts.

**Status: - Member: S.Kalniete; L.Liepina; R.Piks
- Alternate: R.Zile; A.K.Karins; G.Krasts**

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 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.**

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. 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.
4. The European Council and the Council of Ministers shall adopt the necessary decisions.
5. 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.
6. 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.

7. 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.
8. 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.
9. 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.

Explanation (if any):

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 29

Proposition d'amendement au protocole:

Déposée par Madame ou Monsieur : Gianfranco FINI – Francesco SPERONI

Qualité : - Membre - Suppléant

Articolo 29: Politica estera e di sicurezza comune dell'Unione

1. L'Unione europea **stabilisce ed attua** ~~si impegna a condurre~~ una politica estera e di sicurezza comune fondata sullo sviluppo graduale della reciproca solidarietà politica degli Stati membri, sull'individuazione ~~progressiva~~ delle questioni di interesse generale e sulla realizzazione di un livello di convergenza delle azioni degli Stati membri in costante crescita.
2. Il Consiglio europeo individua gli interessi strategici dell'Unione e fissa gli obiettivi della sua politica estera e di sicurezza comune. Il Consiglio dei ministri elabora tale politica secondo le modalità descritte nella Parte II della Costituzione.
3. Il Consiglio europeo e il Consiglio dei ministri adottano le decisioni necessarie.
4. La politica estera e di sicurezza comune è attuata dal ministro degli affari esteri dell'Unione e dagli Stati membri, ricorrendo ai mezzi nazionali e a quelli dell'Unione.
5. Gli Stati membri si concertano in sede di Consiglio e di Consiglio europeo su qualsiasi questione di politica estera e di sicurezza di interesse generale per definire un approccio comune. Prima di intraprendere qualsiasi azione sulla scena internazionale o di assumere qualsiasi impegno che potrebbe incidere sugli interessi dell'Unione, ciascuno Stato membro consulta gli altri in sede di Consiglio o di Consiglio europeo. Gli Stati membri assicurano, mediante la convergenza delle loro azioni, che l'Unione possa affermare i suoi interessi e valori sulla scena internazionale. Gli Stati membri sono solidali tra loro.
6. Il Parlamento europeo è consultato sui principali aspetti e sulle scelte fondamentali della politica estera e di sicurezza comune ed è tenuto al corrente della sua evoluzione.

7. In materia di politica estera e di sicurezza comune, il Consiglio europeo e il Consiglio dei ministri adottano decisioni all'unanimità, salvo nei casi previsti nella Parte II della Costituzione. Essi si pronunciano su proposta di uno Stato membro o del ministro degli affari esteri dell'Unione da solo o congiuntamente con la Commissione.
8. Il Consiglio europeo può decidere all'unanimità che il Consiglio deliberi a maggioranza qualificata in casi diversi da quelli previsti nella Parte II della Costituzione.

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article 29

By Ms / Mr : Ms Helle THORNING-SCHMIDT

Status : - Alternate

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 *[2 words deleted]* development of mutual political solidarity among Member States, *[2 words deleted]* identification of questions of general interest and the achievement of an ever-increasing degree of convergence of Member States' actions.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 29 (Part 1)

By Mr : Ingvar SVENSSON

Status : - Alternate

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~~ ¹ **Commission** 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.~~²

¹ No Minister for Foreign Affairs shall be appointed; see my amendment on article 19 (Part 1).

² Rules for qualified majority shall be in the Constitution.

AMENDMENT FORM

Suggestion for amendment of Article : Entwurf der Artikel des Verfassungsvertrags, die das außenpolitische Handeln betreffen

Suggestion for protocol :

By Mr : Joachim Wuermeling

Status : - Alternate

TEIL I - TITEL V

Artikel 29

Die Gemeinsame Außen- und Sicherheitspolitik der Union

(6) Das Europäische Parlament wird zu den wichtigsten Aspekten und den grundlegenden Weichenstellungen der Gemeinsamen Außen- und Sicherheitspolitik gehört und über ihre Entwicklung auf dem Laufenden gehalten. **Operative Aktionen bedürfen seiner Zustimmung.**

Explanation (if any) :

Verbesserung der parlamentarischen Kontrolle des außenpolitischen Handelns.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 29 (paragraphe 1 et 7)

Déposée par Monsieur Alain Lamassoure

Qualité : Membre

Article 29

La politique étrangère et de sécurité commune de l'Union

1. L'Union européenne ~~s'engage à conduire~~ **conduit** une politique étrangère et de sécurité commune, fondée sur ~~un développement progressif de~~ la solidarité politique mutuelle des États membres, sur l'identification ~~progressive~~ des questions présentant un intérêt général et sur la ~~réalisation d'un degré toujours croissant de~~ convergence des actions des États membres.
2. Le Conseil européen identifie les intérêts stratégiques de l'Union et fixe les objectifs de sa politique étrangère et de sécurité commune. Le Conseil des ministres élabore cette politique selon les modalités de la Partie II de la Constitution.
3. Le Conseil européen et le Conseil des ministres adoptent les décisions nécessaires.
4. Cette politique étrangère et de sécurité commune est exécutée par le Ministre des Affaires étrangères de l'Union et par les États membres, en utilisant les moyens nationaux et ceux de l'Union.
5. Les États membres se concertent au sein du Conseil et du Conseil européen sur toute question de politique étrangère et de sécurité présentant un intérêt général en vue de définir une approche commune. Avant d'entreprendre toute action sur la scène internationale ou tout engagement qui pourrait affecter les intérêts de l'Union, chaque État membre consulte les autres au sein du Conseil ou du Conseil européen. Les États membres assurent, par la convergence de leurs actions, que l'Union puisse faire valoir ses intérêts et valeurs sur la scène internationale. Les États membres sont solidaires entre eux.

6. Le Parlement européen est consulté sur les aspects principaux et choix fondamentaux de la politique étrangère et de sécurité commune, et est tenu informé de son évolution.
7. En matière de politique étrangère et de sécurité commune, ~~le Conseil européen et le Conseil des ministres adoptent~~ des décisions à l'unanimité **la majorité qualifiée**, sauf dans les cas prévus dans la Partie II de la Constitution. Ils se prononcent sur une proposition d'un État membre, ou du Ministre des Affaires étrangères de l'Union, seul ou conjointement avec la Commission.

Toutefois, un Etat membre, le Ministre des Affaires étrangères ou le Président du Conseil européen peuvent demander l'arbitrage du Conseil européen, qui se prononce à la majorité qualifiée.

Un Etat membre mis en minorité peut évoquer une « clause d'intérêt national » pour ne pas participer à l'application des décisions de l'Union. Il s'abstient cependant de tout comportement susceptible de gêner celle-ci.

La clause d'intérêt national ne peut être invoquée pour l'application d'une décision prise dans le cadre de l'Organisation des Nations-Unies, ou d'une autre organisation internationale à laquelle adhèrent les Etats membres.

8. Le Conseil européen peut décider à l'unanimité que le Conseil statue à la majorité qualifiée dans d'autres cas que ceux visés dans la Partie II de la Constitution.

Explication sur le paragraphe 1 : Les nuances diplomatiques qui existaient dans les traités n'ont pas leur place dans une constitution. Que veut dire « l'Union s'engage à conduire une politique » ? Elle a la compétence de le faire, ou elle ne l'a pas – le reste est affaire de volonté politique. De même, la « progressivité » du sentiment de solidarité ou de l'identification des questions d'intérêt général fait sourire. Ces termes restrictifs sont d'ailleurs contredits par la style direct et mieux pensé des paragraphes suivants.

Explication sur le paragraphe 7 : A vingt-cinq membres, l'unanimité est impossible à obtenir sur un sujet sensible. Aussi la recherche de l'efficacité combinée avec la préservation des prérogatives des Etats membres peut-elle passer par un mécanisme en trois temps :

1 – Le droit commun est la compétence du Conseil des Ministres, et celui-ci décide à la majorité

qualifiée : l'action internationale exige une grande rapidité de réaction, et les chefs de gouvernement ne peuvent pas être systématiquement mis à contribution.

2 – Si une position du Conseil suscite de graves objections de la part d'un (ou plusieurs) Etat(s) mis en minorité, une procédure d'appel, conçue comme rare et solennelle, existe auprès du Conseil européen.

3 – Si, malgré cette « seconde lecture » au Sommet un (ou plusieurs) Etat(s) refuse(nt) la décision ainsi confirmée, on lui/leur ouvre la possibilité de ne pas participer à l'application, par une « clause d'intérêt national ». Une disposition de ce genre peut être utile, par exemple, pour un Etat qui aurait un intérêt particulier, distinct de ses partenaires, dans l'affaire en cause : pays voisin géographique du lieu de la crise, pays ayant des liens historiques ou économiques particuliers avec le pays concerné par la crise etc. En revanche, il est important de préciser qu'une telle clause ne doit pas permettre à un Etat de gêner la démarche de l'Union, ni de faire obstacle à une décision prise dans le cadre de l'ONU.

AMENDMENT FORM

Suggestion for amendment of PART I – TITLE V, Article 29

By : Mr. John Cushnahan

Status : -Alternate

Suggestion for PART I – 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. **However, to further strengthen an EU foreign**

policy, a system of sanctions against any member who takes unilateral action in defiance of agreed EU foreign policy, shall be introduced.

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. The Council 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.

Explanation (if any) : *Recent events show that systematic cooperation and solidarity between Member States may not be enough even after a common decision in the field of the CFSP has been adopted. Therefore, it is recommended to introduce a compulsory element to make sure that Members States will not undertake any kind of unilateral decision by their own in such cases.*

FICHE AMENDEMENT

Proposition d'amendement à l'Article 29- Partie I - Architecture constitutionnelle Titre V L'exercice des compétences de l'Union

Déposée par Monsieur William ABITBOL

Qualité : - Suppléant

Article 29 : De la diplomatie et de la sécurité commune

(Conv 685/03)

1. L'action diplomatique et la politique extérieure de l'Union sont fondées sur **la libre coopération entre les Etats-membres** et leur volonté commune d'associer plus étroitement leurs propres politiques étrangères.

2. Sur proposition du Ministre des Affaires étrangères, ou d'un ou plusieurs Etats membres, le Conseil européen définit les objectifs et les moyens de ces coopérations.

Ces coopérations peuvent associer l'ensemble des Etats-membres, ou seulement quelques-uns d'entre eux, avec l'accord de tous.

3. Une fois adoptées par le Conseil européen, les coopérations en matière de diplomatie et de sécurité extérieure sont conduites par le Ministre des Affaires étrangères et les Etats membres concernés. Le Parlement européen et les parlements nationaux des Etats concernés sont consultés.

4. Aucune coopération en matière de diplomatie et de sécurité extérieure ne peut aller à l'encontre d'une résolution du Conseil de sécurité de l'ONU.

FICHE D'AMENDEMENT

Proposition d'amendement à l'article: 29, Partie I, Titre V du projet de Traité constitutionnel (CONV 685/03)

Déposée par: Monsieur le Professeur Jürgen Meyer, délégué du Bundestag allemand

Qualité: - Membre -

Objectif: Mention des droits du PE au paragraphe 6, suppression du vote à l'unanimité et introduction, au paragraphe 7, de la prise de décision à la majorité qualifiée au Conseil européen et au Conseil des ministres.

Article 29: La politique étrangère et de sécurité commune de l'Union

[...]

6. ~~Le Parlement européen est consulté~~ **Le Ministre des Affaires étrangères consulte le Parlement européen** sur les aspects principaux et choix fondamentaux de la politique étrangère et de sécurité commune, ~~et est tenu informé de son évolution~~ **et veille à ce que les vues du Parlement européen soient prises en considération. Le Parlement européen est tenu régulièrement informé par le Ministre des Affaires étrangères sur l'évolution de la politique étrangère et de sécurité de l'Union.**

Le Parlement européen peut adresser des questions ou formuler des recommandations à l'intention du Ministre des Affaires étrangères ou du Conseil. Il procède chaque année à un débat sur les progrès réalisés dans la mise en œuvre de la politique étrangère et de sécurité commune.

7. En matière de politique étrangère et de sécurité commune, le Conseil européen et le Conseil des ministres adoptent des décisions à l'unanimité **à la majorité qualifiée**, ~~sauf dans les cas prévus dans la Partie II de la Constitution.~~ Ils se prononcent sur une proposition d'un État membre, ou du Ministre des Affaires étrangères de l'Union, seul ou conjointement avec la Commission.

Les États membres qui s'abstiennent ou votent contre la décision ne sont pas tenus d'appliquer celle-ci. Ils acceptent toutefois que la décision engage l'Union. Dans un esprit de

solidarité mutuelle, l'État membre concerné s'abstient de toute action susceptible d'entrer en conflit avec l'action de l'Union fondée sur cette décision ou d'y faire obstacle.

~~8. Le Conseil européen peut décider à l'unanimité que le Conseil statue à la majorité qualifiée dans d'autres cas que ceux visés dans la Partie II de la Constitution.~~

Explication:

Dans une Union élargie à 25 États membres, et sur la base des enseignements de la crise irakienne, la prise de décision à l'unanimité en matière de politique étrangère et de sécurité commune ne peut plus être considérée comme une structure de décision efficace. C'est pourquoi il faut introduire, au paragraphe 7, le principe de la prise de décision à la majorité qualifiée, tant au Conseil européen qu'au Conseil des ministres. En outre, conformément à l'actuel article 23 TUE, il faut garantir qu'aucun État membre ne soit obligé d'appliquer la décision pour laquelle il s'est abstenu ou a voté contre. Les dispositions de la Partie II, Titre B, doivent être adaptées en conséquence.

Les droits du Parlement européen en matière de PESC doivent être énoncés explicitement dans la Constitution, en correspondance avec l'actuel article 21 TUE, et après adaptation à la nouvelle fonction du Ministre des Affaires étrangères.

AMENDMENT FORM

Suggestion for amendment of: Article 29, Part I, Title V of the draft Constitution (CONV 685/03)

By: Professor Jürgen Meyer, delegate of the German Bundestag

Status : - Member -

Aim: To incorporate the rights of the European Parliament into paragraph 6, to abolish unanimity and introduce decision-making by qualified majority in the European Council and in the Council of Ministers in paragraph 7.

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

[...]

6. ~~The European Parliament~~ **The Minister for Foreign Affairs shall consult 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.~~ **and shall ensure that the views of the European Parliament are 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.**

The European Parliament may ask questions, or make recommendations to, the Minister for Foreign Affairs or the Council. It shall hold an annual debate on progress in implementing the common foreign and security policy.

7. Decisions relating to the common foreign and security policy shall be adopted by the European Council and the Council of Ministers ~~unanimously,~~ **by qualified majority.** ~~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.

Member States which have abstained or voted against in the vote 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.

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.~~

Explanation :

In an enlarged Union with 25 Member States, and in light of the lessons learned from the Iraq crisis, unanimity can no longer be regarded as an efficient decision-making structure in the common foreign and security policy. Decision-making by qualified majority must therefore be introduced both for the European Council and for the Council of Ministers in paragraph 7. In accordance with existing Article 23 of the Treaty on European Union (TEU), Member States which have abstained or voted against in the vote will not be obliged to apply the decision. The provisions in Part Two, Title B must be adapted accordingly.

The rights of the European Parliament in the area of the common foreign and security policy must be enshrined explicitly in the Constitution in accordance with existing Article 21 TEU and adapted to the new post of Minister for Foreign Affairs.

AMENDMENT FORM

Vorschlag für die Änderung von: Artikel 29, Teil I, Titel V des Verfassungsentwurfs (CONV 685/03)

von Herrn: Prof. Dr. Jürgen Meyer, Delegierter des Deutschen Bundestages

Status: - Mitglied -

Ziel: Aufnahme der Rechte des EP in Abs. 6, Abschaffung der Einstimmigkeit und Einführung der Beschlussfassung mit qualifizierter Mehrheit im Europäischen Rat und im Ministerrat in Abs. 7

Artikel 29: Die Gemeinsame Außen- und Sicherheitspolitik der Union

[...]

(6) Das Europäische Parlament wird **Der Minister für Auswärtige Angelegenheiten hört das Europäische Parlament** zu den wichtigsten Aspekten und den grundlegenden Weichenstellungen der Gemeinsamen Außen- und Sicherheitspolitik ~~gehört und über ihre Entwicklung auf dem Laufenden gehalten~~ **und achtet darauf, dass die Auffassungen des Europäischen Parlaments berücksichtigt werden. Das Europäische Parlament wird vom Minister für Auswärtige Angelegenheiten regelmäßig über die Entwicklung der Außen- und Sicherheitspolitik der Union unterrichtet.**

Das Europäische Parlament kann Anfragen oder Empfehlungen an den Minister für Auswärtige Angelegenheiten oder den Rat richten. Einmal jährlich führt es eine Aussprache über die Fortschritte bei der Durchführung der Gemeinsamen Außen- und Sicherheitspolitik.

(7) Im Bereich der Gemeinsamen Außen- und Sicherheitspolitik nehmen der Europäische Rat und der Ministerrat ~~außer in den in Teil II der Verfassung vorgesehenen Fällen~~ Beschlüsse einstimmig **mit qualifizierter Mehrheit** an. Sie beschließen auf Vorschlag eines Mitgliedstaates oder des Außenministers der Union oder auf gemeinsamen Vorschlag des Außenministers der Union und der Kommission.

Mitgliedstaaten, die sich bei der Abstimmung der Stimme enthalten oder eine Gegenstimme abgegeben haben, sind nicht verpflichtet, den Beschluss durchzuführen. Sie akzeptieren jedoch, dass der Beschluss für die Union bindend ist. Im Geiste gegenseitiger Solidarität unterlässt der betreffende Mitgliedstaat alles, was dem auf diesem Beschluss beruhenden

Vorgehen der Union zuwider laufen oder es behindern könnte.

~~(8) Der Europäische Rat kann einstimmig entscheiden, dass der Rat in anderen als den in Teil II der Verfassung genannten Fällen mit qualifizierter Mehrheit beschließt.~~

Begründung:

In einer erweiterten Union mit 25 Mitgliedstaaten und nach den Lehren der Irak-Krise kann in der Gemeinsamen Außen- und Sicherheitspolitik die einstimmige Beschlussfassung nicht mehr als effiziente Entscheidungsstruktur angesehen werden. Darum ist in Absatz 7 die Beschlussfassung mit qualifizierter Mehrheit sowohl für den Europäischen Rat als auch für den Ministerrat einzuführen. Dabei wird entsprechend dem heutigen Art. 23 EU kein Mitgliedstaat, der sich bei der Beschlussfassung enthalten oder eine Gegenstimme abgegeben hat, zur Durchführung des Beschlusses verpflichtet. Die Vorschriften in Teil II Titel B sind entsprechend anzupassen.

Die Rechte des EP in der GASP sind entsprechend dem heutigen Art. 21 EU und angepaßt an das neue Amt des Ministers für auswärtige Angelegenheiten explizit in der Verfassung zu verankern.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 29

Déposée par Madame : **Cristiana MUSCARDINI**

Qualité : Membre

Articolo 29:Politica estera e di sicurezza comune dell'Unione

Par. 7

In materia di politica estera e di sicurezza comune, il Consiglio europeo e il consiglio dei ministri adottano decisioni **a maggioranza qualificata**. Essi si pronunciano su proposta di uno Stato membro, o del ministro degli affari esteri dell'Unione da solo o congiuntamente con la Commissione, **o del Parlamento europeo**.

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : Article 29 Part I Title V (p.12)

Suggestion for protocol :

By Ms / Mr : David Heathcoat-Amory

Status : X - Member - Alternate

The Union's common foreign and security policy

1. *[Delete: 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.]*

Member States may use Communities facilities to foster mutual cooperation in foreign and security affairs.

[Delete: 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]* **may** adopt *[the necessary]* **joint CFSP Decisions. CFSP Decisions shall be determined by unanimity, and are non-legislative.**

*[Delete: 4. The common foreign and security policy [shall] **may** 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]* **may** 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.]*

[Delete: 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.]

Explanation (if any) : These amendments restore the intergovernmental, cooperative aspect to the CFSP.

AMENDMENT FORM

Title V

Suggestion for amendment of Article 29

By Mr. Adrian Severin

Status :Alternate Member

The paragraph 4 should be modified as follows:

4. The common foreign and security policy shall be put into effect by the Union's Minister for Foreign Affairs, **by the Commission** and by the Member States, using national and Union resources.

The paragraph 7 should be modified as follows:

7. Decisions relating to the common foreign and security policy shall be adopted by the European Council and the Council of Ministers by **enhanced qualified majority**. 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.

Explanation:

1. The Commission cannot be excluded completely from the implementation of the common foreign and security policy.

2. Unanimity does not represent a way to encourage a common position on foreign and security policy. Unanimity should be preserved only in the case when the Union takes military action.

AMENDMENT FORM

Suggestion for amendment of Article : 29 paragraph 8 (Part I title V)

Suggestion for protocol :

By Ms / Mr : Esko Seppänen

Status : Alternate

Article 29 paragraph 8

DELETE: 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.~~ —

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 29 paragraph 7 (Part I title V)

Suggestion for protocol :

By Ms / Mr : Esko Seppänen

Status : Alternate

Article 29 Paragraph 7

7. Decisions relating to the common foreign and security policy shall be adopted by the European Council and the Council of Ministers unanimously [**DELETE: 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.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 29

Suggestion for protocol :

By Mr : Dick Roche

Status : - Member

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~~ **Union** Minister for Foreign Affairs and by the Member States, using ~~national and Union~~ **Union and national** resources **respectively**.
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~~ **advance** its ~~values interests~~ **values interests** and ~~values interests~~ 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. **This provision shall not apply to decisions having military or defence implications.**

Explanation (if any) : The procedure outlined at subsection 8 should not apply to matters having military or defence implications in keeping with the general view within the Convention that unanimity should remain the rule in this area. It is more appropriate to refer to the Union advancing its values and then its interests at subsection 5. The change at subsection 4 ensures the text is consistent in the sequence of Union and national resources.

The term 'Union Minister for Foreign Affairs' should be used throughout.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 29, Titre V, Partie I

Déposée par M. Jacques FLOCH, Membre suppléant

Article 29 : La politique étrangère et de sécurité commune de l'Union

Insérer après le paragraphe 8 de l'article 29, le paragraphe suivant :

- « 1. En cas d'incapacité du Conseil européen et du Conseil à adopter des décisions, notamment celles relatives à l'identification des intérêts stratégiques de l'Union et des objectifs de la politique étrangère et de sécurité commune, un groupe d'Etats peut établir une coopération renforcée dans le cadre de l'Union.*
- 2. La coopération renforcée a pour but de sauvegarder les valeurs et de servir les intérêts de l'Union en affirmant son identité en tant que force cohérente et responsable sur la scène internationale.*
- 3. Les Etats qui proposent d'instaurer entre eux une coopération renforcée adressent une demande en ce sens au Ministre européen des affaires étrangères.*
- 4. La Commission vérifie dans un délai raisonnable que la coopération envisagée s'inscrit dans le respect de l'Union et de l'affirmation de ses valeurs et de ses objectifs fondamentaux.*
- 5. L'autorisation est accordée par le Conseil statuant à la majorité des Etats membres*
- 6. Un membre du Conseil peut demander que le Conseil européen soit saisi. Après examen, le Conseil statue comme prévu au point 5 de cet article.*
- 7. la coopération renforcée est ouverte à tout Etat membre pour autant qu'il remplisse les éventuels critères de capacités.*
- 8. La coopération renforcée s'appuie sur le dispositif institutionnel du traité, mais seuls les représentants des Etats membres participants à la coopération prennent part à l'adoption des décisions.*
- 9. Le Ministre européen des affaires étrangères est étroitement associé à la mise en œuvre de la coopération renforcée.*

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : 29, part 1

Suggestion for protocol :

**By Ms / Mr : G.M. de Vries
 T.J.A.M. de Bruijn**

Status : Members

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~~ shall define 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 Council of Ministers shall frame this policy in accordance with the arrangements in Part Two of the Constitution and 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 three or more Member States, ~~or~~ from the Union's Minister for Foreign Affairs or from the Commission, alone or together with the ~~Commission~~ Minister for Foreign Affairs.
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.

Explanation (if any) : As to paragraph 2 and 3, this leads to a better division of powers between the Council and the European Council.

AMENDMENT FORM

Suggestion for amendment of Article : 29

By Mr Joschka Fischer

Status : - Member

Artikel 29

Die Gemeinsame Außen- und Sicherheitspolitik der Union

- (1) Die Europäische Union verpflichtet sich zu einer gemeinsamen Außen- und Sicherheitspolitik, die sich auf alle Bereiche der Außen- und Sicherheitspolitik, einschließlich der Gemeinsamen Sicherheits- und Verteidigungspolitik erstreckt und die auf einer fortschreitenden Entwicklung der gegenseitigen politischen Solidarität der Mitgliedstaaten, der fortschreitenden gemeinsamen Ermittlung der Fragen von allgemeiner Bedeutung und der Positionen der Union auf diese Fragen, der gegenseitigen Abstimmung und einer zunehmend stärkeren Konvergenz zwischen den Maßnahmen der Mitgliedstaaten beruht.
- (2) Der Europäische Rat bestimmt die strategischen Interessen der Union und legt die Ziele ihrer Gemeinsamen Außen- und Sicherheitspolitik, und zwar auch bei Fragen mit verteidigungspolitischen Bezügen fest. Der Ministerrat Rat trifft die für die Festlegung und Durchführung der Gemeinsamen Außen- und Sicherheitspolitik erforderlichen Entscheidungen auf dieser Grundlage gestaltet diese Politik nach Maßgabe von Teil II der Verfassung aus.
- (3) ~~Der Europäische Rat und der Ministerrat fassen die erforderlichen Beschlüsse.~~
- (4) Diese Gemeinsame Außen- und Sicherheitspolitik wird vom Außenminister der Union und von den Mitgliedstaaten mit den auf einzelstaatlicher und auf Unionsebene verfügbaren Mitteln umgesetzt.
- (5) Die Mitgliedstaaten stimmen einander im Rat und im Europäischen Rat zu jeder außen- und sicherheitspolitischen Frage von allgemeiner Bedeutung ab, um ein gemeinsames Vorgehen festzulegen. Bei Auftreten einer internationalen Krise oder einer Frage von strategischer Bedeutung für die Union beruft der Europäische Außenminister unverzüglich den Rat ein. Dieser beschließt

eine gemeinsame Haltung der Union. Bevor ein Mitgliedstaat auf internationaler Ebene eine Maßnahme ergreift oder eine Verpflichtung eingeht, die die Interessen der Union berühren könnte, konsultiert er die anderen Mitgliedstaaten im Rat oder im Europäischen Rat. Die Mitgliedstaaten gewährleisten durch konvergentes Handeln, dass die Union ihre Interessen und Werte auf internationaler Ebene geltend machen kann. Die Mitgliedstaaten sind untereinander solidarisch.

(6) Das Europäische Parlament wird zu den wichtigsten Aspekten und den grundlegenden Weichenstellungen der Gemeinsamen Außen- und Sicherheitspolitik gehört und über ihre Entwicklung auf dem Laufenden gehalten.

(7) Im Bereich der Gemeinsamen Außen- und Sicherheitspolitik ~~nehmen der Europäische Rat und der Ministerrat~~ außer in den in Teil II der Verfassung vorgesehenen Fällen und mit der Ausnahme von Beschlüssen mit militärischen oder verteidigungspolitischen Bezügen, Beschlüsse ~~einstimmig~~ mit qualifizierter Mehrheit an. ~~Sie Er beschließen beschließt~~ auf Vorschlag eines Mitgliedstaates oder des Außenministers der Union oder auf gemeinsamen Vorschlag des Außenministers der Union und der Kommission.

[(8) Der Europäische Rat kann einstimmig entscheiden, dass der Rat in anderen als den in Teil II der Verfassung genannten Fällen mit qualifizierter Mehrheit beschließt.]*

Explanation (if any) :

Absatz 1: Die Rahmen der Gemeinsamen Außen- und Sicherheitspolitik darf nicht hinter die bestehenden Bestimmungen zurückfallen (Art. 11 EUV) sondern sollte weiterentwickelt werden.

Absatz 2: Die unterschiedlichen Aufgaben von Europäischem Rat und Rat sollten klar beschrieben werden: Der Europäische Rat bestimmt die strategischen Interessen der Union und legt die Ziele ihrer Gemeinsamen Außen- und Sicherheitspolitik fest, der Rat trifft auf dieser Grundlage die für die Festlegung und Durchführung der Gemeinsamen Außen- und Sicherheitspolitik erforderlichen Entscheidungen.

Absatz 3: Durch Überarbeitung von Absatz 2 überflüssig.

Absatz 5: Bei der Abstimmung von Positionen zu außen- und sicherheitspolitischen Frage von allgemeiner Bedeutung sollte der Europäische Außenminister eine besondere Rolle spielen. Zudem sollte deutlich gemacht werden, dass die Union in solchen Fällen die Festlegung einer

gemeinsamen Haltung anstrebt.

Absatz 7: Grundsätzlich sollten Entscheidungen im Bereich der Gemeinsamen Außen- und Sicherheitspolitik, mit der Ausnahme von Fragen mit militärischen oder verteidigungspolitischen Bezügen, mit qualifizierter Mehrheit getroffen werden.

Absatz 8: Diese Bestimmung ist bei grundsätzlicher Beschlussfassung mit qualifizierter Mehrheit nicht erforderlich.

Anmerkung: Zudem sollte das Instrument der verstärkten Zusammenarbeit auf alle Bereiche der Gemeinsamen Außen- und Sicherheitspolitik angewandt werden können. Bestehende Ausnahmeregelungen sollten gestrichen werden (Art. 27 b EUV).

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 29

Déposée par MM. Hubert Haenel, membre titulaire, et Robert Badinter, membre suppléant

Article 29 : La politique étrangère et de sécurité commune de l'Union

6 bis. **La COSAC est tenue informée de l'évolution de la politique étrangère et de sécurité commune et peut soumettre à ce sujet des contributions au Conseil.**

Explication éventuelle :

Les parlements nationaux ne peuvent être tenus à l'écart de la mise en oeuvre de la politique étrangère et de sécurité commune. C'est dans le cadre de la COSAC qu'il paraît souhaitable d'assurer leur information.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 29, 30, 31

Déposée par Madame et Monsieur : Maria Eduarda Azevedo / António Nazaré Pereira

Qualité : Membre Effective / Suppléant

Articles 29, 30, 31

Les exceptions aux règles générales doivent être clairement définies dans le cadre d'une clause évolutive qui entraîne la transition vers les règles générales dans un délai fixé et par consensus du Conseil européen.

AMENDMENT FORM

Suggestion for amendment of Article: 29 Common foreign and security policy

By The Earl of Stockton MEP

Status : Alternate

DELETE

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article 29:

By Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives and Mr Sören Lekberg, Mr Göran Lennmarker, Mr Kenneth Kvist and Mr Ingvar Svensson, national parliament representatives.

**Status : - Member: Hjelm-Wallén, Lekberg and Lennmarker
- Alternate: Petersson, Kvist and Svensson**

Article 29: ~~[Common foreign and security policy]~~ External action¹

¹ Specific provisions are probably necessary in all areas of external action (CFSP, defence policy, development policy and commercial policy). All areas of external action will also feature under a common heading in Part Two of the Constitution.

AMENDMENT FORM

Suggestion for amendment of Article : I-39

By Mr Göran Lennmarker

Status : Member

Article I-39: Specific provisions for implementing common foreign and security policy

7. Decisions relating to the common foreign and security policy shall be adopted by the

European Council and the Council of Ministers by the normal rules for qualified majority, except for constructive abstention, vital and stated reasons of national policy for opposing a decision and decisions on sending troops which will be based on "coalitions of the willing".
~~unanimously, except in the cases referred to in Part Three of the Constitution.~~ Discussion shall be based on a proposal from a Member State, from the Union's Minister for Foreign Affairs or from the Minister with the Commission's support. Laws and framework laws are excluded.

Explanation:

As proposed by the Working Group qualified majority voting should be the norm in CFSP. As the Praesidium states in its comment to the articles a number of members of the Convention also want qualified majority voting to be the general rule (CONV 724/03, page 98). The three exceptions stated above could be explained in more detail in part three.