

AMENDMENT FORM

Suggestion for amendment of Article 30

By : TIMOTHY KIRKHOPE MEP

Status : MEMBER

PRAESIDIUM	TIMOTHY KIRKHOPE MEP
<p>Article 30</p> <p>1. The Union's operations in the field of humanitarian aid shall be conducted within the framework of the principles and objectives of the external action of the Union as set out in Article 1 of this Title. Such operations shall be intended to provide ad hoc assistance, relief and protection for people in third countries and victims of man-made and natural disasters, in order to meet the humanitarian needs resulting from these different situations. The Union's actions and those of the Member States shall complement and reinforce each other.</p> <p>2. Humanitarian aid operations shall be conducted in compliance with the principles of international humanitarian law, in particular the principles of impartiality and non-discrimination.</p> <p>3. The European Parliament and the Council, in accordance with the legislative procedure, shall adopt the necessary laws and framework laws defining the framework within which the Union's humanitarian aid operations shall be implemented.</p> <p>4. The Union may conclude with third countries and competent international organisations any agreement helping to achieve the objectives</p>	<p>Article 30</p> <p>1. The <u>Community</u>'s operations in the field of humanitarian aid shall be conducted within the framework of the principles and objectives of the external action of the <u>Community</u> as set out in Article 1 of this Title. Such operations shall be intended to provide ad hoc assistance, relief and protection for people in third countries and victims of man-made and natural disasters, in order to meet the humanitarian needs resulting from these different situations. The <u>Community</u>'s actions and those of the Member States shall complement and reinforce each other.</p> <p>2. Humanitarian aid operations shall be conducted in compliance with the principles of international humanitarian law, in particular the principles of impartiality and non-discrimination.</p> <p>3. The European Parliament and the Council, in accordance with the legislative procedure, shall adopt the necessary laws defining the framework within which the <u>Community</u>'s humanitarian aid operations shall be implemented.</p> <p>4. The <u>Community</u> may conclude with third countries and competent international organisations any agreement helping to achieve the objectives</p>

<p>referred to in Article 1. Such agreements shall be negotiated and concluded pursuant to Article 33 of this Title.</p> <p>The first subparagraph shall be without prejudice to Member States' competence to negotiate in international bodies and to conclude international agreements.</p> <p>5. In order to establish a framework for joint contributions from young Europeans to the humanitarian actions of the Union, a European Voluntary Humanitarian Aid Corps shall be set up. The European Parliament and the Council, in compliance with the legislative procedure, shall adopt a European law determining the rules and operation of the Corps.</p> <p>6. The Commission may take any useful initiative to promote coordination between actions of the Union and those of the Member States, in order to enhance the efficiency and complementarity of Union and national humanitarian aid measures.</p> <p>7. The Union shall ensure that its humanitarian operations are coordinated and consistent with those of international organisations and bodies, in particular those forming part of the United Nations System.</p>	<p>referred to in Article 1. Such agreements shall be negotiated and concluded pursuant to Article 33 of this Title.</p> <p>The first subparagraph shall be without prejudice to Member States' competence to negotiate in international bodies and to conclude international agreements.</p> <p>5. <i>DELETE</i></p> <p>Explanation: There is no need to create a new European Voluntary Humanitarian Aid Corps when there are existing bodies within the Member States such as the British Voluntary Services Organisation which should already cooperating together.</p> <p>6. The Commission may take any useful initiative to promote coordination between actions of the <i>Community</i> and those of the Member States, in order to enhance the efficiency and complementarity of <i>Community</i> and national humanitarian aid measures.</p> <p>7. The <i>Community</i> shall ensure that its humanitarian operations are coordinated and consistent with those of international organisations and bodies, in particular those forming part of the United Nations System.</p>
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FICHE AMENDEMENT

Proposition d'amendement à l'Article : 30, Partie II, Titre B

Déposée par: M. Ernâni Lopes, Mme. Maria Eduarda Azevedo, M. Manuel Lobo Antunes et M. António Nazaré Pereira

Qualité : - Membres et Suppléants

1. Les actions de l'Union dans le domaine de l'aide humanitaire sont menées dans le cadre des principes et objectifs de l'action extérieure de l'union, tels qu'énoncés dans l'article 1 du présent Titre. Ces actions visent à porter ~~ponctuellement~~ assistance, secours et protection aux populations des pays tiers, victimes de catastrophes d'origine humaine ou naturelle, pour faire face aux besoins humanitaires résultant de ces différentes situations. Les actions de l'Union et des États membres se complètent et se renforcent mutuellement.
2. (...)
3. Le Parlement européen et le Conseil adoptent, conformément à la procédure législative, les lois européennes, les lois-cadres européennes **et d'autres instruments** nécessaires définissant le cadre dans lequel sont mises en oeuvre des actions d'aide humanitaire de l'Union.
4. (...)
5. (...)
6. (...)
7. (...)

Explication:

Le mot ponctuellement nous semble réductrice des actions de l'Union.

La référence aux lois européennes et lois-cadres européennes n'inclue pas toutes les mesures que le Conseil et le Parlement européen peuvent adopter dans ce domaine.

AMENDMENT FORM

Suggestion for amendment of Article : Chapter 3

By Member of the Convention Mr. Jens-Peter Bonde

CHAPTER 3: COOPERATION WITH THIRD COUNTRIES AND HUMANITARIAN AID

I. DEVELOPMENT COOPERATION

Article 30

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

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

5. In order to establish a framework for joint contributions from young Europeans to the humanitarian actions of the Union, a European Voluntary Humanitarian Aid Corps shall be set up. The European Parliament and the Council, in compliance with the legislative procedure, shall adopt a European law determining the rules and operation of the Corps.
6. The Commission may take any useful initiative to promote coordination between actions of the Union and those of the Member States, in order to enhance the efficiency and complementarity of Union and national humanitarian aid measures.
7. The Union shall ensure that its humanitarian operations are coordinated and consistent with those of international organisations and bodies, in particular those forming part of the United Nations System.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 30

Suggestion for PART TWO – CHAPTER 3: COOPERATION WITH THIRD COUNTRIES AND HUMANITARIAN AID, III. HUMANITARIAN AID

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

on behalf of the EPP Convention Group

Status : - Member - Alternate

CHAPTER 3: COOPERATION WITH THIRD COUNTRIES AND HUMANITARIAN AID

III. HUMANITARIAN AID

Article 30

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

Union's humanitarian aid operations shall be implemented.

4. The Union may conclude with third countries and competent international organisations any agreement helping to achieve the objectives referred to in Article 1. Such agreements shall be negotiated and concluded pursuant to Article 33 of this Title.

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

5. In order to establish a framework for joint contributions from young Europeans to the humanitarian actions of the Union, a European Voluntary Humanitarian Aid Corps shall be set up. The European Parliament and the Council, in compliance with the legislative procedure, shall adopt a European law determining the rules and operation of the Corps.
6. The Commission ~~may~~ **shall** take any useful initiative to promote coordination between actions of the Union and those of the Member States, in order to enhance the efficiency and complementarity of Union and national humanitarian aid measures.
7. The Union shall ensure that its humanitarian operations are coordinated and consistent with those of international organisations and bodies, in particular those forming part of the United Nations System.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 30, Part II

Suggestion for protocol :

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

Status : **Members**

1. The Union's operations in the field of humanitarian aid shall be conducted within the framework of the principles and objectives of the external action of the Union as set out in Article 1 of this Title. Such operations shall be intended to provide ad hoc assistance, relief and protection for people in third countries and victims of man-made and natural disasters, in order to meet the humanitarian needs resulting from these different situations. The Union's actions and those of the Member States shall complement and reinforce each other.

2. Humanitarian aid operations shall be conducted in compliance with the principles of international humanitarian law, in particular the principles of impartiality and non-discrimination.

1. The European Parliament and the Council, in accordance with the legislative procedure, shall adopt the necessary laws and framework laws defining the framework within which the Union's humanitarian aid operations shall be implemented.

4. The Union may conclude with third countries and competent international organisations any agreement helping to achieve the objectives referred to in Article 1. Such agreements shall be negotiated and concluded pursuant to Article 33 of this Title.

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

5. ~~In order to establish a framework for joint contributions from young Europeans to the humanitarian actions of the Union, a European Voluntary Humanitarian Aid Corps shall be~~

~~set up. The European Parliament and the Council, in compliance with the legislative procedure, shall adopt a European law determining the rules and operation of the Corps.~~

6. The Commission may take any useful initiative to promote coordination between actions of the Union and those of the Member States, in order to enhance the efficiency and complementarity of Union and national humanitarian aid measures.
7. The Union shall ensure that its humanitarian operations are coordinated and consistent with those of international organisations and bodies, in particular those forming part of the United Nations System.

Explanation (if any) : The Netherlands supports the idea of a Peace Corps but does not want the Peace Corps to be solely focused on Humanitarian aid.

AMENDMENT FORM

Title B - Part II

Suggestion for amendment of Article : 30.2

By Ms. Dybkjær

Status : - Member X Alternate

Humanitarian aid operations shall be conducted in compliance with the principles of international humanitarian law, in particular the principles of impartiality, **neutrality**, and non-discrimination.

Explanation (if any) :

There is a need to include humanitarian aid policy objectives in the Constitution, primarily building upon the community method and procedures. Humanitarian assistance should be carried out in a neutral and impartial way. If the principles of neutrality and impartiality are not met there is a risk of undermining the very foundation of humanitarian aid. These principles are key to successful delivery of humanitarian aid under safe conditions for relief workers.

FICHE AMENDEMENT

Proposition d'amendement article 30 (parti II titre B)

Déposée par Anne Van Lancker

article 30 .2

Humanitarian aid operations shall be conducted in compliance with the principles of international humanitarian law, in particular the principles of impartiality, neutrality and non-discrimination.

Justification:

There is a need to include humanitarian aid policy objectives in the Constitution, primarily building upon the community method and procedures. Humanitarian assistance should be carried out in a neutral and impartial way. If the principles of neutrality and impartiality are not met there is a risk of undermining the very foundation of humanitarian aid. These principles are key to a successful delivery of humanitarian aid under safe conditions for relief workers.

AMENDMENT FORM

Suggestion for amendment of Article : Article 30

Suggestion for protocol :

By Ms / Mr : David Heathcoat-Amory, Earl of Stockton MEP

Status : X - Member - Alternate X

Article 30

1. The Union's operations in the field of humanitarian aid shall be conducted within the framework of the principles and objectives of the external action of the Union as set out in Article 1 of this Title. Such operations shall be intended to provide ad hoc assistance, relief and protection for people in third countries and victims of man-made and natural disasters, in order to meet the humanitarian needs resulting from these different situations. The Union's actions and those of the Member States shall complement and reinforce each other.

2. Humanitarian aid operations shall be conducted in compliance with the principles of international humanitarian law, in particular the principles of impartiality and non-discrimination.

3. The European Parliament and the Council, in accordance with the legislative procedure, shall adopt the necessary laws and framework laws defining the framework within which the Union's humanitarian aid operations shall be implemented.

4. The Union may conclude with third countries and competent international organisations any agreement helping to achieve the objectives referred to in Article 1. Such agreements shall be negotiated and concluded pursuant to Article 33 of this Title.

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

[Delete: 5. In order to establish a framework for joint contributions from young Europeans to the humanitarian actions of the Union, a European Voluntary Humanitarian Aid Corps shall be set up. The European Parliament and the Council, in compliance with the legislative procedure, shall adopt a European law determining the rules and operation of the Corps.]

6. The Commission may take any useful initiative to promote coordination between actions of the Union and those of the Member States, in order to enhance the efficiency and complementarity of Union and national humanitarian aid measures.

7. The Union shall ensure that its humanitarian operations are coordinated and consistent with those of international organisations and bodies, in particular those forming part of the United Nations System.

Explanation (if any) : It is not appropriate to put a provision for a voluntary organisation in a Treaty. This is an attempt to take over the workings of civic society and intermediary organisations between the state and the individual.

AMENDMENT FORM

Suggestion for amendment of Article : 30 (PART TWO – TITLE B)

Suggestion for protocol :

By Mr : Ingvar SVENSSON

Status : - Alternate

Article 30

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

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

5. In order to establish a framework for joint contributions from young Europeans to the humanitarian actions of the Union, a European Voluntary Humanitarian Aid Corps shall be

set up. The European Parliament and the Council, in compliance with the legislative procedure, shall adopt a European law determining the rules and operation of the Corps.

6. The Commission ~~may take any useful initiative to~~ **shall** promote coordination between actions of the Union and those of the Member States, in order to enhance the efficiency and complementarity of Union and national humanitarian aid measures.
7. The Union shall ensure that its humanitarian operations are coordinated and consistent with those of international organisations and bodies, in particular those forming part of the United Nations System.

AMENDMENT FORM

Suggestion for amendment of Article: 30 (Part Two, CFSP)

By Mr: Erwin Teufel

Status: Member

Text of the Praesidium

- (4) The Union may conclude with third countries and competent international organisations any agreement helping to achieve the objectives referred to in Article 1. Such agreements shall be negotiated and concluded in accordance with Article 33 of this Title.

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

Proposed Amendment

- (4) The Union may, **in the field of humanitarian aid**, conclude with third countries and competent international organisations any agreement helping to achieve the objectives referred to in Article 1 **of this Title**. Such agreements shall be negotiated and concluded in accordance with Article 33 of this Title.

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

Explanation:

This is to clarify that the competence to conclude agreements only refers to the field of humanitarian aid subject to the provisions of Article 30 .

FICHE AMENDEMENT

Proposition d'amendement à l'Article:	30 (Partie II, PESC)
Déposée par Monsieur:	Erwin Teufel
Qualité:	Membre

Texte du Praesidium

(4) Die Union kann mit Drittländern und den zuständigen internationalen Organisationen alle Abkommen schließen, die dazu beitragen, dass die Ziele des Artikels 1 erreicht werden können. Diese Abkommen werden gemäß Artikel 33 dieses Titels ausgehandelt und geschlossen.

Amendement proposé

(4) Die Union kann mit Drittländern und den zuständigen internationalen Organisationen **im Bereich der humanitären Hilfe** alle Abkommen schließen, die dazu beitragen, dass die Ziele des Artikels 1 **dieses Titels** erreicht werden können. Diese Abkommen werden gemäß Artikel 33 dieses Titels ausgehandelt und geschlossen.

Begründung:

Klarstellung, dass sich die Zuständigkeit zum Abschluss von Abkommen nur auf den durch Artikel 30 geregelten Bereich der humanitären Hilfe bezieht.

AMENDMENT FORM

Title B

Suggestion for amendment of Article : 30

By Members: Voggenhuber, Lichtenberger, Wagener,

Status : Members and alternate members.

Article 30

1. The Union's operations in the field of humanitarian aid shall be conducted within the framework of the principles and objectives of the external action of the Union as set out in Article 1 of this Title. Such operations shall be intended to provide ad hoc assistance, relief and protection for people in third countries and victims of man-made and natural disasters, in order to meet the humanitarian needs resulting from these different situations. The Union's actions and those of the Member States shall complement and reinforce each other.

2. Humanitarian aid operations shall be conducted in compliance with the principles of international humanitarian law, in particular the principles of impartiality and non-discrimination.

3. The European Parliament and the Council, in accordance with the legislative procedure, shall adopt the necessary laws and framework laws defining the framework within which the Union's humanitarian aid operations shall be implemented.

4. The Union may conclude with third countries and competent international organisations any agreement helping to achieve the objectives referred to in Article 1. Such agreements shall be negotiated and concluded pursuant to Article 33 of this Title. The first subparagraph shall be without prejudice to Member States' competence to negotiate in international bodies and to conclude international agreements.

~~5. In order to establish a framework for joint contributions from young Europeans to the~~

~~humanitarian actions of the Union, a European Voluntary Humanitarian Aid Corps shall be set up. The European Parliament and the Council, in compliance with the legislative procedure, shall adopt a European law determining the rules and operation of the Corps.~~

6. The Commission may take any useful initiative to promote coordination between actions of the Union and those of the Member States, in order to enhance the efficiency and complementarity of Union and national humanitarian aid measures.

7. The Union shall ensure that its humanitarian operations are coordinated and consistent with those of international organisations and bodies, in particular those forming part of the United Nations System.

Explanation:

5. Modified and moved to Article 17

AMENDMENT FORM

Suggestion for amendment of Article 30

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

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

Article 30

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

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

¹ So as not to confuse the objectives of humanitarian action with other objectives in article 1, we suggest making the objectives of such action more explicit.

² Mindful that all aspects of the international framework for humanitarian action are not fully codified in international law, we suggest an addition so as to fully acknowledge established practice. Moreover, we suggest an amendment to the principles referred to. Giving that non-discrimination is generally understood to be part of the concept of impartiality, it might not be necessary to name the term explicitly. Rather, the principles of neutrality and independence would be valuable to add, ensuring coherence with the most firmly established international terminology. This amendment would be fully consistent with Council Regulation (EC) No 1257/ 9 6.

5. ~~In order to establish a framework for joint contributions from young Europeans to the humanitarian actions of the Union, a European Voluntary Humanitarian Aid Corps shall be set up. The European Parliament and the Council, in compliance with the legislative procedure, shall adopt a European law determining the rules and operation of the Corps.~~³
6. The Commission may take any useful initiative to promote coordination between actions of the Union and those of the Member States, in order to enhance the efficiency and complementarity of Union and national humanitarian aid measures.
7. The Union shall ensure that its humanitarian operations are coordinated and consistent with those of international organisations and bodies, in particular those forming part of the United Nations System.

³ The proposal made in this paragraph is at a level of specificity, which is not suitable for inclusion in a constitutional treaty.

AMENDMENT FORM

Suggestion for amendment of Article 30 of Part II

By Mr : O’Sullivan and Ponzano

Status : Alternates

Add the following sentence to paragraph 2 of Article 30 .

“These actions may only be conducted by military resources of the Member States on an exceptional basis and in support of humanitarian organisations, and in full compliance with the principles of international humanitarian law.”

Explanation :

As the Union has also a security and defence policy, the purpose of this amendment is to clarify that humanitarian aid is normally provided by civilian means (specialised organisations, etc.), and that the only circumstances in which military resources may be involved are when such civilian means are insufficient.

As far as paragraph 5 on the European Voluntary Aid Corps is concerned, we do not submit any amendment, but we wish to draw the attention to the need to describe more precisely its rules of operation, given the numerous constraints related to the actual delivery of humanitarian aid.

FICHE AMENDEMENT

Proposition d'amendement à l'article 30 de la partie II

Déposée par M. O'Sullivan et M. Ponzano

Qualité : Suppléants

Ajouter la phrase suivante au paragraphe 2 de l'article 30 .

« Ces actions ne peuvent être menées par des personnels militaires des Etats membres qu'à titre exceptionnel et en soutien aux organisations humanitaires, et dans le plein respect des principes du droit international humanitaire ».

Explication :

L'Union ayant également une politique de sécurité et de défense, cet amendement vise à clarifier que l'aide humanitaire est fournie en principe par des organismes civils (organisations spécialisées, etc.), et que ce n'est qu'en cas d'insuffisance de tels moyens civils qu'une fourniture par des personnels militaires peut être envisagée.

Par ailleurs, en ce qui concerne le paragraphe 5 relatif au Corps volontaire européen, nous ne présentons pas d'amendement, mais nous souhaitons attirer l'attention sur le besoin de décrire plus précisément les modalités de son fonctionnement, à la lumière des contraintes souvent nombreuses liées à la fourniture sur le terrain de l'aide humanitaire.

AMENDMENT FORM

Title B - Part II

Suggestion for amendment of Article : 30

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.

III. HUMANITARIAN AID

Article 30

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

4. The Union may conclude with third countries and competent international organisations any agreement helping to achieve the objectives referred to in Article 1. Such agreements shall

be negotiated and concluded pursuant to Article 33 of this Title.

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

5. In order to establish a framework for joint contributions from young Europeans to the humanitarian actions of the Union, a European Voluntary Humanitarian Aid Corps shall be set up. The European Parliament and the Council, in compliance with the legislative procedure, shall adopt a European law determining the rules and operation of the Corps.
6. The Commission may take any useful initiative to promote coordination between actions of the Union and those of the Member States, in order to enhance the efficiency and complementarity of Union and national humanitarian aid measures.
7. The Union shall ensure that its humanitarian operations are coordinated and consistent with those of international organisations and bodies, in particular those forming part of the United Nations System.

Explanation:

We have inserted in paragraph 2 the concept of neutrality which is a key element within the humanitarian policy. It is an essential complement to impartiality and non-discrimination.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 30, partie II – titre B - de la Constitution:

L'ACTION EXTERIEURE DE L'UNION

Déposée par Mme Linda McAVAN, Mme Anne VAN LANCKER, M. Olivier DUHAMEL, M. Luis MARINHO, Mme Pervenche BERÈS, Mme Maria BERGER, Mme Elena PACIOTTI, Mme Helle THORNING-SCHMIDT

Qualité: - Membres et Suppléants

CHAPTER 3 : HUMANITARIAN AID

ARTICLE 30

5. **Delete**
6. The Commission **shall (delete 6 words)** promote coordination between actions of the Union and those of the Member States, in order to enhance the efficiency and complementarity of Union and national humanitarian aid measures.

Explication éventuelle:

AMENDMENT FORM

Suggestion for amendment of Article : 30.2.

Suggestion for protocol : -

By Ms / Mr : Péter BALÁZS

Status : - Member - Alternate

Article 30

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

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

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

Explanation (if any) :

What should be understood under « progressive improvement of the Member States' military capabilities »? This needs further clarification in the text (especially if it is meant that the Member States should fulfil certain criteria in this respect).

AMENDMENT FORM

Suggestion for amendment to PART TWO, Title B, Art.30

By Mr Hannes FARNLEITNER

Status : - Member

Article 30

(...)

6. The Commission ~~may~~ **shall** take any useful initiative to promote coordination between actions of the Union and those of the Member States, in order to enhance the efficiency and complementarity of Union and national humanitarian aid measures.

(...)

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : Article 30

Suggestion for protocol :

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

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

Article 30

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

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

5. ~~In order to establish a framework for joint contributions from young Europeans to the humanitarian actions of the Union, a European Voluntary Humanitarian Aid Corps shall be set up. The European Parliament and the Council, in compliance with the legislative procedure, shall adopt a European law determining the rules and operation of the Corps.~~
6. The Commission may take any useful initiative to promote coordination between actions of the Union and those of the Member States, in order to enhance the efficiency and complementarity of Union and national humanitarian aid measures.
7. The Union shall ensure that its humanitarian operations are coordinated and consistent with those of international organisations and bodies, in particular those forming part of the United Nations System.

Explanation (if any) :

Explanation 30 (5): Paragraph 5 should be deleted. The establishment of a European voluntary humanitarian aid corps can and should be discussed as a separate issue from the Treaty reform.

AMENDMENT FORM

Suggestion for amendment of Article : 30

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

Status : - Member ~~Alternate~~

Artikel 30

(1) ~~Im Rahmen für die Maßnahmen der Union im Bereich der humanitären Hilfe bilden die in Artikel 1 dieses Titels aufgeführten Grundsätze und Ziele des außenpolitischen Handelns der Union.~~ **Die Union führt Maßnahmen auf dem Gebiet der humanitären Hilfe durch.** Die Maßnahmen dienen dazu, Einwohnern von Drittländern, die unter von Menschen verursachten Katastrophen oder Naturkatastrophen zu leiden haben, konkret Hilfe, Rettung und Schutz zu bringen, damit die aus diesen Notständen resultierenden humanitären Bedürfnisse gedeckt werden können. Die Maßnahmen der Union und die Maßnahmen der Mitgliedstaaten ergänzen und verstärken sich gegenseitig.

(2) Die Maßnahmen der humanitären Hilfe werden im Einklang mit den Grundsätzen des humanitären Völkerrechts, insbesondere den Grundsätzen der Unparteilichkeit und der Nichtdiskriminierung, durchgeführt.

(3) Das Europäische Parlament und der Rat nehmen nach dem Gesetzgebungsverfahren die Gesetze und Rahmengesetze an, in denen festgelegt wird, in welchem Rahmen die Maßnahmen der humanitären Hilfe der Union durchgeführt werden.

(4) Die Union kann mit Drittländern und den zuständigen internationalen Organisationen alle **zur Durchführung dieser Politik erforderlichen** Abkommen schließen, ~~die dazu beitragen, dass die Ziele des Artikels 1 erreicht werden können.~~ Diese Abkommen werden gemäß Artikel 33 dieses Titels ausgehandelt und geschlossen.

Unterabsatz 1 berührt nicht die Zuständigkeit der Mitgliedstaaten, in internationalen Gremien zu verhandeln und internationale Abkommen zu schließen.

Unterabsatz 1 berührt nicht die Zuständigkeit der Mitgliedstaaten, in internationalen Gremien zu verhandeln und internationale Abkommen zu schließen.

(5) Als Rahmen für gemeinsame Beiträge der europäischen Jugendlichen zu den Maßnahmen der

Union im Bereich der humanitären Hilfe wird ein Europäisches Freiwilligenkorps für humanitäre Hilfe geschaffen. Das Europäische Parlament und der Rat nehmen nach dem Gesetzgebungsverfahren ein europäisches Gesetz an, in dem der Status und die Arbeitsweise des Korps geregelt werden.

(6) Die Kommission ~~kann~~ **ergreift** alle Initiativen ~~ergreifen~~, die der Koordinierung zwischen den Maßnahmen der Union und denen der Mitgliedstaaten förderlich sind, damit die Programme der Union und der Mitgliedstaaten im Bereich der humanitären Hilfe wirksamer sind und einander besser ergänzen.

(7) Die Union sorgt dafür, dass ihre humanitären Maßnahmen mit den Maßnahmen der internationalen Organisationen und Einrichtungen, insbesondere denen der Vereinten Nationen, abgestimmt werden und im Einklang stehen.

Explanation (if any) :

Absatz 1:

Streichung des Satzes 1. Dies ergibt sich bereits aus der Systematik des Titels " Außenpolitisches Handeln der Union" .

FICHE AMENDEMENT

Proposition d'amendement à l'Article : Título V, Capítulo IV

Déposée par Josep Borrell, Carlos Carnero, Diego Lopez-Garrido

Qualité :

Título V, Capítulo IV.-

Sustituir el título propuesto por el *Praesidium* ("Cooperación con terceros países y ayuda humanitaria") por el de "Asistencia, cooperación al desarrollo y ayuda humanitaria".

Explication éventuelle:

AMENDMENT FORM

**Suggestion for amendment of III-218.1
By Mr Proinsias De Rossa**

Status : - Member

PART III

Humanitarian Aid Section 3

Article III-218.1

Amend the last sentence as follows:

...The unions actions and those of the Member states shall complement and reinforce each other **and shall at all times be fully in compliance with International Humanitarian law, including the related Geneva Conventions and protocols.**

Explanation (if any) :

The constitution should be clear in its committment that Humanitarian Aid may not be an instrument for achieving Union objectives other than that of Humanitarian relief for distressed persons and populations.

AMENDMENT FORM

Suggestion for amendment of Article: **Article III-218.5**

By Ms / Mr : Ms Helle THORNING-SCHMIDT

Status : Alternate

Article III-218, paragraph 5

[Delete paragraph]

Explanation (if any) :

Article III/ 218 .5 proposes the creation of a European Voluntary Humanitarian Aid Corps. Humanitarian actors widely agree that this is a bad idea, due to the need for quality and professionalism in delivery of aid. Humanitarian aid functions in emergency contexts such as war and natural disaster, where know-how and quick reactions are essential, and dangerous, horrific and traumatising events are the norm. Humanitarian aid is a setting for experienced, trained professionals such as NGOs and international organisations. While the idea of bringing young Europeans in touch with third-country realities is interesting, a Voluntary Corps might be more appropriate in the context of long-term development cooperation, where a wide variety of constructive projects are carried out by the EU. Nonetheless, a Voluntary Corps can be established through many other mechanisms, and does not need to be mentioned within the Constitutional Treaty.

AMENDMENT FORM

1. Suggestion for amendment of Article: **Article III-218.2**

By Ms / Mr : Ms Helle THORNING-SCHMIDT

Status : Alternate

Article III - 218, paragraph 2

2. Humanitarian aid operations shall be conducted in compliance with the principles of international humanitarian law, in particular the principles of impartiality, *neutrality* and non-discrimination.

Explanation (if any) :

Article III/ 218 .2 states, “Humanitarian aid operations shall be conducted in compliance with the principles of international humanitarian law, in particular the principles of impartiality and non-discrimination.” While many amendments were tabled with the suggestion of adding “neutrality” to impartiality and non-discrimination, these did not reach the final draft. Neutrality, another fundamental principle of humanitarian assistance, contributes to greater access to intended beneficiaries and is often a vital element in relation to the security of aid workers. Neutrality can help to ensure non-discriminatory and needs-based humanitarian aid delivery.

AMENDMENT FORM

Suggestion for amendment of Article : 218 (ex Article 30), part III of the Constitution

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

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

Article III-218 (ex Article 30)

1. The Union's operations in the field of humanitarian aid shall be conducted within the framework of the principles and objectives of the external action of the Union as set out in [Article III-18 8 (ex 1)] of this Title. Such operations shall be intended to provide ad hoc assistance, relief and protection for people in third countries and victims of man-made and natural disasters, in order to meet the humanitarian needs resulting from these different situations. The Union's actions and those of the Member States shall complement and reinforce each other.

2. Humanitarian aid operations shall be conducted in compliance with the principles of international humanitarian law, in particular the principles of impartiality and non-discrimination.

3. A European law or framework law shall establish the necessary measures defining the framework within which the Union's humanitarian aid operations shall be implemented.

4. The Union may conclude with third countries and competent international organisations any agreement helping to achieve the objectives referred to in [Article III-18 8 (ex 1)]. Such agreements shall be negotiated and concluded pursuant to [Article III-222 (ex 33)] of this Title.

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

~~5. In order to establish a framework for joint contributions from young Europeans to the humanitarian actions of the Union, a European Voluntary Humanitarian Aid Corps shall be set up. European law shall determine the rules and operation of the Corps.~~

6. The Commission may take any useful initiative to promote coordination between actions of the Union and those of the Member States, in order to enhance the efficiency and complementarity of Union and national humanitarian aid measures.

7. The Union shall ensure that its humanitarian operations are coordinated and consistent with those of international organisations and bodies, in particular those forming part of the United Nations system.

Explanation (if any) :

We do not find it necessary to establish a European voluntary humanitarian aid corps by the Constitution.

AMENDMENT FORM

Suggestion for amendment of Article :

By Ms : Linda McAvan

Status : - Member

Article III-218 (ex Article 30)

Change as follows:

1. The Union's operations in the field of humanitarian aid shall be conducted within the framework of the principles and objectives of the external action of the Union as set out in [Article 1] of this Title. Such operations shall be intended to **save and preserve life, reduce or prevent suffering and safeguard the integrity and dignity of victims of natural and man-made disasters during the crises and in their immediate aftermath**. The Union's actions and those of the Member States shall complement and reinforce each other.

2. Humanitarian aid operations shall be conducted in compliance with the principles of international humanitarian law, in particular the principles of **humanity, impartiality, independence, and non-discrimination. Humanitarian aid shall be determined solely on the basis of the needs of victims**

3. A European law or framework law shall establish the necessary measures defining the framework within which the Union's humanitarian aid operations shall be implemented.

4. The Union may conclude with third countries and competent international organisations any agreement helping to achieve the objectives referred to in Article 1. Such agreements shall be negotiated and concluded pursuant to [Article 33] of this Title.

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

~~5. In order to establish a framework for joint contributions from young Europeans to the humanitarian actions of the Union, a European Voluntary Humanitarian Aid Corps shall be set up.~~

~~The European Parliament and the Council, in accordance with the legislative procedure, shall adopt a European law determining the rules and operation of the Corps.~~

AMENDMENT FORM

Suggestion for amendment of Article III-218 European Voluntary Humanitarian Aid Corps

By Member Mr Göran Lennmarker

~~5. In order to establish a framework for joint contributions from young Europeans to the humanitarian actions of the Union, a European Voluntary Humanitarian Aid Corps shall be set up. European law shall determine the rules and operation of the Corps.~~

Explanation:

Many countries have set up voluntary Corps in order to assist developing countries. Experience has not been encouraging. Voluntary contributions are best handled by NGOs, which may be assisted financially by public money. The Constitution should at least not state that the Corps " shall" be set up, but merely " may" be set up.

AMENDMENT FORM

Suggestion for amendment of Article III-218

By Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives and Mr Sören Lekberg, national parliament representative.

Status : - Member: Hjelm-Wallén and Lekberg
 - Alternate: Petersson

1. The Union's operations in the field of humanitarian aid shall be conducted within the framework of the principles and objectives of the external action of the Union as set out in Article 1 of this Title. Such operations shall be intended to provide ad hoc assistance, relief and protection for ~~people in third countries and~~ victims of man-made and natural disasters **in third countries**, in order to ~~meet the humanitarian needs resulting from these different situations~~ **save lives, alleviate suffering and restore human dignity**. The Union's actions and those of the Member States shall complement and reinforce each other.¹
2. Humanitarian aid operations shall be conducted in compliance with the principles of international humanitarian law **and other established practice of humanitarian action**, in particular the principles of impartiality ~~and non-discrimination~~, **neutrality and independence**.²
3. A European law or framework law shall establish the necessary measures defining the framework within which the Union's humanitarian aid operations shall be implemented.
4. The Union may conclude with third countries and competent international organisations any agreement helping to achieve the objectives referred to in [Article III-218]. Such agreements shall be negotiated and concluded pursuant to Article 33 of this Title.

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

5. ~~In order to establish a framework for joint contributions from young Europeans to the humanitarian actions of the Union, a European Voluntary Humanitarian Aid Corps shall be set up. The European Parliament and the Council, in compliance with the legislative procedure, shall adopt a European law determining the rules and operation of the Corps.~~³

¹ So as not to confuse the objectives of humanitarian action with other objectives in article 1, we suggest making the objectives of such action more explicit.

² Mindful that all aspects of the international framework for humanitarian action are not fully codified in international law, we suggest an addition so as to fully acknowledge established practice. Moreover, we suggest an amendment to the principles referred to. Giving that non-discrimination is generally understood to be part of the concept of impartiality, it might not be necessary to name the term explicitly. Rather, the principles of neutrality and independence would be valuable to add, ensuring coherence with the most firmly established international terminology. This amendment would be fully consistent with Council Regulation (EC) No 1257/ 9 6.

³ The proposal made in this paragraph is at a level of specificity, which is not suitable for inclusion in a constitutional treaty.

6. The Commission may take any useful initiative to promote coordination between actions of the Union and those of the Member States, in order to enhance the efficiency and complementarity of Union and national humanitarian aid measures.
7. The Union shall ensure that its humanitarian operations are coordinated and consistent with those of international organisations and bodies, in particular those forming part of the United Nations System.

AMENDMENT FORM

Suggestion for amendment of Article : Part III, Title V, Article 218 (ex Art. 30)

Suggestion for protocol :

By Ms / Mr : Hain

Status : - Member - ~~Alternate~~

1. The Union's operations in the field of humanitarian aid shall be conducted within the framework of the principles and objectives of the external action of the Union as set out in [Article 1] of this Title. Such operations shall be intended to provide ad hoc assistance, relief and protection, to save and preserve life and to reduce or prevent suffering for people in third countries and victims of man-made and natural disasters, in order to meet the humanitarian needs resulting from these different situations. The Union's actions and those of the Member States shall complement and reinforce each other.

2. Humanitarian aid operations shall be conducted in compliance with the principles of international humanitarian law, in particular the principles of humanity, neutrality and impartiality ~~impartiality and non-discrimination~~.

3. *Okay*

4. *Okay*

5. *Delete.*

Explanation (if any) :

Para 1: Our addition makes the objective of humanitarian aid more explicit, to reflect current arrangements governing EU humanitarian aid.

Para 2: Our addition makes an explicit reference to the basic principles of humanitarian law.

Para 5: The idea of establishing a European Voluntary Humanitarian Aid Corps should have no place within the EU's humanitarian action.