

**AMENDMENT FORM**

**Suggestion for amendment of Article 31**

**By : TIMOTHY KIRKHOPE MEP**

**Status : MEMBER**

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<b>PRAESIDIUM</b>	<b>TIMOTHY KIRKHOPE MEP</b>
<p><b>Article 31</b></p> <p>1. Where a decision on a Union position or action adopted according to the provisions on the common foreign and security policy in Chapter 1 of this Title provides for the interruption or reduction, in part or completely, of economic and financial relations with one or more third countries, the Council, acting by a qualified majority on a joint proposal from the Minister for Foreign Affairs and the Commission, shall take the necessary measures. It shall inform the European Parliament thereof.</p> <p>2. In the areas referred to in paragraph 1 the Council may adopt restrictive measures under the same procedure against natural or legal persons and non-State groups or bodies.</p>	<p><i>DELETE</i></p>

## AMENDMENT FORM

Suggestion for amendment of Article : 31

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

Status : - Member      -~~Alternate~~

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### Artikel 31

(1) Sieht ein nach den Bestimmungen über die Gemeinsame Außen- und Sicherheitspolitik des Kapitels 1 angenommener Beschluss über einen Standpunkt oder eine Aktion der Union vor, die Wirtschafts- und Finanzbeziehungen zu einem oder mehreren dritten Ländern auszusetzen, einzuschränken oder vollständig einzustellen, so trifft der Rat *vorbehaltlich des Artikels 33 Absatz 10* die erforderlichen Maßnahmen; der Rat beschließt auf gemeinsamem Vorschlag des ~~Ministers für auswärtige Angelegenheiten~~ *Außenministers* und der Kommission ~~mit qualifizierter Mehrheit~~. Er unterrichtet das Europäische Parlament hierüber. *Maßnahmen, die Rechtsakte betreffen, die im Gesetzgebungsverfahren oder nach Zustimmung durch das Europäische Parlament erlassen wurden, bedürfen der Genehmigung durch das Europäische Parlament binnen einer Frist von einem Monat.*

(2) In den unter Absatz 1 fallenden Bereichen kann der Rat nach demselben Verfahren restriktive Maßnahmen gegen natürliche oder juristische Personen, nichtstaatliche Gruppierungen oder Strukturen annehmen.

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Explanation (if any) :

## **FICHE AMENDEMENT**

### **Proposition d'amendement à l'Article 31**

**Déposée par Monsieur de Villepin**

**Qualité : - Membre**

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Article 31

1. Lorsqu'une décision portant sur une position ou une action de l'Union adoptée en vertu des dispositions sur la politique étrangères et de sécurité commune du Chapitre 1 du présent Titre, prévoit l'interruption ou la réduction, en tout ou en partie, des relations économiques et financières avec un ou plusieurs pays tiers, le Conseil, statuant à la majorité qualifiée sur proposition du Ministre des Affaires étrangères ~~et de la Commission conjointement~~, prend les mesures nécessaires. Il en informe le Parlement européen.
2. Dans les domaines visés au paragraphe 1, le Conseil peut adopter selon la même procédure des mesures restrictives à l'encontre de personnes physiques ou morales, groupes ou entités non-étatiques.

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#### **Explication éventuelle :**

L'article 31 paragraphe 2 doit se lire comme permettant également l'adoption de mesures restrictives à l'encontre de personnes résidentes de l'Union

## AMENDMENT FORM

### Suggestion for amendment of Article : Chapter 4

By Member of the Convention Mr Jens-Peter Bonde

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#### CHAPTER 4: RESTRICTIVE MEASURES

##### *Article 31*

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

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**Explanation (if any) :**

## **FICHE AMENDEMENT**

**Proposition d'amendement : Capítulo 4, Artículo 31**

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

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### **Artículo 31**

#### ***Modificar el punto 1:***

1. Cuando una decisión relativa a una posición o a una acción de la Unión adoptada con arreglo a lo dispuesto respecto de la política exterior y de seguridad común en el Capítulo 1 del presente Título prevea la interrupción o la reducción, total o parcial, de las relaciones económicas y financieras con uno o varios terceros países, el Consejo adoptará, por mayoría cualificada y a propuesta conjunta del Ministro de Asuntos Exteriores y de la Comisión, las medidas necesarias. *Se mantendrá plena y regularmente informado al Parlamento Europeo.*

**AMENDMENT FORM**

**Suggestion for amendment of Article : 31, Part II**

**Suggestion for protocol :**

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

**Status :**    **Members**

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

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**Explanation (if any) :**

**AMENDMENT FORM**

**Suggestion for amendment of Article : 31 of Part II, Title B**

**Suggestion for protocol :**

**By Mr : Dick Roche**

**Status : - Member**

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

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**Explanation (if any) :** While no amendment is proposed, it is understood that this article entails no change to the procedures regarding restrictive measures under the Justice and Home Affairs area (eg visa and travel bans) which shall be dealt with under Article 7 of the JHA section of Part II and domestic procedures. The extent to which the measures envisaged under this article may be justiciable will require clarification.

**AMENDMENT FORM**

**Suggestion for amendment of Article : Article 31**

**Suggestion for protocol :**

**By Ms / Mr : David Heathcoat-Amory**

**Status : X - Member        - Alternate**

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***Article 31***

1. Where a decision on a Union position or action adopted according to the provisions on the common foreign and security policy in Chapter 1 of this Title provides for the interruption or reduction, in part or completely, of economic and financial relations with one or more third countries, the Council, acting by [delete: a qualified majority] **unanimity** on a joint proposal from the Minister for Foreign Affairs and the Commission, shall take the necessary measures. It shall inform the European Parliament thereof.

**New 1a. Opt outs on such actions arising from the principle of Constructive abstention shall be permitted.**

2. In the areas referred to in paragraph 1 the Council may adopt restrictive measures under the same procedure against natural or legal persons and non-State groups or bodies.

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**Explanation (if any) : As with other aspects of the Common Foreign Policy, national parliaments should be in control for reasons of democratic accountability.**



**AMENDMENT FORM**

**Suggestion for amendment of Chapter 4**

**By : TIMOTHY KIRKHOPE MEP**

**Status : MEMBER**

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<b>PRAESIDIUM</b>	<b>TIMOTHY KIRKHOPE MEP</b>
<b><u>CHAPTER 4: RESTRICTIVE MEASURES</u></b>	<i>DELETE</i>

## AMENDMENT FORM

### Suggestion for amendment of Article 31

**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**

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### Article 31

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

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<sup>1</sup> In order to ensure that also governmental organisations are fully covered by this article, I suggest that the reference to “non State” in section 2 be removed. That would clarify that all groups and bodies, whether or not they are connected to a State, are covered by the article.

<sup>2</sup> It would be reasonable to limit the measures according to Article 31.2 to natural or legal persons and groups or bodies who have or have had a vital function in a third country.

**AMENDMENT FORM**

**Suggestion for amendment of Article 31 of Part II**

**By Mr : O'Sullivan and Ponzano**

**Status : Alternates**

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Modify paragraph 2 of Article 31 as follows :

« In the areas referred to in paragraph 1 the Council may adopt restrictive measures under the same procedure against natural or legal persons and non-State groups or bodies, **including measures restricting territorial access** ».

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**Explanation :**

*To be comprehensive, the provision must also include measures concerning visas and more generally the access to the territory of the Union's Member States.*

## FICHE AMENDEMENT

### Proposition d'amendement à l'article 31 de la partie II

Déposée par M. O'Sullivan et M. Ponzano

Qualité : Suppléants

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Modifier le paragraphe 2 de l'article 31 comme suit :

« Dans les domaines visés au paragraphe 1, le Conseil peut adopter selon la même procédure des mesures restrictives à l'encontre de personnes physiques ou morales, groupes ou entités non-étatiques, **y compris des mesures de restriction à l'accès au territoire.** »

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#### **Explication :**

*Pour être complète, la disposition doit également comprendre les mesures relatives aux visas et plus généralement l'accès au territoire des Etats membres de l'Union.*

## AMENDMENT FORM

### Title B - Part II

#### Suggestion for amendment of Article : 31

**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, 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.

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## CHAPTER 4: RESTRICTIVE MEASURES

### *Article 31*

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

*The sanctions applicable should also included the prohibition of entry into the Union's*

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*territory.*

## AMENDMENT FORM

### Suggestion for amendment to PART TWO, Title B, Article 31

By Mr Hannes Farnleitner

Status : - Member

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#### *Article 31*

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

Especially when deciding upon restrictive measures against individuals, the fundamental rights of these persons have to be protected while of course ensuring the effectiveness of the measures.

When dealing with the respective provisions of the Constitutional Treaty concerning access for individuals to the Court it will be crucial to ensure that all persons concerned by those measures have an adequate right to appeal to the Court against such a measure.

**AMENDMENT FORM**

**Suggestion for amendment of Article : 31, Chapter 4**

**Suggestion for protocol :**

**By Mr : John Gormley**

**Status : Alternate**

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**Article 31.1** Delete 'a qualified majority' and insert "unanimity"  
Delete 'joint'  
Delete 'the Minister for Foreign Affairs and'

**Explanation (if any) :**



## FICHE AMENDEMENT

### Titre B - Partie II

#### Proposition d'amendement à l'Article : Artigo 31.º

Déposée par Monsieur Luís Queiró

#### Qualité: Suppléant

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1. Sempre que uma decisão relativa a uma posição ou acção da União aprovada nos termos das disposições em matéria de Política Externa e de Segurança Comum, constantes do Capítulo 1 do presente Título, preveja a interrupção ou a redução, total ou parcial, das relações económicas e financeiras com um ou mais países terceiros, o Conselho, deliberando por maioria qualificada, sob proposta conjunta do **Representante Europeu para as Relações Externas** e da Comissão, toma as medidas necessárias e informa o Parlamento Europeu.

2. Nos domínios a que se refere o n.º 1, o Conselho, de acordo com o mesmo processo, pode aprovar medidas restritivas relativamente a pessoas singulares ou colectivas, grupos ou entidades não estatais.

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#### Explication éventuelle :

## AMENDMENT FORM

**Suggestion for amendment of Article : Article 31**

**Suggestion for protocol :**

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

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

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### *Article 31*

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

Explanation 31(1): The Commission's present right of initiative should not be limited or conditioned.

## AMENDMENT FORM

### Suggestion for amendment to Article III-219

By Mr Hannes Farnleitner

Status : - Member

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#### Article III-219

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

Especially when deciding upon restrictive measures against individuals, the fundamental rights of these persons have to be protected while of course ensuring the effectiveness of the measures.

When dealing with the respective provisions of the Constitutional Treaty concerning access for individuals to the Court it will be crucial to ensure that all persons concerned by those measures have an adequate right to appeal to the Court against such a measure.

## AMENDMENT FORM

Suggestion for amendment of Article III-219.2 (ex Article 31)

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

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2. In the areas referred to in paragraph 1 the Council may adopt restrictive measures under the same procedure against natural or legal persons and ~~non-State~~<sup>1</sup> groups or bodies **if they have or have had a vital function in a third country.**<sup>2</sup>

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<sup>1</sup> In order to ensure that also governmental organisations are fully covered by this article, I suggest that the reference to “non State” in section 2 be removed. That would clarify that all groups and bodies, whether or not they are connected to a State, are covered by the article.

<sup>2</sup> It would be reasonable to limit the measures according to Article 31.2 to natural or legal persons and groups or bodies who have or have had a vital function in a third country.

**AMENDMENT FORM**

**Suggestion for amendment of Article : 219 (ex Article 31), 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**

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**Article III-219 (ex Article 31)**

1.                Where a European decision on a Union position or action adopted in accordance with the provisions on the common foreign and security policy in Chapter 2 of this Title provides for the interruption or reduction, in part or completely, of economic and financial relations with one or more third countries, the Council, acting by a qualified majority on a ~~joint~~ proposal from ~~the Minister for Foreign Affairs and~~ the Commission, shall take the necessary measures. It shall inform the European Parliament thereof.

2.                In the areas referred to in paragraph 1, the Council may adopt restrictive measures under the same procedure against natural or legal persons and non-State groups or bodies.

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**Explanation (if any) :**

*Currently the initiative is taken by the Commission and this should apply also in the future.*

## AMENDMENT FORM

**Suggestion for amendment of Article : Part III, Title V, Article 219 (ex Art. 31)**

**Suggestion for protocol :**

**By Ms / Mr : Hain**

**Status :        - Member                                - Alternate**

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1. Where a ~~European~~ **CFSP** Decision on a Union position or action adopted in accordance with the provisions on the common foreign and security policy in Chapter 2 of this Title provides for the interruption or reduction, in part or completely, of economic ~~or financial~~ relations with one or more third countries, the Council, acting by a qualified majority on a joint proposal from the Minister for Foreign Affairs and the Commission, shall take the necessary measures. It shall inform the European Parliament thereof.

~~2. In the areas referred to in paragraph 1, the Council may adopt restrictive measures under the same procedure against natural or legal persons and non-State groups or bodies.~~

2. Where a CFSP decision on a Union position or action adopted in accordance with the provision on the CFSP in Chapter 2 of this Title provides for the interruption or reduction, in part or completely, of economic relations with natural or legal persons or non-State groups or bodies, the Council may adopt restrictive measures against such persons or bodies under the same procedure referred to in paragraph 1.

3. (a) In the cases envisaged in paragraph 1, the Council may in accordance with the same procedure take any necessary urgent measures on the movement of capital and on payments as regards the third countries concerned.

(b) Without prejudice to Article III-13 [Article 297 TEC] and as long as the Council has not taken measures pursuant to paragraph 3(a), a Member State may, for serious political reasons and on grounds of urgency, take unilateral measures against the third countries with regard to capital movements and payments. The Commission and the other Member States shall be informed of such measures by the date of their entry into force at the latest.

The Council may, acting by a qualified majority on a proposal from the Commission, decide that the Member State concerned shall amend or abolish such measures. The President of the Council shall inform the European Parliament of any such decision taken by the Council.

4. In the cases envisaged in paragraph 2, the Council may in accordance with the same procedure take any necessary urgent measures on the movement of capital and on payments as regards the natural or legal persons, non-State groups or bodies concerned.

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### **Explanation (if any) :**

*The UK believes that the text of Article III-219 should include provisions equivalent to those in Articles 60 and 301 TEC, and to allow restrictive measures to be taken against natural or legal persons and non-State groups or bodies. However, the existing text does not appear to include provisions equivalent to Article 60 TEC. The UK therefore proposes the attached replacement text.*

## AMENDMENT FORM

**Suggestion for amendment of Article : III -219 (ex Art 31)**

**By Mr : George Vella**

**Status : -Alternate**

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Article III-219 (ex Art 31)

1. Where a European decision on a Union position or action adopted in accordance with the provisions on the common foreign and security policy in Chapter 2 of this Title provides for the interruption or reduction, in part or completely, of economic and financial relations with one or more third countries, the Council, acting by a qualified majority on a joint proposal from the Minister of Foreign Affairs and the Commission, shall take the necessary measures. It shall inform the European Parliament thereof.

2. In the areas referred to in paragraph 1, the Council may adopt restrictive measures under the same procedure against natural or legal persons and non-State groups or bodies.

**3. Abstentions by members present in person or represented shall not prevent the adoption of such decisions. When abstaining in a vote, any member of the Council may qualify its abstention by making a formal declaration under the present subparagraph. In that case, it shall not be obliged to apply the European decision, but shall accept that the latter commits the Union. In a spirit of mutual solidarity, the Member State shall refrain from initiating any action, or from enhancing or strengthening any existing action, likely to conflict with or impede Union action based on that decision and the other member states shall respect its position.**

### **Explanation (if any) :**

#### **Addition of no. 3**

The idea behind the amendments is to safeguard the interests and constitutional commitments of Neutral countries. The reasoning behind this amendment is similar to that in the explanatory text accompanying the proposed amendments to Article III-196, and should be understood in the same context.