

AMENDMENT FORM

Suggestion for amendment of Article : Part III, Chapter III, Article III - 318

Suggestion for protocol :

By Ms / Mr : Hain

Status : Member

The provisions of Article [32b] of the Constitution and Articles [J to P] below shall not apply ~~to the forms of cooperation~~ in the area of defence ~~provided for by Article [30] of the Constitution and governed specifically by Articles [18 to 21] (Part Three) of the Constitution.~~

Within the framework of the common foreign and security policy, enhanced cooperation proposed pursuant to Article I 43 shall relate to the implementation of [a Joint Action or Common Position / decision / CFSP Decision].

Explanation (if any) :

We welcome the exclusion of defence from these enhanced co-operation provisions. However, there is an ambiguity in the current drafting. It could suggest that defence is excluded only as much as it is provided for by Article [30 (as was, this needs updating)], whereas defence should be excluded altogether. Our amendment to the first paragraph makes this clear, whilst also being shorter and more readable.

Whilst we welcome this Article in keeping defence out of these enhanced co-operation measures, we do not accept the specific Articles on defence elsewhere and have submitted amendments accordingly.

We **cannot** accept the extension of enhanced co-operation to all aspects of CFSP. This is especially important as enhanced co-operation can be initiated by QMV, and these draft articles do not contain the European Council unanimity brake in Nice. The language in our amendment is taken from Article 27b TEU. The Nice language might need to be redrafted to take account of the Praesidium's proposal that the old Joint Actions and Common Positions be subsumed under the title 'decision' (we have suggested 'CFSP Decision').