

AMENDMENT FORM

Suggestion for amendment of Article III - 323

By Mr Dick Roche

Status : - Member

Article III – 323 (ex Article N)

1. Any Member State which wishes to participate in enhanced cooperation shall notify its intention to the Council, the Commission and, where necessary, the Minister for Foreign Affairs.

Within four months of the date of receipt of the notification the Commission shall confirm the participation of the Member State concerned. ~~It shall note where necessary that any conditions of participation have been fulfilled and shall adopt any transitional arrangements deemed necessary with regard to the application of the acts already adopted within the framework of enhanced cooperation~~ **It may establish any specific arrangements deemed necessary and any necessary measures to give effect to these arrangements.**

~~However, if the Commission considers that any conditions of participation have not been fulfilled, it shall indicate the measures to be taken to fulfil those conditions and shall set a deadline for re-examining the request for participation. When it re-examines the request, it shall act in accordance with the preceding subparagraph. If the Commission considers that any conditions of participation have still not been met, the Member State concerned may refer the matter to the Council, which shall act by a qualified majority in accordance with Article 32b(3) of the Constitution. The Council may also adopt the abovementioned transitional arrangements acting on a proposal from the Commission.~~

2. In the framework of the common foreign and security policy, the Council shall confirm the participation of the Member State concerned, after consulting the **Union's** Minister for Foreign Affairs. ~~It shall note where necessary that any conditions of participation have been fulfilled. The Council may also adopt transitional arrangements acting on a proposal from the Minister for Foreign Affairs. However, if the Council considers that any conditions of participation have not been fulfilled, it shall indicate the measures to be taken to fulfil those conditions and shall set a~~

~~deadline for re-examining the request for participation.~~ **It may establish any specific arrangements deemed necessary and any necessary measures to give effect to these arrangements.**

For the purposes of this paragraph, the Council shall act in accordance with [Article I-43(3)] of the Constitution.

Explanation (if any) : Article III -321 already sets out the principle that participation at a later stage is open to all subject to compliance with acts already adopted. Other conditions should not be set, either at the outset or at a later stage. An application from a Member State to join enhanced cooperation should be accepted. The Commission's role would be to assist the Member State with any necessary arrangements.