

CONV 846/03

CONTRIB 383

COVER NOTE

from	Secretariat
to	The Convention
Subject :	Contribution submitted by Mr Wittbrodt, member of the Convention and Mrs Fogler, alternate member of the Convention - “Contribution on enhanced co-operation in the European Defence Policy”

The Secretary-General of the Convention has received the contribution annexed hereto from Mr Wittbrodt, member of the Convention and Mrs Fogler, alternate member of the Convention.

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Contribution on enhanced co-operation in the European Defence Policy

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The further development of European integration process among nearly 30 countries will undoubtedly cause different speeds of integration advancement in the European Union. One of the main principles of undertaking enhanced co-operation is, that this should be carried out in accordance with the Union's law, not out of this. The second principle is the so-called openness to other member states of the Union.

These two major principles are reflected in the first part of the Constitutional Treaty. But the Article III-208, p.1, does not necessarily ensure that the principle of openness is being maintained. The Member States which fulfil high military capability criteria and wish to enter into more binding commitments in this matter with a view to more demanding tasks, establish structured co-operation between themselves within the meaning of the Constitution. But at a later stage, when additional Member State wishes to participate in such co-operation, and thus subscribed to the obligations it imposes, it should inform the European Council of its intention. Then the Council should deliberate at the request of the Member State in question, but only the Member States taking part in structured co-operation shall decide on the request.

Such a procedure can cause, that the principle of openness could be broken in every case, when the countries, which established structured co-operation in defence issues, simply do not want to co-operate with the other Member State.

We can not allow to exclude the defence area from the rules of enhanced co-operation. Therefore, the involvement of the European Commission and the European Parliament in such a procedure is needed. The provisions of Articles I-43, III-319 to 325 of the Constitution should apply to the Article III-208, and it has to be clearly stated.

What has to be stressed, the enhanced co-operation in the defence area within the Union, must not interfere in the NATO's role over the security issues at our continent.