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*Committee on Constitutional Affairs*

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**2012/2223(INI)**

10.10.2012

# **OPINION**

of the Committee on Constitutional Affairs

for the Committee on Foreign Affairs

on the EU's mutual defence and solidarity clauses: political and operational dimensions  
(2012/2223(INI))

Rapporteur (\*): Andrew Duff

(\*) Associated committee – Rule 50 of the Rules of Procedure

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## SUGGESTIONS

The Committee on Constitutional Affairs calls on the Committee on Foreign Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Citation

Motion for a resolution

Amendment

*– having regard to the decision to dissolve the WEU Assembly;*

2. Citation 6a (new)

*Motion for a resolution*

*Amendment*

*– having regard to Articles 4 and 5 of the North Atlantic Treaty,*

3. Recital B a (new)

Motion for a resolution

Amendment

*Ba. whereas security and combating international terrorism are considered as a priority for the EU; whereas a joint response and common strategy are needed from all Member States;*

4. Recital C a (new)

Motion for a resolution

Amendment

*Ca. whereas the current security challenges include an enormous number of complex and changing risks, such as international terrorism, the proliferation of weapons of mass destruction (WMD), states in disintegration, frozen and unending conflicts, organised crime, cyberthreats, the scarcity of energy sources, environmental deterioration and associated security risks, natural and man-made disasters, pandemics and various others;*

5. Recital C b (new)

Motion for a resolution

Amendment

***Cb. whereas the EU recognises an international order founded on effective multilateralism on the basis of international law, and that this is an expression of Europeans' conviction that no nation can face the new threats on its own;***

6. Paragraph 1

Motion for a resolution

Amendment

1. Urges the Member States, the Commission and the Vice-President/High Representative to make full use of the potential of all relevant Treaty provisions, and in particular the mutual defence clause and the solidarity clause, in order to provide Europeans with a strong insurance policy against serious security risks, based on increased cost-efficiency and a fair burden sharing and division of costs;

1. Urges the Member States, the Commission and the Vice-President/High Representative to make full use of the potential of all relevant Treaty provisions, and in particular the mutual defence clause and the solidarity clause, in order to ***ensure the indivisible security of all Member States and guarantee that all European citizens have the same security guarantees and an equal level of protection against both traditional and non-conventional threats, taking into account the need for increased cost-efficiency and a fair burden sharing and division of costs;***

7. Paragraph 2 b (new)

Motion for a resolution

Amendment

***2b. While reaffirming that protection of territorial integrity and of the citizens remains at the core of the defence policy, urges the Council to emulate the approach of NATO, which caters for the inevitable circumstances where preventing external threats is required to promote the security interests of the allies and the projection of force is needed;***

8. Paragraph 4

Motion for a resolution

4. Points out *the wide array of instruments available to the Union and the Member States to face exceptional occurrences in a spirit of solidarity, such as the Civil Protection Mechanism, the Solidarity Fund, and the possibility to grant economic and financial support in cases of severe difficulties, as provided for in Article 122 TFEU; also recalls the commitment to develop mutual political solidarity in foreign and security policy in accordance with Article 24 TEU; stresses that the purpose of the mutual defence and solidarity clauses is not to replace any of these instruments, but to complement them in view of situations of extraordinary threat or damage, and in particular when response will require high-level political coordination and the involvement of the military;*

9. Paragraph 6

Motion for a resolution

6. Reminds the Member States of their unequivocal obligation of aid and assistance by all the means in their power if a Member State is the victim of armed aggression on its territory; *stresses that, while large-scale aggression against a Member State appears improbable in the foreseeable future, both traditional territorial defence and defence against new threats need to remain high on the agenda; recalls also that the Treaty stipulates that, for the EU countries that are members of the North Atlantic Treaty Organisation, NATO remains the foundation of their collective defence and the forum for its implementation, and that commitments and cooperation in the area of mutual defence must be consistent with commitments under NATO;*

Amendment

4. Points out *the need for the EU to develop further a comprehensive approach to address global threats and challenges, drawing on the wide range of instruments at its and the Member States' disposal, including - as the last resort - military means; also recalls the commitment to develop mutual political solidarity in foreign and security policy in accordance with Article 24 TEU; stresses that the purpose of the mutual defence and solidarity clauses is not to replace any of these instruments, but to complement them in view of situations of extraordinary threat or damage, and in particular when response will require high-level political coordination and the involvement of the military;*

Amendment

6. Reminds the Member States of their unequivocal obligation *pursuant to Article 42(7) TEU* of aid and assistance by all the means in their power if a Member State is the victim of armed aggression on its territory; *recalls also that the large majority of EU Member States are members of NATO and that, accordingly, the Union's common security and defence policy must be compatible and consistent with commitments under NATO while respecting the autonomy of the EU; takes good note of the specific character of the security and defence policies of those EU states which are not members of NATO, but observes nevertheless that the EU's mutual assistance clause should never be activated without having consulted NATO and sought its engagement;*

10. Paragraph 7

Motion for a resolution

7. ***Points out at the same time the equally important*** need to prepare for situations involving non-NATO EU Member States or EU Member State territories outside the North Atlantic area, and therefore not covered by the Washington Treaty, or situations where no agreement on collective action is reached within NATO;

Amendment

7. Points out, at the same time ***and as being equally important, the*** need to prepare for situations involving non-NATO EU Member States or EU Member State territories outside the North Atlantic area, and therefore not covered by the Washington Treaty, or situations where no agreement on collective action is reached within NATO, ***also as to the use of its capabilities as foreseen in the Berlin Plus agreement;***

11. Paragraph 9

Motion for a resolution

9. Emphasises the importance of deterrence, and therefore the need for European countries to possess credible military capabilities; encourages Member States to step up their efforts on collaborative military capability development, notably through the complementary ‘Pooling and Sharing’ and ‘Smart Defence’ initiatives of the EU and NATO, which represent a critically important way ahead in times of restrained defence budgets;

Amendment

9. Emphasises the importance of deterrence, and therefore the need for European countries to possess credible military capabilities; encourages Member States to step up their efforts on collaborative military capability development, notably through the complementary ‘Pooling and Sharing’ and ‘Smart Defence’ initiatives of the EU and NATO, which represent a critically important way ahead in times of restrained defence budgets; ***in this context, repeats its call for the work of the European Defence Agency to be more fully respected and exploited by national defence ministries; moreover, encourages Member States and the EEAS to continue the debate with a view to establishing the Permanent Structured Cooperation foreseen in the Treaty of Lisbon;***

12. Paragraph 9 a (new)

Motion for a resolution

Amendment

**9a. Considers that, in order to consolidate their cooperation, both NATO and the European Union should concentrate on strengthening their basic capabilities, improving interoperability, and coordinating their doctrines, planning, technologies, equipment and training methods;**

13. Paragraph 10

Motion for a resolution

Amendment

10. Reiterates its call for systematic harmonisation of military requirements and a harmonised EU defence planning and acquisition process, matching up to the EU's level of ambition and coordinated with the NATO Defence Planning Process; taking into account the increased level of security guarantees provided by the mutual defence clause, encourages the Member States to consider multinational cooperation on capability development and, where appropriate, specialisation as core principles of their defence planning;

10. Reiterates its call for systematic harmonisation of military requirements and a harmonised EU defence planning and acquisition process, matching up to the EU's level of ambition and coordinated with the NATO Defence Planning Process; taking into account the increased level of security guarantees provided by the mutual defence clause, encourages the Member States to consider multinational cooperation on capability development and, where appropriate, **geographical and role** specialisation as core principles of their defence planning;

14. Paragraph 15

Motion for a resolution

Amendment

15. Stresses the need **to prevent any moral hazard, in that some Member States may be tempted to** excessively rely on the solidarity of others **while under-investing in their own security and disaster response capabilities;** emphasises the primary responsibility of Member States for civil protection and security in their territory;

15. Stresses the need **for Member States to invest in their own security and disaster response capabilities and not** to excessively rely on the solidarity of others; emphasises the primary responsibility of Member States for civil protection and security in their territory;

15. Paragraph 16

Motion for a resolution

16. Takes the view that the solidarity clause should be invoked in situations that overwhelm the capacities of the affected Member State or require a multi-sector response involving a number of actors; stresses that solidarity also means the obligation to invest in adequate national capabilities;

16. Paragraph 32

*[move paragraph 32 and insert it after paragraph 27]*

17. Paragraph 33

Motion for a resolution

33. Invites the Member States to exchange best practices on ways to streamline their national crisis coordination procedures and the interaction of their national crisis coordination centres with the EU;

18. Paragraph 33 a (new)

Motion for a resolution

19. Paragraph 35

Amendment

16. Takes the view that the solidarity clause should be invoked in situations that overwhelm the capacities of the affected Member State or require a multi-sector response involving a number of actors; stresses that solidarity also means the obligation to invest in adequate national **and European** capabilities;

Amendment

33. Invites the Member States to **enhance their capacities for providing and receiving assistance, as well as to** exchange best practices on ways to streamline their national crisis coordination procedures and the interaction of their national crisis coordination centres with the EU; **takes the view that the planning and conduct of appropriate EU-wide crisis response exercises, involving national crisis response structures and the appropriate EU structures, should also be considered;**

Amendment

**33a. Considers that it is essential to establish the necessary procedural and organisational links between relevant services of the Member States, in order to ensure the proper functioning of the solidarity clause following its activation;**



*Motion for a resolution*

35. Recalls that the solidarity clause requires the European Council to regularly assess the threats facing the Union; takes the view that such assessments need to be made at least at two distinct levels: on a more long-term basis in the European Council, in a process which should also feed strategic thinking to be reflected in future updates of the European Security Strategy and the Internal Security Strategy, as well as through more frequent comprehensive overviews of current threats;

*Amendment*

35. Recalls that the solidarity clause requires the European Council to regularly assess the threats facing the Union ***and to coordinate this exercise with the NATO partners***; takes the view that such assessments need to be made at least at two distinct levels: on a more long-term basis in the European Council, in a process which should also feed strategic thinking to be reflected in future updates of the European Security Strategy and the Internal Security Strategy, as well as through more frequent comprehensive overviews of current threats;

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	9.10.2012
<b>Result of final vote</b>	+: 14 -: 9 0: 0
<b>Members present for the final vote</b>	Alfredo Antoniozzi, Andrew Henry William Brons, Carlo Casini, Andrew Duff, Roberto Gualtieri, Enrique Guerrero Salom, Zita Gurmai, Gerald Häfner, Stanimir Ilchev, Constance Le Grip, David Martin, Morten Messerschmidt, Paulo Rangel, Algirdas Saudargas, Indrek Tarand, Rafał Trzaskowski, Manfred Weber, Luis Yáñez-Barnuevo García
<b>Substitute(s) present for the final vote</b>	Zuzana Brzobohatá, Andrea Češková, Marietta Giannakou, Anneli Jäätteenmäki, Vital Moreira, Helmut Scholz, György Schöpflin