



**CONFERENCE
OF THE REPRESENTATIVES
OF THE GOVERNMENTS
OF THE MEMBER STATES**

**Brussels, 2 December 2003 (03.12)
(OR. fr)**

CIG 57/03

PRESID 13

NOTE

from : Presidency
dated : 2 December 2003
to : delegations

Subject : ***IGC 2003***
 - Defence

Following the Ministerial Conclave on 28 and 29 November 2003 in Naples, delegations will find attached the amended text of Annex 17 to CIG 52/03 ADD 1 (pages 23 and 24) and the Protocol on structured cooperation.

COMMON SECURITY AND DEFENCE POLICY

Permanent structured cooperation

Article III-213

1. Those Member States which wish to participate in the permanent structured cooperation defined in Article I-40(6), which fulfil the criteria and have made the commitments on military capabilities set out in the Protocol annexed to this Treaty [title] shall notify their intention to the Council and to the Union Minister for Foreign Affairs.
2. The decision establishing permanent structured cooperation, including the list of participants, shall be taken, within three months following such notification, by the Council acting by a qualified majority after obtaining the opinion of the Union Minister for Foreign Affairs.
3. If a Member State wishes to participate in such cooperation at a later stage, the Council of Ministers shall deliberate at the request of that Member State and shall confirm the admission of any State which fulfils the criteria and makes the commitments referred to in Articles 2 and 3 of the above Protocol. The members of the Council of Ministers representing the Member States participating in structured cooperation shall act by a qualified majority after consulting the Union Minister for Foreign Affairs.

If a Member State is no longer able to meet the commitments made by it within this framework, the Council may decide, on the same conditions, to suspend the Member State concerned.

All other decisions by the Council on questions concerning structured cooperation shall be taken by consensus among the States participating in such cooperation.

Any Member State which wishes to withdraw from structured cooperation may do so after notifying its intention to the Council.

Closer cooperation on mutual defence

Article I-40(7)

If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter.

Commitments and cooperation in this area shall be consistent with commitments under NATO, which, for those States which are members of it, remains the foundation of their collective defence and the forum for its implementation.

Article III-214

(deleted)

**Protocol on structured cooperation
implementing Articles I-40 and III-213 of the Constitution**

THE HIGH CONTRACTING PARTIES,

Having regard to Articles I-40(6) and III-213(6) of the Constitution,

RECALLING that the Union is pursuing a common foreign and security policy based on the achievement of growing convergence of action by Member States.

RECALLING that the common security and defence policy is an integral part of the common foreign and security policy; that it provides the Union with operational capacity drawing on assets civil and military; that the Union may use such assets on missions referred to in Article III-210 outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter; that the performance of these tasks is to be undertaken using capabilities provided by the Member State in accordance with the principle of a single set of forces;

RECALLING that the common security and defence policy of the Union does not prejudice the specific character of the security and defence policy of certain Member States;

RECALLING that the common security and defence policy of the Union respects the obligations under the North Atlantic Treaty of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation, which remains the foundation of the collective defence of its members, and is compatible with the common security and defence policy established within that framework;

CONVINCED that a more assertive Union role in security and defence matters will contribute to the vitality of a renewed Atlantic Alliance, in accordance with the Berlin Plus arrangements;

DETERMINED to ensure that the Union is capable of fully assuming its responsibilities within the international community;

RECOGNISING that the United Nations may seek the Union's assistance for the urgent implementation of missions under Chapter 6 or 7;

RECOGNISING that the strengthening of the security and defence policy will require efforts by Member States in the area of capabilities;

DETERMINED to include any Member State which wishes to participate in this process;

CONSCIOUS that embarking on a new stage in the development of the European security and defence policy involves a determined effort by the Member States concerned;

RECALLING the importance of the Minister for Foreign Affairs being fully involved in proceedings within the context of structured cooperation;

HAVE AGREED UPON the following provisions, which shall be annexed to the Constitution:

Article 1

Those Member States which declare their willingness to go faster and further in developing the Union's capability to undertake crisis management actions and operations, including the most demanding of these tasks, shall establish structured cooperation among themselves within the meaning of Article I-40(6) of the Constitution, to strengthen the capacity of the Union to play its role in the international arena.

Article 2

Member States participating in structured cooperation must undertake, on the date of entry into force of the Treaty establishing a Constitution for Europe, to:

- (a) engage more intensively in the development of defence capacities, including through the development of their national contributions and participation, where appropriate, in multinational forces, in the main European equipment programmes, and in the activity of the European Military Capabilities Agency.
- (b) have the capacity to provide by 2007 at the latest, either at national level or as an essential part of multinational force packages, targeted combat units for the missions planned, structured at a tactical level as combat formations, with support elements including transport and logistics, capable of carrying out the tasks referred in Article III-210, within a period of 5 to 30 days, in particular in response to requests from the United Nations, and which can be sustained for an initial period of 30 days be extended up to at least 120 days.

Article 3

To achieve the objectives laid down in Articles 1 and 2, Member States participating in structured cooperation shall undertake to:

- (a) cooperate, after the entry into force of the Treaty establishing a Constitution for Europe, on objectives concerning the level of investment expenditure on defence equipment, and regularly review these objectives in the light of the security environment and of the Union's international responsibilities;
- (b) bring their defence apparatus into line with each other as far as possible, particularly by harmonising the statement of their military needs, by pooling and, where appropriate, specialising their defence means and capabilities, and by encouraging cooperation in the fields of training and logistics;

- (c) take concrete measures to enhance the availability, interoperability, flexibility and deployability of their forces, in particular by identifying common objectives regarding the commitment of forces; this may include a review of national decision-making procedures;
- (d) work together to ensure that the necessary measures are taken by the participating Member States to make good perceived shortfalls, in the framework of the Capability Development Mechanism, including through multinational approaches, without prejudice to undertakings in this regard within NATO;
- (e) to take part, where appropriate, in the development of major joint or European equipment programmes in the framework of the European Defence Capabilities Agency.

Article 4

The European Defence Capabilities Agency shall contribute to the regular assessment of Member States' contributions with regard to capabilities, in particular, contributions made in accordance with the criteria to be established *inter alia* on the basis of Article 2, and shall report on them through the appropriate bodies at least once a year. The assessment may serve as a basis for the formulation of recommendations, in accordance with Article III-213 of the Constitution.

