



**2022/2051(INL)**

2.12.2022

# **OPINION**

of the Committee on Foreign Affairs

for the Committee on Constitutional Affairs

on proposals of the European Parliament for the amendment of the Treaties  
(2022/2051(INL))

Rapporteur for opinion: Hilde Vautmans

(Initiative – Rule 47 of the Rules of Procedure)

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## SUGGESTIONS

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

- A. whereas the Conference on the Future of Europe represented a concrete, successful exercise of participative democracy and served as an unprecedented platform for discussion between citizens and politicians and resulted in concrete proposals which should be analysed and seriously considered by Union decision-makers even if they might necessitate Treaty changes; whereas it is important to carefully consider each possible Treaty change and to compare all its potential advantages against a different, more efficient use of current Treaty features including a better implementation at policy or budgetary level;
- B. whereas the Russian unprovoked, unjustified and illegal aggression against Ukraine that started on 24th February 2022 increased the geopolitical volatility and security instability in Europe to unprecedented levels not experienced since the end of World War II and underlines the need for the Union to fully reassess its foreign, security and defence policies and to prioritise increasing their effectiveness and its ability to act to protect our values and interests;
- C. whereas the citizens' panel 4 "EU in the world/ Migration" made several specific recommendations in the field of foreign affairs and Union's external action, whereas many recommendations of "citizens'" panels are thus corroborating long-standing calls of the European Parliament;
- D. whereas, as stated in the Conclusion of the Conference on the Future of Europe, a stronger Union in security and defence will contribute to European and global peace and it will support European values, such as the rule of law, democracy, human rights and gender equality and this can be achieved by promoting a common strategic culture;
- E. whereas acting on those recommendations could make the Union a stronger, more reliable, influential and more visible global player, would lead to more efficient decision-making and would improve the European Parliament's scrutiny rights in the field of foreign policy being the only democratically elected institution of the Union;
- F. whereas there are also options that could improve the Union's role in foreign affairs without Treaty changes; whereas in July 2022, the Czech Presidency sent a letter to Member States with a list of specific policy areas which could be switched to qualified majority voting (QMV) via specific passerelles; whereas in this respect the Presidency listed 11 concrete areas of common foreign and security policy (CFSP), and also common security and defence policy (CSDP) related to the Articles 24, 27, 28, 29, 37, 39, 41, 42, and 44 of the Treaty on European Union (TEU);
- G. whereas the use of a veto by one Member State to open accession negotiations with a candidate country, due to unresolved bilateral and regional disputes linked to historical events, self-identification and cultural or linguistic rights, can block candidate countries' accession process and the use of veto by Member States for their own benefit

is contrary to the spirit of the Treaties;

- H. whereas the potential for fast, efficient and effective foreign policy, security and defence action as foreseen by the Lisbon Treaty has only been used and exploited in a very limited way during the past decade due to a lack of political will by Member States; whereas, due to the changing European security environment, it is high time to use all instruments as foreseen by the TEU, in particular as regards CSDP; whereas the Lisbon Treaty provides for features such as a military start-up fund in Article 41(3b), the possibility to form a small group with more ambitious security and defence objectives in Article 44, or to define a truly European capabilities and armaments policy in Article 42(3), which exist since December 2009;
- I. whereas there is an increasing challenge posed by cyber, hybrid and other asymmetric threats, including disinformation campaigns, and by the malicious use of ever-more sophisticated emerging and disruptive technologies; whereas foreign interference, information manipulation and disinformation are an abuse of the fundamental freedoms of expression and information and threaten those freedoms, values, democratic procedures, political processes, the security of states and citizens, and the capacity to cope with exceptional situations; whereas Russia has been engaging in disinformation of an unparalleled malice and magnitude across both traditional media outlets and social media platforms, in order to deceive its citizens at home and the international community on the eve of and during its war of aggression against Ukraine, which Russia started on 24 February 2022, proving that even information can be weaponised;
- J. whereas passerelles could be used immediately to switch from unanimity to QMV in specific policy areas; whereas the current threat to European security requires immediate adaptation of some working methods;
1. Calls for the main citizens' recommendations in the field of foreign and security policy, notably the need to switch to more efficient decision-making, through the use of QMV instead of unanimity, in particular in specific policy areas such as human rights, and the need to improve the Union's methods to impose sanctions, to be incorporated in a comprehensive Treaty change or alternatively via the use of passerelle clauses;
  2. Underlines that switching to QMV could ensure that the Union - instead of going with the lowest common denominator - acts more quickly and deliberately and could also shield the Union from third-country pressure and divide-and-rule tactics; stresses that that would possibly help the Union develop into a more credible and decisive geopolitical power, that puts its core principles and values at the centre of its action, would increase the effectiveness of its external action and hence also strengthen the influence of Member States in an unstable, rapidly changing and increasingly multipolar world; recalls that Article 31(2) TEU, which is designed to ensure that no decision on issues vital to a Member State's national interests could be imposed upon it if QMV were to be used in CFSP, would remain applicable;
  3. Recalls that Article 48(7) and Article 31(3) TEU contain passerelle clauses that can make switching from unanimity to qualified majority voting possible in the area of CFSP without military implications; calls for a switch to QMV in all decisions in the field of CFSP starting with priority areas within a year, notably those concerning

sanctions, human rights and in areas relevant to the accession process such as when deciding on the start of the negotiation process as well as the opening and closing of individual negotiations clusters and chapters, in order to improve the Union's capacity to take speedy and effective decisions;

4. Deplores that the passerelle clauses have never been used due to the lack of political will and contrary to justified expectations; calls on the Member States to demonstrate the political will to move further in the Union integration process, overcoming the cross-veto practice and opening up for the activation of the passerelle clauses without further delay;
5. Urges the Member States to agree immediately or still during the Czech Presidency, on using the passerelle clause for introducing QMV on specific foreign affairs and CSDP actions, in particular on sanctions and human rights; reminds of the possibilities listed in the Presidency's questionnaire; believes that the current security situation in Europe requires immediate action and adaptation of the decision-making procedures in CFSP as currently provided by TEU;
6. Is of the opinion that, in case it is proven impossible to thoroughly revise the Treaties due to vetoes from some Member States, most notably in what concerns the adoption of QMV in foreign policy, the Union should consider the possibility to look into other forms of reinforced cooperation among those Member States that demonstrate the will to move further in the integration process through stricter and binding coordination in their external action;
7. Calls the Member states to amend Article 42 TEU that would allow switching to reinforced QMV, requiring 72 % of Council members representing at least 65 % of the population of the Union, for decisions with military implications, with the exception of decisions creating military missions or operations with an executive mandate under the CSDP, for which unanimity must still be required;
8. Underlines the need to reduce the institutional complexity of the Union, in particular its external representation, which is unclear concerning the competences of each institutional actor; considers that that lack of clarity can lead to some duplication in the Union's external action or mislead the Union's counterparts or interlocutors worldwide in their relations with the Union; proposes in that regard to merge the function of President of the European Council and President of the European Commission and create a single Presidency of the Union to enhance the visibility, efficiency and consistency of Union's external action; calls to make the relevant treaty provisions more explicit in that regard and to fully integrate the European External Action Service (EEAS) into the Commission structures;
9. Stresses the need to introduce a role for the European Parliament when it comes to decisions concerning sending military and civilian security missions abroad; believes it would be appropriate to have a plenary debate before the relevant Council decision and to adopt a plenary resolution that would politically authorize that operation including its objectives, means and duration;
10. Underlines the need to strengthen the role of the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy

in assisting in finding compromises between the Member States in order to ensure that the Union speaks with one voice, as requested by the citizens of the Union in the Conference on the Future of Europe; points out that this can be done by naming the Vice-President/High Representative a Commissioner for Foreign Affairs and by making him or her the main external representative of the Union in international fora; calls on the Vice-President/High Representative and EEAS to make proposals on how to strengthen coherence and consistency between national foreign policies by Member States and agreed positions at Union level in line with the provisions of Article 24 (3) TEU;

11. Stresses the necessity to strengthen the Union's external action with own and permanent Union instruments and resources in that dimension in order for the Union to be a fully-fledged and credible global player; calls for an autonomous Union Diplomacy with Union diplomats trained in a European Diplomatic Academy, on the basis of the European Parliament's Pilot Project in that regard, which is determined by a common diplomatic culture from a Union perspective; calls for the strengthening of the Union's international cultural relations by developing a Union instrument that can embody a cultural face of the Union worldwide;
12. Considers it necessary to urgently develop a solidarity policy strategy and operational implementation measures as regards the mutual defence clause stipulated in Article 42(7) TEU and Article 222 of the Treaty on the Functioning of the European Union (TFEU) and broaden the scope of threats defined in 43(1) TEU to include combating hybrid threats, wars, energy blackmail, cyberthreats disinformation campaigns and economic coercion by third countries;
13. Calls on the Member States to provide new competences and legal basis to countering disinformation and foreign malign propaganda; calls for the Union to lead the debate on the legal implications of foreign interference, to promote common international definitions and attribution rules and to develop an international framework for responses to interference; highlights the need for global, multilateral cooperation between like-minded countries to exchange best practices and identify common responses to global, but also shared domestic, challenges, including collective sanctions, the protection of human rights and democratic standards;
14. Requests the strengthening of the role of Union delegations in the implementation of foreign policy; calls for the strengthening of the capacities of EEAS, its resources and personnel, including by updating Council Decision 2010/427/EU<sup>1</sup>, so it can better fulfil the Union's objectives and interests worldwide;
15. Stresses the importance of reinforcing the European Parliament's decision-making and scrutiny rights in the foreign policy field, notably by strengthening the implementation of Article 36 TEU concerning the consultation of the European Parliament on the main aspects and strategic choices in the field of CFSP and CSDP and its consultation on all significant foreign policy decisions; calls for changing Article 218 TFEU to require the European Parliament's authorisation to open negotiations and adopt negotiating directives, as well as the European Parliament's consent for all international agreements

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<sup>1</sup> Council Decision 2010/427/EU of 26 July 2010 establishing the organisation and functioning of the European External Action Service (OJ L 201, 3.8.2010, p. 30).

and before decisions on the provisional application of international agreements are taken; calls for amending Article 218(2) TFEU by including the European Parliament alongside the Council as jointly responsible for authorising the opening of negotiations, adopting negotiating directives, authorising the signing of agreements and concluding them; recalls the proven value of parliamentary diplomacy; suggests therefore introducing provisions for involvement of the European Parliament on equal footing with the Council in the implementation of international agreements in Article 218(9) TFEU; calls for more involvement of the European Parliament in the Team Europe approach;

16. Reminds that the Union will become an effective diplomatic and security actor based on strong action and that it will increase its strategic sovereignty only via concrete measures, policies, budgets and commitments as listed in the Strategic Compass; calls for a precise, all-encompassing definition of the concept of “open strategic sovereignty” that would include all the domains it can touch upon, and for the inclusion of this principle into the list of objectives to be achieved through the Union’s foreign and security policy enshrined in Article 21 and Article 22 (2) TEU;
17. Welcomes the Commission proposal for a regulation allowing the joint purchase of defence equipment (Edirpa); recalls that Article 42(3) TEU lays the foundations for a European capabilities and armaments policy which should, inter alia, include joint procurement; calls for the introduction of provisions in Articles 42 and 46 TEU consolidating that possibility and enabling other security-related spending from the budget of the Union as well as the establishment of joint permanently stationed multinational military units including command structures; calls for the extension of the possibilities for financing common military expenditure from the Union budget in order to allow a proper parliamentary budgetary control; underlines the need of close cooperation and coordination with NATO in order to avoid duplication of structures and duties;
18. Calls for the revision of Article 346 TFEU in order to limit possibilities for the European Union Military Staff to deviate from the provisions of Directive 2009/81/EC of the European Parliament and of the Council<sup>2</sup> and avoid further fragmentation of the internal market, as well as to introduce the requirement of justification for such deviations to be assessed by the Commission and communicated to the European Parliament;
19. Stresses that due to the threats to European security, there is an urgent need to set up a holistic European capabilities policy without any further delay; urges the Member States to pool parts of their increasing national defence budgets at Union level and to urgently establish another off-budget financial facility that addresses the entire life-cycle of military capabilities at Union level from collaborative research and development and joint procurement to joint maintenance, training and security of supply, as recommended by the European Parliament in its recommendation of 8 June 2022 to the Council and the Vice-President of the Commission / High Representative of the Union

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<sup>2</sup> Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC (OJ L 216, 20.8.2009, p. 76).

for Foreign Affairs and Security Policy on the EU's Foreign, Security and Defence Policy after the Russian war of aggression against Ukraine<sup>3</sup>;

20. Calls on the Member States to put aside selfish attitudes and to demonstrate proper commitment towards the reinforcement of the Union's defence technological and industrial base through meaningful participation in the Union framework for joint development of defence capabilities;
21. Calls for the transformation of the permanent structured cooperation (PESCO) into a common Union policy with an opt-out option, thus allowing the European Parliament to exercise genuine budgetary control;
22. Calls for the establishment of new and efficient decision-making formats for cooperation and discussion, such as a European Security Council, comprised of the Member States' foreign affairs ministers that could be responsible for responding swiftly in emergency situations, in order to develop an integrated approach to conflict and crisis; calls for the formalisation of a Union Council of Defence Ministers; believes that such new formats are particularly relevant in an increasingly unstable world and following Russia's illegal war in Ukraine which has affected Europe's security significantly; calls furthermore for the establishment of fully-fledged Security and Defence Committee and Human Rights Committee in the European Parliament;
23. Calls to move forward towards an own and permanent seat for the Union in every multilateral fora, including in the United Nations Security Council, which would strengthen the Union's actorness, coherence and credibility in the world;
24. Calls on the Council to convene a specific ad-hoc working group to reflect on possible Treaty changes, with a view to convening a convention composed of representatives of the national parliaments, the Heads of State or Government of the Member States, the European Parliament and the Commission.

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<sup>3</sup> Texts adopted, P9\_TA(2022)0235.

## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	30.11.2022						
<b>Result of final vote</b>	<table style="width: 100%; border: none;"> <tr> <td style="width: 100px;">+:</td> <td style="text-align: right;">47</td> </tr> <tr> <td>-:</td> <td style="text-align: right;">9</td> </tr> <tr> <td>0:</td> <td style="text-align: right;">2</td> </tr> </table>	+:	47	-:	9	0:	2
+:	47						
-:	9						
0:	2						
<b>Members present for the final vote</b>	Alexander Alexandrov Yordanov, Petras Auštrevičius, Traian Băsescu, Reinhard Bütikofer, Fabio Massimo Castaldo, Susanna Ceccardi, Włodzimierz Cimoszewicz, Anna Fotyga, Giorgos Georgiou, Sunčana Glavak, Raphaël Glucksmann, Klemen Grošelj, Dietmar Köster, Andrius Kubilius, Ilhan Kyuchyuk, David Lega, Miriam Lexmann, Nathalie Loiseau, Leopoldo López Gil, Antonio López-Istúriz White, Pedro Marques, David McAllister, Vangelis Meimarakis, Sven Mikser, Francisco José Millán Mon, Javier Nart, Matjaž Nemeč, Tonino Picula, Giuliano Pisapia, Thijs Reuten, Nacho Sánchez Amor, Isabel Santos, Jacek Saryusz-Wolski, Mounir Satouri, Andreas Schieder, Radosław Sikorski, Jordi Solé, Dragoș Tudorache, Hilde Vautmans, Viola von Cramon-Taubadel, Thomas Waitz, Isabel Wiseler-Lima						
<b>Substitutes present for the final vote</b>	Attila Ara-Kovács, Loucas Furlas, Christophe Grudler, Georgios Kyrtos, Katrin Langensiepen, Alessandra Moretti, Juozas Olekas, Paulo Rangel, Tom Vandenkendelaere, Mick Wallace						
<b>Substitutes under Rule 209(7) present for the final vote</b>	Clare Daly, Margarita de la Pisa Carrión, Nicolaus Fest, Gilles Lebreton, Costas Mavrides, Luisa Regimenti						

**FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION**  
**Proposals of the European Parliament for the amendment of the Treaties**  
**(2022/2051(INL))**

47	+
NI	Fabio Massimo Castaldo
PPE	Alexander Alexandrov Yordanov, Traian Băsescu, Loucas Fourlas, Sunčana Glavak, Andrius Kubilius, David Lega, Leopoldo López Gil, Antonio López-Istúriz White, David McAllister, Vangelis Meimarakis, Francisco José Millán Mon, Luisa Regimenti, Radosław Sikorski, Tom Vandenkendelaere, Isabel Wiseler-Lima
RENEW	Petras Auštrevičius, Klemen Grošelj, Christophe Grudler, Georgios Kyrtos, Ilhan Kyuchyuk, Nathalie Loiseau, Javier Nart, Dragoș Tudorache, Hilde Vautmans
S&D	Attila Ara-Kovács, Włodzimierz Cimoszewicz, Raphaël Glucksmann, Dietmar Köster, Pedro Marques, Costas Mavrides, Sven Mikser, Alessandra Moretti, Matjaž Nemeč, Juozas Olekas, Tonino Picula, Giuliano Pisapia, Thijs Reuten, Nacho Sánchez Amor, Isabel Santos, Andreas Schieder
VERTS/ALE	Reinhard Bütikofer, Katrin Langensiepen, Mounir Satouri, Jordi Solé, Viola von Cramon-Taubadel, Thomas Waitz

9	-
ECR	Anna Fotyga, Jacek Saryusz-Wolski, Margarita de la Pisa Carrión
ID	Susanna Ceccardi, Nicolaus Fest, Gilles Lebreton
THE LEFT	Clare Daly, Giorgos Georgiou, Mick Wallace

2	0
PPE	Miriam Lexmann, Paulo Rangel