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AMENDMENTS TO THE DRAFT CONSTITUTION (SECOND READING)

Reproduced are only amended articles or amended paragraphs of longer articles!

PART FOUR

GENERAL AND FINAL PROVISIONS

General Remarks :

The wording « Treaty establishing the Constitution » shall be replaced by “the Constitution” (as a fall back position “Constitutional Treaty”) throughout Part IV of the Constitution.

Art. IV – 6, paragraph 2 and 3 should be amended with the aim of codifying the composition of the Convention, strengthening the role of the European Parliament and including the ratification criterion of 4/5 of the Member states.

Also, the fast track amendment procedure should be deleted in its present form, since the vague formula in Art. 6,2 “should the scope of the amendments not warrant this” could easily result in circumventing the Convention method. The experience of Treaty negotiations shows anyway that even restricted reform agendas expanded considerably in the course of an IGC. In paragraph 3 of this article “common accord” should be replaced by “consensus” assuming that this is it what is meant but not said.

Article IV-1 (ex Article A) Repeal of earlier Treaties

The Treaty establishing the European Community, the Treaty on European Union and the acts and treaties which have supplemented or amended them and are listed in Protocol ... annexed to the ~~Treaty establishing the~~ Constitution shall be repealed as from the date of entry into force of the ~~Treaty establishing the~~ Constitution.

Article IV-2 (ex Article B) Legal continuity in relation to the European Community and the European Union

The European Union shall succeed to all the rights and obligations of the European Communities and of the Union, whether internal or resulting from international agreements, which arose before the entry into force of the ~~Treaty establishing the~~ Constitution by virtue of previous treaties, protocols and acts, including all the assets and liabilities of the Communities and of the Union, and their archives.

The provisions of the acts of the Institutions of the Union, adopted by virtue of the treaties and acts mentioned in the first paragraph, shall remain in force under the conditions laid down in Protocol... annexed to the ~~Treaty establishing the~~ Constitution. The case-law of the Court of Justice of the European Communities shall be maintained as a source of interpretation of Union law.

Article IV-3 (ex Article C) Scope

1. The ~~Treaty establishing the~~ Constitution shall apply to the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland, ...

2. The ~~Treaty establishing the~~ Constitution shall apply to the French overseas departments, the Azores, Madeira and the Canary Islands in accordance with Article ... of Part Three.

3. The special arrangements for association set out in Part [Four of the TEC] of the ~~Treaty establishing the~~ Constitution shall apply to the overseas countries and territories listed in [Annex II to the TEC].

The ~~Treaty establishing the~~ Constitution shall not apply to overseas countries and territories having special relations with the United Kingdom of Great Britain and Northern Ireland which are not included in that list.

4. The ~~Treaty establishing the~~ Constitution shall apply to the European territories for whose external relations a Member State is responsible.

5. The ~~Treaty establishing the~~ Constitution shall apply to the Åland Islands in accordance with the provisions set out in Protocol 2 to the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden.

6. Notwithstanding the preceding paragraphs:

(a) the ~~Treaty establishing the~~ Constitution shall not apply to the Faeroe Islands;

(b) the ~~Treaty establishing the~~ Constitution shall not apply to the sovereign base areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus;

(c) the ~~Treaty establishing the~~ Constitution shall apply to the Channel Islands and the Isle of Man only to the extent necessary to ensure the implementation of the arrangements for those islands set out in the Treaty concerning the accession of new Member States to the European Economic Community and to the European Atomic Energy Community, signed on 22 January 1972.

Article IV-4 (ex Article D) Regional unions

The ~~Treaty establishing the~~ Constitution shall not preclude the existence or completion of regional unions between Belgium and Luxembourg, or between Belgium, Luxembourg and the Netherlands, to the extent that the objectives of these regional unions are not attained by application of the said ~~Constitution Treaty~~.

Article IV-6 (ex Article F) Procedure for revising ~~the Treaty establishing the~~ Constitution

1. The government of any Member State, the European Parliament or the Commission may submit to the Council proposals for the amendment of the ~~Treaty establishing the~~ Constitution. The national Parliaments of the Member States shall be notified of these proposals.

2. If the European Council, after consulting the European Parliament and the Commission, adopts by a simple majority a decision in favour of examining the proposed amendments, the ~~Chairman~~~~President~~ of the European Council shall convene a Convention composed of two representatives of ~~each~~ the national Parliaments of the Member States and an equal number of representatives of the European Parliament, a representative of each of the Heads of State or Government of the Member States, ~~of the European Parliament~~ and of four representatives of the Commission. The European Central Bank shall also be consulted in the case of institutional

changes in the monetary area. ~~The European Council may decide by a simple majority not to convene the Convention should this not be justified by the extent of the proposed amendments. In the latter case, the European Council shall define the terms of reference for the conference of representatives of the governments of the Member States.~~

The Convention shall examine the proposals for amendments and shall adopt by consensus a recommendation to the conference of representatives of the governments of the Member States provided for in paragraph 3.

3. The conference of representatives of the governments of the Member States shall be convened by the President of the Council for the purpose of determining by ~~common accord~~ consensus and on the basis of the recommendation of the Convention the amendments to be made to the ~~Treaty establishing the~~ Constitution.

The constitutional amendments shall enter into force after being ratified by 4/5 of all the Member States in accordance with their respective constitutional requirements.