

AMENDMENT FORM

Suggestion for amendment of Article : 1

By Mr : František Kroupa

Status : Alternate

Replace the word „federal” in para. 1 by the word „supranational”

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : Article I-1: Establishment of the Union

By Mr Péter Balázs

Status : **X Member** **Alternate**

Article I-1: Establishment of the Union

„1. Reflecting the will of the citizens, peoples and States of Europe to build a common future, this Constitution establishes the European Union, on which the Member States confer competences to attain objectives they have in common. The Union shall coordinate the policies by which the Member States aim to achieve these objectives, and shall exercise in the Community way the competences they confer on it.

2.The Union shall be open to all European States ~~which respect its values~~ whose people share the same values, respect them and are committed to promoting them.

Explanation (if any) :

Ad point 2. The Copenhagen criteria approved by the European Council in 1993 are to be fully incorporated in the second part of the Constitutional Treaty.

AMENDMENT FORM

Suggestion for amendment of Article : 1

By Ms / Mr : Representatives of the Assembly of the Republic - Portugal

Members Alberto Costa, Maria Eduarda Azevedo

Alternates Guilherme d'Oliveira Martins, António Nazaré Pereira

Status :

Article 1

European Union

- 1. The European Union is formed by the peoples and the States of Europe, which are committed to promoting peace, security and economic and social progress, exercising the necessary competences in common or in coordination for this purpose.**
- 2. The Union shall observe the principle of equality between Member States while bringing decisions closer to its citizens and respecting national, constitutional, linguistic, cultural, religious and regional diversity.**
- 3. The Union shall be open to all European States whose peoples share the same principles, respect them and are committed to promoting them together.**

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 1

Déposée par Madame ou Monsieur : Représentants de l'Assemblée de la République - Portugal

- **Membres** Alberto Costa, Maria Eduarda Azevedo

- **Suppléant** Guilherme d'Oliveira Martins, António Nazaré Pereira

Qualité :

Article Premier

Union européenne

1. **L'Union européenne est composée des peuples et des États européens qui se proposent de promouvoir la paix, la sécurité et le progrès économique et social, et d'exercer en commun ou en coordination les pouvoirs nécessaires pour atteindre ce but.**
2. **L'Union se base sur le principe de l'égalité entre les États, garantit la plus grande proximité possible des décisions par rapport aux citoyens et respecte la diversité nationale, constitutionnelle, linguistique, culturelle, religieuse et régionale.**
3. L'Union est ouverte à tous les Etats européens dont les peuples partagent les mêmes **principes**, qui les respectent, et qui s'engagent à les promouvoir en commun.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : Artigo 1.º, n.º 2

Déposée par Monsieur : Luís QUEIRÓ

Qualité : Suppléant

2. A União respeita a soberania, a identidade e a igualdade dos seus Estados-Membros.

Explication éventuelle :

Uma vez que este Tratado não pretende acabar com a soberania dos Estados-Membros, deve manter-se a menção ao respeito que lhe é devido. Ademais, o princípio do respeito pela soberania e da igualdade entre os Estados-Membros tem sido reafirmado pelo Tribunal Europeu em inúmeros Acórdãos.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : Artigo 1.º, paragraphe 2

Déposée par Monsieur : Luís QUEIRÓ

Qualité : Suppléant

2. L'Union respecte la souveraineté, l'identité et l'égalité de ses Etats membres.

Explication:

Etant entendu que ce traité ne prétend pas éliminer la souveraineté des Etats membres, il faut maintenir la mention du principe de respect de la souveraineté et de l'égalité entre Etats membres, réaffirmé par la Cour européenne de justice dans plusieurs Arrêts.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : Artigo 1.º, n.º 1

Déposée par Monsieur : Luís QUEIRÓ

Qualité : Suppléant

Artigo 1.º: Instituição da União

1. Inspirada pela vontade dos povos e dos Estados da Europa de construírem o seu futuro comum, o presente **Tratado** estabelece uma União **de Estados europeus, designada União Europeia, no seio da qual os Estados-Membros coordenam as suas políticas nacionais**, e que gere determinadas competências comuns.

Explication éventuelle :

FICHE AMENDEMENT

Proposition d'amendement à l'Article : Article 1, paragraphe 1

Déposée par Monsieur : Luís QUEIRÓ

Qualité : Suppléant

Article 1: Etablissement de l'Union

1. Inspirée par la volonté des peuples et des Etats d'Europe de bâtir leur avenir commun, **ce Traité** établit une Union **d'Etats européens** [appelée **Union européenne**], au sein de laquelle les **(deux mots supprimés)** Etats membres **coordonnent leurs politiques nationales,** et qui gère **(quatre mots supprimés)** certaines compétences communes.

Explication :

FICHE AMENDEMENT

Proposition d'amendement à l'Article : Artigo 1, n.º 3

Déposée par Monsieur : Luís QUEIRÓ

Qualité : Suppléant

Suprimir (n.º 3 do Artigo 1.º).

Explication éventuelle :

Dado o teor do n.º 3 do Artigo 1.º, propomos que passe a artigo autónomo com a epígrafe "Alargamento da União" a inserir após o Artigo relativo aos Direitos Fundamentais da União. Vide nossa Proposta de emenda 8 sobre o Artigo 2.º bis que, sendo aceite, passará a Artigo 3.º do Tratado.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : Article 1, paragraphe 3

Déposée par Monsieur : Luís QUEIRÓ

Qualité : Suppléant

Supprimer (paragraphe 3 de l'Article 1.).

Explication :

Considérant le contenu du paragraphe 3 de l'article 1, nous proposons qu'il soit intégré comme article autonome après l'article 2 (droits fondamentaux de l'Union), ayant comme titre « l'élargissement de l'Union ». Voir notre proposition d'amendement n° 8 sur l'article 2 bis.

Proposition d'amendement à l'Article : 1, par. 1

Déposée par Madame Elena Paciotti et Monsieur Valdo Spini, Suppléants

EN Version

Article 1: Establishment of the Union

1. Reflecting the will of the peoples *(3 words deleted)* of Europe to build a common future, this Constitution establishes a Union of States *and citizens*, entitled *European Union*, *(11 words deleted)* which shall administer common competencies on a federal basis *and co-ordinate the policies of the Member States*.

Explication éventuelle:

Mention should be made of the citizens of Europe, who could belong to different ethnic groups and peoples.

It is the Union that co-ordinates the policies of the Member States: understandings between States do not form part of the constitution.

Proposition d'amendement à l'Article : 1, par. 1

Déposée par Madame Elena Paciotti et Monsieur Valdo Spini, Suppléants

IT Version

Articolo 1: Istituzione dell'Unione

Par.1

Ispirata dalla volontà dei popoli (*tre parole soppresse*) d'Europa di costruire **un** futuro comune, la presente Costituzione istituisce un'Unione di Stati **e di cittadini** - denominata **Unione europea** - **che gestisce competenze comuni** sul modello federale **e coordina le politiche degli Stati membri**.

Explication éventuelle:

È opportuno menzionare l'Europa dei cittadini, i quali possono anche appartenere a etnie e popoli diversi.

È l'Unione che coordina le politiche degli Stati membri: mere intese fra Stati non rientrerebbero nella Costituzione.

FICHE AMENDEMENT

Proposition d'amendement à l'Article: 1

Déposée par Monsieur: Erwin Teufel

Qualité: Membre

Texte du Praesidium

- (3) Die Union steht allen europäischen Staaten offen, deren Völker die gleichen Werte teilen, diese achten und sich verpflichten, sie gemeinsam zu fördern.

Amendement proposé

- (3) **Alle europäischen Staaten**, deren Völker die gleichen Werte teilen, diese achten und sich verpflichten, sie gemeinsam zu fördern, **können beantragen, Mitglied der Union zu werden.**
-

Begründung:

Mit dem Änderungsvorschlag soll klargestellt werden, dass ein Beitritt zur Union die objektive Erfüllung bestimmter Kriterien voraussetzt.

FICHE AMENDEMENT

Proposition d'amendement à l'Article: 1

Déposée par Monsieur: Erwin Teufel

Qualité: Membre

Texte du Praesidium

(3) L'Union est ouverte à tous les Etats européens dont les peuples partagent les mêmes valeurs, qui les respectent, et qui s'engagent à les promouvoir en commun.

Amendement proposé

(3) Tous les Etats européens dont les peuples partagent les mêmes valeurs, qui les respectent et qui s'engagent à les promouvoir en commun, **peuvent demander à devenir membres de l'Union.**

Explication:

L'amendement veut clarifier qu'une admission à l'Union suppose l'accomplissement objectif de certaines critères.

AMENDMENT FORM

Vorschlag für die Änderung von : Art. 1 Abs.1

von Herrn/Frau: Prof. Dr. Jürgen Meyer, Delegierter des Deutschen Bundestages

Status: - Mitglied -

Ziel:

Betonung des Charakters der EU als immer engere Staaten- und Bürgerunion und Beibehaltung ihres Namens Europäische Union in Art. 1 Abs. 1 wie folgt:

Artikel 1: Gründung der Union

(1) Entsprechend dem Wunsch der Bürgerinnen und Bürger und der Staaten Europas, ihre Zukunft gemeinsam zu gestalten, wird mit dieser Verfassung eine immer engere Union (~~mit der Bezeichnung....~~) gegründet, die in föderaler Weise bestimmte gemeinsame Zuständigkeit wahrnimmt und in deren Rahmen die Politiken der Mitgliedstaaten aufeinander abgestimmt werden.

Begründung:

Die Vertiefung der Europäischen Union als Staaten- und Bürgerunion durch die künftige europäische Verfassung und die Aufnahme der Charta der Grundrechte erfordert keine neue Namensgebung durch den Konvent. Nach künftigen Erweiterungsschritten wird die EU im allgemeinen Sprachgebrauch ohnehin den Namen « Europa » erhalten. Art. 1 der künftigen Verfassung für ein Europa der Bürger darf nicht hinter Art. 1 des geltenden EU-Vertrags zurückfallen.

AMENDMENT FORM

Suggestion for amendment of: Article 1 (1)

By: Professor Jürgen Meyer, delegate of the German Bundestag

Status : - Member -

Aim:

To emphasize the character of the EU as an ever closer union of States and citizens and to retain the name European Union in Article 1 (1) as follows:

Article 1: Establishment of the Union

- (1) Reflecting the will of the citizens and the States of Europe to build a common future, this Constitution establishes an ever closer Union [~~entitled ...~~], which shall administer certain common competences on a federal basis and within which the policies of the Member States shall be coordinated.

Explanation :

The deepening of the European Union as a union of states and citizens through the future European Constitution and the incorporation of the Charter of Fundamental Rights does not require the assignment of any new name by the Convention. Once future steps in the integration process have taken place, the EU will, in any case, become generally known as "Europe". Article 1 of the future constitution for a Europe of citizens must not be weaker than Article 1 of the current TEU.

AMENDEMENT FORM

Amendement proposé à : l'art. 1, al. 1

Par M./Mme : Prof. Dr. Jürgen Meyer, délégué du Bundestag allemand

Qualité : - Membre –

But :

Souligner le caractère de l'UE en tant qu'une union des Etats et des citoyens sans cesse plus étroite et maintenir de la dénomination de l'Union européenne à l'art. 1, al. 1 :

Article 1 : Établissement de l'Union

- (1) **Inspirée par la volonté des citoyens et des États d'Europe de bâtir leur avenir commun, cette Constitution établit une Union sans cesse plus étroite [~~appelée ...~~], qui gère, sur le mode fédéral, certaines compétences communes et au sein de laquelle les politiques des États membres sont coordonnées.**
-

Exposé des motifs :

L'approfondissement de l'Union européenne de manière à en faire une Union des États et des citoyens grâce à la future Constitution européenne et l'insertion de la Charte des droits fondamentaux ne nécessitent pas de nouvelle dénomination par la Convention. Après de futures actions d'élargissement, il deviendra de toute façon courant d'appeler l'UE "Europe".

L'article 1 de la future constitution pour une Europe des citoyens ne doit pas être affaibli par rapport de l'article 1 du TUE.

AMENDMENT FORM

Suggestion for amendment of Article 1:

By Mr. Peter SKAARUP

Status: Member

Ad to article 1 as a new item 4:

"The Union recognizes the fundamental importance of Christianity embedded in European History and the lives of its people. Christianity draws a sharp line between secularism and spiritualism - the Union believes this division to be of vital importance for the development of the individual European member states."

AMENDMENT FORM

Suggestion for amendment of Article : 1

By Mr Kirkhope MEP

Status : Member

Article 1: Establishment of the European Community

1. This simplifying Treaty establishes a European Community which shall have as its task the competences outlined in Title III.

2. The Community shall respect the national identities of its Member States and their national sovereignties.

3.The Community shall be open to all European States who wish to work together for their mutual benefit.

NEW

4. The people of each Member State shall be consulted by referenda (where permitted by national constitutions) before ratification of this simplifying Treaty by Member States' Governments.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article 1: Establishment of the Union

By Mr Dick Roche, Representative of the Government of Ireland

Status : Member

Article 1: Establishment of the Union – paragraph 1

1. Reflecting the will of the peoples and the States of Europe to build a common future, this Constitution establishes a Union [entitled ...]. ~~, within which the policies of the Member States shall be coordinated, and which shall administer certain common competences on a federal basis.~~

Explanation (if any) :

To bring greater simplicity and clarity to the text, in keeping with the drafting of Articles 1.2 and 1.3.

AMENDMENT FORM

Suggestion for amendment of Article: 1§1

By Mr: Paraskevas AVGERINOS

Status: Member

Με βάση τη βούληση των λαών και των κρατών της Ευρώπης να οικοδομήσουν το κοινό τους μέλλον, το παρόν Σύνταγμα ιδρύει μια Ένωση [καλούμενη] εντός της οποίας συντονίζονται οι πολιτικές των κρατών μελών και η οποία ασκεί, σε ομοσπονδιακή βάση, ορισμένες κοινές αρμοδιότητες.

Με βάση τη βούληση των λαών και των κρατών της Ευρώπης να οικοδομήσουν το κοινό τους μέλλον, το παρόν Σύνταγμα ιδρύει μια Ένωση **καλούμενη Ευρωπαϊκή Ένωση**, εντός της οποίας συντονίζονται οι πολιτικές των κρατών μελών και η οποία ασκεί, σε ομοσπονδιακή βάση, ορισμένες κοινές αρμοδιότητες.

AMENDMENT FORM

Suggestion for amendment of Article : 1

By Ms / Mr : Marie Nagy

Status : - Member - Alternate

TITEL I: Definition und Ziele der Union

Artikel 1: Gründung der Union

~~(1) ——— Entsprechend dem Wunsch der Völker und Staaten Europas, ihre Zukunft gemeinsam zu gestalten, wird mit dieser Verfassung eine Union [mit der Bezeichnung] gegründet, in deren Rahmen die Politiken der Mitgliedstaaten aufeinander abgestimmt werden und die in föderaler Weise bestimmte gemeinsame Zuständigkeiten wahrnimmt.~~

~~(2) ——— Die Union achtet die nationale Identität ihrer Mitgliedstaaten.~~

~~(3) ——— Die Union steht allen europäischen Staaten offen, deren Völker die gleichen Werte teilen, diese achten und sich verpflichten, sie gemeinsam zu fördern.~~

(1) Die Bürgerinnen und Bürger Europas und ihre Staaten, errichten mit dieser Verfassung die Europäische Union.

(2) Mit dem Ziel die historische Spaltung Europas zu überwinden, steht die Europäische Union allen betrittswilligen und beitriffsfähigen Europäischen Staaten offen.

Explanation (if any) :

FICHE AMENDEMENT

Proposition d'amendement à l'Article 1

Déposée par Monsieur Dominique de Villepin

Qualité : Membre

Article 1: Etablissement de l'Union

1. Inspirée par la volonté des peuples et des Etats d'Europe **de créer entre eux une union sans cesse plus étroite, la présente** Constitution établit **une fédération d'Etats nations appelée Union européenne et ci-après dénommée "l'Union"**, au sein de laquelle les politiques des Etats membres sont coordonnées, et qui gère, sur le mode fédéral, certaines compétences communes.
2. L'Union respecte l'identité nationale de ses Etats membres.
3. L'Union est ouverte à tous les Etats européens **qui** partagent les mêmes valeurs, qui les respectent, et qui s'engagent à les promouvoir en commun.

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : 1.3

By Lord Tomlinson

Status : - Alternate

"whose people share the same values" is very vague.

It is States which join the Union and it should be the values of those States which are the basis of qualification for membership and it should equally be explicit that the values that matter concerning States are only such values as are specifically and explicitly those of the European Union.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 1.1

By Lord Tomlinson

Status : - Alternate

The words on a "federal basis" should be deleted and if some form of words is necessary it could be along the lines "and which shall administer those conferred competences on a common basis".

Explanation (if any) :

This proposed opening Article to the Constitution gives a distorted impression of the reality. Member States grant competencies to the European Union on the basis of a Constitution that the Member States freely enter into. It must be clear that it is only "certain" policies of member States which shall be co-ordinated - these policies for which competence has been explicitly conferred by Member States on the European Union.

AMENDMENT FORM

Suggestion for amendment of Article : 1

By Mr : Edmund Wittbrodt

Status : - Member

1. Reflecting the will of the peoples, and States of Europe to build a common future, this Constitution establishes a Union ~~[entitled...] within which the policies of the Member States shall be coordinated, and which shall administer certain common competences on a federal basis.~~ **which shall manage certain common competences on a federal basis and within which the policies of the Member States shall be coordinated.**
 2. The Union shall respect the national identities of its Member States, **their constitutional and political structures, including government, their choices regarding language, and the legal status of churches and religious societies.**
 3. The Union shall be open to all European States whose peoples share the same values **and objectives**, respect them and are committed to promoting them together.
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Explanation (if any) :

These points follow the EPP suggestions.

In point one the word « administer » is more suitable than « manage ».

Point two responds to the COMECE postulates.

AMENDMENT FORM

Suggestion for amendment of Article 1

By: Mr Andrew Duff, Mr Dimitrij Rupel, Mr Paul Helminger, Lord MacLennan,
Mr István Szent-Iványi and Mr Lamberto Dini

Status : Members and alternate members.

Article 1: Establishment of the Union

- 1.1 The peoples and states of Europe, *determined* to build *their* future *together*, establish *the European Union. Under the provisions of* this Constitution *they will coordinate their policies and organise* common competences on a federal basis.
- 1.2 *Delete*
- 1.3 The Union shall be open to all European states whose peoples share the same values, respect them and are committed to promoting them.

Explanation :

1.1 The original is well meaning but not well crafted. The reflection of will to build a common future is a bit weak. The amendment says it is a determination to build a future "together".

Structurally speaking, there are two separate thoughts in the clause: first, the establishment of the Union; second the provisions of the Constitution. It needs two sentences.

In the second sentence we have kept together the same collective of peoples and states. People as well as states will be involved in the democratic processes. It would be a pity to drop them out of the picture so early.

'States' should be lower case, as are the peoples, here and elsewhere (eg. 1.3).

1.2 That the Union respects national identities is nothing to do with the establishment of the Union. It is a value judgement, and therefore should appear in Article 2.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : Art. 1

Déposée par Madame Cristiana MUSCARDINI

Qualité : Membre

Alla seconda riga (versione italiana), dopo la parola “**Unione**”, aggiungere: “ **degli Stati europei**”

Explication éventuelle :

FICHE AMENDEMENT

Proposition d'amendement à l'Article : Art. 1

Déposée par Madame Cristiana MUSCARDINI

Qualité : Membre

Alla seconda riga (*versione italiana*), dopo la parola “**Unione**”, aggiungere:
"europea"

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : 1 §3

By Mr : Joachim Wuermeling and Peter Altmaier

Status : - Alternates

(3) ~~Die Union steht allen~~ europäischen Staaten ~~offen~~, deren Völker die gleichen Werte teilen, diese achten und sich verpflichten, sie gemeinsam zu fördern, *können beantragen, Mitglied der Union zu werden.*

Explanation (if any) :

Die Änderung greift die geltende Regelung in Art. 49 EUV auf. Die Union muss unabhängig von der Erfüllung von Kriterien durch Bewerberstaaten entscheiden können, ob sie einen Staat aufnehmen will. Damit wird die Prüfung sichergestellt, dass die Integrationskraft der EU für beabsichtigte Beitritte ausreicht.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 1 :

Déposée par M. Pierre LEQUILLER, Président de la Délégation pour l'Union européenne

Article 1 :

Dans le point 2., remplacer les mots « respecte l'identité nationale de ses États membres. » par les mots : « est fondée sur un principe de solidarité entre ses États membres et respecte leur identité nationale, et notamment leur structure politique, constitutionnelle, y compris l'organisation des pouvoirs publics au niveau national, régional et local. » .

Explication éventuelle :

Cet amendement vise à la fois à intégrer le principe de la solidarité entre les États membres, dans la Constitution - ce principe constitue un fondement essentiel de la construction européenne - et à mettre clairement en exergue que la responsabilité de l'organisation des pouvoirs publics de chaque État membre leur appartient en propre.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 1

Déposée par M. Pierre LEQUILLER, Président de la Délégation pour l'Union européenne

Article 1 :

Après le point 1., insérer le point 1. bis suivant :

"La devise de l'Union est [à compléter]. L'emblème de l'Union est le drapeau bleu frappé d'un cercle de douze étoiles d'or. L'hymne de l'Union est "l'Hymne à la joie" de Ludwig Van Beethoven. La monnaie de l'Union est l'euro. Le 9 mai, jour de l'Europe, est jour férié "

Explication éventuelle :

Ces symboles contribueront à donner une identité à l'Union aux yeux de ses citoyens, comme sur le plan international.

AMENDMENT FORM

Suggestion for amendment of Article : 1 §1

By Mr : Joachim Wuermeling and Peter Altmaier

Status : - Alternates

(1) Entsprechend dem Wunsch der Völker und Staaten Europas, ihre Zukunft gemeinsam zu gestalten, wird mit dieser Verfassung eine Union [mit der Bezeichnung] gegründet, in deren Rahmen die Politiken der Mitgliedstaaten aufeinander abgestimmt werden und die ~~in föderaler Weise~~ *in gemeinschaftlichen Verfahren* bestimmte gemeinsame Zuständigkeiten wahrnimmt.

Explanation (if any) :

Es ist unklar, was mit der Formulierung „in föderaler Weise“ gemeint ist. Klarer wäre ein Verweis auf die Gemeinschaftsmethode.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : Art. 1 par. 1

Déposée par Madame Cristiana MUSCARDINI

Qualité : Membre

Alla terza riga (*versione italiana*), eliminare “**sul modello federale**”.

Explication éventuelle :

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 1

Déposée par M. Pierre LEQUILLER, Président de la Délégation pour l'Union européenne

Article 1 :

Dans le point 1., après les mots : « leur avenir commun », insérer les mots : « sur la base d'une union sans cesse plus étroite » ;

Explication éventuelle :

La référence à "Union sans cesse plus étroite" est actuellement partie intégrante des Traités. La supprimer constituerait un signal négatif vis-à-vis des citoyens européens.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : Article 1

Déposée par ~~Madame ou~~ Monsieur : Oğuz DEMIRALP

Qualité : ~~-Membre-~~ - Suppléant

Article 1, paragraphe 1 :

Supprimer « sur le modèle fédéral ».

Explication éventuelle :

L'Union européenne comme communauté supranationale ou post-nationale est une entité politique **sui generis**. Elle gère certaines compétences sur le modèle fédéral, d'autres sur le modèle intergouvernemental.

Faute d'avoir une terminologie plus adéquate, il conviendrait, au stade actuel d'intégration de ne pas qualifier le modèle européen.

AMENDMENT FORM

Suggestion for amendment of Articles 1.1., 3.2. and 5.2

By Alexander Arabadjiev

Status: Alternate Member (Bulgarian Parliament)

(a) In Article 1.1. *citizens* of the EU – along with peoples and States- should be mentioned;

(b) In Article 3.2. *socal market economy* should ebe added as EU objective;

(c) In Article 5.2. **in stead of:**

The Union ‘may’ accede

The Union **shall** accede

Explanation:

With respect to (c) above - The question of accession is of “constitutional significance” and the Convention must pronounce itself clearly in favour of accession. Under the conclusions of Working Group II accession is regarded as a complementary (to incorporation of the Charter) and not an alternative option.

Fiche amendement

Proposition d'amendement à l'Article : 1er

Déposée par MM. Santer, Helminger, Fayot

En qualité de MEMBRES

Il est proposé d'amender cet article de la manière suivante :

1. Inspirée par la volonté des peuples et des Etats d'Europe de bâtir leur avenir commun, cette Constitution établit une Union qui gère, sur le mode fédéral, certaines compétences communes et qui coordonne certaines des politiques conduites par les Etats membres.
 2. L'Union respecte l'identité nationale et la richesse de la diversité culturelle de ses Etats membres.
-

Explication :

Ad 1) Il s'agit d'inverser la description des compétences, la méthode communautaire devant figurer au centre des activités de l'Union.

Ad 2) La richesse de la diversité culturelle trouve une place plus appropriée à cet endroit, où elle s'insère dans le contexte du respect des identités nationales.

AMENDMENT FORM

Suggestion for amendment of Article 1

By Mr : Dimitrij Rupel

Status : Member

Article 1: Establishment of the Union

1. Reflecting the will of the peoples and the States of Europe to build a common future, this Constitution establishes a Union [entitled ...], within which the policies of the Member States shall be coordinated, and which shall administer certain common competences on a community ~~federal~~ basis.
2. The Union shall respect the national and regional identities of its Member States.

AMENDMENT FORM

1. Suggestion for amendment of Article 1: Etablissement de l'Union

By Ms Meglena Kuneva

Status : Member

1. Inspirée par la volonté des peuples et des Etats d'Europe **de créer entre eux une union sans cesse plus étroite, la présente** Constitution établit **une fédération d'Etats nations appelée Union européenne et ci-après dénommée 'l'Union'**, au sein de laquelle les politiques des Etats membres sont coordonnées, et qui gère, sur le mode fédéral, certaines compétences communes.
2. L'Union respecte l'identité nationale de ses Etats membres, **la nature et le fondement de leur régime politique, leur structure constitutionnelle, y compris l'organisation des pouvoirs au niveau national, régional et local.**
3. *(sans changement)*

Explanation (if any) :

(1) Il serait plus opportun de sauvegarder la formulation qui existe déjà plus de 50 ans, qui a prouvé sa vitalité et a contribué au développement de l'Union: « une union sans cesse plus étroite »

(2) Il serait utile d'insérer la phrase d'article 9 (6), qui porte également sur le respect de l'identité nationale, et en même temps d'évoquer la coexistence des régimes différents, ainsi que leurs fondements – religieux ou laïcs.

AMENDMENT FORM

Suggestion for amendment of Article 1.1, Title I

By : Mrs Sandra Kalniete (LV Gov., Member), Mr Roberts Zile (LV Gov., Alternate), Mrs Liene Liepina (LV Parl., Member), Mr Rihards Piks (LV Parl., Member), Mr Arturs Krisjanis Karins (LV Parl., Alternate), Mr Guntars Krasts (LV Parl., Alternate).

- Replace the title “Constitution” by the “Constitutional treaty” (in the whole text);
- The term “equal States” shall be inserted in the definition of the Union;
- The title of the Union should remain the “European Union”;
- Abstain from the reference to “a federal basis”.

*1. Reflecting the will of the peoples and the States of Europe to build a common future, this **Constitutional Treaty** establishes a Union **of equal States** entitled **European Union**, within which the policies of the Member States shall be coordinated, and which shall administer certain common competence. ~~on a federal basis.~~*

Explanation (if any) :

The Union is a specific entity, which is based on the several establishing Treaties. Taking into account that the constitutional issues in the EU are approved on the basis of the agreement between the Member States in form of the treaties, the new Treaty should be defined as the Constitutional Treaty.

The use of the term “federal” is not acceptable, as it would lead to misconception among the EU citizens that a federal state is being built. Taking into account that the mechanisms of common action between the EU and its Member States will be established in the EU Constitutional Treaty, it is not necessary to use any specific term when describing these mechanisms.

AMENDMENT FORM

Suggestion for amendment of Article : 1

By **Mr Jelko Kacin**
Mr Franc Horvat

Status : - Member and Alternate

Article 1: Establishment of the Union

1. Reflecting the will of the peoples and the States of Europe to build a common future, this Constitution establishes a Union **of citizens, peoples and states** within which the policies of the Member States shall be coordinated, and which shall administer certain common competences **in accordance with the Constitution**.
2. The Union shall respect the national identities of its Member States.
3. The Union shall be open to all European States whose **citizens and** peoples share the same values, respect them and are committed to promoting them together.

Explanation:

*We suggest the future name of the European Union to be ‘‘Union of citizens, peoples and states’’.
We are of opinion, that the European Union as a Union of prosperity, economic opportunities and the rule of law is primarily designed for an individual – whichever citizen of the member state – and not only for the particular peoples or states.*

Considering the bad experiences Republic of Slovenia has had with former federal state, we suggest a motion for amendment, which abolishes the text of the Treaty establishing a constitution for Europe in the part which provides that Union shall exercise certain common competences on a federal basis.

Due to the possibility of defining the form of integration on the basis of its contents and thus avoid the use of the notion, that could cause sensitivities among those accession countries, that have already had experiences with federal model as a basis of integration of states, we find it reasonable to abolish the unnecessary part of the text “on federal basis”.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article 1.1, 1.3 and 1.4 (new):

By Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives and Mr Sören Lekberg, Mr Göran Lennmarker, Mr Kenneth Kvist and Mr Ingvar Svensson, national parliament representatives.

Status : - **Members: Hjelm-Wallén, Lekberg and Lennmarker**
 - **Alternates: Petersson, Kvist and Svensson**

1. Reflecting the will of the peoples and the States of Europe to build a common future, **by this Constitutional Treaty hereinafter called 'the Constitution', the HIGH CONTRACTING PARTIES establish among themselves¹ a EUROPEAN UNION, hereinafter called 'the Union'²** ~~this Constitution establishes a Union [entitled ...]~~, within which the policies of the Member States shall be coordinated, and which shall administer certain common competences on a federal basis.

3. The Union shall be open to all European states, that ~~whose people~~³ share the same values and ~~which~~ respect them and are committed to promoting them together.

4. The Union shall take decisions as openly as possible and as closely as possible to its citizens.⁴

Explanation

¹ This text highlights the fact the Member States remain the masters of the Treaty.

² The European Union should not change its name.

³ It is the States that should share and respect the same values.

⁴ Corresponds to the text in Article 1 EU (second sentence). The Amsterdam Treaty introduced the principle that the decisions of the Union should be taken “*as openly as possible and as closely as possible to the citizen.*” It is important to retain this phrase in the introductory articles of a constitutional treaty: leaving it out would seem as a step backwards in the eyes of the citizens. This is even more so given that the Laeken Declaration states that “*[w]ithin the Union, the European institutions must be brought closer to its citizens. Citizens ... want the European institutions to be less unwieldy and rigid and, above all, more efficient and open.*” The importance of transparency is highlighted throughout the Laeken Declaration.

AMENDMENT FORM

Suggestion for amendment of Article : 1

By Ms : Giannakou Marietta

Status : - Member

Article 1: Establishment of the Union

3. The Union shall respect the national identities of its Member States, *their constitutional and political structures, including regional and local government, their choices regarding language, and the legal status of churches, religious societies and non-confessional organisations.*

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article 1 :

By Mr Joschka Fischer

Status : - Member

Artikel 1: Gründung der Union

(1) Entsprechend dem Wunsch der Völker, Bürger und Staaten Europas, eine immer engere Union zu verwirklichen und ihre Zukunft gemeinsam zu gestalten, wird mit dieser Verfassung eine Föderation der Nationalstaaten~~Union~~ [mit der Bezeichnung Europäische Union.....] gegründet, in deren Rahmen die Politiken der Mitgliedstaaten aufeinander abgestimmt werden und die in föderaler Weise bestimmte gemeinsame Zuständigkeiten wahrnimmt.

(2) Die Union achtet die nationale Identität ihrer Mitgliedstaaten.

(3) Die Union steht allen europäischen Staaten offen, ~~deren Völker~~ die die gleichen Werte teilen, diese achten und sich verpflichten, sie gemeinsam zu fördern.

Explanation (if any) :

Die Perspektive für die weitere Vertiefung der Union (Artikel 1 EUV) sollte beibehalten werden. Ebenso sollte unterstrichen werden, dass die Union sich neben den Mitgliedstaaten auf ihre Bürger stützt. Es ist zu prüfen, ob Absatz 2 angesichts von Art 9 Abs. 6 (bzw. Art. 8 Abs. 7 neu) nicht entfallen könnte.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : Article 1

Déposée par ~~Madame ou~~ Monsieur : Oğuz DEMIRALP

Qualité : ~~-Membre-~~ - Suppléant

Article 1, paragraphe 3 :

Ajouter « énoncées à l'article 2 de la présente constitution ».

Ainsi, l'article 1, paragraphe 3 devient comme suit :

L'Union est ouverte à tous les Etats européens dont les peuples partagent les mêmes valeurs **énoncées à l'article 2 de la présente Constitution**, qui les respectent, et qui s'engagent à les promouvoir en commun.

Explication éventuelle :

La lecture parallèle de l'article 1(3) et article 2 est de nature à prêter confusion quant à la signification de la notion de « valeur ». Pour bien souligner qu'il s'agit des mêmes valeurs dans ces articles, il conviendrait de faire une référence explicite à l'article 2 dans l'article 1(3).

AMENDMENT FORM

Suggestion for amendment of Article: 1

By Ms / Mr : Mr. Ms. Irena Belohorska – member, Jan Zahradil – member, Mr. Jens-Peter Bonde - member, Mr. David Heathcoat-Amory - member, Mr. William Abitbol - alternate, Mr. Peter Skaarup - member, Mr. Per Dalgaard - alternate, Mr. Esko Seppänen – alternate, and Mr. John Gormley - alternate.

Status : - Member - Alternate

Article 1: Establishment of a Europe of Democracies

1. Reflecting the will of the peoples and the States of Europe to build a common future, this Treaty establishes a framework for co-operation on cross-frontier matters, in which the member states cannot effectively legislate on their own.
2. The Europe of Democracies shall respect the national identities of its Member States, their constitutions, their legislative assemblies and national sovereignty.
3. The Europe of Democracies shall be open to all European States, which have signed and which respect the European Convention for Human Rights

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 1

Déposée par Madame ou Monsieur : Représentants de l'Assemblée de la République - Portugal

- **Membres** Alberto Costa, Maria Eduarda Azevedo

- **Suppléant** Guilherme d'Oliveira Martins, António Nazaré Pereira

Qualité :

Article Premier

Union européenne

1. **L'Union européenne est composée des peuples et des États européens qui se proposent de promouvoir la paix, la sécurité et le progrès économique et social, et d'exercer en commun ou en coordination les pouvoirs nécessaires pour atteindre ce but.**
2. **L'Union se base sur le principe de l'égalité entre les États, garantit la plus grande proximité possible des décisions par rapport aux citoyens et respecte la diversité nationale, constitutionnelle, linguistique, culturelle, religieuse et régionale.**
3. **L'Union est ouverte à tous les Etats européens dont les peuples partagent les mêmes principes, qui les respectent, et qui s'engagent à les promouvoir en commun.**

AMENDMENT FORM

Suggestion for amendment of Article : 1

By Ms / Mr : Representatives of the Assembly of the Republic - Portugal

Members Alberto Costa, Maria Eduarda Azevedo

Alternates Guilherme d'Oliveira Martins, António Nazaré Pereira

Status :

Article 1

European Union

- 1. The European Union is formed by the peoples and the States of Europe, which are committed to promoting peace, security and economic and social progress, exercising the necessary competences in common or in coordination for this purpose.**
- 2. The Union shall observe the principle of equality between Member States while bringing decisions closer to its citizens and respecting national, constitutional, linguistic, cultural, religious and regional diversity.**
- 3. The Union shall be open to all European States whose peoples share the same principles, respect them and are committed to promoting them together.**

AMENDMENT FORM

Suggestion for amendment of Article : 1

By Ms / Mr : Vanhanen

Status : - Member

1. This Constitutional Treaty defines the values, the objectives and the competences of the European Union, established for our common future by the States and the People of Europe.

2. The Union shall respect the national identities of its Member States, in particular their political and constitutional structure, organisation of the public authorities at national, regional and local level, as well as their choice of languages.

3. The Union shall be open to all European States whose peoples share the Union's [...] values, respect them and are committed to promoting them together.

Explanation (if any) :

There is no need to change the name of the Union. It would be important to preserve the basic principles of openness and the key role of citizens in the opening provision of the Union's founding text, as in the current Art. 1 TEU.

As the so-called identity clause does not relate solely to the exercise of the Union's competence, it should be moved here from the proposed Art. 9 para. 6 and complemented by a reference to the choice of languages.

It would be more precise and therefore preferable to refer to the Union's values than to the peoples' "same" values.

AMENDMENT FORM

Suggestion for amendment of Article : 1: Establishment of the Union

By the Earl of Stockton MEP

Status : - Member - Alternate

(New) 4. The peoples of the States of Europe will be consulted in a referendum to take place on the same day across both the Member and applicant States where permitted by national constitution.

Explanation (if any) : *Will assist in engendering further democratic accountability.*

AMENDMENT FORM

Suggestion for amendment of Article 1 / Title I:

By Mr : Jan KOHOUT

Status : - Member

Title I

To rename the Title I to « Basic Principles ».

Art.1.1.

The functions should be mentioned in reverse order, beginning with "*common policies*" as the supranational function defining the Union (common *competences* are a policy tool and belong to lower levels), followed by "coordination" as an interstate function. The expression "to administer" has bureaucratic connotations and should be replaced by a more appropriate word evoking democratic responsibility, such as "to rule" or "to govern".

The term "federal" should be struck off and replaced by "on the basis of ever closer Union"

The text should respect the fact that the Convention agreed to preserve the name "European Union".

Art. 1.2.

Omit "national", insert the essential features of the "identities of its Member States" which are now listed in Art. 9.6. and replace the words "organization of public administration" e.g. by "cultural diversity" or "historical heritage".

Explanation (if any) :

Art. 1.1

The opening sentence starts with a correct reference to the twin sources of democratic legitimacy of the Constitution ("the peoples and the States of Europe"). The phrasing ("Reflecting the will...") would be more appropriate in a preamble.

However, the second part of this sentence clearly refers to the concept of a Union of States and the administrative model of its functioning (Monnet-Delors).

General comment on the first 16 articles

Unlike the draft presented by the Commission in early December 2002, the present draft lacks the distinctive dimension of a *multilevel constitutionality* on which the future Union is to be founded, reflecting the *multilevel identity* of its citizens (local/regional/State/Union) and uniting the individual complementary constitutional levels in a single *consistent* whole.

This concept corresponds to the established practice of the European Court of Justice (direct effect and primacy of Community law, Community law as an integral part of the legal orders of Member States, interpretation and application of national laws in conformity with a directive that has not been duly transposed, etc.).

AMENDMENT FORM

Suggestion for amendment of Article : 1

By Ms / Mr : Kiljunen

Status : - Member

Reflecting the will of the peoples and the States of Europe to build a common future, this Constitution establishes a European Union [delete], within which the policies of the Member States shall be coordinated, and which shall administer certain common competences [delete], and in which decisions are taken as openly as possible and as closely as possible to the citizen.

Explanation (if any) :

There is no need to change the name of the Union. It would be important to preserve the basic principles of openness and the key role of citizens in the opening provision of the Union's founding text, as in the current Art. 1 TEU.

AMENDMENT FORM

Suggestion for amendment of Article 1 para 3

By Ms Maria Berger

Status: - Member x Alternate

3. Each European State who respects the values of Article 2 may apply for accession to the European Union.

Explanation (if any):

On the one hand, further enlargement should fall under the same terms as up to date (see wording of present Art. 49) . On the other hand, applicant states should not be forced to a stronger commitment with regard to the values as present Member States.

AMENDMENT FORM

Suggestion for amendment of Article :1

By Mr Michalis Attalides

Status : - Member

In paragraph 1 ... establishes a Union [entitled **The European Union**] within which...

In paragraph 3 ...whose peoples share the same values **and objectives**, respect them and...

Explanation (if any) :

The name of the Union is well established among its citizens both in the member countries and in the new members as well as internationally. A change in name would not seem to serve any purpose and might cause confusion.

To state that new members must share the objectives as well as the values of the Union more accurately describes the prerequisites for membership

FICHE AMENDEMENT

Proposition d'amendement à l'Article 1 para 1:

Déposée par M. Olivier DUHAMEL
M. Luis MARINHO
Mme Anne VAN LANCKER
M. Caspar EINEM

Qualité: - Membres

Mme Pervenche BERÈS
Mme Maria BERGER
M. Carlos CARNERO
Mme Elena PACIOTTI
Mme Helle THORNING-SCHMIDT

Qualité: - Suppléants

Article 1: Etablissement de l'Union

1. Inspirée par la volonté des peuples d'Europe de bâtir leur avenir commun, cette Constitution **institue** une Union **européenne d'Etats et de citoyens** qui gère, sur le mode fédéral, **des compétences communes et coordonne les politiques des Etats membres.**
-

Explication éventuelle:

AMENDMENT FORM

Suggestion for amendment of Article : 1.3

By Mr Korcok, Mr Jan Figel, Mr Juraj Migas, Ms Zuzana Martinakova

Status : Mr Korcok and Mr Figel are members. Mr Migas and Ms Martinakova are alternates.

3. The Union shall be open to all European States whose peoples share the same values and goals, respect them and are committed to promoting them together
-

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article: 1.1

By Ms Irena Belohorska, Mr Ivan Korcok, Mr Juraj Migas, Ms Zuzana Martinakova

Status : Irena Belohorska and Ivan Korcok are members. Juraj Migas and Zuzana Martinakova are alternates.

1. Reflecting the will of the peoples and the States of Europe to build a common future, this Constitution establishes a the European Union ~~[entitled ...]~~, within which the policies of the Member States shall be coordinated, and which shall administer certain common competences on a federal basis.

Explanation (if any) :

The name “European Union” is widely known and accepted by people. A new name could cause confusion.

TITLE I: Definition, objectives and basic principles of the Union

Commentary:

The title of Title I should be adapted to take account of the inclusion of provisions on certain basic principles (primacy, loyalty) in this Title.

Article 1: The European Union

1. Reflecting the will of the peoples and the States of Europe to build a common future, this Constitution **marks a new stage in the development of the European Union [...], which shall administer certain common competences on a federal basis and which coordinates some of the policies operated by the Member States, and in which decisions are taken as openly as possible and as closely as possible to the citizen.**
2. The Union shall respect the national identities of its Member States, **in particular their political and constitutional structure, organisation of the public authorities at national, regional and local level, as well as their cultural and linguistic diversity.**
3. The Union shall be open to all European States whose peoples share the same values, respect them and are committed to promoting them together.

Commentary:

The Constitution does not establish the Union anew but rather marks a new stage in its development. There is no need to change the name of the Union. It would be important to preserve the basic principles of openness and the key role of citizens in the opening provision of the Union's founding text, as in the current Art. 1 TEU.

As the so-called identity clause does not relate solely to the exercise of the Union's competence, it should be moved here from the proposed Art. 9 para. 6 and complemented by a reference to cultural and linguistic diversity.

AMENDMENT FORM

Suggestion for amendment of Article 1

By: Mr. Ivan Korčok (SK)

Status : - Member

Article 1: Establishment of the Union

1. Reflecting the will of the ~~peoples~~ citizens and the States of Europe to build a common future, this ~~Constitution~~ Constitutional Treaty establishes ~~a Union {entitled ...}~~ the European Union, within which the policies of the Member States shall be coordinated, and which shall administer certain common competences ~~on a federal basis~~.
2. The Union shall respect the national identities of its Member States.
3. The Union shall be open to all European States whose peoples share the same values and goals, respect them and are committed to promoting them together.

AMENDMENT FORM

Suggestion for amendment of Article 1.1, Title I

By : Mr. Henrik Hololei (EE)

Status : Alternate Member

Replace “on a federal basis” by “as laid down in this Treaty”.

“Reflecting the will of the peoples and the States of Europe to build a common future, this Constitution establishes a Union [entitled...], within which the policies of the Member States shall be coordinated and which shall administer certain common competences **as laid down in this Treaty.**”

Explanation:

The term “federal basis” has a potential to create unnecessary confusion as various interpretations of the term exist, thus it should rather be omitted.

Suggestion for amendment of Article 1(2)

By Prof Peter Serracino-Inglott - Member

Mr John Inguanez - Alternate

To be reworded as follows :

The Union shall respect the national identities of its Member States, including the components specified in Article 9(6).

Explanation (if any) :

To avoid the possibility that Article 9(6) be understood as being different from Article 1(2), instead of elaborating upon it.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 1

Déposée par Madame ou Monsieur : Mme PALACIO

Qualité : - Membre - Suppléant

Article 1: Etablissement de l'Union

1. Inspirée par la volonté des ~~[peuples]~~ citoyens et des Etats d'Europe de bâtir leur avenir commun, cette Constitution établit une Union [appelée...], au sein de laquelle les politiques des Etats membres sont coordonnées, et qui gère, sur le mode fédéral, certaines compétences communes.
 2. L'Union respecte l'identité nationale de ses Etats membres.
 3. L'Union est ouverte à tous les Etats européens dont les peuples partagent les mêmes valeurs, qui les respectent, et qui s'engagent à les promouvoir en commun.
-

Explication :

Les plus récentes interprétations sur la double légitimité de l'Union font référence aux « citoyens » et aux « Etats » (cfr. Résolution du 14 janvier 2003 du Parlement européen)

AMENDMENT FORM

Suggestion for amendment of Article : 1

By Mr : Gianfranco FINI

Status : - Member

Articolo 1: Istituzione dell'Unione

1. Ispirata dalla volontà ~~[dei popoli e degli Stati d'Europa]~~ di ***porre le fondamenta per una unione sempre più stretta fra i popoli e gli Stati d'Europa al fine di*** costruire il loro futuro comune, la presente Costituzione istituisce un'Unione ***Europea*** ~~[denominata...]~~, in seno alla quale le politiche degli Stati membri sono coordinate, ***e*** che gestisce, ~~[sul modello federale]~~, talune competenze comuni.
2. L'Unione rispetta l'identità nazionale dei suoi Stati membri e quella dei loro popoli.
3. L'Unione è aperta a tutti gli Stati europei i cui popoli condividono gli stessi valori, li rispettano e si impegnano a promuoverli congiuntamente.

Explanation (if any) :

FICHE AMENDEMENT

Proposition d'amendement à l'Article 1:

Déposée par : M. Caspar EINEM

Qualité : - Membre

(2) Die Union achtet die nationale Identität ihrer Mitgliedstaaten. **Das gilt insbesondere für deren innerstaatlichen Aufbau und die Selbstverwaltung der Regionen und Gemeinden und für die sprachliche und kulturelle Vielfalt, die durch die ethnischen, kulturellen und sprachlichen Minderheiten innerhalb der Union gekennzeichnet ist.**

[(3) Die Union steht allen europäischen Staaten offen, deren Völker die gleichen Werte teilen, diese achten und sich verpflichten, sie gemeinsam zu fördern.]

Explication éventuelle :

- Zu Abs. (2): Wortmeldung C. Einem im Plenum des Konvents am 7. 2. 2003. So notwendig es ist, deutlich zu machen, dass manche Mitgliedstaaten in Regionen und Kommunen organisiert sind und dass dies ein Element ihrer jeweiligen staatlichen Identität ist, so wichtig erscheint es, gleichzeitig zu verdeutlichen, dass dies nicht ihr einziges Identitätsmerkmal ist. Daher soll an dieser Stelle auch ein Hinweis auf die kulturelle, sprachliche und ethnische Vielfalt aufgenommen werden, der auf die Menschen und nicht bloß auf ihre Institutionen bezogen ist.
- Zu Abs. (3): Dieser Absatz soll entfallen. Er enthält ein Offert, das in dieser Form gefährlich und politisch präjudiziell ist. Die Union soll auch weiterhin frei sein, jene Staaten aufzunehmen, die sie aufnehmen will. Diese Staaten müssen allerdings dann die Kriterien erfüllen. Die Streichung des Absatzes ist der Umformulierung vorzuziehen.

AMENDMENT FORM

Suggestion for amendment of Article : 1

By Ms / Mr : Johannes Voggenhuber, Eva Lichtenberger

Status : - Member - Alternate

TITEL I: Definition und Ziele der Union

Artikel 1: Gründung der Union

~~(1) ——— Entsprechend dem Wunsch der Völker und Staaten Europas, ihre Zukunft gemeinsam zu gestalten, wird mit dieser Verfassung eine Union [mit der Bezeichnung] gegründet, in deren Rahmen die Politiken der Mitgliedstaaten aufeinander abgestimmt werden und die in föderaler Weise bestimmte gemeinsame Zuständigkeiten wahrnimmt.~~

~~(2) ——— Die Union achtet die nationale Identität ihrer Mitgliedstaaten.~~

~~(3) ——— Die Union steht allen europäischen Staaten offen, deren Völker die gleichen Werte teilen, diese achten und sich verpflichten, sie gemeinsam zu fördern.~~

(1) Die Bürgerinnen und Bürger Europas und ihre Staaten, errichten mit dieser Verfassung die Europäische Union.

(2) Mit dem Ziel die historische Spaltung Europas zu überwinden, steht die Europäische Union allen betrittswilligen und beitriffsfähigen Europäischen Staaten offen.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article 1, paragraph 1

By Ms : Hildegard Puwak

Status : - Member

“Reflecting the will of the citizens, peoples and States of Europe to build a common future, this Constitution establishes the European Union, within which the policies of the Member States shall be coordinated...”

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 1

By Mr Kirkhope MEP

Status : Member

Article 1: Establishment of the European Community

1. This simplifying Treaty establishes a European Community which shall have as its task the competences outlined in Title III.

2. The Community shall respect the national identities of its Member States and their national sovereignties.

3.The Community shall be open to all European States who wish to work together for their mutual benefit.

NEW

4. The people of each Member State shall be consulted by referenda (where permitted by national constitutions) before ratification of this simplifying Treaty by Member States' Governments.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article: 1§1

By Mr: Paraskevas AVGERINOS

Status: Member

Με βάση τη βούληση των λαών και των κρατών της Ευρώπης να οικοδομήσουν το κοινό τους μέλλον, το παρόν Σύνταγμα ιδρύει μια Ένωση [καλούμενη] εντός της οποίας συντονίζονται οι πολιτικές των κρατών μελών και η οποία ασκεί, σε ομοσπονδιακή βάση, ορισμένες κοινές αρμοδιότητες.

Με βάση τη βούληση των λαών και των κρατών της Ευρώπης να οικοδομήσουν το κοινό τους μέλλον, το παρόν Σύνταγμα ιδρύει μια Ένωση **καλούμενη Ευρωπαϊκή Ένωση**, εντός της οποίας συντονίζονται οι πολιτικές των κρατών μελών και η οποία ασκεί, σε ομοσπονδιακή βάση, ορισμένες κοινές αρμοδιότητες.

AMENDMENT FORM

Structural and terminological suggestion for amendment of Articles 1/1, 1/2, 6 and 9/6:

By Mr. Jozsef Szajer

Status: Member, National Parliament, Hungary

Article 1: Establishment of the Union

1. Reflecting the will of the ~~{peoples}~~ **citizens, nations** and the States of Europe to build a common future, this Constitution establishes a Union [entitled ...], within which the policies of the Member States shall be administer certain common competences on a federal basis.
2. The Union shall respect the ~~{national}~~ identities of its Member States **and of its nations**.

Article 6: Non-discrimination on grounds of citizenship and nationality

In the field of application of this Constitution and without prejudice to any of its specific provisions, any discrimination on grounds **of citizenship and** of nationality shall be prohibited.

Article 9:

6. The Union shall respect the ~~{national}~~ identities of its Member States, inherent in their fundamental...

Explanation

The differences between the concepts of state and nation, citizenship and nationality are blurred in the constitutional proposal, which could lead to confusion. The text of the draft uses the term 'nation' and 'nationality' as an equivalent to the concepts of 'state' and 'citizenship', even though they cover different concepts. This kind of difference is especially significant for the new Central European countries, where statehood and nationality usually differ more significantly than in the cases of the present member states. However also in the cases of present member states one can find many examples of the presence of national minorities, and instances where the state frameworks do not correspond with the nations or peoples in which they are included. From a constitutional point of view it is very important to mark a clear difference between these concepts.

AMENDMENT FORM

Suggestion for amendment of Article : Article 1

By Mr : Esko Seppänen

Status : Alternate

Artikla 1:

Tällä perussopimuksella muutetaan Euroopan unionin perustamisesta tehtyä sopimusta tavoitteena kehittää unionia itsenäisten valtioiden yhteenliittymänä.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 1

By Mr Poul Schlüter

Status : Alternate

1. Reflecting the will of the peoples and the States of Europe to build a common future, this Constitutional Treaty establishes a Union [entitled ...], within which the ~~policies of the Member States shall be coordinated, and which shall administer certain common competences on a federal basis.~~ Member States have decided freely to exercise in common some of their competences.
 2. The Union shall respect the national identities of its Member States.
- 2bis The Union shall take its decisions as openly as possible and as closely as possible to the citizen.
3. The Union shall be open to all European States whose peoples share the same values, respect them and are committed to promoting them together.
-

Explanation:

- 1) The use of the term “Constitutional Treaty” instead of the term “Constitution” underlines the fact that the EU is a close cooperation among *states*.
- 2) The EU is a *sui generis* entity. Any reference to “federalism” therefore seems misplaced. Since the word “federal” has different meanings in different languages the current wording might lead to misunderstandings in some Member States. The suggested new wording is an alternative.
- 3) It is important to send a clear signal to the citizens of the Union that openness and subsidiarity are fundamental principles defining the Union. The present wording of TEU article 1 (“where decisions are taken as openly as possible and as closely as possible to the citizens”) should therefore be preserved in an equally prominent place. The suggested text provides for this. Ms Lena Hjelm-Wallen, Ms Teija Tiilikainen and Mr Dick Roche furthermore share this view in their contribution on openness and good administration in the EU institutions (CONV 490/03).

AMENDMENT FORM

Suggestion for amendment of Article : 1

By :

Mr Tunne Kelam (member)
Mr Peeter Kreitzberg (member)
Mrs Liia Hänni (alternate)
Mr Ülo Tärno (alternate)

Article 1 paragraph 1

1. Reflecting the will of the peoples and the States of Europe to build a common future, this Constitution establishes a Union [entitled ...], within which the policies of the Member States shall be coordinated, and which shall administer certain common competences ~~on a federal basis~~ *as laid down in this Constitution*.

Explanation: In constitutional law, the term « federal » is closely associated with the notion of a « federal state ». Using this term for describing the Union can give rise to misunderstandings and unfounded doubts about the nature of the Union. The European Union is commonly regarded as a sui generis political entity, which is governed by the rules laid down in international treaties. The aim of the Convention is to make the EU more transparent, democratic and efficient, not to change the Union's nature. The new Constitution should make this clear by avoiding terminology, which is traditionally used in the context of states.

AMENDMENT FORM

Suggestion for amendment of Article : 1

By Mr : Georgios Katiforis

Status : - Member

Article 1: Establishment of the Union

- ~~1. Reflecting the will of the peoples and the States of Europe to build a common future, this Constitution establishes a Union [entitled ...], within which the policies of the Member States shall be coordinated, and which shall administer certain common competences on a federal basis.~~
1. This Constitution, reflecting the will of **European citizens** to build a common future, establishes a Union of peoples and States, entitled European Union, which shall administer certain common competences on a federal basis and within which the policies of the Member States shall be coordinated, **according to the provisions of this Constitution.**
- ~~2. The Union shall respect the national identities of its Member States.~~
2. The Union shall respect the national identities of its Member States, ~~inherent in~~ their fundamental structures and essential State functions, especially their political and constitutional structure, including the organisation of public administration at national, regional and local level. **(ex article 9.6)**
3. The Union shall be open to all European States whose **governmental institutions and practice respect the democratic principle and the rule of law and whose** peoples share the ~~same~~ **Union's** values, respect them and are committed to promoting them together.

AMENDMENT FORM

Suggestion for amendment of Article 1

By: Danuta Hübner

Status: Member

<i>Text of the Praesidium</i>	<i>Proposed Amendments</i>
Article 1: Establishment of the Union	Article 1: Establishment of the Union
<p>1. Reflecting the will of the peoples and the States of Europe to build a common future, this Constitution establishes a Union [entitled ...], within which the policies of the Member States shall be coordinated, and which shall administer certain common competences on a federal basis.</p> <p>2. The Union shall respect the national identities of its Member States.</p> <p>3. The Union shall be open to all European States whose peoples share the same values, respect them and are committed to promoting them together.</p>	<p>1. Reflecting the will of the peoples and the States of Europe to build-a <u>common future among them an ever closer Union</u>, this Constitution establishes <u>the European a</u> Union [entitled ...], within which the policies of the Member States shall be coordinated, and which shall <u>administer-manage</u> certain common competences <u>on a federal basis in the joint interest</u>.</p> <p><u>2. The Union shall have legal personality.</u></p> <p><u>32.</u> The Union shall respect the national identities of its Member States, <u>their constitutional and political structures including regional and local self-government-</u></p> <p><u>43.</u> The Union shall be open to all European States whose peoples share the same values, respect them and are committed to promoting them <u>together.</u></p>

Explanation:

1. The notion of “an ever closer Union” should be reinserted.
2. The wording “in the joint interest” could be a compromise solution. Moreover, the subsequent Treaty provisions describe the basis on which certain common competences are managed.
3. This Article seems to be appropriate to include also legal personality of the Union.
4. At this stage we should already give up the discussion on the future name for the Union and agree on the current name which, I would not hesitate to say, finds an overwhelming support of political leaders, commentators and public opinion.
5. It is essential to underline at the beginning of the text the importance and independence of the administrative structures of the Member States.

AMENDMENT FORM

Suggestion for amendment of Article 1(2)

By Michael Frendo - Member

To be reworded as follows :

The Union shall respect the national identities of its Member States, including the components specified in Article 9(6).

Explanation (if any) :

To avoid the possibility that Article 9(6) be understood as being different from Article 1(2), instead of elaborating upon it.

AMENDMENT FORM

Suggestion for amendment of Article 1:

By Elmar BROK, Jozsef SZAJER, Erwin TEUFEL, René VAN DER LINDEN, Frantisek KROUPA, Antonio TAJANI, Teresa ALMEIDA GARRETT, Peter ALTMAIER, Marco FOLLINI, Piia Noora KAUPPI, Göran LENNMARKER, Hanja MAIJ-WEGGEN, Reinhard RACK

on behalf of the EPP Convention Group

Status: Members and Alternates

Text of the Praesidium

Proposed Amendments

Article 1: Establishment of the Union

1. Reflecting the will of the peoples and the States of Europe to build a common future, this Constitution establishes a Union [entitled ...], within which the policies of the Member States shall be coordinated, and which shall administer certain common competences on a federal basis.
2. The Union shall respect the national identities of its Member States.
3. The Union shall be open to all European States whose peoples share the same values, respect them and are committed to promoting them together.

Article 1: ~~Establishment~~ Foundations of the Union

1. Reflecting the will of the ~~peoples~~ *citizens* and States of Europe to build a common future, this Constitution establishes a Union [~~entitled ...~~], *which shall administer certain common competences on a federal basis and coordinate the policies of the Member States.*
- ~~2.~~ *new This Constitution marks a new stage in the process of creating an ever closer Union among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to the citizen.*
- ~~2-3.~~ The Union shall respect the national identities of its Member States, *their constitutional and political structures, including regional and local self-government, their choices regarding language, and the legal status of churches, religious societies and non-confessional organisations.*

3.4 Any European State ~~The Union shall be open to all European States~~ whose peoples share the same values **and objectives of the Union**, respect them and are committed to promoting them together, **may apply to become a member of the Union.**

Explanation:

Para 1:

- The Union is founded on the Member States and the citizens. It is the individual citizen which must be placed at the heart of the Union activities, according to the Preamble of the Charta of Fundamental Rights. It is the citizen which – in contrast to traditional international law – has been recognised as bearer of rights and duties under Community law since 1962 by the Court of Justice, next to the Member States (Case 26/62, Van Gend and Loos). This should be made explicit in the Constitution by mentioning the citizens next to the Member States both in the Preamble and in the Articles on the Foundations of the Union; and by calling the European Parliament “House of Citizens”, as opposed to the Council (in its legislative role), which should be called “House of States”. As an illustration, see the Preamble, Articles 56 and 76(1) of the EPP Discussion Paper (Frascati text, as amended, 27 January 2003).
- The name of the Union should not be changed. It should be “the European Union”, or, in brief: “the Union”. A new name would not help to bring the Union closer to its citizens, but rather lead to confusion.
- The description of the activities of the Union should be reversed and should mention in the first place the supranational dimension (“certain common competences on a federal basis”); thereafter, the coordination of national policies by the Union should follow. This stresses that the “Community method” is **at the heart of the Union’s activities**.

Para 2 new:

- Takes over the wording of Article 1 para 2 of the EU Treaty. In particular in view of the forthcoming enlargement, it appears important to keep the objective of creating an ever closer Union among now 27 Member States.

Para 2 (now para 3):

- The recognition of the essential elements of the internal structures of the Member States, in particular regional and local self-government, deserve a more prominent place than is currently given to them in the Praesidium draft, which only refers to them in Article 9(6).
- In addition, the role of churches and religious societies should be recognised to underline the religious heritage as an essential part of the national identities of the Member States.

Para 3 (now 4):

- In line with the Copenhagen criteria, Membership of the Union should be open to States which not only share the values of the Union, but also its objectives (in particular internal market, economic and monetary union, common foreign and security policy). To make clear already here that there is no automatic right to join the Union, the wording of Article 49 of the EU Treaty is preferred to that suggested by the Praesidium.

AMENDMENT FORM

Suggestion for amendment of Article 1

By : G.M de Vries,
F.C.G.M Timmermans,
R. van der Linden

Th. J.A.M. de Bruijn,
J.J. van Dijk,
W. van Eekelen

Status : Members - Alternate Members

Article 1: Establishment of the Union

Reflecting the will of the peoples and the States of Europe to build a common future, this Constitution establishes a Union [entitled ...], ~~within which the policies of the Member States shall be coordinated, and which shall administer certain common competences on a federal basis. which~~ shall administer certain common competences on a federal basis and within which the policies of the Member States shall be coordinated.

2. The Union shall respect the national identities of its Member States.
3. The Union shall be open to all European States whose peoples share the same values, respect them and are committed to promoting them together.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : Article 1, paragraph 2

By Ms / Mr : CUSHNAHAN

Status : Alternate

2. The Union shall respect the national identities of its Member States, *their domestic structure and the autonomy of their regions and municipalities.*

Explanation (if any) :

In the light of the consensus at the Convention on 7 February, it would be preferable to give this key idea appropriate prominence.

AMENDMENT FORM

Suggestion for amendment of Article 1(2)

By Dolores Cristina

Alternate

To be reworded as follows :

The Union shall respect the national identities of its Member States, including the components specified in Article 9(6).

Explanation (if any) :

To avoid the possibility that Article 9(6) be understood as being different from Article 1(2), instead of elaborating upon it.

AMENDMENT FORM

Suggestion for amendment of Article : 1

By Mr Péter Balázs

Status : Member - Alternate

Article 1: Establishment of the Union

“2. The Union shall respect the national identities of the *peoples and* the Member States.”

...

“3. The Union shall be open to all European States whose peoples share the same values, respect them and are committed to promoting them together.”

Explanation (if any) :

Ad. point 2.

The two dimensions of the European Union are to be expressed similarly to the point 1. of this article.

Ad. point 3.

The Copenhagen criteria approved by the European Council in 1993 are to be fully incorporated in the second part of the Constitutional Treaty.

AMENDMENT FORM

Suggestion for amendment of Article : 1

By Ms / ~~Mr~~ : Dr. Sylvia-Yvonne Kaufmann

Status : - Member ~~Alternate~~

Artikel 1: Gründung der Union

~~(1) Entsprechend dem Wunsch der Völker und Staaten Europas, ihre Zukunft gemeinsam zu gestalten, wird mit dieser Verfassung eine Union [mit der Bezeichnung] gegründet, in deren Rahmen die Politiken der Mitgliedstaaten aufeinander abgestimmt werden und die in föderaler Weise bestimmte gemeinsame Zuständigkeiten wahrnimmt.~~

(1) Getragen von dem Wunsch, ihre Zukunft gemeinsam zu gestalten, gründen die Bürgerinnen und Bürger sowie die Staaten Europas mit dieser Verfassung die Europäische Union.

(2) Im Rahmen der Europäischen Union werden die Politiken der Mitgliedstaaten aufeinander abgestimmt. Die Europäische Union und ihre Mitgliedstaaten nehmen ihre Zuständigkeiten in föderaler Weise wahr.

~~(2) Die Union achtet die nationale Identität ihrer Mitgliedstaaten.~~

~~(3) Die Union steht allen europäischen Staaten offen, deren Völker die gleichen Werte teilen, diese achten und sich verpflichten, sie gemeinsam zu fördern.~~

Explanation (if any) :

Absatz 1:

Der Gründungsakt sollte aktiv formuliert sein und gesondert als eigenständiger Absatz herausgestellt werden. Zudem sollte die zweite Legitimationsbasis neben den Staaten nicht die Staatsvölker sein, sondern die Bürgerinnen und Bürger.

Absatz 2:

Das Prinzip der Achtung der nationalen Identität der Mitgliedstaaten ist eine besondere Ausformung des Prinzips der loyalen Zusammenarbeit und gehört daher systematisch zu Art. 9. Siehe entsprechenden Änderungsantrag zu Art. 9, der dann wie folgt lautet:

Artikel 9: Grundsatz der loyalen Zusammenarbeit

(1) Nach dem Grundsatz der loyalen Zusammenarbeit achten die Mitgliedstaaten und die Union einander, unterstützen sich gegenseitig bei der Erfüllung der sich aus der Verfassung ergebenden Aufgaben und unterlassen alle Maßnahmen, welche die Verwirklichung der Ziele dieses Vertrags gefährden könnten.

(2) Die Mitgliedstaaten treffen alle geeigneten Maßnahmen allgemeiner oder besonderer Art zur Erfüllung der Verpflichtungen, die sich aus dieser Verfassung oder aus Handlungen der Organe der Union ergeben.

(3) Die Union achtet die nationale Identität der Mitgliedstaaten.

Statt dessen wird die Formulierung aus Absatz 1 wieder aufgegriffen, zugleich aber verdeutlicht, dass nicht nur die Union, sondern auch die Mitgliedstaaten ihre jeweiligen Zuständigkeiten in föderaler Weise wahrzunehmen haben.

Absatz 3:

Die Beitrittsmöglichkeiten zur EU werden, wie im Vorentwurf (Dokument Conv 369/02) vorgeschlagen, in Titel 10 des Vertrages in Artikel 43 der Verfassung beschrieben. Artikel 1 der Verfassung sollte dagegen ausschließlich die Gründung der EU behandeln.

AMENDMENT FORM

Suggestion for amendment of Article1, paragraph 1

By Mr : MacCormick, Neil

Status : - Alternate

Delete the present text of Article 1.1 and substitute the following:

1. Mindful that, after more than fifty years of endeavour in peace and in mutual solidarity, the States and Peoples within a great part of the European Continent have successfully established a Union of a unique kind among themselves, and endowed it with a common citizenship, we the citizens of this European Union and our several states hereby adopt the following Constitution in order the better to regulate our common affairs, to declare the values and objectives of our Union, and to establish in an effective and democratic way the competences of the several Institutions of this Union

1 bis Freedom of information and active citizenship being fundamental for the legitimacy of the Union's decisions and actions, we are therefore determined that it shall take all its decisions as openly as possible and closely as possible to the citizen.

Explanation: *The Union already exists, and has proven its durability as a polity of a unique kind. The task is therefore to establish a proper constitution for this Union, and it should be clear that those who establish it are those who are already its citizens, acting through the member States whose citizens they also are. Whether and to what extent the Constitution endows the Union with a federal character is a consequence of its contents, not a condition to be stated in the opening Article.*

The point about freedom and openness of information surely belongs at the very outset of a new citizens' constitution.

AMENDMENT FORM

Suggestion for amendment of Article 1

By: Mr Józef Oleksy

Status: Member

Proposed Amendments:

Article 1: Establishment of the Union

1. Reflecting the will of the peoples and the States of Europe to build a common future, this Constitution establishes a Union [entitled ...], within which the policies of the Member States shall be coordinated, and which shall administer certain common competences.

2. The Union shall respect the national identities of its Member States, *inherent in their fundamental structures and essential State functions, especially their political and constitutional structure, including the organization of public administration at the national, regional and local level.*

Explanation:

1. Deleting the phrase „*on federal basis*”. This phrase is unclear. The choosing of federalism essentially resolves the dispute between federalists and supporters of the intergovernmental method. It's inclusion is bewildering as certain declarations which constitute the basis for the work of the Convention (Nice, Laeken) do not indicate that a federalist vision of Europe had been accepted. Such vision is inseparably connected with the intention to transform the Union into a state, as no federal international organizations exist. The current formula, which is mixed (the community method

supplemented by the intergovernmental method [included in the TEU and TEC without any reference to federalism]) seems to be more advantageous.

2. Para. 2 of art. 1 in its current wording was replaced by para. 6 of art. 9.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 1

Déposée par Madame ou Monsieur : **M. Louis Michel, M. Karel de Gucht, M. Elio di Rupo, Mme Anne Van Lancker, membres de la Convention et M. Pierre Chevalier et Mme Marie Nagy, membres suppléants de la Convention**

Qualité : - Membre - Suppléant

L'intitulé du Titre I devrait être « Etablissement de l'Union »

Article 1^{er} : Principes fondateurs de l'Union

1. Inspirée par la volonté des peuples et des Etats d'Europe de bâtir **une union sans cesse plus étroite**, cette Constitution établit une Union qui gère, sur le mode fédéral, certaines compétences communes **et qui coordonne certaines politiques des Etats membres**.
 2. L'Union respecte l'identité nationale de ses Etats membres **et leur diversité régionale, culturelle et linguistique**.
 3. **La Constitution et le droit adopté par les Institutions de l'Union dans l'exercice des compétences qui lui sont attribuées par celle-ci ont la primauté sur le droit des Etats membres**.
 4. L'Union est ouverte à tous les Etats européens dont les peuples partagent les mêmes valeurs, qui les respectent, et qui s'engagent à les promouvoir en commun.
-

Explication éventuelle :

1. La perspective d'une union sans cesse plus étroite figure actuellement à l'article 1^{er} TUE. Cette notion dynamique de la construction européenne doit être maintenue. Il convient par ailleurs d'indiquer, comme à l'article 13 que c'est l'Union qui coordonne certaines politiques
2. Le respect de la diversité a davantage sa place à l'article 1^{er} qu'à l'article 3 §3 où il est, dans le texte du Praesidium, artificiellement mis en relation avec l'espace de liberté, de sécurité et

de justice.

3. Le texte est identique à celui figurant à l'article 9 § 1^{er} de la proposition du Praesidium. La primauté du droit européen étant un des principes de base de l'Union européenne, il a davantage sa place à l'article 1^{er} qu'à l'article 9 § 1^{er} qui vise l'application de principes fondamentaux régissant l'organisation des compétences.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 1

Déposée par Madame ou Monsieur : Rt Hon David Heathcoat-Amory, MP

Qualité : - Membre *X* - Suppléant

1.1 Delete « common » ; insert after « future » «based on peaceful cooperation between free and independent states»

Explication éventuelle

Commonality is a vague term that could be interpreted as leading to a unitary system

1.1 Delete « Constitution » insert « Treaty »

Explication éventuelle

A constitution establishes a state : a Treaty is an agreement between states

1.1 After « union entitled » insert « Europe of Democracies »

Explication éventuelle

This nomenclature sets out in plain language that the institution is an association of free states and their parliaments

1.1 Delete from « within which » to end ; insert « within which the member states shall coordinate policies in areas where they cannot effectively legislate on their own »

Explication éventuelle

This insert sets out that European integration is not an objective in itself

1.1 Delete from « and which » to end

Explication éventuelle

Establishing a federal system creates a country called Europe, whereas national parliaments are best placed to represent the peoples of Europe

1.1 Insert after « common future» « as expressed by national referendums»

Explication éventuelle

This text is of such importance to the future of Europe that the people should be invited to

indicate their support, particularly as it is meant to have been adopted in their name

1.1 Delete article 1.1 replace with « Reflecting the will of the peoples and States of Europe to build a common future, the High Contracting Parties establish a European Union by this Treaty within which the Member States shall co-ordinate certain policies at a European level to achieve goals that they cannot achieve on their own, and to this end shall confer certain competences of the Member States on the Union, which shall administer those competences in common. »

Explication éventuelle

As the opening Article to the Constitution, the Praesidium's draft sends the wrong signals. It must give the impression that it is not the Constitution that grants competences, but the Member States, through the Constitution, freely entered into.

Greater integration depends upon people seeing it clearly recognised that the Union remains a Union of states, as well as of people, and that sovereignty flows from the member states to the Union, not the other way round. Is that what is meant by a "federal basis"? We have tried to clarify this because, as drafted, there is an implication of some inherent power in the Constitution other than the powers delegated by the member states. On that basis, this Constitution would represent a significant shift in the institutional balance. What needs to be clear, in other words, is that, within the Union, some powers are exercised on a Community basis and some remain the primary responsibility of the member states. The Fundamental Principles could be clearer in this respect. 'within which the policies of the Member States...' is too broad – it suggests that all policies might be co-ordinated.

1.1a New clause « Respecting the rules of the World Trade Organisation, and desirous of effecting through commerce an increase in the living conditions of the citizens of Europe's nations and of those with whom they trade »

Explication éventuelle

This recalls the reality that the EU operates in a global market – and that it must also be globally competitive

1.2 Delete and replace with « The Union shall be a Treaty Association of free and self-governing European states, and shall acknowledge and respect the historic national diversity of its members »

Explication éventuelle :

The original clause is abstract, and similar assurances in other constitutions have failed to protect the identities of their constituent states

1.3 Delete from « whose peoples » ; insert before « European States » « democratic »

Explication éventuelle

Reference to « values » may, in time, become subjective and politically-motivated. It is better to keep the issue straightforward : in a democracy, the people can speak out for themselves. The behaviour of the state is safeguarded by its signature of the European Convention of Human Rights.

1.3 Delete, replace with « The Union shall be open to all European States which share and respect the values on which the Union is founded. »

Explication éventuelle

‘open to all European States whose peoples share the same values’ – this must be more specific: The same values as who? Which values? All the same values, or just some? To make this clearer:

It should be the states whose values are at issue, not their people

The values must be explicitly those of the Union

This replacement draft clarifies which values, but without the inelegance of referring directly to Article 3.

1.4 Insert new article, « The Union shall operate on the principles of transparency, timely and widespread access to working documents, and openness with respect to meetings»

Explication éventuelle

The Union presently ranks alongside North Korea as the most closed form of government. There are many hundreds of hidden working groups making important decisions without democratic oversight, planning for restricted Council meetings, and drafting for a European Parliament that operates under done deals between arbitrators from political groups. Legislation is often only learnt about by the public when it has already become law and is having some adverse effect. The effect on public opinion towards the EU is obvious.

1.5 (new article) Members of this Treaty Association are free to withdraw from the Union, after giving one year's notice »

Explication éventuelle

This reassures citizens of the Union that it is a voluntary union, with a right of exit as well as entry

1.6 (new article) « The Treaty organisations of the Union shall be managed according to the principles of professionalism, openness and accountability»

Explication éventuelle

This supports the work of the Court of Auditors and OLAF. It also supports the bravery of whistleblowers.

AMENDMENT FORM

Suggestion for amendment of Article : 1

By Mr : Josef Zieleniec

Status : Member

Article 1: Establishment of the Union

1. Reflecting the will of the citizens and the States of Europe to build a common future, this Constitution establishes a Union [entitled ...], within which the policies of the Member States shall be coordinated, and which shall administer certain common competences on a federal basis.

Explanation (if any) :

It is important to highlight the double source of legitimacy of the Union. The word “peoples” stresses the diversity (like “States”) – Union would appear just as an addition of peoples (and States). But the Constitution should reflect a genuinely integrative dimension of the Union, i.e. the creation of a new political community, that of European citizens. It is very important that the Constitution declare a fundamental direct link between the Union and its citizens considered individually.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 1

Déposée par Monsieur : Hannes FARNLEITNER

Qualité : - Membre

Article 1: Establishment of the Constitution of the Union

1. **Resolved** to build a common future the peoples and the States of Europe **hereby give a Constitution to the Union** [entitled ...] **which shall exercise ~~certain common~~ the competences attributed to her ~~on a federal basis~~ and within which certain policies of the Member States shall be coordinated.**

(...)

Explication:

Rather than referring to the establishment of the Union which is already a fact since the Treaty of Maastricht, the stress in Article 1 para. 1 should, in our view, be laid on giving the Union a constitution. Moreover, the exercise of the Union's competences should be placed in front of the coordination of Member States' policies and these two parts of the phrase therefore inverted. The concept of "common" competences of the Union does not seem appropriate and does not coincide with the contents of the articles in Title III and should therefore be dropped here.

AMENDMENT FORM

Suggestion for amendment of Article :1

By Ms / Mr : Ernâni Lopes

Status : - Member

Article 1: Establishment of the Union

1. By this Constitution, the **HIGH CONTRACTING PARTIES** establish among themselves an European Union [herein after called the Union], which reflects the will of **its Member States and of its Peoples** to build a common future **based on an ever closer union**. ~~Reflecting the will of the peoples and the States of Europe to build a common future, this Constitution establishes a Union [entitled ...], within which the policies of the Member States shall be coordinated, and which shall administer certain common competences on a federal basis.~~
2. The Union shall be founded on the full *acquis communautaire*. In accordance with the provisions of this Constitution, the Union shall be conferred exclusive competencies and shared competencies with the Member States, and be empowered to co-ordinate, supplement or support the actions of the Member States in certain areas.
3. The Union shall respect the national identities of its Member, **especially their political and constitutional structure, including the organisation of public administration at national, regional and local level. It shall also promote the richness of their cultural diversities.**
4. The Union shall be open to any ~~all-European States~~ which ~~whose peoples~~ respects the principles set out in Article(s) ~~share the same values, respect them and are~~ **is committed to promoting them together.**

AMENDMENT FORM

Suggestion for amendment of Article : article 1

By Mr Ms / : Anne Van Lancker, Olivier Duhamel, Luis Marinho (members) and Pervenche Beres, Maria Berger, Carlos Carnero, Elena Paciotti (alternate members)

Status : - Member - Alternate

Article 1

Inspirée par la volonté des peuples ~~et des Etats d'Europe~~ de bâtir leur avenir commun, cette Constitution établit une Union **d'Etats et de citoyens, sans cesse plus étroite, appelée Union Européenne, qui gère, sur le mode fédéral, certaines compétences communes et qui coordonne** ~~au sein de laquelle les politiques des Etats membres sont coordonnées, et qui gère, sur le mode fédéral, certaines compétences communes.~~

Explanation (if any) :

nous ne devons pas perdre la formulation prévue à l'article 1 (TUE) qui indique que l'intégration est un processus évolutif.

AMENDMENT FORM 1

Amendment of Article 1 § 2

Amendment of Article 9 § 6

By: M.J.CHABERT

M.M.DAMMEYER

M.P.DEWAEL

Ms. C.du GRANRUT

M.C.MARTINI

M.R.VALCARCEL SISO

Status : - ~~Member~~ - ~~Alternate~~ - Observer

"RECOGNITION OF DIVERSITY"

– **Addition to Article 1 §2 :**

" The Union shall respect the national identities of its Member States, their cultural and linguistic diversity and the principle of local and regional autonomy."

And

– **Addition to Article 9 §6 :**

" The Union shall respect the national identities of its Member States and their cultural, linguistic and territorial diversity, inherent in their fundamental structures and essential State functions, especially their political and constitutional structure, including the organisation of public administration at national, regional and local level."

Explanation:

The debate during the Convention meeting of 7 February 2003 showed broad support for a comprehensive definition of national identity, which would bring out more clearly the need for explicit recognition of the diversity principle.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 1 (3ème alinéa)

Déposée par Monsieur : Alain Lamassoure

Qualité : Membre

Article 1 (3ème alinéa)

3. Ajouter le paragraphe suivant :

Un Etat membre peut quitter l'Union dans les conditions prévues pour la réforme de cette Constitution.

Explication : *Il paraît important d'introduire, dès cet article consacré aux droits et devoirs des Etats, la notion de « droit de sécession », ici présentée comme un divorce par consentement mutuel.*

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 1 (2ème alinéa)

Déposée par Monsieur : Alain Lamassoure

Qualité : Membre

Article 1 (2ème alinéa)

2. L'Union respecte l'identité nationale de ses Etats membres, **la nature et le fondement de leur régime politique, leur structure constitutionnelle, y compris l'organisation des pouvoirs au niveau national, régional et local.**

Les Etats membres s'engagent entre eux à une solidarité sans cesse plus étroite, au sein de l'Union comme en-dehors d'elle.

L'Union et les Etats membres sont liés par une obligation de loyauté mutuelle.

Explication :

- *La première phrase permet d'intégrer l'article 9§6, et d'évoquer indirectement la coexistence de monarchies et de républiques – la « nature » des régimes -, ainsi que leurs fondements - religieux ou laïcs.*

- *Il s'agit de compléter l'article 1 pour en faire un article décrivant les « droits et devoirs des Etats dans l'Union. L'idée très forte « d'union sans cesse plus étroite » est reprise, mais d'une manière plus respectueuse des Etats, puisque la participation à l'U.E. ne serait pas considérée comme le moyen unique d'être plus solidaires.*

AMENDMENT FORM

Suggestion for amendment of Article 1: Establishment of the Union

By Mr Dick Roche, Representative of the Government of Ireland

Status : Member

Article 1: Establishment of the Union – paragraph 2

2. The Union shall respect the national identities **and sovereignty** of its Member States.

Explanation (if any) :

To clarify that national identity includes the sovereignty of Member States

AMENDMENT FORM

Suggestion for amendment of Article 1, Title I

By : Mr.V.P.Andriukaitis (LT Parl., Status-Member), Mr.A.Gricius (LT Parl., Status-Member), Mr. O.Jusys (LT Gov., Status-Alternate), Mr. R.Martikonis (LT Gov., Status-Member)

Article 1.1.

Delete reference to “a federal basis”:

“Reflecting the will of the peoples and the States of Europe to build a common future, this Constitution establishes a Union [entitled...], ~~within which the policies of the Member States shall be coordinated and which shall administer certain common competences on a federal basis”.~~

Make reference to the principle of allocation of powers:

All powers of the Union derive from the powers and agreements of its Member States and their citizens.

Article 1.2.

Insert “sovereignty” :

“The Union shall respect sovereignty and the national identities of its Member States.”

Explanation (if any) :

Reference to federal basis should not be a part of a definition as well as of objectives of the Union. The draft article implies organisation of state-like-entity rather than relations among the states.

The principle of allocation/conferral of powers is essential for the definition of the Union.

AMENDMENT FORM

Suggestion for amendment of Article : 1

By Mr Hain

Status : Member

Article 1: Establishment of the Union

1. Reflecting the will of the peoples and States of Europe to build a common future, the High Contracting Parties establish a European Union [by/under] this Constitution within which the Member States shall co-ordinate certain policies at a European level to achieve goals that they cannot achieve on their own. To this end the Member States shall confer certain of their competences on the Union, which shall administer those competences in common.
 2. *Praesidium draft is okay.*
 3. The Union shall be open to all European States which share and respect the values on which the Union is founded [and which are committed to promoting them together].
-

Explanation (if any) :

The opening Article to the Constitution should give the impression that it is not the Constitution that grants competences, but the Member States, through the Constitution.

Greater integration depends upon people seeing it clearly recognised that the Union remains a Union of states, as well as of people, and that sovereignty flows from the member states to the Union, not the other way round. Is that what is meant by a "federal basis"? We have tried to clarify this because, as drafted, there is an implication of some inherent power in the Constitution other than the powers delegated by the Member States. On that basis, this Constitution would represent a significant shift in the institutional balance. It needs to be clear that, within the Union, some powers are exercised on a Community basis and some remain the primary responsibility of the member states.

I consider that 'within which the policies of the Member States...' is too broad – it suggests that all policies might be co-ordinated.

Paragraph 3 has been amended to clarify that the values are those of the Union and that it is the states whose values are at issue, not their people.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 1

Déposée par Monsieur : Danny Pieters

Qualité : - - Suppléant : Kamer van Volksvertegenwoordigers – België

Taalkundige Correctie : overal waar ‘Grondwet’ staat vervangen door ‘Constitutie’.

Explication éventuelle :

1. 1. Er wordt gesproken van Constitutioneel Verdrag en elders van Grondwet. Het lijkt me geboden te verduidelijken in welke mate dit Verdrag ‘constitutionele’ rang heeft, in welke mate we hier voor een ‘grondwet’ staan en niet voor een Verdrag houdende de basisregels van een supranationale instelling.
- 1.2. Meer bepaald lijkt me de verhouding tussen dit ‘Constitutioneel Verdrag’ en mogelijke andere Verdragen tussen (alle) lidstaten verduidelijking te behoeven. Wat bij tegenspraak tussen het constitutioneel verdrag en deze andere verdragen?
- 1.3. Geldt de kwalificatie van ‘constitutie’ ook voor alle protocols? Ook voor een tweede en derde deel?
- 1.4. De Nederlandse versie spreekt van ‘grondwet’, dan wanneer de Duitse versie spreekt van ‘Verfassung’ (en niet Grundgesetz) ; zou het dan ook niet correcter zijn te spreken van ‘constitutie’ als equivalent voor de Franse en Engelse ‘constitution’

AMENDMENT FORM

Suggestion for amendment of Article 1 :

By Pervenche Berès, Olivier Duhamel, Maria Berger, Jacques Floch, Anne Van Lancker, Luis Marinho :

Status : Member

Article 1: Etablissement de l'Union

1. Inspirée par la volonté des peuples et des Etats d'Europe de bâtir leur avenir commun, cette Constitution établit une Union [appelée...], au sein de laquelle les politiques des Etats membres sont coordonnées, et qui gère, sur le mode fédéral, certaines compétences communes.
2. L'Union respecte l'identité nationale de ses Etats membres.
3. L'Union est ouverte à tous les Etats européens dont les peuples partagent les mêmes valeurs, qui les respectent, et qui s'engagent à les promouvoir en commun.

Ajouter un 4e alinéa

4. *L'emblème de l'Union est le drapeau bleu azur avec douze étoiles dorées en cercle.
L'hymne européen est l'"Ode à la Joie".
La devise de l'Union est "Paix, Liberté, Egalité".
Le 9 mai est jour férié, fête de l'Europe.*
-

Explanation (if any) :

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 1 (titre)

Déposée par Monsieur : Alain Lamassoure

Qualité : Membre

Article 1 : Etablissement **et caractères** de l'Union

Explication : *Le projet d'article 1 ne se limite pas à « l'établissement » de l'Union. Il en décrit aussi les caractères premiers, et son originalité par rapport aux autres entités politiques existantes.*

FICHE AMENDEMENT

Proposition d'amendement à l'Article : **1 (bis)**

Déposée par Monsieur : **Alain Lamassoure**

Qualité : **Membre**

Article 1 bis (nouveau)

- . Les capitales de l'Union sont Bruxelles, Strasbourg et Luxembourg.**
- . Le drapeau de l'Union est un cercle de douze étoiles d'or sur un fond bleu.**
- . La monnaie de l'Union est l'euro.**
- . L'hymne de l'Union est « l'ode à la joie » de Beethoven.**
- . La fête de l'Union est célébrée le 9 mai.**

Explication :

AMENDMENT FORM

Suggestion for amendment of Article : 1 (1)

By Mr : SÖDERMAN

Status : Observer

Reflecting the will of the peoples and the States of Europe to build a common future, this Constitution establishes a Union [entitled ...], ~~within which the policies of the Member States shall be coordinated, and which shall administer certain common competences on a federal basis~~ **in which decisions are taken as openly as possible and as closely as possible to the citizen. The [title ...] is based on co-operation between the Member States, co-ordination of their policies and the exercise of certain common competences on a federal basis.**

Explanation (if any) :

European citizens believe that the Union is too secretive and bureaucratic. My experience as European Ombudsman is that the situation is better than is often believed. However, it is important not to abandon the express commitment to openness and closeness to the citizen contained in the present Article 1 TEU.

If this suggestion is accepted, the second part of the sentence would need to become a separate sentence. The proposed text is intended to express the same ideas as the original, with the addition of co-operation between the Member States, which is an important aspect of the Union's functioning.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 1

Déposée par M. Hubert HAENEL, membre, et M. Robert BADINTER, suppléant.

Article 1 : ~~Etablissement~~ De l'Union

1. Les peuples et les États d'Europe, désireux de construire leur avenir en commun, ont décidé de constituer ensemble une Union.
2. L'Union européenne gère sur le mode fédéral les compétences communes qui lui sont dévolues par les États membres. Elle coordonne les politiques des États membres.
3. L'Union respecte l'identité nationale des États membres.
4. L'Union est ouverte aux États européens dont les peuples partagent et respectent les mêmes valeurs, ~~et qui s'engagent à les promouvoir en commun.~~

Explication éventuelle :

1 et 2. L'idée que les peuples et les États d'Europe adoptent une Constitution doit figurer dans le Préambule et non dans le texte même de la Constitution. L'article premier de cette Constitution doit plutôt consacrer **la décision de constituer une Union**.

4. La promotion des valeurs communes doit être confiée à l'Union elle-même et figurer à l'article 2 plutôt qu'à l'article 1.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 1

Déposée par Monsieur Eckstein-Kovács Péter

Qualité : - Membre suppléant

Article 1 – Para 2 modifier comme suit

L'Union respecte les structures fondamentales et fonctions essentielles de chaque Etat membre, notamment la structure politique et constitutionnelle y compris l'administration autonome aux niveaux régional et locale.

AMENDMENT FORM

Suggestion for amendment of Article : Article 1. para 2

By Mr : MacCormick, Neil

Status : - Alternate

Article 1, para 2 add eleven words

'The Union shall respect the national identities of its member States, *their domestic structure and the autonomy of their regions and municipalities*'.

Explanation (if any) :

Justification: In the light of the consensus at the Convention on 7 February, it would be preferable to give this key idea appropriate prominence. The present Draft is disappointing in that it leaves the first mention of this important point to the relative obscurity of Article 9 para (6).

AMENDMENT FORM

Suggestion for amendment of Article : Artículo 1.3

By Ms / Mr : Borrell (miembro), Carnero y López Garrido (miembros suplentes)

Status : - Member - Alternate

Suprimir la palabra “mismos” y añadir tras la palabra valores: “enunciados en esta Constitución”

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : Título del anexo 1

By Ms / Mr : Borrell (miembro), Carnero y López Garrido (miembros suplentes)

Status : - Member - Alternate

Sustituir todo por: “Proyecto de los artículos de la Constitución Europea”

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : Artículo 1.1

By Ms / Mr : Borrell (miembro), Carnero y López Garrido (miembros suplentes)

Status : - Member - Alternate

Sustituir por: “1. Los pueblos y los Estados que suscriben crean una Unión Europea y se dan la presente Constitución para coordinar las políticas de los estados miembros y ejercer, según un modelo federal, las competencias comunes”

Explanation (if any) :

FICHE AMENDEMENT

Proposition d'amendement à l'Article 1

Déposée par Monsieur William ABITBOL

Qualité : Suppléant

I. TITRE I : De l'Union

Article 1 :

1. L'Union est établie par la volonté conjointe des Etats européens et de leurs peuples, librement et directement consentie, de bâtir leur avenir en commun, et pour ce faire, de coordonner, d'associer ou de réunir les politiques et les moyens dont ils conviennent par le présent traité.
2. L'Union respecte la souveraineté des Etats qui la composent, telle que la garantissent leurs propres règles nationales. Les Etats traduisent dans leur ordre constitutionnel et législatif leurs engagements vis-à-vis de l'Union dès lors qu'ils les ont souscrits et, le cas échéant, dûment ratifiés. Ils ne peuvent y déroger.
3. L'Union est ouverte à tous les Etats d'Europe. Les Etats dont le territoire et la population ne se trouvent qu'en partie en Europe peuvent être partenaires de l'Union, et les Etats limitrophes y être associés.

Explication éventuelle :

Ce texte remplace l'ensemble du texte original de l'article visé

AMENDMENT FORM

Title I

Suggestion for amendment of Article: I-1

By: Mr. Vytenis Povilas Andriukaitis, Rytis Martikonis, Algirdas Gričius, Gintautas Šivickas, Eugenijus Maldeikis

Status: Members and Alternates.

TITLE I: DEFINITION, VALUES AND OBJECTIVES OF THE UNION

Article I-1: ~~Establishment~~ **Definition** of the Union

1. Reflecting the will of the citizens, **peoples** and States of Europe to build a common future, this Constitution ~~establishes~~ **defines a new stage in the development of** the European Union*, on which the Member States confer competences to attain objectives they have in common. The Union shall coordinate the policies by which the Member States aim to achieve those objectives, and shall exercise in the Community way the competences they confer on it.
2. The Union shall be open to all European States which respect its values and are committed to promoting them together.

Explanation:

1. *The new Treaty is a legal and constitutional continuation of the existing European construct thus it has to be made clear that the new Treaty does not create a new European Union, but rather marks a new stage of its development.*

** The previous founding treaties of the Communities and of the European Union should be mentioned in the Preamble of the EU Constitutional Treaty.*

Amendment Form

Suggestion for amendment of Article : I-1 point 1

By Ms: Linda McAvan

Status : - Member

Modify as follows:

The Union shall coordinate the policies by which the Member States aim to achieve these objectives, and shall exercise ~~*in the Community way the competences they confer on it.*~~
these competences according to the procedures laid out in this constitution.

Explanation (if any) :

AMENDMENT FORM

Suggestion for : Part I

Suggestion for amendment of Article : I-1

By Mr : Emilio GABAGLIO

Status : Observer

Amendment : Art. I-1

Insert in para. 1 after “to build a common future”:

“in an ever closer Union”

Explanation (if any) :

It is important to keep the acquis in the definition of the fundamental bases of the Union.

AMENDMENT FORM

Suggestion for amendment of Article : Title I Article 1 Point 6 a (new)

By Mr Duhamel

Status : Member

Article 1 point 6a (new)

Symbols of Union identity

- 1. The flag of the Union is a circle of twelve goldenstars on a blue ground.**
- 2. The currency of the Union is the euro.**
- 3. The anthem of the Union is the Ode of Joy from the Ninth Symphony by Ludwif van Beethoven.**
- 4. 9 May is celebrated as Union public holiday day.**

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : I-1

By Ms / ~~Mr~~ : Dr. Sylvia-Yvonne Kaufmann

Status : - Member - ~~Alternate~~

Artikel I-1: Gründung der Union

(1) Geleitet von dem Willen der Bürgerinnen und Bürger und der Staaten Europas, ihre Zukunft gemeinsam zu gestalten, begründet diese Verfassung die Europäische Union, der die Mitgliedstaaten Zuständigkeiten übertragen, um die gemeinsamen Ziele zu verwirklichen. Die Union koordiniert die Politik der einzelnen Mitgliedstaaten zur Verwirklichung dieser Ziele und übt die ihr von den Mitgliedstaaten übertragenen Zuständigkeiten in gemeinschaftlicher Weise aus.

~~(2) Die Union steht allen europäischen Staaten offen, die ihre Werte achten und sich verpflichten, sie gemeinsam zur Geltung zu bringen.~~

Explanation (if any) :

Absatz 2:

Streichen. Wiederholt lediglich Artikel I-57 Absatz 1, wo die Beitrittsmöglichkeiten zur EU hinreichend beschrieben werden.

AMENDMENT FORM

Suggestion for amendment of Article :I-1

By Ms: Danuta Hübner

Status : - Member

<u>Article I-1: Establishment of the Union</u>	<u>Article I-1: Establishment of the Union</u>
<p>1. Reflecting the will of the citizens and States of Europe to build a common future, this Constitution establishes the European Union, on which the Member States confer competences to attain objectives they have in common. The Union shall coordinate the policies by which the Member States aim to achieve these objectives, and shall exercise in the Community way the competences they confer on it.</p> <p>2. The Union shall be open to all European States which respect its values and are committed to promoting them together.</p>	<p>1. Reflecting the will of the citizens, <u>peoples</u> and States of Europe to build a common future, this Constitutional <u>Treaty</u> establishes the European Union, on which the Member States confer competences to attain objectives they have in common. The Union shall coordinate the policies by which the Member States aim to achieve these objectives, and shall exercise in the Community way the competences they confer on it.</p> <p>2. The Union shall be open to all European States which respect its values and are committed to promoting them together.</p>

Explanation (if any) : All inhabitants of the Union should be recognised in the process of building a common future. From the constitutional law point of view this Treaty tends in its character to the Constitutional Treaty rather than to the Constitution as a such. It is advisable to delete the second sentence in para.1 since it refers just only to two forms of the acting of the Union.

AMENDMENT FORM

Title I: Definition and objectives of the Union

Suggestion for amendment of Article : I-1 Establishment of the Union

By Members: Mr Andrew Duff, Mr Lamberto Dini, Mr Paul Helminger, Lord MacLennan

Article I-1: Establishment of the Union

1. Reflecting the will of the citizens and *states* of Europe to build a common future, this Constitution establishes the European Union, on which the Member States confer competences to attain objectives they have in common. The Union shall coordinate the policies by which the Member States aim to achieve these objectives, and shall exercise *common* competences *on a federal basis according to the provisions of this Constitution*.
 2. The Union shall be open to all European States which respect its values and are committed to promoting them together.
-

Explanation:

1.1 The phrase 'in the Community way' is unheard of. At least, in English, it should be 'method'.

However, as we are abolishing the Community it seems madness to introduce a term which will be completely obscure to future generations even if it does not prove to be so now.

'Federal' is the most truthful description of the way in which the Union exercises its common competences. To avoid distortion about what 'federal' implies, we suggest the rider 'according to the provisions of the Constitution'.

'States' should be lower case, as are the peoples, here and elsewhere.

FICHE AMENDEMENT

Proposition d'amendement à l'Article:	I-1
Déposée par Monsieur:	Erwin Teufel
Qualité:	Membre

Texte du Praesidium

(1) Geleitet von dem Willen der Bürgerinnen und Bürger und der Staaten Europas, ihre Zukunft gemeinsam zu gestalten, begründet diese Verfassung die Europäische Union, der die Mitgliedstaaten Zuständigkeiten übertragen, um die gemeinsamen Ziele zu verwirklichen. Die Union koordiniert die Politik der einzelnen Mitgliedstaaten zur Verwirklichung dieser Ziele und übt die ihr von den Mitgliedstaaten übertragenen Zuständigkeiten in gemeinschaftlicher Weise aus.

Amendement proposé

(1) Geleitet von dem Willen der Bürgerinnen und Bürger und der Staaten Europas, ihre Zukunft gemeinsam zu gestalten, begründet diese Verfassung die Europäische Union, der die Mitgliedstaaten Zuständigkeiten übertragen, um die gemeinsamen Ziele zu verwirklichen. **Die Politiken der Mitgliedstaaten** zur Verwirklichung dieser Ziele **werden aufeinander abgestimmt**. Die Union übt die ihr von den Mitgliedstaaten übertragenen Zuständigkeiten in gemeinschaftlicher Weise aus.

Begründung:

Der Satz „Die Union koordiniert die ... Politik der Mitgliedstaaten...“ impliziert eine umfassende Zuständigkeit der Union, die sie nicht hat. Es sollte wie bisher heißen, dass „die Politiken der Mitgliedstaaten aufeinander abgestimmt werden“.

AMENDMENT FORM

Suggestion for amendment of Article I-1.3 (new):

By Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives and Mr Sören Lekberg, Mr Göran Lennmarker, Mr Ingvar Svensson and Mr Kenneth Kvist national parliament representatives.

Status :

- Members: Hjelm-Wallén, Lekberg and Lennmarker**
- Alternates: Petersson, Svensson and Kvist**

3. The Union shall take decisions as openly as possible and as closely as possible to its citizens.¹

Explanation

¹ Corresponds to the text in Article 1 EU (second sentence). The Amsterdam Treaty introduced the principle that the decisions of the Union should be taken “*as openly as possible and as closely as possible to the citizen.*” It is important to retain this phrase in the *introductory* articles of a constitutional treaty. To move this principle from the introductory articles to a less visible place in the constitutional treaty gives the impression that the Union attaches less importance to the principle of openness than under the current treaties.

AMENDMENT FORM

Suggestion for amendment of Article :Article I-1°

By Mr : Ernâni Lopes and Manuel Lobo Antunes

Status : - Member and alternate

Article 1: Establishment of the Union

1. Reflecting the will of the ~~citizens~~**Peoples** and States of Europe to build a common future, ~~this Constitution establishes the European Union,~~ **the High Contracting Parties, through this Constitution, establish among themselves an European Union,** on which the Member States confer competences to attain objectives they have in common. The Union shall coordinate the policies by which the Member States aim to achieve these objectives, and shall exercise in the Community way the competences they confer on it.

2. The Union shall be founded and shall build upon the full *acquis communautaire*.

Explanation (if any) :We consider of the utmost importance that a reference to the « *acquis communautaire* » be inserted in this article.

AMENDMENT FORM

Suggestion for amendment of Article : 1

By Ms / Mr : J. Kohout

Status : - Member

1.1 Reflecting the will of the citizens and States of Europe to build a common future, this Constitution establishes the European Union, ~~on which the Member States confer competences to attain objectives they have in common..~~ The Union shall **exercise the competencies conferred on it by the Member States to attain objectives they have in common and** coordinate the policies of **the Member States** by which ~~the Member States~~ **they** aim to achieve these objectives, ~~and shall exercise in the Community way the competences they confer on it.~~

Explanation (if any) :

A better wording ; « Community way » would need an explanation/definition.

AMENDMENT FORM

Suggestion for amendment of Article : I-1

By Mr : Hain

Status : - Member -

1. Reflecting the will of the citizens and States of Europe to build a common future, this Constitution establishes the European Union, on which the Member States confer competences to attain objectives they have in common. In accordance with this Constitution, t
~~T~~he Union shall coordinate the policies by which the Member States aim to achieve these objectives, and shall exercise in the Community way the competences they confer on it.
 2. OK.
-

Explanation (if any) :

Our addition to para 1 makes clear that not all competences are exercised by the Community method as 'Community way' could imply; and that the Constitution sets important parameters within which the Union co-ordinates MS's policies.

FICHE AMENDEMENT

Proposition d'amendement à l'Article:

Artikel I-1: Gründung der Union

Déposée par Monsieur: **Joachim Wuermeling**

Qualité: **Suppléant**

<i>Texte du Praesidium</i>	<i>Amendement proposé</i>
(1) Geleitet von dem Willen der Bürger und Staaten Europas, ihre Zukunft gemeinsam zu gestalten, begründet diese Verfassung die Europäische Union, der die Mitgliedstaaten Zuständigkeiten zur Verwirklichung ihrer gemeinsamen Ziele übertragen. Die Union koordiniert die diesen Zielen dienende Politik der Mitgliedstaaten und übt die ihr von den Mitgliedstaaten übertragenen Zuständigkeiten in gemeinschaftlicher Weise aus.	(1) Geleitet von dem Willen der Bürger und Staaten Europas, ihre Zukunft gemeinsam zu gestalten, begründet diese Verfassung die Europäische Union, der die Mitgliedstaaten Zuständigkeiten zur Verwirklichung ihrer gemeinsamen Ziele übertragen. Die Union koordiniert die diesen Zielen dienende Politik der Mitgliedstaaten und übt die ihr von den Mitgliedstaaten übertragenen Zuständigkeiten in gemeinschaftlicher Weise aus.
(2) Die Union steht allen europäischen Staaten offen, die ihre Werte achten und sich verpflichten, sie gemeinsam zu fördern.	(2) Die Union steht allen europäischen Staaten offen, die ihre Werte achten und sich verpflichten, sie gemeinsam zu fördern.

Begründung:

Eine allgemeine Koordinierungszuständigkeit der EU ist abzulehnen. Sonst könnte die faktische Vorgaben für die Mitgliedsstaaten auch in Bereichen machen, in denen sie nicht zuständig ist (z.B. Bildung, Forschung).