

AMENDMENT FORM

Suggestion for amendment of Article 17b

By : TIMOTHY KIRKHOPE MEP

Status : MEMBER

PRAESIDIUM	TIMOTHY KIRKHOPE MEP
<p>Article 17b : Qualified majority</p> <p>1. When the European Council or the Council take decisions by qualified majority, such a majority shall consist of the majority of Member States, representing at least three fifths of the population of the Union.</p> <p>2. Within the European Council, its President and the President of the Commission do not vote.</p>	<p>Article 17b : Qualified majority</p> <p>1. When the European Council or the Council take decisions by qualified majority, such a majority shall consist of a majority of Member States, representing at least <u>three quarters</u> of the population of the Union.</p> <p>2. Within the European Council, its President and the President of the Commission do not vote.</p>

AMENDMENT FORM

Suggestion for amendment of Article 17b

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

Status : - Member: Hjelm-Wallén, Lekberg and Lenmarker
 - Alternate: Petersson, Kvist and Svensson

Article 17b : Qualified majority¹

~~1. When the European Council or the Council take decisions by qualified majority, such a majority shall consist of the majority of Member States, representing at least three fifths of the population of the Union.~~

~~2. Within the European Council, its President and the President of the Commission do not vote.~~

1. When the Council takes decisions by a qualified majority, the votes of the members shall be weighted as follows:

Belgium	12
Czech Republic	12
Denmark	7
Germany	29
Estonia	4
Greece	12
Spain	27
France	29
Ireland	7
Italy	29
Cyprus	4
Latvia	4
Lithuania	7
Luxembourg	4
Hungary	12
Malta	3
Netherlands	13
Austria	10
Poland	27
Portugal	12
Slovenia	4
Slovakia	7
Finland	7
Sweden	10
United Kingdom	29

2. Acts referred to under paragraph 1 above shall require for their adoption at least 232 votes in favour cast by a majority of the Members. Where the Constitution requires them

¹ The Nice compromise on qualified majority must be kept.

to be adopted on a proposal from the Commission. In other cases, these acts shall require at least 232 votes in favour, cast by at least two-thirds of the Members.

- 3. When a decision is to be adopted by a qualified majority, a Member may request verification that the Member States constituting the qualified majority represent at least 62% of the total population of the Union. If that condition is shown not to have been met, the decision in question shall not be adopted.**
- 4. Abstentions by Members present in person or represented shall not prevent the adoption of acts which require unanimity.**

AMENDMENT FORM

Suggestion for amendment of Article : 17b

By: Mr Tunne Kelam
Mr Rein Lang
Mr Urmas Reinsalu
Mrs Liina Tõnisson

Article 17b : ~~Qualified majority~~ Voting in the Council

1. Except where the Constitution provides otherwise, decisions in the Council shall be taken by qualified majority.
 2. When the European Council or the Council take decisions by qualified majority, **the arrangements set out in Article Y of Part Two shall apply.** ~~such a majority shall consist of the majority of Member States, representing at least three fifths of the population of the Union.~~ **The European Council, acting unanimously, may agree to adjust these arrangements to provide for any future enlargement of the Union.**
 3. Unless this Constitution provides otherwise, abstentions by Members present in person shall not prevent the adoption by the Council of measures requiring unanimity.
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Explanation

Arrangements for QMV, regarding the voting weights of Member States and the necessary thresholds of support, were, with considerable difficulty, agreed at Nice and should continue to apply. Because of their complexity, they should be set out in a Part Two of the Treaty. It should be open to the European Council to decide unanimously to amend these arrangements, including to make appropriate provision for future enlargements of the Union.

AMENDMENT FORM

Suggestion for amendment of Article: 17a and 17b, Part I – Title IV

By Mr: Henning Christophersen, Poul Schlüter, Henrik Dam Kristensen and Niels Helveg Petersen.

Status: Members and alternate members.

~~Article 17a: Council formations~~

- ~~1. The General Affairs Council shall ensure consistency in the work of the Council of Ministers. With the participation of the Commission, it shall prepare meetings of the European Council.~~
- ~~2. The Legislative Council shall consider and, jointly with the European Parliament, enact European laws and European framework laws, in accordance with the provisions of the Constitution. Each Member State's ministerial representative may be assisted by one or, if necessary, two specialist ministers, reflecting the business on the Council agenda.~~
- ~~3. The Foreign Affairs Council shall, on the basis of strategic guidelines laid down by the European Council, flesh out the Union's external policies, and ensure that its actions are consistent. It shall be chaired by the Union's Foreign Minister.~~
- ~~4. The Council shall also meet in the configuration of an Economic and Financial Affairs Council, and a Council on Justice and Security.~~
- ~~5. The Council, in its General Affairs formation, may decide on further formations.~~
- ~~6. The European Council may decide by consensus that the Presidency of a Council formation, other than that of Foreign Affairs, should be undertaken by a Member State for a period of at least a year, taking into account European political and geographical balance and the diversity of all Member States.~~

~~Article 17b: Qualified majority~~

- ~~1. When the European Council or the Council take decisions by qualified majority, such a majority shall consist of the majority of Member States, representing at least three fifths of the population of the Union.~~

~~2. Within the European Council, its President and the President of the Commission do not vote.~~

Explanation:

We propose to bring together all relevant provisions on the Council of Ministers in one short resounding Article. This amendment proposal therefore entails the deletion of the proposed Articles 17a and 17 b. Concerning the question of qualified majority voting, an excellent compromise has only just been reached and signed in the Treaty of Accession. We see no need to reopen this compromise. Concerning the question of the presidency of the Council, it is felt that an elected Chairman of The European Council should be combined with the upholding of the present Presidency of the Council to preserve the principle of equality of Member States. Finally, in line with current practice, it is not felt that the question of Council formations should be settled at Treaty level. This is matter for the Council's Rules of Procedure.

AMENDMENT FORM

Suggestion for amendment of Article 17b

By Ms Maria BERGER

Status: Alternate

Article 17b : Qualified majority

1. When the European Council or the Council take decisions by qualified majority, such a majority shall consist of the majority of Member States, representing at least ~~three-fifths of~~ the **majority of the Union`s** population ~~of the Union~~.
 2. Within the European Council, ~~its President and~~ the President of the Commission ~~does~~ not vote.
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Explanation (if any):

AMENDMENT FORM

Suggestion for amendment of Article: 17b

By Mr: Erwin Teufel

Status: Member

Text of the Praesidium

Proposed Amendment

- | | |
|---|---|
| <p>(1) When the European Council or the Council take decisions by qualified majority, such a majority shall consist of the majority of Member States, representing at least three fifths of the population of the Union.</p> <p>(2) Within the European Council, its President and the President of the Commission do not vote.</p> | <p>(1) When the European Council or the Council take decisions by qualified majority, such a majority shall consist of the majority of Member States, representing at least two thirds of the population of the Union.</p> <p>(2) Within the European Council, its President and the President of the Commission do not vote.</p> |
|---|---|

Explanation:

Paragraph 1

It is welcome to see the introduction of a reference to the EU's population into the provision on qualified majority voting, as this represents a stronger tie to its citizens. Under the legal situation created by the Nice Treaty, qualified majorities require more than 70 % of weighted votes. This well-balanced solution should be subject to simplification, however not to fundamental change. If weighted votes are relinquished, the necessary majority of the EU's population should therefore be set at a threshold of two thirds.

Paragraph 2

Systematically this provision does not form a part of the general rules on voting majorities. It is a special provision on the European Council. Consequently it should be laid down in Article 16 Paragraph 2 (cf. proposed amendment of Article 16).

FICHE AMENDEMENT

Proposition d'amendement à l'Article: 17^{ter}
Déposée par Monsieur: Erwin Teufel
Qualité: Membre

Texte du Praesidium

- (1) Beschließt der Europäische Rat bzw. der Ministerrat mit qualifizierter Mehrheit, so muss diese der Mehrheit der Mitgliedstaaten entsprechen und mindestens drei Fünftel der Bevölkerung der Union repräsentieren.
- (2) Der Präsident des Europäischen Rates und der Präsident der Kommission nehmen an den Abstimmungen im Europäischen Rat nicht teil.

Amendement proposé

- (1) Beschließt der Europäische Rat bzw. der Ministerrat mit qualifizierter Mehrheit, so muss diese der Mehrheit der Mitgliedstaaten entsprechen und mindestens **zwei Drittel** der Bevölkerung der Union repräsentieren.
- (2) ~~Der Präsident des Europäischen Rates und der Präsident der Kommission nehmen an den Abstimmungen im Europäischen Rat nicht teil.~~

Begründung:

Abs. 1

Die Einbeziehung der Bevölkerung in die Bestimmung der qualifizierten Mehrheit ist als stärkere Anbindung an den Bürger zu begrüßen. Nach der Rechtslage von Nizza sind für die qualifizierte Mehrheit jedoch über 70 % der gewichteten Stimmen erforderlich. Die dort gefundene ausgewogene Lösung sollte vereinfacht, aber nicht grundlegend verändert werden. Bei Verzicht auf die Stimmengewichtung muss die erforderliche Bevölkerungsmehrheit daher bei zwei Dritteln liegen.

Abs. 2

Diese Regelung gehört systematisch nicht zu den allgemeinen Vorschriften über Abstimmungsmehrheiten, sondern ist eine Sonderregelung für den Europäischen Rat. Sie sollte daher in Artikel 16 Absatz 2 niedergelegt werden (vgl. Änderungsvorschlag zu Artikel 16).

AMENDMENT FORM

Title IV

Suggestion for amendment of Article : 17b

By Members: Voggenhuber, Lichtenberger, MacCormick, Wagener,

Status : Members and alternate members.

Article 17b : Qualified majority

1. When ~~the European Council or~~ the Council take decisions by qualified majority, such a majority shall consist of the majority of Member States, representing at least three fifths of the population of the Union.

~~2. Within the European Council, its President and the President of the Commission do not vote.~~

Explanation:

AMENDMENT FORM

Suggestion for amendment of Article 17b

By Ms / Mr : Ms Helle THORNING-SCHMIDT

Status : - Alternate

Article 17b: QMV

1. Except where the Constitution provides otherwise, decisions of the Council shall be taken by qualified majority consisting of at least 232 votes in favour.

Where the Council is required to act by a qualified majority, the votes of its Members shall be weighted as follows:

Belgium	12	Luxembourg	4
Czech Republic	12	Hungary	12
Denmark	7	Malta	3
Germany	29	Netherlands	13
Estonia	4	Austria	10
Greece	12	Poland	27
Spain	27	Portugal	12
France	29	Slovenia	4
Ireland	7	Slovakia	7
Italy	29	Finland	7
Cyprus	4	Sweden	10
Latvia	4	United Kingdom	29
Lithuania	7		

When a decision is to be adopted by the Council by a qualified majority, a member of the Council may request verification that the Member States constituting the qualified majority represent at least 62 % of the total population of the Union. If that condition is shown not to have been met, the decision in question shall not be adopted.

Explanation:

A compromise on votes in the Council of Ministers has only just been reached after difficult negotiations in Nice. Furthermore, the draft proposal does not deal with the important issue of equality between the Member States.

The figures will have to be changed when new countries join the Union.

Explanation (if any) :

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 16

Déposée par Monsieur Pierre Lequiller, Président de la Délégation pour l'Union européenne de l'Assemblée nationale française.

Qualité : - Membre titulaire

Après le paragraphe 4, insérer le paragraphe suivant :

5. Le Conseil européen tient ses réunions dans l'un des pays de l'Union, par rotation semestrielle.

Explication éventuelle :

Il s'agit par cet amendement de renforcer l'implication successive des États membres dans l'organisation des réunions du Conseil.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 17 bis

Déposée par Monsieur Pierre Lequiller, Président de la Délégation pour l'Union européenne de l'Assemblée nationale française.

Qualité : - Membre titulaire

Article 17 bis

Remplacer le texte du paragraphe 6 par le texte suivant :

"La présidence du Conseil des Ministres est exercée conjointement par trois États membres par périodes successives de 18 mois, suivant une liste établie par le Conseil européen en tenant compte des équilibres politiques et géographiques européens et de la diversité de tous les États membres. Dans le cadre de cette présidence conjointe de 18 mois, la présidence du Conseil Affaires générales et celle du Conseil législatif sont exercées par un même État membre pour une période de 6 mois selon un principe de rotation entre les trois États membres exerçant la présidence conjointe. Les présidences des autres conseils sont attribuées, pour 18 mois, sur la base d'un accord entre les trois États membres, qui doit tenir compte des différents équilibres européens".

Explication éventuelle :

La présidence du Conseil des Ministres doit être plus stable et, dans le même temps, l'implication successive des États membres qui permet la rotation doit être maintenue.

Par ailleurs, il faut consacrer l'existence d'un Conseil législatif distinct et assurer la nécessaire fonction de coordination du Conseil. Il s'agit donc, par cet amendement, d'assurer à la présidence du Conseil des Ministres, à la fois, une plus grande stabilité que dans le système actuel, et par les présidences par équipe, de permettre l'implication successive des États membres. Il y aura au sein de la coprésidence, une présidence de la coprésidence pour une durée de 6 mois, assurant dans le même temps la présidence du CAG et du Conseil législatif, ce qui permet une bonne coordination du Conseil des Ministres pris dans son ensemble.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 17 ter (nouveau)

Déposée par Monsieur Pierre Lequiller, Président de la Délégation pour l'Union européenne de l'Assemblée nationale française.

Qualité : - Membre titulaire

Après l'Article 17 bis :

Insérer l'article suivant

Article 17 ter (nouveau)

"L'Eurogroupe réunit au niveau ministériel les représentants des États membres ayant adopté la monnaie unique. La présidence est attribuée pour une période de deux ans et demi par un accord à la majorité qualifiée des membres".

Explication éventuelle :

Il est indispensable d'assurer la stabilité de la présidence de l'Eurogroupe et d'officialiser son existence.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 24

Déposée par Monsieur Pierre Lequiller, Président de la Délégation pour l'Union européenne de l'Assemblée nationale française.

Qualité : - Membre titulaire

Compléter ainsi le paragraphe :

"Les accords relatifs au commerce des services culturels et audiovisuels, des services d'éducation ainsi que des services sociaux et de santé humaine relèvent de la compétence partagée entre l'Union et ses États membres. En conséquence, leur négociation requiert, outre une décision communautaire prise conformément aux dispositions pertinentes de l'article 300, le commun accord des États membres. Ces accords ainsi négociés sont conclus conjointement par l'Union et ses États membres".

Explication éventuelle :

Compte tenu de la nature particulière du commerce dans les domaines des services culturels et audiovisuels, des services sociaux d'éducation et de santé humaine, les accords internationaux les concernant doivent continuer à relever de la compétence partagée et de la procédure de l'unanimité.

AMENDMENT FORM

Suggestion for amendment of Article : Article 17b (Title IV)

Suggestion for protocol :

By Ms / Mr : David Heathcoat-Amory

Status : X - Member - Alternate

Article 17b : Qualified majority

[Delete: 1. When the European Council or the Council take decisions by qualified majority, such a majority shall consist of the majority of Member States, representing at least three fifths of the population of the Union.]

2. Within the European Council, its President and the President of the Commission do not vote.

Explanation (if any) : The current levels at which Qualified Majority Voting is set, is the result of considerable negotiating time and effort. This should not be reopened.

AMENDMENT FORM

Suggestion for amendment of Article : 17b

Suggestion for Part I

By Mr : Vytenis Povilas Andriukaitis, Gintautas Šivickas

Status : Member, alternate

Article ~~17b~~ 16e: Qualified majority

1. When the European Council or the Council of **Ministers** take decisions by qualified majority, such a majority shall consist of the majority of Member States, representing at least three fifths of the population of the Union the votes of its members shall be weighted as follows:

Belgium	12
Czech Republic	12
Denmark	7
Germany	29
Estonia	4
Greece	12
Spain	27
France	29
Ireland	7
Italy	29
Cyprus	4
Latvia	4
Lithuania	7
Luxembourg	4
Hungary	12
Malta	3
Netherlands	13
Austria	10

Poland	27
Portugal	12
Slovenia	4
Slovakia	7
Finland	7
Sweden	10
United Kingdom	29

Acts of the Council of the European Union shall require for their adoption at least 232 votes in favour cast by a majority of the members where this Treaty requires them to be adopted on a proposal from the Commission.

In other cases, for their adoption acts of the Council of the European Union shall require at least 232 votes in favour, cast by at least two-thirds of the members.

2. Within the European Council, its ~~President~~ **Secretary General** and the President of the **European** Commission do not vote.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 17b

By Mr : Josef ZIELENIEC

Status : - Member

Article 17b : Qualified majority

1. When the European Council or the Council take decisions by qualified majority, such a majority shall consist of at least 2/3 ~~the majority~~ of Member States, representing ~~at least three fifths~~ the majority of the population of the Union.
2. When the European Council or the Council take decisions by reinforced qualified majority, such a majority shall consist of at least 4/5 of Member States, representing 3/4 of the population of the Union.
23. Within the European Council, its the President of the Union and the President of the Commission do not vote.

AMENDMENT FORM

Suggestion for amendment of Article 17b : Qualified Majority Voting in the Council of Ministers

By : Mr Dick Roche, Member ; Mr Pat Carey and Mr Bobby McDonagh, Alternates

Article 17b : Qualified majority Voting in the Council of Ministers

1. Except where the Constitution provides otherwise, decisions in the Council of Ministers shall be taken by qualified majority.
2. When the European Council or the Council take decisions by qualified majority, **the arrangements set out in Article Y of Part Two shall apply.** ~~such a majority shall consist of the majority of Member States, representing at least three fifths of the population of the Union.~~

The European Council, acting unanimously, may agree to adjust these arrangements to provide for any future enlargement of the Union.
3. Unless this Constitution provides otherwise, abstentions by Members present in person shall not prevent the adoption by the Council of measures requiring unanimity.
4. Within the European Council, its President and the President of the Commission do not vote.

Explanation (if any) :

Arrangements for QMV, regarding the voting weights of Member States and the necessary thresholds of support, were, with considerable difficulty, agreed at Nice as part of a package which includes also arrangements for the Commission and for the European Parliament. These weighted arrangements strike an appropriate balance between demographic considerations and the interests of Member States. They have yet to be tested and should continue to apply. Because of their detail, they should be set out in a Part Two of the Treaty. It should be open to the European Council to decide unanimously to amend these arrangements to make appropriate provision for future enlargements of the Union.

AMENDMENT FORM

Suggestion for amendment of Article 17b

By Mr : Józef Oleksy

Status : Member

Article 17b:

Para 1 ~~“When the European Council or the Council take decisions by qualified majority voting, such a majority shall consists of the majority of Member States, representing at least three fifths of the population of the Union”.~~

“When the European Council or the Council take decisions by qualified majority voting, such a majority shall consists of the qualified majority of Member States’ weighted votes, representing a majority of the population of the Union”.

Explanation (if any) :

The Nice formula (which should be contained in the second part of the Constitutional Treaty) constitutes a fruit of a difficult compromise between the Member States, and should not be changed. An attempt at changing the Nice provisions, which overall guarantee a right balance between bigger and smaller Member States, could become a source of great controversy, hampering the agreement on issues of greater constitutional importance.

AMENDMENT FORM

Suggestion for amendment of Article : IV 17b (nun 17c)

Suggestion for protocol :

By: Mr Caspar EINEM

Status : Member

Artikel 17c: Die qualifizierte Mehrheit

(1) Beschließt der Europäische Rat bzw. der Ministerrat mit qualifizierter Mehrheit, so muss diese der Mehrheit der Mitgliedstaaten entsprechen und **die Mehrheit** ~~mindestens drei Fünftel~~ der Bevölkerung der Union repräsentieren.

(2) Der ~~Präsident~~ **Generalsekretär/Koordinator** des Europäischen Rates und der Präsident der Kommission nehmen an den Abstimmungen im Europäischen Rat nicht teil.

Explanation (if any) :

Es wird der Übergang zur einfachen doppelten Mehrheit vorgeschlagen.

AMENDMENT FORM

Suggestion for amendment of Article : 17b

By Mr : M. Attalides

Status : - Member

Art17battalides.doc

Change sub-heading as follows :

Article 17b : ~~Qualified Majority~~ Voting in the Council of Ministers

Delete para 1 and replace with the following para. 1

1. Except where the Constitution provides otherwise, decisions in the Council of Ministers shall be taken by Qualified Majority.

2. When the European Council or the Council take decisioions by qualified majority, the arrangements set out in Article Y of Part Two shall apply. (Note. As provided for in the Nice Treaty).

Renumber para. 2 to become 3

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article 17b

By Mr Barnier, Mr Vitorino, Mr O'Sullivan and Mr Ponzano:

Status : Members and Alternates

Article 17b : Qualified majority

1. When the European Council or the Council take decisions by qualified majority, such a majority shall consist **of the votes of the representatives** of the majority of **the governments of the** Member States, representing at least ~~three-fifths~~ **the majority** of the population of the Union.

When the European Council or the Council take decisions by qualified majority without the Constitution requiring a proposal of the Commission, such a majority shall consist of the votes of the representatives of two thirds of the governments of the Member States, representing at least the majority of the population of the Union.

2. Within the European Council, ~~its President and~~ the President of the Commission do not vote.
-

Explanation :

1. Qualified majority voting must meet the tests of simplicity and democratic legitimacy, and reflect the specific nature of the European Union, a union of the European states and peoples. The Constitution should therefore provide for simple dual majority.

In any event, the decision making process in the Council must not be made more difficult. With the reweighting agreed at Nice, the smallest qualified majority calculated in terms of the proportion of population is - *de facto* - around 57 % for a Union of 25 members (since, with the system proposed for the Constitution, the weight of each Member State will be expressed directly in terms of population and no longer in votes, there is no longer any justification for the provision allowing confirmation that the votes of the Member States which constitute a qualified majority represent at least 62 %). If the aim was to maintain the status quo, the majority should be 4/7 of the population (= 57,14 %).

2. It is appropriate to maintain the present rule according to which, in case the Council decides without a proposal of the Commission, the qualified majority is enhanced in the sense that at least two thirds of the representatives of the governments of the Member States must be in favour of the measure envisaged.

It is worth recalling that when the Constitution provides that the Council acts under qualified majority, it can only depart from the proposal of the Commission acting unanimously, save in the conciliation phase of the codecision procedure (legislative procedure) (Article 250, paragraph 1 EC, a provision which will have to be inserted in Part II of the Constitution).

FICHE AMENDEMENT

Proposition d'amendement à l'Article 17 ter

Déposée par M. Barnier, M. Vitorino, M. O'Sullivan et M. Ponzano

Qualité : Membres et Suppléants

Article 17 ter : La majorité qualifiée

1. Lorsque le Conseil européen ou le Conseil ~~des ministres~~ statuent à la majorité qualifiée, celle-ci se définit comme réunissant **les voix des représentants de** la majorité des **gouvernements** des États membres, représentant au moins ~~les trois cinquièmes~~ **la majorité** de la population de l'Union.

Lorsque le Conseil européen ou le Conseil statuent à la majorité qualifiée sans que la Constitution prévoie une proposition de la Commission, la majorité qualifiée se définit comme réunissant les voix des représentants des deux tiers des gouvernements des Etats membres, représentant au moins la majorité de la population de l'Union.

2. Au sein du Conseil européen, ~~son Président et~~ le Président de la Commission ne participent pas au vote.
-

Explication :

1. Le vote à la majorité qualifiée doit répondre aux exigences de simplicité et de légitimité démocratique, et correspondre à la nature particulière de l'Union européenne, union des Etats et des peuples européens. La Constitution devrait donc prévoir la double majorité simple.

En tout état de cause, il faut éviter de rendre plus difficile la prise de décision au Conseil. Avec la ré pondération faite à Nice, la majorité qualifiée la plus petite en termes de population est de facto de l'ordre de 57 % dans l'Union à 25 membres (comme, avec le système proposé pour la Constitution, le poids de chaque Etat membre sera exprimé directement en termes de population, et non pas de votes, la justification de vérifier éventuellement que les votes des Etats membres constituant une majorité qualifiée représentent au moins 62 % a disparu). Si l'on voulait maintenir le statu quo, il faudrait prévoir une majorité de 4/7 de la population (= 57,14 %).

2. Il convient de maintenir la règle actuelle selon laquelle, au cas où le Conseil décide sans proposition de la Commission, la majorité qualifiée est renforcée en ce sens qu'au moins deux tiers des représentants des gouvernements des Etats membres doivent s'exprimer en faveur de la mesure envisagée.

Il est rappelé que, en vertu de l'article 250, paragraphe 1 CE (qui devra être repris dans la Partie II de la Constitution), lorsque la Constitution indique que le Conseil statue à la majorité qualifiée, celui-ci ne peut s'écarter qu'à l'unanimité de la proposition de la Commission, sauf dans la phase de conciliation de la procédure de codécision (procédure législative).

FICHE AMENDEMENT

Proposition d'amendement à l'article 17 ter

Déposée par Anne Van Lancker

article 17 ter.

la majorité qualifiée

1. Lorsque le Conseil européen ou le Conseil des ministres statuent à la majorité qualifiée, celle-ci se définit comme réunissant la majorité des États membres, représentant au moins ***la majorité*** les ~~trois cinquièmes~~ de la population de l'Union.

~~2. Au sein du Conseil européen, son Président et le Président de la Commission ne participent pas au vote.~~

Justification:

AMENDMENT FORM

Suggestion for amendment of Article : 17b, Title IV, Part I

Suggestion for protocol :

By Ms / Mr : Hain

Status : - Member

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1. *We are content with the agreement reached at Nice for vote reweighting, which has not yet come into force.*
 2. *It is unclear whether this provision applies to when the European Council takes decision by consensus. We believe it should.*
-

Explanation (if any) :

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 17 ter

Déposée par MM. Hubert Haenel, membre titulaire, et Robert Badinter, membre suppléant

Article 17 ter : La majorité qualifiée

1. Lorsque le Conseil européen ou le Conseil des ministres statuent à la majorité qualifiée, celle-ci se définit comme réunissant la majorité des États membres, représentant au moins ~~les trois cinquièmes~~ **les deux tiers** de la population de l'Union.

Explication éventuelle :

Le Conseil des ministres ne peut adopter des amendements qu'à l'unanimité lorsqu'il statue sur proposition de la Commission. Dans l'Union élargie, l'unanimité sera très difficile à réunir, ce qui aura pour effet d'accroître le pouvoir relatif de la Commission. Si l'on veut que celle-ci soit incitée à toujours prendre en compte les préoccupations du plus grand nombre d'États possible, il convient d'exiger une majorité suffisamment large au sein du Conseil.

AMENDMENT FORM

Suggestion for amendment of Article: 17b, Part I

By Ms Liene Liepina, Mr Rihards Piks, Mr Arturs Krisjanis Karins, Mr Guntars Krasts.

Status: - Member: L.Liepina; R.Piks
- Alternate: A.K.Karins; G.Krasts

Article 17b : Qualified majority

~~1. When the European Council or the Council take decisions by qualified majority, such a majority shall consist of the majority of Member States, representing at least three fifths of the population of the Union.~~

~~2. Within the European Council, its President and the President of the Commission do not vote.~~

1. When the European Council or the Council takes decisions by a qualified majority, the votes of the members shall be weighted as follows:¹

Belgium	12
Czech Republic	12
Denmark	7
Germany	29
Estonia	4
Greece	12
Spain	27
France	29
Ireland	7
Italy	29
Cyprus	4
Latvia	4
Lithuania	7
Luxembourg	4
Hungary	12
Malta	3
Netherlands	13
Austria	10
Poland	27
Portugal	12
Slovenia	4
Slovakia	7
Finland	7

¹ Figures for EU-27, including Bulgaria and Romania, according to Nice, to be annexed in a Protocol.

Sweden	10
United Kingdom	29

2. Acts referred to under para. 1 above shall require for their adoption at least 232 votes in favour cast by a majority of the Members. Where the Constitution requires them to be adopted on a proposal from the Commission.
In other cases, these acts shall require at least 232 votes in favour, cast by at least two-thirds of the Members.
3. When a decision is to be adopted by a qualified majority, a Member may request verification that the Member States constituting the qualified majority represent at least 62% of the total population of the Union. If that condition is shown not to have been met, the decision in question shall not be adopted.
4. Abstentions by Members present in person or represented shall not prevent the adoption of acts which require unanimity.
5. The European Council, acting unanimously, may agree to adjust these arrangements to provide for any future enlargement of the Union.

Explanation (if any) :

There should be kept provisions as agreed at Nice European Council.

In order to ensure flexibility it should be open to the European Council should be authorized to decide on amendments of these arrangements.

AMENDMENT FORM

Suggestion for amendement of Article : 17b

Suggestion for Part I

By ~~Ms~~/ Mr : Georgios Papandreou and Mr Georgios Katiforis

Status : - Member Alternate

Article 17b : Qualified majority

1. When the European Council or the Council take decisions by qualified majority **on the basis of a Commission's proposal**, such a majority shall consist of the majority of Member States, representing at least ~~three fifths~~ **half** of the population of the Union. **If the decision is not taken on the basis of a prior proposal of the Commission, qualified majority shall consist of the two thirds of Member States, representing at least half of the population of the Union.**
2. Within the European Council, its President and the President of the Commission do not vote. **The same applies for the Minister for Foreign Affairs within the Foreign Affairs Council.**

Explanation (if any) :

Para 1 : Both from the point of view of simplicity and democratic legitimacy the simple double majority is a more appropriate response to the expectations of the European citizen.

A distinction should be made between decisions taken on the basis of a decision by the Commission and those that are not.

Para2: It is reasonable to apply the same principle to the “institutional” chair of the External Relations Council.

AMENDMENT FORM

Suggestion for amendment of Article : Art. 17b

Suggestion for protocol :

By Ms / Mr : Ernâni Lopes and Manuel Lobo Antunes; Maria Eduarda Azevedo and António Nazaré Pereira

Status : - Members and Alternates

Article 17b : Qualified majority

1. ~~When the European Council or the Council take decisions by qualified majority, such a majority shall consist of the majority of Member States, representing at least three fifths of the population of the Union.~~
2. ~~Within the European Council, its President and the President of the Commission do not vote.~~

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article 17b

By: **Danuta Hübner**

Status: **Member**

<i>Text of the Praesidium</i>	<i>Proposed Amendments</i>
Article 17b : Qualified majority 1. When the European Council or the Council take decisions by qualified majority, such a majority shall consist of the majority of Member States, representing at least three fifths of the population of the Union. 2. Within the European Council, its President and the President of the Commission do not vote.	Article 17b : Qualified majority 1. <i>This paragraph should be replaced by the current Article 205 TEC as modified by art. 3 of the Protocol on Enlargement adopted in Nice and amended by the Accession Treaty signed in Athens on 16 April 2003.</i> 2. Within the European Council, its Chairman-President and the President of the Commission do not vote.
Explanation: It would not be recommendable to reopen the debate on the voting system in the Council.	

AMENDMENT FORM

Suggestion for amendment of Article : 17b

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

Status : - Member -~~Alternate~~

Artikel 17b: Die qualifizierte Mehrheit

- (1) Beschließt der Europäische Rat bzw. der ~~Ministerrat~~ **Rat** mit qualifizierter Mehrheit, so muss diese der Mehrheit der Mitgliedstaaten entsprechen und mindestens ~~drei Fünftel~~ **die Mehrheit** der Bevölkerung der Union repräsentieren.

- (2) Der Präsident des Europäischen ~~Rates~~ **Parlaments** und der Präsident der Kommission nehmen an den Abstimmungen im Europäischen Rat nicht teil.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 17 b

By Mr. Kimmo Kiljunen, Mr Matti Vanhanen, Ms Riitta Korhonen and Mr Antti Peltomäki

Status : - Kiljunen and Vanhanen – Members
 - Korhonen and Peltomäki - Alternates

Article 17b : Qualified majority

- ~~1. When the European Council or the Council take decisions by qualified majority, such a majority shall consist of the majority of Member States, representing at least three fifths of the population of the Union.~~
 - ~~2. Within the European Council, its President and the President of the Commission do not vote.~~
-

FICHE AMENDEMENT

Titre IV

Proposition d'amendement à l'Article : Artigo 17.º-B
Déposée par Monsieur Luís Queiró

Qualité: Suppléant

(Inserção do n.º 3, do Artigo 17.º com alterações)

1. Salvo disposição em sentido contrário prevista **no presente Tratado**, o Conselho delibera por maioria **simples**.

2. (novo) Relativamente às deliberações do Conselho que exijam maioria qualificada, atribui-se aos votos dos seus membros a seguinte ponderação:

Alemanha	29
Reino Unido	29
França	29
Itália	29
Espanha	27
Polónia	27
Países Baixos	13
Grécia	12
República Checa	12
Bélgica	12
Hungria	12
Portugal	12
Suécia	10
Áustria	10
Eslováquia	7
Dinamarca	7
Finlândia	7
Irlanda	7
Lituânia	7
Letónia	7
Eslovénia	7
Estónia	4
Chipre	4

Luxemburgo	4
Malta	3

As deliberações são tomadas se obtiverem, pelo menos:

- **232 votos, sempre que, por força do presente Tratado, devam ser tomadas sob proposta da Comissão;**
- **232 votos, que expressem a votação favorável de, pelo menos, dois terços dos Estados membros, nos restantes casos.**

Se for diverso o número de Estados membros, o Conselho adoptará as medidas adequadas a garantir que o limiar da maioria qualificada corresponda, tanto quanto possível, a 72% do número total de votos.

Sempre que o Conselho tome uma decisão por maioria qualificada, qualquer dos seus membros pode pedir que se verifique se os Estados membros que constituem essa maioria qualificada representam 62% ou mais da população total da União. Se esta condição não for preenchida, a decisão em causa não é adoptada.

Sempre que um Estado membro declarar que, por expressas e importantes razões de política nacional, tenciona opor-se à adopção de uma decisão por maioria qualificada, não se procederá a votação. Neste caso, o Conselho pode, por maioria qualificada, submeter a questão à deliberação unânime do Conselho Europeu.

3. (novo) As abstenções dos membros presentes ou representados não impedem que sejam tomadas as deliberações do Conselho que exijam unanimidade.

Explication éventuelle :

Não parece aceitável mudar desta forma o modo de deliberação. Não temos dados presentes sobre a população total no conjunto dos actuais 15 e próximos 25 Estados membros. Assim, a única solução viável é a de recusar radicalmente este critério.

No n.º 1 retoma-se o n.º 3 do artigo 17.º da Proposta do Praesidium, mas mais próximo do artigo 205.º, n.º 1 CE.

No n.º 2 ficamos com o artigo 205.º CE como está com as alterações decididas em Conselho Europeu.

No n.º 3, não me oponho mesmo nada a essa deliberação. Contudo, é lamentável a confusão que o projecto do Praesidium faz aqui entre Conselho – onde o Presidente da Comissão não tem nem pode ter assento – e o Conselho Europeu – onde o Presidente da Comissão tem assento por direito próprio.

Retoma-se o actual artigo 205.º CE, plasmando no n.º 2 o acordo obtido no Conselho Europeu de Bruxelas, de 24 e 25 de Outubro de 2002, quanto à ponderação do peso dos Estados membros a partir do próximo dia 1 de Janeiro de 2005. Aceita-se igualmente o limiar populacional previsto na Acta Final do Tratado de Nice. Por último, o n.º 2 abrange igualmente uma disposição de salvaguarda que garante a manutenção – excepcional – do Compromisso do Luxemburgo, que tem permitido um importante esforço na construção de Comunidades/União fortes.

AMENDMENT FORM

Suggestion for amendment of Article 17b: Qualified majority

By Mr Ivan Korčok, Ján Figel' and Juraj Migaš (Slovakia)

Status: I. Korčok and J. Figel' are members, J. Migaš is an alternate.

Article 17b: ~~Qualified majority~~ Voting in the Council

1. Except where the Consitutional Treaty provides otherwise, decisions in the Council shall be taken by qualified majority.
- ~~1.2.~~ When the European Council or the Council take decisions by qualified majority, ~~such a majority shall consist of the majority of Member States, representing at least three fifths of the population of the Union, the arrangements set out in Article Y of Part Two shall apply~~¹.
3. Within the European Council, ~~its President and~~ the President of the Commission ~~does~~es not vote.

Explanation (if any):

¹ As decided in Nice and in the Accession Treaty.

AMENDMENT FORM

Suggestion for amendment of Article : 17 b

By Mr. Péter Balázs, Mr. Hannes Farnleitner, Ms. Sandra Kalniete, Mr. Jan Kohout, Mr. Ivan Korčok, Mr. Rytis Martikonis, Mr. Lennart Meri, Mr. Dimitrij Rupel, Ms. Teija Tiilikainen

Status : - Members

Article 17b : Qualified majority

- ~~1. When the European Council or the Council take decisions by qualified majority, such a majority shall consist of the majority of Member States, representing at least three fifths of the population of the Union.~~
 - ~~2. Within the European Council, its President and the President of the Commission do not vote.~~
-

AMENDMENT FORM

Suggestion for amendment of Article 17b

By Prof Peter Serracino Inglott, Member

Mr John Inguanez, Alternate

Article 17b : Qualified majority

1. When the European Council or the Council take decisions by qualified majority, such a majority shall consist of the majority of Member States, representing at least three fifths of the population of the Union.
 2. Within the European Council, ~~its President~~ and the President of the Commission do not vote.
-

Explanation (if any) :

The rotation of the Presidency of the European Council between all Member States on the basis of equality should be retained.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 17 ter (Titre IV de la Partie I)

Déposée par Madame Palacio

Qualité : - Membre - Suppléant

Article 17 ter : La majorité qualifiée

1. ~~Lorsque le Conseil européen ou le Conseil des ministres statuent à la majorité qualifiée, celle-ci se définit comme réunissant la majorité des États membres, représentant au moins les trois cinquièmes de la population de l'Union.~~
 1. Remplacer le projet de paragraphe 1 par le texte de l'actuel article 205 TCE, tel que modifié par l'article 3 du Protocole sur l'élargissement adopté à Nice en décembre 2000 et amendé par le Traité d'adhésion signé à Athènes ce 16 avril.
 2. Au sein du Conseil européen, son Président et le Président de la Commission ne participent pas au vote.
-

Explication:

À Nice les Etats membre ont longuement discuté sur le système de votation au Conseil. Un accord a été finalement trouvé dans le cadre d'un « paquet institutionnel ». Cet accord a été confirmé après entre les Quinze lors du Conseil européen de Bruxelles du 24 et 25 octobre 2002, quand nous avons décidé d'ajuster ces arrangements, tel que prévu à Nice même, pour tenir compte du fait de l'adhésion de la Roumanie et de la Bulgarie à une échéance postérieure. L'accord de Nice, tel que modifié à Bruxelles, a été confirmé au Conseil européen de Copenhague en décembre 2002, quand nous avons adopté le texte définitif du Traité d'adhésion. Finalement, l'accord de Nice sur le système de votation au sein du Conseil a été confirmé de nouveau, à Vingt Cinq cette fois-ci, lors de la signature du Traité d'adhésion ce 16 avril à Athènes.

Si nous décidons de rouvrir le débat clos à Nice sur le système de votation au Conseil, ceci bloquera les travaux de la Convention dans le domaine institutionnel. En tout cas, je peux déjà signaler que mon pays ne pourra pas accepter la modification des accords de Nice dans ce domaine.

AMENDMENT FORM

Title IV

Suggestion for amendment of Article : 17 b

By Members: Mr Andrew Duff, Mr Lamberto Dini, Mr Paul Helminger, Mr Algirdas Gricius, Mrs Lone Dybkjaer, Lord Maclellan, Mr Adrian Severin.

Status : Members and alternate members.

Article 17b : Qualified majority

1. When the European Council or the Council take decisions by qualified majority, such a majority shall consist of the majority of Member States, representing at least three fifths of the population of the Union. *Where the Constitution provides for an enhanced qualified majority, the Council must obtain the consent of at least three-quarters of the Member States, representing three fifths of the population.*

2. *The President and Vice-Presidents of the Commission do not vote in the European Council or Council.*

Explanation:

1. *There will be circumstances, some already foreseen in the work of the Convention, where super qualified majorities will be required. We suggest three-quarters of Member States (19 out of 25).*

2. *The re-formulation of this paragraph conforms to the overall approach adopted, but does not change the substance from that of the Praesidium's draft.*

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 17 ter de la Partie I

Déposée par Messieurs Santer, Michel, de Vries et Di Rupo

Qualité : - Membres

Article 17 ter : La majorité qualifiée

- ~~1. Lorsque le Conseil européen ou le Conseil des ministres statuent à la majorité qualifiée, celle-ci se définit comme réunissant la majorité des États membres, représentant au moins les trois cinquièmes de la population de l'Union.~~
- ~~2. Au sein du Conseil européen, son Président et le Président de la Commission ne participent pas au vote.~~

AMENDMENT FORM

Suggestion for amendment of: PART I OF THE CONSTITUTION, TITLE IV: The Union's Institutions, Article 17b : Qualified majority

By Ms / Mr : BROK; SANTER; STYLIANIDIS; VAN DER LINDEN; AZEVEDO; BREJC; CUSHNAHAN; DEMETRIOU; DOLORES; FOGLER; FREND; GIANNAKOU; KAUPPI; KELEMEN; KORHONEN; KRASTS; KROUPA; MAIJ-WEGGEN; MLADENOV; PIKS; RACK; VAN DIJK; WITTBRODT; WÜRMELING; ZILE

Status : - Member - Alternate

Suggestion

TITLE IV: The Union's Institutions

Article 17b : Qualified majority

1. When the European Council or the Council take decisions by qualified majority, such a majority shall consist of the majority of Member States, representing at least three fifths of the population of the Union.

 2. ~~Within the European Council, its President and the President of the Commission do not vote.~~
-

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 17b, para 1 - CONV 691/03

By ~~Ms~~ / Mr : František Kroupa

Status : - ~~Member~~ - Alternate

~~1. When the European Council or the Council take decisions by qualified majority, such a majority shall consist of the majority of Member States, representing at least three fifths of the population of the Union.~~

1. When the European Council or the Council take decisions by qualified majority, such a majority shall be double majority representing at least 75% of Member States and also at least 70% of the population of the Union.

AMENDMENT FORM

Suggestion for amendment of Article : I-24

By Mr : Hain

Status : - Member

1. *This should be changed to reflect Nice.*
 2. *Okay.*
-

Explanation (if any) :

We see no need to revise the deal on qualified majority voting made at Nice.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 24

Déposée par Madame ou Monsieur : **M. Louis Michel, M. Elio di Rupo, Mme Anne Van Lancker, membres de la Convention et M. Pierre Chevalier, membre suppléant de la Convention**

Qualité : - Membre - Suppléant

1. La politique commerciale commune est fondée sur des principes uniformes, notamment en ce qui concerne les modifications tarifaires, la conclusion d'accords tarifaires et commerciaux relatifs aux échanges de marchandises et services, et les aspects commerciaux de la propriété intellectuelle, les investissements étrangers directs, l'uniformisation des mesures de libération, la politique d'exportation, ainsi que les mesures de défense commerciale, dont celles à prendre en cas de dumping et de subventions. La politique commerciale commune est menée dans le cadre des principes et objectifs de l'action extérieure de l'Union, tels qu'énoncés dans l'article 1 du présent Titre.
2. Le Parlement européen et le Conseil adoptent, conformément à la procédure législative, les lois européennes et les lois-cadres européennes nécessaires pour la mise en œuvre de la politique commerciale commune.
3. Si des accords avec un ou plusieurs États ou organisations internationales doivent être négociés, les dispositions pertinentes de l'article 33 du présent Titre sont applicables. La Commission présente des recommandations au Conseil, qui l'autorise à ouvrir les négociations nécessaires **après consultation du Parlement européen**. Il appartient au Conseil et à la Commission de veiller à ce que les accords négociés soient compatibles avec les politiques et règles internes de l'Union.

Ces négociations sont conduites par la Commission, en consultation avec un comité spécial désigné par le Conseil pour l'assister dans cette tâche, et dans le cadre des directives que le Conseil peut lui adresser. La Commission fait régulièrement rapport au comité spécial **ainsi qu'au Parlement européen** sur l'état d'avancement des négociations.
4. Pour la négociation et la conclusion d'un accord dans les domaines du commerce des

services impliquant des déplacements des personnes et des aspects commerciaux de la propriété intellectuelle, le Conseil statue à l'unanimité lorsque cet accord comprend des dispositions pour lesquelles l'unanimité est requise pour l'adoption de règles internes.

Les accords dans le domaine du commerce des services culturels et audiovisuels, des services d'éducation, ainsi que des services sociaux et de santé humaine relèvent de la compétence partagée entre l'Union et les États membres. Dès lors, leur négociation requiert, outre une décision de l'Union prise conformément aux dispositions pertinentes de l'article 33, le commun accord des États membres. Les accords ainsi négociés sont conclus conjointement par l'Union et par les États membres.

5. L'exercice des compétences attribuées par le présent article dans le domaine de la politique commerciale n'affecte pas la délimitation des compétences entre l'Union et les États membres, et n'entraîne pas une harmonisation des dispositions législatives ou réglementaires des États membres dans la mesure où la Constitution exclut une telle harmonisation.

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of : Article 17b

By: Robert Maclellannan

Status : Alternate

Article 17b : Qualified majority

1. When the European Council or the Council take decisions by qualified majority, such a majority shall consist of the majority of Member States, representing at least three fifths of the population of the Union.
 2. Within the European Council, its ***Chairman***, the President of the Commission, ***the European Foreign Minister & the Secretary-General of the Union shall not vote.***
-

Explanation :

For the sake of consistency and clarity, the title of the head of the European Council should be 'Chairman'.

The voting procedure and entitlements within the European Council are designed to ensure equitable treatment of the Member States. This requirement must preclude the Chairman, the President of the Commission, the European Foreign Minister and the Secretary-General of the Union from voting.