

AMENDMENT FORM

Suggestion for amendment of Article : Title 10 art. 43, 44, 45, 46,

Suggestion for Part III

By Ms / Mr : Mr Bonde, Mr Heathcoat-Amory, Mr Seppänen, Mr Zahradil

Status : ☒ Member ☒ Alternate

Article 43: Criteria to be eligible for Union membership

The Union shall be open to all European States **WHO RESPECT AND APPLY TO THE EUROPEAN HUMAN RIGHTS DECLARATION** [**Delete:** whose peoples share the values referred to in Article 2, and who respect them and are committed to promoting them together. Accession to the Union implies acceptance of its Constitution.]

Article 44: Procedure for applying for Union membership

Any European State which wishes to become a member of the Union may address its application to the Council. The European Parliament and the national parliaments shall be notified of this application. The Council shall act unanimously after consulting the Commission and [**Delete** after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members]. The conditions and arrangements for admission shall be the subject of an agreement between the Member States and the applicant State. That agreement shall be subject to ratification by all the contracting States, in accordance with their **OWN** respective constitutional requirements.

Article 45: Suspension of Union membership rights

1. On a reasoned proposal by one third of the Member States, by the European Parliament or by the Commission, the Council, acting by a majority of four fifths of its members after obtaining the assent of the European Parliament, may determine that there is a clear risk of a serious breach by a Member State of the values mentioned in **THE EUROPEAN HUMAN RIGHTS DECLARATION** [**Delete:** Article 2]. Before making such a determination, the Council shall hear the Member State in question and, acting in accordance with the same procedure, may address recommendations to that State.

The Council shall regularly verify that the grounds on which such a determination was made continue to apply.

2. The European Council ¹, acting by unanimity on a proposal by one third of the Member States or by the Commission and after obtaining the assent of the European Parliament **REQUEST THE EUROPEAN HUMAN RIGHTS COURT TO** determine the existence of a serious and persistent breach by a Member State of values mentioned in **THE EUROPEAN HUMAN RIGHTS DECLARATION** [**Delete:** Article 2], after inviting the Member State in question to

¹ Depending on the articles on the European Council in the section on the Institutions.

submit its observations.

3. **IF THE EUROPEAN HUMAN RIGHTS COURT DECIDES THAT A MEMBER STATE PERSISTENTLY VIOLATES THE EUROPEAN HUMAN RIGHTS, THE OTHER MEMBER STATES CAN UNANIMOUSLY EXCLUDE THE COUNTRY FROM THE EU WITH 2 YEARS NOTICE.**

[**DELETE THE REST** : Where a determination under paragraph 2 has been made, the Council, acting by a qualified majority, may decide to suspend certain of the rights deriving from the application of this Constitution to the Member State in question, including the voting rights of that Member State in the Council. In doing so, the Council shall take into account the possible consequences of such a suspension on the rights and obligations of natural and legal persons.

The obligations of the Member State in question under the Constitution shall in any case continue to be binding on that State.

4. The Council, acting by a qualified majority, may decide subsequently to vary or revoke measures taken under paragraph 3 in response to changes in the situation which led to their being imposed.
5. For the purposes of this Article, the Council shall act without taking into account the vote of the Member State in question. Abstentions by members present in person or represented shall not prevent the adoption of decisions referred to in paragraph 2.

This paragraph shall also apply in the event of voting rights being suspended pursuant to paragraph 3.

6. For the purposes of paragraphs 1 and 2, the European Parliament shall act by a two-thirds majority of the votes cast, representing a majority of its Members.]

Article 46: Voluntary withdrawal from the Union

1. Any Member State may decide to withdraw from the European Union in accordance with its own constitutional requirements.
2. A Member State which decides to withdraw shall notify the Council of its intention. Once that notification has been given, the Union shall negotiate and conclude an agreement with that State, setting out the arrangements for its withdrawal, taking account of the framework for its future relationship with the Union. That agreement shall be concluded on behalf of the Union by the Council, acting by **2/3 MAJORITY** [**Delete:** a qualified majority, after obtaining the assent of the European Parliament.]

The withdrawing State shall [**Delete:** not] participate in the Council's discussions or decisions concerning it, **BUT DOES NOT TAKE PART IN THE FINAL VOTE ON THE CONCRETE SETTLEMENT FOR WITHDRAWAL.**

3. This Constitution shall cease to apply to the State in question as from the date of entry into force of the withdrawal agreement or, failing that, two years after the notification referred to in paragraph.