

AMENDMENT FORM

Suggestion for amendment of Article 44

By : TIMOTHY KIRKHOPE MEP and THE EARL OF STOCKTON MEP

Status : Mr Kirkhope , Member
Lord Stockton, Alternate

PRAESIDIUM	TIMOTHY KIRKHOPE MEP
<p><u>Article 44: Procedure for applying for Union membership</u></p> <p>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 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 respective constitutional requirements.</p>	<p><u>Article 44: Procedure for applying for <i>Community</i> membership</u></p> <p>Any European State which wishes to become a member of the <i>Community</i> 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 receiving the <i>qualified majority</i> assent of the European Parliament. 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 <i>in national referenda, where permitted by national constitutions</i>.</p> <p>Explanation: Whilst the Council should consult the Commission about the administrative arrangements for the application process, the decision to open the accession dialogue should be taken by the elected representatives of the Community, not the unelected Commission.</p>

AMENDMENT FORM

Suggestion for amendment of Article :Article I-57^o

By Mr : Ernâni Lopes and Manuel Lobo Antunes

Status : Member and Alternate

Article I-57: Conditions and procedure for applying for Union membership

2. Any European State which wishes to become a member of the Union may address its application to the Council. The European Parliament and the Member States' national Parliaments shall be notified of this application. The Council shall act unanimously after consulting the Commission and after obtaining the consent of the European Parliament, **which shall act by an absolute majority of its component members.** The conditions~~and arrangements~~ for admission **and the adjustments to the Constitution such admission entails** shall be the subject of an agreement between the Member States and the candidate State. That agreement shall be subject to ratification by all the contracting States, in accordance with their respective constitutional requirements.
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FICHE AMENDEMENT

Proposition d'amendement à l'ArtI-57.Demiralp.doc

Déposée par ~~Madame ou~~ Monsieur Oğuz DEMIRALP

Qualité : ~~Membre~~ - Suppléant

Article I-57 : Critères d'éligibilité et procédure d'adhésion à l'Union

- Remplacer le terme « à l'unanimité » par le terme « à la majorité qualifiée » :

2. Tout État européen qui souhaite devenir membre de l'Union peut adresser sa demande au Conseil. Le Parlement européen et les Parlements nationaux des États membres sont informés de cette demande. Le Conseil se prononce à l'unanimité à la majorité qualifiée après avoir consulté la Commission et après approbation du Parlement européen. Les conditions et les modalités de l'admission font l'objet d'un accord entre les États membres et l'État candidat. Cet accord est soumis à la ratification par tous les États contractants, conformément à leurs règles constitutionnelles respectives.

Explication éventuelle :

La tendance naturelle dans le système institutionnel communautaire, c'est l'élargissement du champ d'application de la méthode du vote à la majorité qualifiée. Dans une Union élargie, il conviendrait d'étendre le champ d'application de cette méthode également pour les nouvelles adhésions à l'Union. En outre, vu le fait qu'il est prévu dans l'Article I-59 que l'accord relatif au retrait volontaire d'un pays de l'Union soit conclu au nom de l'Union par le Conseil, statuant à la majorité qualifiée, il conviendrait d'adopter la même démarche pour les adhésions. Ainsi, il serait possible d'éviter les blocages éventuels successifs inhérents à la nature même du mode de vote à l'unanimité.

AMENDMENT FORM

Suggestion for amendment of Article I-57: Conditions and procedure for applying for Union membership

By Mr Péter Balázs

Status : ☒ Member ☐ Alternate

Article I-57: Conditions and procedure for applying for Union membership

'1. The Union shall be open to all the European States whose people ~~which~~ respect the values referred to in Article 2, and are committed to promoting them together.

2. Any European State which wishes to become a member of the Union may address its application to the Council. The European Parliament and the Member States' national Parliaments shall be notified of this application. The Council shall act unanimously on the basis of the criteria of membership as laid down in the European Council in 1993 at Copenhagen after consulting the Commission and after obtaining the consent of the European Parliament. The conditions and arrangements for admission shall be the subject of an agreement between the Member States and the candidate State. That agreement shall be subject to ratification by all the contracting States, in accordance with their respective constitutional requirements.'

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article 43

By : TIMOTHY KIRKHOPE MEP

Status : MEMBER

PRAESIDIUM	TIMOTHY KIRKHOPE MEP
<p><u>Article 43: Criteria to be eligible for Union membership</u></p> <p>The Union shall be open to all European States 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.</p>	<p><u>Article 43: Criteria to be eligible for <i>Community</i> membership</u></p> <p>The <i>Community</i> shall be open to all European States whose peoples share the values referred to in Article 2, and who respect them and are committed to promoting them together. Accession to the <i>Community requires</i> acceptance of its <i>simplifying Treaty through a national referendum</i>.</p> <p>Explanation: The people of each accession state should approve Community membership through a national referendum unless referenda are expressly prohibited in their constitution.</p>

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 44

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 ainsi que par Monsieur Patrick Dewael, observateur

Qualité : - Membre - Suppléant

Tout État européen qui souhaite devenir membre de l'Union peut adresser sa demande au Conseil. Le Parlement européen et les Parlements nationaux sont informés de cette demande. Le Conseil se prononce à l'unanimité après avoir consulté la Commission et après avis conforme du Parlement européen, qui se prononce à la majorité absolue des membres qui le composent. Les conditions et les modalités de l'admission font l'objet d'un accord entre ~~les États membres~~ **l'Union** et l'État candidat. Ledit accord est soumis à la ratification par tous les États ~~contractants~~, **membres et l'Etat candidat** conformément à leurs règles constitutionnelles respectives.

Explication éventuelle :

La négociation d'un accord d'adhésion doit être faite par l'Union même si la ratification des Etats membres reste nécessaire.

FICHE AMENDEMENT

Proposta di emendamento all'articolo 44, parte I della Costituzione:

Déposée par Mme Maria BERGER
 Mme Anne VAN LANCKER
 M. Olivier DUHAMEL
 M. Luis MARINHO
 Mme Pervenche BERÈS
 M. Carlos CARNERO
 Mme Elena PACIOTTI

Qualité: - Membres et Suppléants

Articolo 44: Procedura di adesione all'Unione

Ogni Stato europeo che desideri diventare membro dell'Unione può trasmettere la sua domanda al Consiglio. Il Parlamento europeo (*4 parole soppresse*) sono informati di tale domanda. Il Consiglio si pronuncia all'unanimità, previa consultazione della Commissione e previo parere conforme del Parlamento europeo (*11 parole soppresse*). Le condizioni e le modalità dell'ammissione formano l'oggetto di un accordo tra *l'Unione europea* e lo Stato candidato. Tale accordo è sottoposto a ratifica *dagli Stati membri e dallo Stato candidato* conformemente alle loro rispettive norme costituzionali.

Explication éventuelle:

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 43

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 ainsi que par Monsieur Patrick Dewael, observateur**

Qualité : - Membre - Suppléant

L'Union est ouverte à tous les Etats européens **qui adhèrent aux principes et aux objectifs de l'Union énoncés aux articles 1 et 3 et respectent** et s'engagent à ~~les~~ promouvoir en commun **ses valeurs visées à l'article 2**. L'adhésion à l'Union implique l'acceptation de sa Constitution

Explication éventuelle :

Il paraît difficile de déterminer si « un peuple » partage les valeurs de l'Union. Cette exigence est dès lors largement ambiguë.

L'adhésion à l'Union nécessite par contre non seulement une adhésion des Etats candidats aux valeurs de l'Union mais aussi à son projet c'est à dire à ses principes et à ses objectifs.

Il faut par ailleurs noter que l'éligibilité pour être membre de l'Union est également visée à l'article 1 § 3 des projets du Praesidium. Ayant vu les deux projets d'articles, il nous paraît que cette question trouve davantage sa place dans l'article 43, c'est à dire dans un Titre sur l'appartenance à l'Union qu'à l'article 1 sur les principes. L'article 1 §3 devrait en conséquence être supprimé pour éviter toute redondance

FICHE AMENDEMENT

Proposta di emendamento all'Articolo 43, Parte I

Déposée par: **Maria Berger**
Caspar Einem
Elena Ornella Paciotti

Qualité: - Membres et suppléants

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Articolo 43: Criteri di ammissibilità per essere membro dell'Unione

L'Unione è aperta a tutti gli Stati europei ***che si fondano sui*** valori di cui all'articolo 2, ***(resto soppresso)***. L'adesione all'Unione implica l'accettazione della sua Costituzione.

Motivazione:

Il requisito riguardante i valori non deve essere differente da quello che l'Unione richiede per sè stessa.

AMENDMENT FORM

Suggestion for amendment of Article : 43

By : Maria Berger
Caspar Einem
Elena Ornella Paciotti
Adrian Severin

Status : - Members and Alternates

Article 43

The Union shall be open to all European States *which are founded on* the values referred to in Article 2. (~~delete:~~ *rest*) Accession to the Union implies acceptance of its Constitution.

Explanation (if any) :

The requirement as regards the values should not be different from what the Union asks from itself (see present wording of Article 2)

AMENDMENT FORM

Suggestion for amendment of **Title X : Union membership, Article 43: Criteria to be eligible for Union membership** :

By: BROK; SANTER; STYLIANIDIS; SZAJER; TAJANI; VAN DER LINDEN; ALONSO; ALTMAIER; AZEVEDO; BASILE; BREJC; CISNEROS; CUSHNAHAN; DEMETRIOU; DOLORES; FIGEL; FOGLER; FRENDÓ; GIANNAKOU; KAUPPI; KELEMEN; KORHONEN; KRASTS; KROUPA; LAMASSOURE; LEQUILLER; MAIJ-WEGGEN; MLADENOV; PIKS; RACK; VAN DIJK; WITTBRODT; WÜRMELING; ZILE

on behalf of the EPP Convention Group

Status: Members and Alternates

Text of the Praesidium

Proposed Amendments

Title X : Union membership, Article 43: Criteria to be eligible for Union membership :

The Union shall be open to all European States 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.

Title X : Union membership, Article 43: Criteria to be eligible for Union membership :

The Union shall be open to all European States ~~whose peoples~~ **which** 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.

Explanation:

The States (or better: the governments) have to subscribe to the common values.

AMENDMENT FORM

Suggestion for amendment of Article: 43

By Mr: Erwin Teufel

Status: Member

Text of the Praesidium

The Union shall be open to all European States 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.

Proposed Amendment

All European States whose peoples share the values referred to in Article 2, and who respect them and are committed to promoting them together, **may apply to become a member of the Union**. Accession to the Union implies acceptance of its Constitution.

Explanation:

It should be clarified that accession to the Union requires the objective fulfilment of certain criteria (cf. suggestion for amendment of Article 1 paragraph 3). The amendment reflects the provision currently contained in Article 49 TEU.

FICHE AMENDEMENT

Proposition d'amendement à l'Article:	43
Déposée par Monsieur:	Erwin Teufel
Qualité:	Membre

Texte du Praesidium

Die Union steht allen europäischen Staaten offen, deren Völker die in Artikel 2 genannten Werte teilen, die diese achten und sich verpflichten, sie gemeinsam zu fördern. Der Beitritt zur Union setzt die Akzeptierung ihrer Verfassung voraus.

Amendement proposé

Alle europäischen Staaten, deren Völker die in Artikel 2 genannten Werte teilen, die diese achten und sich verpflichten, sie gemeinsam zu fördern, **können beantragen, Mitglied der Union zu werden**. Der Beitritt zur Union setzt die Akzeptierung ihrer Verfassung voraus.

Begründung:

Es soll klargestellt werden, dass ein Beitritt zur Union die objektive Erfüllung bestimmter Kriterien voraussetzt (vgl. auch Änderungsvorschlag zu Artikel 1 Absatz 3). Die Änderung greift die geltende Regelung in Artikel 49 EU-Vertrag auf.

AMENDMENT FORM

Suggestion for amendment of Article :44

By Ms / Mr : Ernâni Lopes and Manuel Lobo Antunes

Status : - Member and Alternate

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 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 **and the adjustments to the Constitution** 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 respective constitutional requirements.

Explanation: We consider that any adjustments to the treaties standing from a new admission must also be the object of an agreement among Member States.

AMENDMENT FORM

Suggestion for amendment of Article :43

By Ms / Mr : Ernâni Lopes and Manuel Lobo Antunes

Status : - Member and Alternate

~~Article 43: Criteria to be eligible for Union membership~~

~~The Union shall be open to all European States 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.~~

Explanation: this article should be deleted as it repeats draft article 1,3. This article could be completed by stating that procedure for Union's membership are regulated on article X.

AMENDMENT FORM

Suggestion for amendment of Article :43

By Mr :M. Attalides

Status : - Member

Add the following phrase :

The Union shall be open to all European States whose peoples share the membership values referred to in Article 2, *and the objectives referred to in Article 3*, and who respect them and are committed to promoting them together. Accession to the Union implies acceptance of its Constitution.

Explanation (if any) :

The additional reference to the objectives is in accord with the practice of the Union in ensuring that prospective members are in practice able to undertake the obligations of membership of the Union.

AMENDMENT FORM

Suggestion for amendment of Article 43: Criteria to be eligible for Union membership

By Mr Roche

Status : - Member

Article 43: Criteria to be eligible for Union membership

The Union shall be open to all European States ~~whose peoples~~ **which** share the values referred to in Article 2, and ~~who~~ **which** respect them and are committed to promoting them together. Accession to the Union implies acceptance of its Constitution.

Explanation (if any) :

It is States, not peoples, which are admitted to the Union

AMENDMENT FORM

Suggestion for amendment of Article : 43

By Mr : Joschka Fischer

Status : - Member

Artikel 43: Kriterien für eine Mitgliedschaft in der Union

Die Union steht allen europäischen Staaten offen, ~~die die erten Völker die~~ in Artikel 2 genannten Werte teilen, die diese achten und sich verpflichten, sie gemeinsam zu fördern. ~~Der Beitritt zur Union setzt die Akzeptierung ihrer Verfassung voraus.~~

Explanation:

Satz 1: Anlehnung an die Formulierung des Artikel 49 EUV. Grundsätzlich stellt sich die Frage, ob die klare Formulierung des Artikel 49 EUV Satz 1 nicht übernommen werden sollte.

Satz 2 über die Akzeptanz der Verfassung erscheint überflüssig, da sie Gegenstand und notwendige Folge des Beitritts wäre.

AMENDMENT FORM

Suggestion for amendment of Article : 44

Suggestion for protocol :

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

Status : - Member ~~–Alternate~~

Artikel 44: Verfahren für den Beitritt zur Union

Jeder europäische Staat, der Mitglied der Union werden möchte, kann seinen Antrag an den ***Euro-päischen*** Rat richten. Das Europäische Parlament und die nationalen Parlamente werden von diesem Antrag unterrichtet. Der Rat beschließt einstimmig nach Anhörung der Kommission und nach Zustimmung des Europäischen Parlaments, das mit der absoluten Mehrheit seiner Mitglieder beschließt. Die Bedingungen und Modalitäten der Aufnahme werden durch ein Abkommen zwischen den Mitgliedstaaten und dem antragstellenden Staat geregelt. Das Abkommen bedarf der Ratifikation durch alle Vertragsstaaten gemäß ihren verfassungsrechtlichen Vorschriften.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 43

Suggestion for Part III

**By Ms / Mr : G.M. de Vries
 T.J.A.M. de Bruijn**

Status : Members Alternate

~~The Union shall be open to all European States 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.~~

“The European Union shall be open to all European States which are able and committed to fulfil all that is required from Member States by this Constitution.”

Explanation (if any) : The second sentence is superfluous. The first sentence is unclear: should the European States or the peoples of the European States share the values of the Union? Moreover, its scope is too narrow.

AMENDMENT FORM

Suggestion for amendment of Article : 43

Suggestion for protocol :

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

Status : - Member ~~–Alternate~~

Artikel 43: Kriterien für eine Mitgliedschaft in der Union

Die Union steht allen europäischen Staaten offen, deren Völker die in Artikel 2 genannten Werte teilen, die diese achten und sich verpflichten, sie gemeinsam zu fördern. *~~Der Beitritt zur Union setzt die Akzeptierung ihrer Verfassung voraus.~~*

Explanation (if any) :

Die Kriterien eines Beitritts zur Europäischen Union sind richtigerweise Gegenstand dieser Bestimmung und gehören nicht in den Artikel 1 der Verfassung. Art. 1 Abs. 3 des Präsidiumsvorschlags ist deshalb zu streichen.

Satz 2 ist zu streichen. Ein Beitritt erfolgt stets durch ein Beitrittsabkommen zwischen allen Mitgliedstaaten und dem Beitrittsstaat. Der Beitritt zur Union setzt die **Akzeptierung dieses Beitrittsabkommens** voraus, das seinerseits gerade eine spezielle Form der Verfassungsänderung darstellt.

AMENDMENT FORM

Suggestion for amendment of Article 43

By Mr Ingvar SVENSSON

Status : - Alternate

Article 43: Criteria to be eligible for Union membership

The Union shall be open to all European States ~~which whose peoples share~~ **and are willing to promote** 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.~~¹

¹ It is the States that should share and promote the same values. The last sentence may create confusion.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 44, partie I de la Constitution:

Déposée par Mme Maria BERGER
 Mme Anne VAN LANCKER
 M. Olivier DUHAMEL
 M. Luis MARINHO
 Mme Pervenche BERÈS
 M. Carlos CARNERO
 Mme Elena PACIOTTI

Qualité: - Membres et Suppléants

ARTICLE 44 – Accession procedure

Any European State which wishes to become a member of the Union may address its application to the Council. The European Parliament (**four words deleted**) shall be notified of this application. The Council shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament (**eleven words deleted**). The conditions and arrangements for **accession** shall be the subject of an agreement between the **European Union** and the applicant State. That agreement shall be subject to ratification by **the Member States and the applicant state** in accordance with their respective constitutional requirements.

Explication éventuelle:

AMENDMENT FORM

Suggestion for amendment of Article :43 (part 3)

Suggestion for protocol :

By Mr David Heathcoat-Amory, Mr Bonde

Status :X - Member - Alternate

N.B. '()' denote text deleted ' _____ 'denotes text added

Article 43: Criteria to be eligible for Union membership

The Union shall be open to all European States (*whose peoples*) **which** 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.*) **under their respective terms of accession.**

Explanation (if any) :

The first amendment is required, because any treaty is about states and not “peoples” – how can one determine whether a “people” respect and promote values?

The second changes the text in the spirit of the rest of Title X, so that applicant states can elect to negotiate opt-outs if they so choose.

AMENDMENT FORM

Suggestion for amendment of Article : 44 (Title X) Procedure for applying for Union membership

By Ms / Mr : **R. van der Linden**
 F. Timmermans
 J. van Dijk
 W. van Eekelen

Status : - Member - Alternate

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 **as well as the European Commission (1)** shall be notified of this application. The Council shall act unanimously after consulting the Commission and 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 , **and the accession of the new member state (2)** 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 respective constitutional requirements.

Explanation (if any) :

1. The European Commission should also be officially notified about an application for membership.
2. Besides the conditions and the arrangement for the admission also the admission itself should be subject of the agreement (alternative wording).

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 44

Déposée par Madame ou Monsieur : Gianfranco FINI

Qualité : - Membre

Ogni Stato europeo che desideri diventare membro dell'Unione può trasmettere la sua domanda al Consiglio. Il Parlamento europeo e i parlamenti nazionali sono informati di tale domanda. Il Consiglio si pronuncia all'unanimità, previa consultazione della Commissione e previo parere conforme del Parlamento europeo, che si pronuncia a maggioranza assoluta dei membri che lo compongono. Le condizioni e le modalità dell'ammissione formano l'oggetto di un accordo tra gli Stati membri e lo Stato candidato, **sottoposto al parere conforme del Parlamento europeo**. Tale accordo è sottoposto a ratifica da tutti gli Stati contraenti conformemente alle loro rispettive norme costituzionali.

Explication éventuelle :

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.

FICHE AMENDEMENT

Proposition d'amendement à l'Article :

Title X: L' appartenance à l' Union , Article 44: Procédure d' adhésion à l' Union

Déposée par : Monsieur AVGERINOS Paraskevas, Madame GIANNAKOU Marietta, membres et Monsieur STYLIANIDIS Evripidis, suppléant

Qualité : - Membre - Suppléant

Article 44: Procédure d' adhésion à l' Union

Tout Etat européen qui souhaite devenir membre de l' Union peut adresser sa demande au Conseil. Le Parlement européen et les Parlements nationaux sont informés de cette demande. Le Conseil se prononce à l' unanimité après avoir consulté la Commission et après avis conforme du Parlement européen, qui se prononce à la majorité absolue des membres qui le composent. Les conditions et les modalités de l'admission font l' objet d' un accord entre ~~les Etats membres~~ **l' Union** et l' Etat candidat. Ledit accord est soumis à la ratification par tous les Etats ~~contractants~~ **membres et l' Etat candidat**, conformément à leurs règles constitutionnelles respectives.

Explication éventuelle :

L' article 44 (Titre: appartenance à l' Union) reprend pour l' essentiel le libellé de l' actuel 49 TUE. Pourtant, cet article 49 TUE part du principe que l' Union n' a pas une propre personnalité juridique. D' après l' article 4 du Traité Constitutionnel, “ L' Union dispose de la personnalité juridique”. Il semble, donc, juridiquement plus correct que ce soit l' Union elle-meme, et non pas les Etats membres, qui passe l' accord avec l' Etat candidat.

AMENDMENT FORM

Suggestion for amendment of Article : 43 (Title X) Criteria to be eligible for Union membership

By Ms / Mr : **F. Timmermans**
 R. van der Linden

J. van Dijk
W. van Eekelen

Status : - Member - Alternate

Article 43: Criteria to be eligible for Union membership

The Union shall be open to all European States ~~whose peoples~~ **that** 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.

Explanation (if any) :

The potential member states are the conversation partners, not the people.
Furthermore, the state has to (also) share the values.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : Artigo 43.º, novo

Déposée par Monsieur Luís Queiró

Qualité : Suppléant

1. Qualquer Estado europeu que respeite os princípios enunciados no artigo 2.º do Tratado pode pedir para se tornar membro da União. O processo de adesão segue o disposto no artigo seguinte.

2. A adesão implica a aceitação do presente Tratado, não sendo admitida a formulação de reservas unilaterais não previamente pactuadas.

Explication éventuelle :

O Praesidium afirma tratar-se de um artigo novo. Contudo, já hoje o artigo 49.º UE dispõe que só podem pedir a adesão à União os Estados europeus que respeitem os princípios enunciados no artigo 6.º, n.º 1, UE.

Na verdade, a redacção é enviesada. Não são os Estados que aparecem a respeitar tais valores, mas os povos... O compromisso da promoção em comum sendo óbvia e de geral aceitação, não é necessária.

Propõe-se uma redacção, mais próxima da redacção da parte inicial do artigo 49.º UE. Talvez não fossem necessários dois artigos (43.º e 44.º), bastando apenas, para autonomizar os aspectos procedimentais e substanciais, a divisão das matérias pelos diversos números.

AMENDMENT FORM

Suggestion for amendment of Article 43

By Mr : Józef Oleksy

Status : Member

Article 43: Criteria to be eligible for Union membership

The Union shall be open to all European States 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.~~

Explanation (if any) :

Stressing the need of acceptance of the Constitution is redundant. It is not possible to accede to the European Union without being bound by its Constitutional Treaty (One cannot accede to any organisation rejecting its statute).

AMENDMENT FORM

Suggestion for amendment of Article : 43

~~Suggestion for Part III~~

By ~~Ms~~/ Mr : Hain

Status : - Member - ~~Alternate~~

The Union shall be open to all European States ~~whose peoples~~which 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.

Explanation (if any) :

This is the same amendment we made to Article 2: it is the states themselves which must demonstrate the values of the Union – not the people (who are free to choose their own values).

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 43

Déposée par Madame ou Monsieur : Gianfranco FINI

Qualité : - Membre

Possono aderire all'Unione ~~L'Unione è aperta a tutti gli Stati europei i cui popoli condividono i valori di cui all'articolo 2, li rispettano e si impegnano a promuoverli congiuntamente. L'adesione all'Unione implica l'accettazione della sua Costituzione.~~

Explication éventuelle :

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.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 43

Déposée par Madame ou Monsieur :

Maria Eduarda Azevedo (membre)
António Nazaré Pereira (suppléant)

Article 43

Peuvent adhérer à l'Union tous les États européens dont les peuples partagent les valeurs visées à l'article 2, et qui les respectent et s'engagent à les promouvoir en commun. L'adhésion à l'Union implique l'acceptation de son **Traité constitutionnel**.

AMENDMENT FORM

Suggestion for amendment of Article 43

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

Status : - Member: Hjelm-Wallén and Lekberg
 - Alternate: Petersson and Kvist

Article 43: Criteria to be eligible for Union membership

The Union shall be open to all ~~any~~ European States **which respects** ~~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.~~¹

¹ It is the States that should share and respect the same values. The substance of the current article 49 EU should be maintained. The last sentence may create confusion.

AMENDMENT FORM

Title X: Union membership

Suggestion for amendment of Article : 43

By Members: Mr Andrew Duff, Mr Lamberto Dini, Mr Paul Helminger, Mr Karel De Gucht, Mr Peeter Kreitzberg, Mr Algirdas Gricius, Mr Puiu Hasotti, Mr Jelko Kacin, Mr Zekeriya Akçam and Mr Eugenijus Maldeikis; **and Alternate Members:** Ms Lone Dybkjaer, Mr Willem Van Eekelen, Mr Valdo Spini, Lord MacLennan of Rogart, Mr Nesrin Uzun, Mr Marios Matsakis, Mrs Androula Vassiliou, Mr Istvan Szent-Ivanyi, Mr Péter Eckstein-Kovacs, Mr Patrick Dewael, Mr Ibrahim Ozal and Mr Gintautas Sivickas.

Status : **Members and alternate members.**

Article 43: Criteria to be eligible for Union membership

Delete

Explanation:

The repetition of Article 1(3) is unfortunate in a Constitution that seeks to be a model of lucidity.

The second sentence is so self-evident as to be banal. Better to drop the whole Article.

AMENDMENT FORM

Suggestion for amendment of Article: 43 Criteria to be eligible for Union membership

By: The Earl of Stockton MEP

Status : - Alternate

Article 43: Criteria to be eligible for Union membership

The Union shall be open to all States with territories in part or in whole within Europe 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.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article 43: Criteria to be eligible for Union membership

By Ms / Mr : Ivan Korčok, Juraj Migaš (Slovakia)

Status : - Member - Alternate

The Union shall be open to all European States whose peoples share the values and objectives referred to in Article 2 and Article 3, and who respect them and are committed to promoting them together. Accession to the Union implies acceptance of its Constitution.

Explanation (if any) :

FICHE AMENDEMENT

Proposition d'amendement à l'Article : Art43Demiralp.doc.

Déposée par ~~Madame ou~~ Monsieur Oğuz DEMIRALP

Qualité : ~~—Membre~~ - Suppléant

Article 43 : Critères d'éligibilité pour être membre de l'Union.

- Supprimer la dernière phrase.

L'Union est ouverte à tous les États européens dont les peuples partagent les valeurs visées à l'article 2, et qui les respectent et s'engagent à les promouvoir en commun. ~~L'adhésion à l'Union implique l'acceptation de sa Constitution.~~

Explication éventuelle :

Il va de soi que l'appartenance à l'Union implique l'acceptation de sa Constitution. Par conséquent, il n'est pas nécessaire d'intégrer cette phrase dans cet article.

AMENDMENT FORM

Vorschlag für die Änderung von: Artikel 43, Teil I, Titel X des Verfassungsentwurfs (CONV 648/03)

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

Status: - Mitglied -

Ziel: Streichung von Artikel 43

~~Artikel 43: Kriterien für eine Mitgliedschaft in der Union~~

~~Die Union steht allen europäischen Staaten offen, deren Völker die in Artikel 2 genannten Werte teilen, die diese achten und sich verpflichten, sie gemeinsam zu fördern. Der Beitritt zur Union setzt die Akzeptierung ihrer Verfassung voraus.~~

Begründung:

Um Doppelungen zu vermeiden, ist Artikel 43 Satz 1 zu streichen, da er bereits in Artikel 1 Absatz 3 der Verfassung normiert ist. Artikel 43 Satz 2 ist ebenfalls zu streichen; er ist lediglich deklaratorischer Natur und damit überflüssig. Falls Artikel 43 bestehen bleiben sollte, müßte er durch eine Bezugnahme auf die Charta der Grundrechte und Art. 3 (Ziele) angereichert werden.

AMENDMENT FORM

Suggestion for amendment of: Article 43, Part I, Title X of the draft Constitution (CONV 648/03)

By: Professor Jürgen Meyer, delegate of the German Bundestag

Status : - Member -

Aim: To remove Article 43.

~~Article 43: Criteria to be eligible for Union membership~~

~~The Union shall be open to all European States 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.~~

Explanation :

In order to avoid duplications, Article 43, sentence 1 should be removed, as it is already set out in Article 1, paragraph 3 of the Constitution. Article 43, sentence 2 should also be removed; it is of a purely declaratory nature and thus superfluous. If Article 43 should remain, a reference to the Charter of Fundamental Rights and Article 3 (Objectives) should be added.

FICHE D'AMENDEMENT

Proposition d'amendement à l'article: 43, Partie I, Titre X du projet de Traité constitutionnel (CONV 648/03)

Déposée par: Monsieur le Professeur Jürgen Meyer, délégué du Bundestag allemand

Qualité: - Membre -

Objectif: Suppression de l'article 43

Article 43: Critères d'éligibilité pour être membre de l'Union

~~L'Union est ouverte à tous les États européens dont les peuples partagent les valeurs visées à l'article 2, et qui les respectent et s'engagent à les promouvoir en commun. L'adhésion à l'Union implique l'acceptation de sa Constitution.~~

Explication:

Pour éviter les répétitions, il faut supprimer la première phrase de l'article 43, puisqu'elle est déjà inscrite à l'article 1, paragraphe 3 du Traité constitutionnel. La deuxième phrase de l'article 43 doit également être supprimée, puisqu'elle n'a qu'une simple valeur déclarative, et est donc superflue. Si l'article 43 devait être maintenu, il faudrait l'enrichir d'une référence à la Charte des droits fondamentaux et à l'article 3 (Objectifs).

AMENDMENT FORM

Suggestion for amendment of Article : 44

By **Mr Hannes FARNLEITNER**
Mr Reinhard Eugen BÖSCH

Mr Gerhard TUSEK
Mr Eduard MAINONI

Status : - Members

- Alternate Members

Article 44: Procedure for applying for Union membership

Any European State which **respects the values set out in Article 2 of the Constitutional Treaty may apply to become a member of the Union and shall 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 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 **and the necessary adjustments to the Constitutional Treaty and to the law adopted by the Union** 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 respective constitutional requirements.

Explanation :

It seems preferable that the article should be aligned to Article 49 TEU, as far as possible and unless technical adjustments are necessary. A reference to the conditions of membership contained in Article 2 should remain in this article.

It is proposed to keep the element of the current Art. 49 TEU which refers to necessary adjustments to be made to primary law (e.g. institutional questions such as number of Members of EP, weighting of votes) and to secondary Union law.

AMENDMENT FORM

Suggestion for amendment of Article : 43

By Mr Hannes FARNLEITNER
Mr Reinhard Eugen BÖSCH

Mr Gerhard TUSEK
Mr Eduard MAINONI

Status : - Members

- Alternate Members

~~Article 43: Criteria to be eligible for Union membership~~

~~The Union shall be open to all European States 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.~~

Explanation :

This article reproduces Article 1 (3) of the Constitution and is therefore redundant. A reference to the conditions for membership contained in Article 2 can be introduced in Article 44. Union membership being defined in the Constitution, it is therefore self-evident that accession means acceptance of the Constitution.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : Article 43 (Titre X)

Déposée par MM. Santer, Helminger et Fayot (Titulaires, Luxembourg) ainsi que Mme Wagener et M. Schmit (Suppléants, Luxembourg)

Article 43 : Critères d'éligibilité pour être membre de l'Union.

L'Union est ouverte à tous les États européens dont les peuples partagent les [principes et les](#) valeurs visées à l'article 2, et qui les respectent et s'engagent à les promouvoir en commun. [L'adhésion à l'Union implique l'acceptation de sa Constitution.](#)

Explication éventuelle :

L'article 2 du projet de Constitution contient non seulement des valeurs mais également des principes.

L'affirmation de l'acceptation de la Constitution est une évidence qui d'ailleurs semble réductrice car l'adhésion à l'Union implique l'acceptation, au-delà de la Constitution, de tout l'acquis. Afin d'écartier toute confusion, il semble donc préférable de biffer cette affirmation.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 43

Déposée par Madame : Cristiana MUSCARDINI

Qualité : Membre

Art. 43

“L'Unione é aperta a tutti gli Stati europei i cui **Governi e** popoli condividono i valori di cui all'articolo 2, li rispettano e si impegnano a promuoverli congiuntamente. L'adesione all'Unione implica l'accettazione della sua Costituzione. ”

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : 44

Suggestion for Title X

By Mr : Joachim Wuermeling

Status : - Alternate

Artikel 44: Verfahren für den Beitritt zur Union

Jeder europäische Staat, der Mitglied der Union werden möchte, kann seinen Antrag an den Rat richten. Das Europäische Parlament und die nationalen Parlamente werden von diesem Antrag unterrichtet. Der Rat beschließt einstimmig nach Anhörung der Kommission und nach Zustimmung des Europäischen Parlaments, das mit der absoluten Mehrheit seiner Mitglieder beschließt **über die Aufnahme von Beitrittsverhandlungen**. Die Bedingungen und Modalitäten der Aufnahme werden durch ein Abkommen zwischen den Mitgliedstaaten und dem antragstellenden Staat geregelt. Das Abkommen bedarf der **Zustimmung des Europäischen Parlaments und der** Ratifikation durch alle Vertragsstaaten gemäß ihren verfassungsrechtlichen Vorschriften.

Explanation (if any) :

Ein Grundsatzbeschluss über einen Beitrittsantrag sollte vor Aufnahme der Verhandlungen erfolgen, denn nach Abschluss der mehrjährigen Verhandlungen ist de facto kaum noch eine Ablehnung möglich.

Die Beitrittsabkommen enthalten die Regeln über die Anwendung des Acquis communautaire. Dieser wird nach dem neuen Gesetzgebungsverfahren des Verfassungsvertrages vom Europäischen Parlament und vom Ministerrat beschlossen. Deshalb ist es folgerichtig, dass auch das Europäische Parlament den Beitrittsverträgen zustimmt.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 44

Déposée par Monsieur : Alain Lamassoure

Qualité : - Membre

Article 44 : Procédure d'adhésion à l'Union

Tout État européen qui souhaite devenir membre de l'Union peut adresser sa demande au Conseil. Le Parlement européen et les Parlements nationaux sont informés de cette demande. **L'ouverture de négociation d'adhésion est subordonnée à une décision unanime du Conseil, après consultation de la Commission et avis conforme du Parlement, qui se prononce à la majorité absolue de ses membres. Cette décision est soumise à ratification dans tous les États contractants.** Les conditions et les modalités de l'admission font l'objet d'un accord entre les États membres et l'État candidat. Ledit accord est soumis à la ratification par tous les États contractants, conformément à leurs règles constitutionnelles respectives.

Explication: *Désormais dotée d'une Constitution, l'Union européenne ne peut plus être considérée comme un simple accord international, dont la liste des participants peut être laissée aux seuls chefs de gouvernement : c'est une communauté de peuples, et sa composition est un élément-clef de son identité. La reconnaissance de l'éligibilité d'une candidature doit être un acte solennel, approuvé par les Parlements nationaux.*

AMENDMENT FORM

Suggestion for amendment of Article : 43

Suggestion for Title X

By Mr : Joachim Wuermeling

Status : - Alternate

Artikel 43: Kriterien für eine Mitgliedschaft in der Union

~~Die Union steht allen eEuropäischen~~ Staaten ~~offen~~, deren Völker die in Artikel 2 genannten Werte teilen, ~~die~~ diese achten und sich verpflichten, sie gemeinsam zu fördern, können den Beitritt zur Europäischen Union beantragen. Der Beitritt zur Union setzt die Akzeptierung ihrer Verfassung voraus.

Explanation (if any) :

Wiederherstellung der geltenden Formulierung nach Art. 49 EUV. Es sollte der Eindruck vermieden werden, als bestünde ein Anspruch auf Mitgliedschaft in der EU.

AMENDMENT FORM

Suggestion for amendment of Article : 43

Suggestion for TITLE X

By Ms / Mr : VASTAGH

Status : - Member - Alternate

Insertion of the following at the end of Article 43 :

Accession to the Union implies acceptance of its Constitution *and acceptance of the acquis as it stands at the time of accession.*

Explanation (if any) : -

FICHE AMENDEMENT

Proposition d'amendement à l'Article 57

Déposée par Monsieur : Alain Lamassoure

Qualité : - Membre

Article 57 : Procédure d'adhésion à l'Union

Tout État européen qui souhaite devenir membre de l'Union peut adresser sa demande au Conseil. Le Parlement européen et les Parlements nationaux sont informés de cette demande. **L'ouverture de négociation d'adhésion donne lieu à la conclusion d'un accord international selon la procédure prévue dans la partie III (actuel article 300). Une fois le principe ainsi décidé,** les conditions et les modalités de l'admission font l'objet d'un accord entre les États membres et l'État candidat. Ledit accord est soumis à la ratification par tous les États contractants, conformément à leurs règles constitutionnelles respectives.

Explication: Désormais dotée d'une Constitution, l'Union européenne ne peut plus être considérée comme un simple accord international, dont la liste des participants peut être laissée aux seuls chefs de gouvernement : c'est une communauté de peuples, et sa composition est un élément-clef de son identité. La reconnaissance de l'éligibilité d'une candidature doit être un acte solennel, soumis à débat parlementaire. D'où la proposition d'en faire un traité en soi, les modalités de l'accession donnant lieu ensuite à un traité d'adhésion classique.