

AMENDMENT FORM

Suggestion for amendment of Article 45

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PRAESIDIUM	TIMOTHY KIRKHOPE MEP
<p><u>Article 45: Suspension of Union membership rights</u></p> <p>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 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.</p> <p>The Council shall regularly verify that the grounds on which such a determination was made continue to apply.</p> <p>2. The European Council, 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, may determine the existence of a serious and persistent breach by a Member State of values mentioned in Article 2, after inviting the Member State in question to submit its observations.</p> <p>3. 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</p>	<p><u>Article 45: Suspension of <i>Community</i> membership rights</u></p> <p>1. On a reasoned proposal by one third of the Member States <i>or</i> by the European Parliament, 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 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.</p> <p>The Council shall regularly verify that the grounds on which such a determination was made continue to apply.</p> <p>2. The European Council, acting by unanimity on a proposal by one third of the Member States and after obtaining the assent of the European Parliament, may determine the existence of a serious and persistent breach by a Member State of values mentioned in Article 2, after inviting the Member State in question to submit its observations.</p> <p>3. 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 <i>simplifying Treaty</i> to the Member State in question, including the voting rights of that Member State in</p>

<p>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.</p> <p>The obligations of the Member State in question under the Constitution shall in any case continue to be binding on that State.</p> <p>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.</p> <p>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.</p> <p>This paragraph shall also apply in the event of voting rights being suspended pursuant to paragraph 3.</p> <p>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.</p>	<p>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.</p> <p>The obligations of the Member State in question under the <i>simplifying Treaty</i> shall <u>not</u> continue to be binding on that State.</p> <p>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.</p> <p>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.</p> <p>This paragraph shall also apply in the event of voting rights being suspended pursuant to paragraph 3.</p> <p>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.</p> <p>Explanation: A determination of 'a serious breach of the values mentioned in Article 2' should not simply be based on disapproval of any democratically elected government in a nation state.</p> <p>As the civil service of the Community, the Commission should not have the power to propose the suspension of Community rights. This power should lie with elected politicians.</p> <p>If Member States are deprived of the right to vote, it is undemocratic for them to be subject to the obligations under the simplifying Treaty.</p>
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