

AMENDMENT FORM

Suggestion for amendment of Article I-59:

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on behalf of the EPP Convention Group

Status :

Suggestion

Article I-59: Voluntary withdrawal and expulsion from the Union

1. Any Member State may decide to withdraw from the European Union in accordance with its own constitutional requirements *and the procedure and conditions set out in this Article*.
2. A Member State which decides to withdraw shall notify the European Council of its intention; the European Council shall examine that notification. In the light of the guidelines provided by the European Council, 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 a qualified majority, after obtaining the consent of the European Parliament.

The representative of the withdrawing Member State shall not participate in Council or European Council discussions or decisions concerning it.

3. *An agreement of withdrawal must include a complete withdrawal from all rights and duties stemming from Union membership; partial withdrawal shall not be permissible.*
4. *A Member State which continues a serious and persistent breach of the values mentioned in Article 2 for a period of 1 year following a European Council decision in accordance with Article I-58 paragraph 2, or which has abused the right of withdrawal under the present Article, may be expelled from the Union by a decision of the European Council. Such expulsion shall require a qualified majority in the European Council and the consent of the European Parliament.*

The representative of the Member State in question shall not participate in European Council discussions or decisions concerning it. It shall have a right to be heard prior to the final decision.

- ~~3.5.~~ This Constitution shall cease to apply to the State in question from the date of entry into force of the withdrawal agreement *or of the decision of the European Council referred to in paragraph 4.* ~~or, failing that, two years after the notification referred to in paragraph 2, unless the European Council, in agreement with the Member State concerned, decides to extend this period.~~

4.6. If a State which has withdrawn *or been expelled* from the Union asks to re-join, that request shall be *fully* subject to the procedure referred to in Article I-57.

Explanation:

- *We continue to question the need for this exit clause – which at present is not part of the *acquis communautaire* – and **would prefer its deletion from the draft Constitution**. Such an explicit exit clause could allow Member States to blackmail the Union, paralyse its decision-making processes and even endanger the stability of the Union. It would also give a wrong political signal with regard to the required mutual solidarity in the Union.*
- *However, if an exit clause was to be included in the Constitution, it would have to be subject to **strict procedural and substantive conditions** in order to avoid an abuse of the clause. In particular, a right of Member States to “pick and choose” rights and duties stemming from Union Membership (single market yes, rest no) must be explicitly excluded.*
- *Furthermore, to create a political balance, a right of withdrawal would have to be complemented by a **right of the Union to expel a Member State**. At the moment, Article I-58 only provides for the suspension of certain membership rights, but does not allow for expulsion. However, a Union which every Member is free to leave must also be free to get rid of Members which violate persistently its values or which paralyse its functioning. Such a parallel right of the Union to expel Members would also reduce the risk of political blackmailing through the means of exit threats.*