

## AMENDMENT FORM

### Suggestion for amendment of Article 46: (Title X : Union membership, part I of the Constitution)

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#### 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 **and international law**.
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 **unanimously** ~~by a qualified majority~~, after obtaining the assent of the European Parliament.

The withdrawing State shall not participate in the Council's discussions or decisions concerning it.

- ~~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 2.~~

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#### Explanation:

We wonder, whether the proposed article is necessary, as paragraph 1 only spells out what already follows from the basic principles of international law.

If, however, the Convention should choose to retain the provision, the safeguarding of the rights of natural and legal persons should always be a precondition for withdrawal from the Union. For this reason, withdrawal should always be based on an agreement containing the modalities related to the withdrawal and to the withdrawing state's relations with the Union. We therefore propose to delete the proposed provision in paragraph 3 whereby the application of the constitution would in any case be terminated two years after the notification envisaged in paragraph 1.

Moreover, the decision-making procedure for concluding an agreement between the Union and the withdrawing state should require unanimity in the Council.