

## AMENDMENT FORM

### Suggestion for amendment of Article 46

By : TIMOTHY KIRKHOPE MEP and THE EARL OF STOCKTON MEP

Status : Mr Kirkhope , Member  
Lord Stockton, Alternate

PRAESIDIUM	TIMOTHY KIRKHOPE MEP
<p><b><u>Article 46: Voluntary withdrawal from the Union</u></b></p> <p>1. Any Member State may decide to withdraw from the European Union in accordance with its own constitutional requirements.</p> <p>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 a qualified majority, after obtaining the assent of the European Parliament.</p> <p>The withdrawing State shall not participate in the Council's discussions or decisions concerning it.</p> <p>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.</p>	<p><b><u>Article 46: Voluntary withdrawal from the Community</u></b></p> <p>1. Any Member State may decide to withdraw from the European <i>Community</i> in accordance with its own constitutional requirements.</p> <p>2. A Member State which decides to withdraw shall notify the Council of its intention. Once that notification has been given, the <i>Community</i> 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 <i>Community</i>. <u><i>The departing Member State and the Community shall aim to maintain their existing trade links.</i></u> That agreement shall be concluded on behalf of the <i>Community</i> by the Council, acting by a qualified majority, after obtaining the assent of the European Parliament.</p> <p>The withdrawing State shall not participate in the Council's discussions or decisions concerning <u><i>the withdrawal agreement or legislation coming into force 2 years after the notification referred to in paragraph 2.</i></u></p> <p>3. This <i>simplifying Treaty</i> 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.</p> <p><b>Explanatory note: Departing Member States should be encouraged to maintain their trading links with the Community through membership</b></p>

	<b>of appropriate international bodies, such as the European Free Trade Area or the European Economic Area.</b>
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## AMENDMENT FORM

### Suggestion for amendment of Article : I-59

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

Status :    - Member                - ~~Alternate~~

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#### Artikel I-59: Freiwilliger Austritt aus der Union

(1) Jeder Mitgliedstaat kann gemäß seinen internen Verfassungsvorschriften beschließen, aus der Europäischen Union auszutreten.

(2) Ein Mitgliedstaat, der auszutreten beschließt, teilt dem Europäischen Rat seine Absicht mit; dieser befasst sich mit der Mitteilung. Im Lichte der Leitlinien des Europäischen Rates handelt die Union mit diesem Staat ein Abkommen über die Modalitäten des Austritts aus und schließt es, wobei der Rahmen für die künftigen Beziehungen dieses Staates zur Union berücksichtigt wird. Das Abkommen wird nach Zustimmung des Europäischen Parlaments vom Rat mit qualifizierter Mehrheit im Namen der Union geschlossen.

Der Vertreter des austretenden Mitgliedstaates nimmt weder an den diesen Mitgliedstaat betreffenden Beratungen noch an der diesbezüglichen Beschlussfassung des Europäischen Rates oder des Rates teil.

(3) Diese Verfassung findet auf den betroffenen Staat ab dem Tag des Inkrafttretens des Austrittsabkommens ~~oder andernfalls zwei Jahre nach der in Absatz 2 genannten Mitteilung~~ keine Anwendung mehr, ~~es sei denn, dass der Europäische Rat im Einvernehmen mit dem betroffenen Mitgliedstaat beschließt, diese Frist zu verlängern.~~

(4) Ein Staat, der aus der Union ausgetreten ist und erneut Mitglied werden möchte, muss dies gemäß dem Verfahren des Artikels I-57 beantragen.

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**Explanation (if any) :**

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article I-59

Déposée par Monsieur de Villepin

Qualité : - Membre

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#### Article I-59: Le retrait volontaire de l'Union

1. Tout État membre peut, **en cas de refus de ratification d'une révision du traité**, conformément à ses règles constitutionnelles, décider de se retirer de l'Union européenne.
2. L'État membre qui décide de se retirer notifie son intention au Conseil européen, qui se saisit de cette notification. A la lumière des orientations du Conseil européen, l'Union négocie et conclut avec cet État un accord régissant les modalités de son retrait, en tenant compte du cadre de ses relations futures avec l'Union. Cet accord est conclu au nom de l'Union par le Conseil, statuant à la majorité qualifiée, après approbation du Parlement européen.

Le représentant de l'État membre qui se retire ne participe ni aux délibérations ni aux décisions du Conseil européen ou du Conseil le concernant.

3. La présente Constitution cesse d'être applicable à l'État concerné à partir de la date d'entrée en vigueur de l'accord de retrait ~~ou, à défaut, deux ans après la notification visée au paragraphe 2, sauf si le Conseil européen, en accord avec l'Etat membre concerné, décide de proroger ce délai.~~
  4. Si l'Etat qui s'est retiré de l'Union demande d'adhérer à nouveau, cette demande est soumise à la procédure visée à l'article I-57.
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#### **Explication éventuelle :**

Les autorités françaises se félicitent de voir que le Præsidium a repris leur amendement concernant l'intervention du Conseil européen dans la procédure de retrait de l'Union. Elles souhaitent cependant insister sur la nécessité d'entourer le retrait d'un Etat membre des garanties exigées par la gravité d'un tel acte. C'est pourquoi elles maintiennent leurs amendements concernant le lien entre retrait et refus de ratification d'une révision du traité, ainsi que l'obligation de conclure un accord de retrait.

## AMENDMENT FORM

### Suggestion for amendment of Article I-59:

By BROK, SZAJER, AKCAM, VAN DER LINDEN, LAMASSOURE, BREJC, DEMETRIOU, FIGEL, LIEPINA, SANTER, KELAM, KROUPA, TAJANI, ALMEIDA GARRETT, ALTMAIER, KAUPPI, LENNMARKER, MAIJ-WEGGEN, RACK, VILEN

on behalf of the EPP Convention Group

Status :

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### 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.

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## 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.*

## AMENDMENT FORM

### **Title VIII: The Union and its immediate environment**

#### **Suggestion for amendment of Article : I-59 bis (New): Associate Membership**

**By Members: Mr Andrew Duff, Mr Lamberto Dini, Mr Paul Helminger, Mr Rein Lang, Lord MacLennan**

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#### **Article 59 bis (New) Associate membership**

*1. Any Member State may notify the Commission of its intention to become an associate member of the Union. The Union shall negotiate with that state and the Council shall conclude an agreement, acting by a qualified majority, after obtaining the assent of the European Parliament.*

*2. Associate members shall cooperate closely with the Union. They shall respect its values, principles and objectives.*

*3. Associate membership agreements will set out the modalities of the close cooperation, the scope of coordination and the reciprocal rights and obligations.*

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#### **Explanation:**

*The Constitution makes a greater imposition on Member States, and some might not be able or willing to make the leap. That being so it makes sense to permit a Member State to choose a looser partnership in preference to full membership.*

*Such a category of privileged partnership would allow for the nexus of (mostly economic) relationships that had built up with the Union during the period of membership to be conserved in a functional form.*

*The category would also be more useful for the current members of the European Economic Area.*



*See Mr Duff's contribution CONV 764/03 on this subject.*

## AMENDMENT FORM

Suggestion for amendment of Article :Article I-59°

By Mr : Ernâni Lopes and Manuel Lobo Antunes

Status : Member and Alternate

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### **Article I-59: 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 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. This Constitution shall cease to apply to the State in question from the date of entry into force of the withdrawal agreement 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. If a State which has withdrawn from the Union asks to re-join, that request shall be subject to the procedure referred to in Article I-57.~~
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**Explanation: we propose this article to be deleted. In our view, the nature of the Union is not compatible with such an exit clause. This is why it has not been inserted on the current treaties. Besides, being the Union the result of the will of sovereign States, no one questions their right to withdraw from the Union. The 1969 Vienna Convention on the “Law of Treaties” provides already for this situation. And the Constitution is, for all legal effects, an international treaty.**

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**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 : 59

#### Suggestion for Part I

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

Status :            Members            Alternate

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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 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. ~~This Constitution shall cease to apply to the State in question from the date of entry into force of the withdrawal agreement 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. ~~If a State which has withdrawn from the Union asks to re-join, that request shall be subject to the procedure referred to in Article I-57.~~
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**Explanation (if any):**    The Dutch Government has previously indicated not to be in favour of this provision.

## AMENDMENT FORM

**Suggestion for amendment of Article I-59 :**

**By Mr FARNLEITNER :**

**Status : - Member**

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### **Article I-59: 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 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. ~~This Constitution shall cease to apply to the State in question from the date of entry into force of the withdrawal agreement 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. ~~If a State which has withdrawn from the Union asks to re-join, that request shall be subject to the procedure referred to in Article I-57.~~
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### **Explanation :**

I propose to delete this article. The provisions of the Vienna Convention on the Law of Treaties provide a sufficient basis for termination of membership.

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article : 46

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

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### Article 46 : Le retrait de l'Union

1. Tout État membre peut, ~~dans le respect de ses règles constitutionnelles internes, décider de se retirer de l'Union européenne.~~ **demande son retrait** de l'Union européenne **lorsqu'une révision de la Constitution est entrée en vigueur alors qu'il n'a pas approuvé cette révision conformément à ses règles constitutionnelles internes.**

2. L'État membre qui ~~décide de se retirer,~~ **conformément au paragraphe 1<sup>er</sup>,** souhaite se **retirer de l'Union** notifie son intention au Conseil. Dès cette notification, l'Union ~~négoie et conclut avec cet État~~ **engage des négociations avec l'Etat membre concerné en vue de la conclusion d'un accord régissant les conditions** et les modalités de son retrait, en tenant compte du cadre de ses relations futures avec l'Union. Cet accord est conclu au nom de l'Union par le Conseil, statuant à la majorité qualifiée, après avis conforme du Parlement européen.

L'État qui ~~se retire~~ **demande son retrait** ne participe ni aux délibérations ni aux décisions du Conseil le concernant.

**La décision de se retirer de l'Union doit, sur base de l'accord de retrait, être confirmée par l'Etat concerné selon la même procédure que celle qui est requise selon ses règles constitutionnelles pour une adhésion à l'Union.**

3. La présente Constitution cesse d'être applicable à l'État concerné à partir de la date d'entrée en vigueur de l'accord de retrait ~~ou, à défaut, deux ans après la notification visée au paragraphe 2.~~

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**Explication éventuelle :**

*L'Union européenne n'est pas une organisation internationale traditionnelle. Elle crée un ordre juridique spécifique. Elle édicte des règles directement applicables qui bénéficient aux citoyens et aux entreprises. On ne peut dès lors envisager que les Etats membres puissent se retirer de l'Union comme ils pourraient le faire d'autres organisations internationales classiques.*

*Une exception doit toutefois être prévue. L'Union européenne est un projet dynamique qui évolue. On devrait dès lors admettre qu'un Etat membre qui a adhéré au projet européen à un stade de son évolution ne puisse souscrire à une évolution ultérieure.*

*L'Etat concerné devrait le cas échéant disposer de la possibilité de demander son retrait. Ce retrait ne peut toutefois, même dans cette hypothèse, intervenir de manière unilatérale. Les droits de citoyens et des entreprises des autres Etats membres risquent en effet d'être gravement affectés par le retrait. La formule suggérant qu'un retrait pourrait, à défaut d'accord après deux ans, intervenir unilatéralement n'est dès lors pas envisageable. Un accord négocié fixant les conditions et les modalités du départ est au contraire nécessaire pour protéger ces intérêts légitimes.*

*En outre, étant donné le caractère grave d'un retrait de l'Union, notamment pour les droits de citoyen de l'Etat concerné, la décision de se retirer de l'Union devrait être prise par cet Etat sur base de l'accord de retrait- c'est à dire en connaissance de cause- selon la même procédure que celle qui serait requise pour l'adhésion à l'Union.*

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article 46 : Le retrait volontaire de l'Union

Déposée par Monsieur : Dominique de Villepin

Qualité : - Membre

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#### Article 46 : Le retrait volontaire de l'Union

1. Tout État membre peut, en cas de refus de ratification d'une révision du traité, dans le respect de ses règles constitutionnelles internes, ~~décider de demander à~~ se retirer de l'Union européenne.
2. L'État membre qui ~~décide de souhaite~~ se retirer notifie ~~son intention sa demande~~ au Conseil. Le Conseil européen examine cette demande à l'unanimité et propose à l'Etat concerné la négociation d' ~~Dès cette notification, l'Union négocie et conclut avec cet État~~ un accord régissant les modalités de son retrait, en tenant compte du cadre de ses relations futures avec l'Union. Cet accord est conclu au nom de l'Union par le Conseil, statuant à la majorité qualifiée, après avis conforme du Parlement européen.  
  
L'État qui se retire ne participe ni aux délibérations ni aux décisions du Conseil le concernant.
3. La présente Constitution cesse d'être applicable à l'État concerné à partir de la date d'entrée en vigueur de l'accord de retrait ~~ou, à défaut, deux ans après la notification visée au~~ paragraphe 2.

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Explication éventuelle :

## AMENDMENT FORM

### Suggestion for amendment of Article :46

By Ms / Mr : Ernâni Lopes and Manuel Lobo Antunes

Status : - Member and Alternate

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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.~~
- ~~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 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 propose this article to be deleted. In our view, the nature of the Union is not compatible with such an exit clause. This is why it has not been inserted on the current treaties. Besides, being the Union the result of the will of sovereign States, no one questions their right to withdraw from the Union. The 1969 Vienna Convention on the “Law of Treaties” provides already for this situation. And the Constitution is, for all legal effects, an international treaty.



## AMENDMENT FORM

### Suggestion for amendment of Article 46: Voluntary withdrawal from the Union

By Mr Roche

Status : - Member

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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.
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 a qualified majority~~ **unanimously**, 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.

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#### Explanation (if any) :

Unanimity is required to conclude Association Agreements under Article 310 TEC. It is, therefore, the appropriate procedure here. It is understood that failure to reach an agreement would not affect the rights of the Member State wishing to withdraw.

## AMENDMENT FORM

**Suggestion for amendment of Article : 46**

**By Mr : Joschka Fischer**

**Status : - Member**

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### **~~Artikel 46: Freiwilliger Austritt aus der Union~~**

~~(1) ——— Jeder Mitgliedstaat kann unter Einhaltung seiner internen Verfassungsvorschriften beschließen, aus der Europäischen Union auszutreten.~~

~~(2) ——— Ein Mitgliedstaat, der auszutreten beschließt, teilt dem Rat seine Absicht mit. Unmittelbar nach dieser Mitteilung handelt die Union mit diesem Staat ein Abkommen über die Modalitäten des Austritts aus und schließt es, wobei der Rahmen für die künftigen Beziehungen dieses Staates zur Union berücksichtigt wird. Das Abkommen wird nach Zustimmung des Europäischen Parlaments vom Rat mit qualifizierter Mehrheit im Namen der Union geschlossen.~~

~~Der austretende Staat nimmt weder an den ihn betreffenden Beratungen noch an der diesbezüglichen Beschlussfassung des Rates teil.~~

~~(3) ——— Diese Verfassung wird für den betreffenden Staat am Tag des Inkrafttretens des Austrittsabkommens oder andernfalls zwei Jahre nach der in Absatz 2 genannten Mitteilung unwirksam.~~

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### **Explanation:**

**Der Artikel sollte gestrichen werden. Wie bisher bedarf es keiner Bestimmung zum Austritt aus der Union.**

AMENDMENT FORM

**Suggestion for amendment of Article : 46**

**Suggestion for Part III**

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

**Status :            Members            Alternate**

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~~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 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 (if any) :** The Dutch government is of the opinion that facilitating the possibility to withdraw from the Union is contrary to the idea of European integration as set out in the preamble of the TEU: “Resolved to continue the process of creating an ever closer union among the peoples of Europe”.

Suggestion for amendment of Article 46

By Mr. Sören Lekberg and Mr. Göran Lennmarker

Status : Members

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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.

2. A Member State which decides to withdraw shall notify the Council of its intention. Once that notification has been given, [~~the Union~~ ~~the other Member states~~<sup>1</sup>](#) 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 assent of the European Parliament. The withdrawing State shall not participate in [~~the any Council's Union~~](#) discussions or decisions concerning it. [Full account shall be taken to the possible consequences of such a withdrawal on the rights and obligations of natural and legal persons.](#)<sup>2</sup>

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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<sup>1</sup> [The membership or non-membership of the Union is not conferred competence, and thus an issue for an IGC and not for the Council as a Union body.](#)

<sup>2</sup> [Text copied from present Article 7 EU on suspension.](#)

## AMENDMENT FORM

Suggestion for amendment of Article : 46

Suggestion for protocol :

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

Status :    - Member            ~~–Alternate~~

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### Artikel 46: ~~Freiwilliger~~ Austritt aus der Union

~~(1) Jeder Mitgliedstaat kann unter Einhaltung seiner internen Verfassungsvorschriften beschließen, aus der Europäischen Union auszutreten.~~

(2) Ein Mitgliedstaat, der ~~auszutreten beschließt~~ *aus der Union austreten möchte*, teilt dem *Europäischen* Rat seine Absicht mit. *Das Europäische Parlament und die nationalen Parlamente werden von dieser Absicht unterrichtet.* Unmittelbar nach dieser Mitteilung handelt die Union mit diesem Staat ein Abkommen über die Modalitäten des Austritts aus ~~und schließt es~~, wobei *auch* der Rahmen für die künftigen Beziehungen dieses Staates zur Union ~~berücksichtigt wird~~ *festgelegt werden kann*. Das Abkommen wird nach Zustimmung des Europäischen Parlaments vom Rat mit qualifizierter Mehrheit ~~im Namen der Union~~ geschlossen.

~~Der austretende Staat nimmt weder an den ihn betreffenden Beratungen noch an der diesbezüglichen Beschlussfassung des Rates teil. Nach der Erklärung seiner Austrittsabsicht nimmt der austrittswillige Staat weder an den Beratungen noch an den Beschlussfassungen des Rates teil, es sei denn, er widerruft seine Austrittsabsicht. Der Widerruf der Austrittsabsicht kann jederzeit durch Erklärung gegenüber dem Präsidenten des Europäischen Rates erfolgen.~~

*Die sich aus der Verfassung ergebenden Verpflichtungen des betroffenen Mitgliedstaats sind für diesen auf jeden Fall bis zu seinem Austritt verbindlich.*

(3) Diese Verfassung wird für den betreffenden Staat am Tag des Inkrafttretens des Austrittsabkommens ~~oder andernfalls zwei Jahre nach der in Absatz 2 genannten Mitteilung~~ unwirksam.

## FICHE AMENDEMENT

### Proposition d'amendement à l'article 46

Déposée par Anne Van Lancker

Qualité: - Membre

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**Supprimer l'article 46.**

**Une clause de retrait liée à la non – ratification des amendements apportés à la Constitution pourrait par contre être insérée dans les dispositions finales( voir proposition article Fbis)**

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#### **Explication éventuelle:**

*L'Union européenne n'est pas une organisation internationale traditionnelle. Elle crée un ordre juridique spécifique. Elle édicte des règles directement applicables qui bénéficient aux citoyens et aux entreprises. On ne peut dès lors envisager que les Etats membres puissent se retirer unilatéralement de l'Union comme ils pourraient le faire d'autres organisations internationales classiques. Un retrait de l'Union engendrerait en effet des conséquences non seulement pour les relations entre Etats membres mais aussi pour les citoyens et les entreprises.*

*La possibilité de se retirer unilatéralement risquerait en outre de peser de manière permanente – sous forme de menace- sur les négociations. La stabilité de l'Union risquerait d'être aussi affectée par des changements de majorités au sein des Etats membres.*

*L'Union européenne est enfin avant tout un projet politique. Les Etats membres choisissent librement d'adhérer à ce projet. On ne saurait toutefois admettre que ayant adhéré au projet commun – qui sera consacré par une Constitution commune- , un Etat membre puisse unilatéralement se retirer de ce dernier.*

*Une exception doit toutefois être prévue. L'Union européenne est aussi un projet dynamique qui évolue. On devrait dès lors admettre qu'un Etat membre qui a adhéré au projet européen à un stade de son évolution ne puisse souscrire à une évolution qui serait décidée par les autres Etats membres. Dans cette hypothèse, une possibilité de demander son retrait devrait être assurée (voir proposition d'article F bis).*



## AMENDMENT FORM

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

By: Mr Kimmo Kiljunen and Mr Matti Vanhanen

Status : - Members

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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:

The Member States' right to withdraw follows from the basic principles of international law which should therefore be referred to in the Article.

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



## AMENDMENT FORM

### Suggestion for amendment of Article :46 (part 3)

### Suggestion for protocol :

By Mr David Heathcoat-Amory, Mr Bonde

Status :X      - Member                      - Alternate

N.B. '( )' denote text deleted ' \_\_\_\_\_ 'denotes text added

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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 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)* **these negotiations. It may continue to benefit from its rights and privileges under this Treaty in all other matters**
  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)* **one year** after the notification referred to in paragraph 2.
- 

### Explanation (if any) :

The additional text in (2) clarifies an ambiguity in the language. The original text could have been interpreted to read that the withdrawing state no longer has *any* input into the Council, including discussing unrelated issues. The intent must be to ensure that the state in question is not involved in the private talks between the remaining states, over their own terms of negotiation.

The modification from the two year period of notification to one brings the text into line with other international treaties. Two years is too long: a shorter time limit concentrates the mind, and discourages attempts to stall for time.

## AMENDMENT FORM

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

By: Teija Tiilikainen, Antti Peltomäki, Riitta Korhonen

Status :      Tiilikainen - Member  
                 Peltomäki, Korhonen - Alternates

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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.

## FICHE AMENDEMENT

**Proposition d'amendement à l'Article : Artigo 46, n.º 3**

**Déposée par Monsieur Luís Queiró**

**Qualité : Suppléant**

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3. O presente **Tratado** deixa de ser aplicável ao Estado em causa a partir da data de entrada em vigor do acordo de saída, (4 palavras suprimidas) **na data prevista pelo Estado-Membro em causa ou, nos restantes casos** dois anos após a notificação referida no n.º 2.

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**Explication éventuelle :**

## FICHE AMENDEMENT

**Proposition d'amendement à l'Article : Artigo 46, n.º 2**

**Déposée par Monsieur Luís Queiró**

**Qualité : Suppléant**

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2. Qualquer Estado-Membro que decida sair da União notificará a sua intenção ao Conselho. Logo após essa notificação, a União negociará e celebrará com esse Estado um acordo para reger as modalidades da sua saída da União, tendo em conta o quadro das suas futuras relações com esta. Esse acordo será celebrado em nome da União pelo Conselho, deliberando por maioria qualificada, após **consulta** (2 palavras suprimidas) do Parlamento Europeu.

O Estado que (1 palavra suprimida) **tenha notificado a intenção de** sair da União não participa (1 palavra suprimida) nas deliberações (3 palavras suprimidas) do Conselho (4 palavras suprimidas) **relativas ao acordo previsto no parágrafo anterior.**

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### **Explication éventuelle :**

*Julga-se que não é adequado o paralelismo com o processo de adesão, no que toca à participação do PE. Se a secessão do Estado não for politicamente desejada, o Parlamento Europeu poderia ser tentado a colocar o Estado em causa numa posição de tudo-ou-nada quanto à integração europeia que dificultaria este exercício essencial de soberania.*

## AMENDMENT FORM

**Suggestion for amendment of Article: 46**

**Suggestion for Title X**

**By Ms: Prof. Danuta Hübner**

**Status: Member**

<i>Text of the Praesidium</i>	<i>Proposed Amendments</i>
<b>Article 46: Voluntary withdrawal from the Union</b>  <ol style="list-style-type: none"><li>Any Member State may decide to withdraw from the European Union in accordance with its own constitutional requirements.</li><li>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 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.</li></ol> <p>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.</p>	<b>Article 46: Voluntary withdrawal from the Union</b>  <ol style="list-style-type: none"><li>Any Member State may decide to withdraw from the European Union in accordance with its own constitutional requirements.</li><li>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 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.</li></ol> <p>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.</p>

**Explanation:**

Since the right of secession from the Union has a wide range of direct consequences to the internal market and the Member States it shall be described in details. The article in the Constitutional Treaty should contain an exhausted list of the conditions upon which certain country could withdraw from the Union. Therefore, it seems that this article needs further examination.

**AMENDMENT FORM**

**Suggestion for amendment of Article : 46**

**~~Suggestion for Part III~~**

**By ~~Ms~~/ Mr : Hain**

**Status :    - Member            - ~~Alternate~~**

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1.    *Okay.*
  2.    *Okay.*
  3.    *Okay.*
- 

**Explanation (if any) :**

*On para 2, there is an issue as to whether it should be the Council or the Member States who negotiate the agreement.*

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article : 46

Déposée par Madame ou Monsieur : Gianfranco FINI

Qualité : - Membre

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1. Ogni Stato membro può, nel rispetto delle proprie norme costituzionali interne, decidere di ritirarsi dall'Unione europea.
2. Lo Stato membro che decide di ritirarsi notifica tale intenzione al Consiglio. Non appena effettuata questa notifica, l'Unione negozia e conclude con tale Stato un accordo volto a definire le modalità del suo ritiro, tenendo conto del quadro delle sue future relazioni con l'Unione. L'accordo è concluso a nome dell'Unione dal Consiglio, che delibera a maggioranza qualificata, previo parere conforme del Parlamento europeo. Lo Stato che **ha notificato l'intenzione di ritirarsi** ~~si ritira~~ non partecipa ~~né alle deliberazioni né alle decisioni~~ del Consiglio **di cui al presente paragrafo** ~~che lo riguardano~~.
3. La presente Costituzione cessa di essere applicabile allo Stato interessato a decorrere dalla data di entrata in vigore dell'accordo di ritiro o, in mancanza di tale accordo, due anni dopo la notifica di cui al paragrafo 2.

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Explication éventuelle :



## AMENDMENT FORM

Suggestion for amendment of: Subject : Title X : Union membership

### Article 46: Voluntary withdrawal from the Union

By: BROK; SANTER; STYLIANIDIS; SZAJER; VAN DER LINDEN; ALONSO; BASILE; CISNEROS; CUSHNAHAN; DEMETRIOU; DOLORES; FRENDON; GIANNAKOU; KORHONEN; KROUPA; MAIJ-WEGGEN; MLADENOV; PIKS; RACK; VAN DIJK; ZIELENIEC ; ZILE

Status: Members and Alternates

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*Text of the Praesidium*

*Proposed Amendments*

### Article 46: Voluntary withdrawal from the Union

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 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.

### Article 46: Voluntary withdrawal from the Union

~~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 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.~~

- ~~4. 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:***

The effect of a right to withdraw on the nature of the Union and of the mutual obligations of solidarity should be considered. The compatibility of such a procedure with other provisions of this Constitution should be analysed, in particular with the provisions enshrining the “irreversibility” and “irrevocability” of the third stage of Economic and Monetary Union (cf. the Protocol on the transition to the third stage of economic and monetary union).

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## 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

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### 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 <sup>1</sup>, 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

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<sup>1</sup> 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 : 46**

**Déposée par Madame ou Monsieur :**

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

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Note

Nous sommes d'accord avec l'ajout des dispositions relatives aux conséquences juridiques du retrait dans le cas où il n'y aurait pas d'accord entre l'Union et l'État qui se retire, notamment en ce qui concerne le soutien financier prévu et destiné aux États mais pas encore octroyé.

## AMENDMENT FORM

Suggestion for amendment of: Subject : Title X : Union membership

### Article 46: Voluntary withdrawal from the Union

By: AVGERINOS Paraskevas, GIANNAKOU Marietta, members and  
STYLIANIDIS Evripidis, alternate member

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*Text of the Praesidium*

*Proposed Amendments*

### Article 46: Voluntary withdrawal from the Union

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 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.

### Article 46: Voluntary withdrawal from the Union

~~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 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.~~

- ~~4. 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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## AMENDMENT FORM

### Title X: Union membership

#### Suggestion for Article : 46 bis [NEW]

**By Members:** Mr Andrew Duff, Mr Lamberto Dini, Mr Paul Helminger, Mr Dimitrij Rupel, Mr Peeter Kreitzberg, Mr Algirdas Gričius, 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 Ibrahim Ozal and Mr Gintautas Sivickas.

**Status :** Members and alternate members.

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#### *Article 46 bis: Associate membership*

- 1. Any European state not being a Member State of the Union or ceasing to be a Member State may notify the Council of its intention to become an associate member of the Union. The Union shall negotiate with that state and the Council shall conclude an agreement, acting by a qualified majority, after obtaining the assent of the European Parliament.*
  - 2. Associate members shall cooperate closely with the Union. They shall respect its values, principles and objectives.*
  - 3. Associate membership agreements will set out the modalities of the close cooperation, the scope of coordination and the reciprocal rights and obligations.*
- 

#### **Explanation:**

*The Constitution makes a greater imposition on Member States, not least with regard to the more flexible ratification process (Article G). That being so it makes sense to permit a Member State to choose a looser partnership in preference to full membership.*

*Such a category of privileged partnership would allow for the nexus of (mostly economic) relationships that had built up with the Union during the period of membership to be conserved in a functional form.*

*The creation of a separate class of associate membership might negate the need for the closer cooperation clauses of the existing Treaties to be maintained. A state is either a*

*full member of the Union accepting the new constitutional order in its entirety or an outsider, privileged or otherwise.*

*The category would also be more useful for the current members of the European Economic Area.*



## AMENDMENT FORM

**Suggestion for amendment of Article: 46 Voluntary withdrawal from the Union**

**By: The Earl of Stockton MEP**

**Status : - Alternate**

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Article: 46: Voluntary withdrawal from the Union

(NEW) Withdrawal from the European Union does not preclude agreements between the withdrawal state and other member states on specific areas of policy.

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**Explanation (if any) :**

## AMENDMENT FORM

### Suggestion for amendment of Article 46: Voluntary withdrawal from the Union

By Mr. Juraj Migaš (Slovakia)

Status : Alternate

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1. Any Member State may decide to withdraw from the European Union in accordance with its own constitutional requirements, including national referendum.
2. With a view to Article 1, Part I of the Constitutional Treaty, procedure governing the withdrawal of a Member State from the Union that wishes so, shall be determined by the Council, acting by a qualified majority, after obtaining the assent of the European Parliament. 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 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 (if any) :

## FICHE AMENDEMENT

Proposition d'amendement à l'Article : Art46Demiralp.doc.

Déposée par ~~Madame ou~~ Monsieur Oğuz DEMIRALP

Qualité : ~~–Membre~~ - Suppléant

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### Article 46 : Le retrait volontaire de l'Union.

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

2. L'État membre qui décide de se retirer notifie son intention au Conseil. Dès cette notification, l'Union négocie et conclut avec cet État un accord régissant les modalités de son retrait, en tenant compte du cadre de ses relations futures avec l'Union. Cet accord est conclu au nom de l'Union par le Conseil, statuant à ~~la majorité qualifiée~~ l'unanimité, après avis conforme du Parlement européen.

L'État qui se retire ne participe ni aux délibérations ni aux décisions du Conseil le concernant.

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### Explication éventuelle :

Comme les décisions concernant l'adhésion à l'Union se prennent à l'unanimité, il est tout aussi naturel que les décisions concernant le retrait se prennent également à l'unanimité.

## AMENDMENT FORM

**Vorschlag für die Änderung von:** Art. 46, Teil I, Titel X des Verfassungsentwurfs (CONV 648/03)

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

**Status:** - Mitglied -

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**Ziel:** Streichung von Art. 46 des Verfassungsentwurfes

### **~~Art. 46: Freiwilliger Austritt aus der Union~~**

~~(1) Jeder Mitgliedstaat kann unter Einhaltung seiner internen Verfassungsvorschriften beschließen, aus der Europäischen Union auszutreten.~~

~~(2) Ein Mitgliedstaat, der auszutreten beschließt, teilt dem Rat seiner Absicht mit. Unmittelbar nach dieser Mitteilung handelt die Union mit diesem Staat ein Abkommen über die Modalitäten des Austritts aus und schließt es, wobei der Rahmen für die künftigen Beziehungen dieses Staates zur Union berücksichtigt wird. Das Abkommen wird nach Zustimmung des Europäischen Parlaments vom Rat mit qualifizierter Mehrheit im Namen der Union geschlossen.~~

~~Der austretende Staat nimmt weder an den ihn betreffenden Beratungen noch an der diesbezüglichen Beschlussfassung des Rates teil.~~

~~(3) Diese Verfassung wird für den betreffenden Staat am Tag des Inkrafttretens des Austrittsabkommens oder andernfalls zwei Jahre nach der in Absatz 2 genannten Mitteilung unwirksam.~~

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### **Begründung:**

Die ausdrückliche Normierung einer Austrittsklausel ist mit einer Europäischen Verfassung und dem von allen Mitgliedstaaten geteilten Integrationsziel der „Verwirklichung einer immer engeren Union der Völker Europas“ nicht vereinbar. Es widerspräche außerdem dem Gedanken einer Union, die sich auf die Solidarität der Bürger und der Staaten gründet, wenn sich einzelne Mitgliedstaaten ohne weiteres zum Austritt entscheiden könnten. Faktisch kann ohnehin kein Staat zum Verbleib in der Union gezwungen werden. Eine ausdrückliche Austrittsregelung birgt außerdem die Gefahr der missbräuchlichen Nutzung durch Europagegner in den Mitgliedstaaten.

## AMENDMENT FORM

**Suggestion for amendment of:** Article 46, Part I, Title X of the draft Constitution (CONV 648/03)

**By:** Professor Jürgen Meyer, delegate of the German Bundestag

**Status :** - Member -

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**Aim:** To remove Article 46 of the draft Constitution.

### **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 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 :**

The explicit inclusion of a withdrawal clause is incompatible with a European Constitution and with the integration objective shared by all Member States of “creating an ever closer union among the peoples of Europe”. It would, moreover, contradict the idea of a Union which is based on the solidarity of citizens and States if individual Member States could decide to withdraw easily. According to existing law, no State can be forced to remain in the Union in any case. An explicit withdrawal provision, moreover, involves the danger of abuse by opponents of Europe in the Member States.

## FICHE D'AMENDEMENT

**Proposition d'amendement à l'article:** 46, 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 -

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**Objectif:** Suppression de l'article 46

### **Article 46: Le retrait volontaire de l'Union**

~~1. — Tout État membre peut, dans le respect de ses règles constitutionnelles internes, décider de se retirer de l'Union européenne.~~

~~2. — L'État membre qui décide de se retirer notifie son intention au Conseil. Dès cette notification, l'Union négocie et conclut avec cet État un accord régissant les modalités de son retrait, en tenant compte du cadre de ses relations futures avec l'Union. Cet accord est conclu au nom de l'Union par le Conseil, statuant à la majorité qualifiée, après avis conforme du Parlement européen.~~

~~L'État qui se retire ne participe ni aux délibérations ni aux décisions du Conseil le concernant.~~

~~3. — La présente Constitution cesse d'être applicable à l'État concerné à partir de la date d'entrée en vigueur de l'accord de retrait ou, à défaut, deux ans après la notification visée au paragraphe 2.~~

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### **Explication:**

La normalisation expresse d'une clause de retrait volontaire n'est pas compatible avec une Constitution européenne et avec l'objectif d'intégration partagé par tous les États membres, qui est "d'établir une Union sans cesse plus étroite entre les peuples d'Europe". Il serait en outre contraire à l'idée d'une Union fondée sur la solidarité des citoyens et des États que chaque État membre puisse ainsi facilement décider de se retirer. Dans les faits, aucun État ne peut de toute façon être contraint à rester dans l'Union. Une clause expresse de retrait ouvre par ailleurs la voie à des abus de la part des anti-européens dans les États membres.

## AMENDMENT FORM

**Suggestion for amendment of Article :**

**Suggestion for protocol :**

**By Ms / Mr :**                **M. Caspar Einem**

**Status :**    - Member

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### **Artikel 46: Freiwilliger Austritt aus der Union**

(1)            Jeder Mitgliedstaat kann unter Einhaltung seiner internen Verfassungsvorschriften beschließen, aus der Europäischen Union auszutreten.

(2)            Ein Mitgliedstaat, der auszutreten beschließt, teilt dem Rat seine Absicht mit. Unmittelbar nach dieser Mitteilung handelt die Union mit diesem Staat ein Abkommen über die Modalitäten des Austritts aus und schließt es, wobei der Rahmen für die künftigen Beziehungen dieses Staates zur Union berücksichtigt wird. Das Abkommen wird nach Zustimmung des Europäischen Parlaments ~~von~~ **und des Rates, der** mit qualifizierter Mehrheit **entscheidet**, im Namen der Union geschlossen.

Der austretende Staat nimmt weder an den ihn betreffenden Beratungen noch an der diesbezüglichen Beschlussfassung des Rates teil.

(3)            Diese Verfassung wird für den betreffenden Staat am Tag des Inkrafttretens des Austrittsabkommens oder andernfalls zwei Jahre nach der in Absatz 2 genannten Mitteilung unwirksam.

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**Explanation (if any) :** Die Union soll künftig durch Unionsorgane nach außen vertreten werden und daher soll sich der Rat darauf beschränken, ein Mandat zu formulieren und zu beschließen, verhandeln soll jedoch die Kommission oder der künftige Außenminister der Union.

## **FICHE AMENDEMENT**

### **Proposition d'amendement à l'Article 46**

**Déposée par Monsieur Haenel**

**Qualité : titulaire**

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#### **Article 46 : Le retrait volontaire de l'Union**

1. Tout Etat membre peut, dans le respect de ses règles constitutionnelles internes, décider de se retirer de l'Union européenne.

2. L'Etat membre qui décide de se retirer notifie son intention au Conseil. Dès cette notification, l'Union négocie et conclut avec cet Etat un accord régissant les modalités de son retrait, en tenant compte du cadre de ses relations futures avec l'Union. Cet accord est conclu au nom de l'Union par le Conseil, statuant à la majorité qualifiée, après avis conforme du Parlement européen.

L'Etat qui se retire ne participe ni aux délibérations ni aux décisions du Conseil le concernant.

3. La présente Constitution cesse d'être applicable à l'Etat concerné à partir de la date d'entrée en vigueur de l'accord de retrait ~~ou, à défaut, deux ans après la notification visée au paragraphe 2.~~

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#### **Explication éventuelle :**

Il n'est pas concevable d'envisager un droit de retrait inconditionnel d'un Etat, sans régler au préalable les modalités d'un retrait. C'est pourtant ce que permettrait un retrait automatique, même en l'absence d'accord entre l'Etat concerné et l'Union, deux ans après la notification.



## **FICHE AMENDEMENT**

### **Proposition d'amendement à l'Article 46**

**Déposée par Monsieur BADINTER**

**Qualité : suppléant**

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#### **Article 46 : Le retrait volontaire de l'Union**

1. Tout Etat membre peut, dans le respect de ses règles constitutionnelles internes, décider de se retirer de l'Union européenne.

2. L'Etat membre qui décide de se retirer notifie son intention au Conseil. Dès cette notification, l'Union négocie et conclut avec cet Etat un accord régissant les modalités de son retrait, en tenant compte du cadre de ses relations futures avec l'Union. Cet accord est conclu au nom de l'Union par le Conseil, statuant à la majorité qualifiée, après avis conforme du Parlement européen. Les dommages causés éventuellement à l'Union par le retrait devront être assumés par l'Etat concerné.

L'Etat qui se retire ne participe ni aux délibérations ni aux décisions du Conseil le concernant.

3. La présente Constitution cesse d'être applicable à l'Etat concerné à partir de la date d'entrée en vigueur de l'accord de retrait ou, A défaut d'accord à l'expiration d'un délai de deux ans après la notification visée au paragraphe 2, la Cour de justice statue sur le différend. Elle connaît également de tous les litiges liés à l'interprétation et à l'exécution des accords de retrait.

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#### **Explication éventuelle :**

L'Etat qui se retire de l'Union ne saurait bénéficier d'une disposition qui le dégage d'une obligation de négocier un accord avec l'Union. A défaut d'accord, c'est donc la Cour de Justice qui statuera sur les points litigieux de l'accord.

## AMENDMENT FORM

### Suggestion for amendment of Article : 46

By Mr Hannes FARNLEITNER

Mr Gerhard TUSEK

Status : - Member

- Alternate Member

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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.~~
- ~~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 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 propose to delete this article. The provisions of the Vienna Convention on the Law of Treaties provide a sufficient basis for termination of membership.

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article : Article 46 (Titre X)

Déposée par MM. Santer et Fayot (Titulaires, Luxembourg) et M. Schmit (Suppléant, Luxembourg)

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#### Article 46 : Le retrait volontaire de l'Union

- ~~1. — Tout État membre peut, dans le respect de ses règles constitutionnelles internes, décider de se retirer de l'Union européenne.~~
  - ~~2. — L'État membre qui décide de se retirer notifie son intention au Conseil. Dès cette notification, l'Union négocie et conclut avec cet État un accord régissant les modalités de son retrait, en tenant compte du cadre de ses relations futures avec l'Union. Cet accord est conclu au nom de l'Union par le Conseil, statuant à la majorité qualifiée, après avis conforme du Parlement européen.~~
- ~~L'État qui se retire ne participe ni aux délibérations ni aux décisions du Conseil le concernant.~~
- ~~3. — La présente Constitution cesse d'être applicable à l'État concerné à partir de la date d'entrée en vigueur de l'accord de retrait ou, à défaut, deux ans après la notification visée au paragraphe 2.~~

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#### Explication éventuelle :

L'inclusion d'une clause de retrait ne reflète pas l'engagement fondamental que prennent les Etats membres à travers leur adhésion à l'Union et aux valeurs qu'elle représente. De plus, une telle clause n'est juridiquement pas nécessaire car rien aujourd'hui empêcherait un Etat membre de décider de se retirer de l'Union.

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article : 46

Déposée par Madame : Cristiana MUSCARDINI

Qualité : Membre

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#### Art. 46

1. Ogni Stato membro può, nel rispetto delle proprie norme costituzionali interne, decidere di ritirarsi **o di sospendersi per la durata di due anni** dall'Unione europea.
2. Lo Stato membro che decide di ritirarsi **o di sospendersi temporaneamente** notifica tale intenzione al Consiglio. Non appena effettuata questa notifica, l'Unione negozia e conclude con tale Stato un accordo volto a definire le modalità del suo ritiro, tenendo conto del quadro delle sue future relazioni con l'Unione. **Nel caso di sospensione l'Unione concorderà con lo Stato autosospeso le modalità della sua riammissione. Il diritto all'autosospensione può essere esercitato una sola volta e per motivazioni gravi stabilite da un criterio generale dal Consiglio.** L'accordo é concluso a nome dell'Unione dal Consiglio, che delibera a maggioranza qualificata, previo parere conforme del Parlamento europeo.

Lo Stato che si ritira **o che si autosospende** non partecipa né alle deliberazioni né alle decisioni del Consiglio che lo riguardano.
3. Il presente **Trattato** cessa di essere applicabile allo stato interessato a decorrere dalla data di entrata in vigore dell'accordo di ritiro o, in mancanza di tale accordo, due anni dopo la notifica di cui al paragrafo 2.

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**Explication éventuelle :**

## AMENDMENT FORM

Suggestion for amendment of Article :Article 46 doc

Suggestion forPart III

By Ms / Mr : Voggenhuber, Wagener, Lichtenberger, Nagy,

Status :    - Member            - Alternate

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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.~~

~~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 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 (if any) :

## AMENDMENT FORM

**Suggestion for amendment of Article : 46**

**Suggestion for TITLE X**

**By Ms / Mr : VASTAGH**

**Status :        - Member                      - Alternate**

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**Insertion of the following words in **Article 46 (2)** :**

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

**Modification of the two-year transition period in **Article 46 (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~~ *one year* after the notification referred to in paragraph 2.

**Adding the following line, **Article 46 (4)** :**

*The withdrawing state may apply for membership after five years from the entry into force of the withdrawal.*

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**Explanation (if any) : In case of Article 46 (4) a waiting period of five years should be imposed before a state can apply for membership again, in order to avoid the use of the withdrawal right for political and short-term purposes.**

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article 46

Déposée par Monsieur : Alain Lamassoure

Qualité : - Membre

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Article 46 : Le retrait volontaire de l'Union

1. **Lorsqu'un Etat membre n'approuve pas une réforme de la présente Constitution ou une modification de la composition de l'Union, il peut demander à se retirer de l'Union européenne.**
2. L'État membre notifie son intention au Conseil. Dès cette notification, l'Union négocie et conclut avec cet État un accord régissant les modalités de son retrait, en tenant compte du cadre de ses relations futures avec l'Union. Cet accord est conclu au nom de l'Union par le Conseil, statuant à la majorité qualifiée, après avis conforme du Parlement européen.  
  
L'État qui se retire ne participe ni aux délibérations ni aux décisions du Conseil le concernant.
3. La présente Constitution cesse d'être applicable à l'État concerné à partir de la date d'entrée en vigueur de l'accord de retrait ou, à défaut, deux ans après la notification visée au paragraphe 2.
4. **Un Etat qui s'est retiré de l'Union ne peut en redevenir membre qu'après un délai de vingt ans, selon la procédure prévue à l'article 44.**

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**Explication:** *Ces amendements ont pour but de durcir les conditions de retrait volontaire, pour insister sur le caractère tout à fait exceptionnel d'une telle éventualité . Le retrait ne doit pouvoir être envisagé qu'à l'occasion d'un changement substantiel dans la composition de l'Union ou dans sa nature. Il doit s'agir d'une demande négociable, et non d'une décision purement unilatérale. Et cette décision grave doit porter effet sur une longue période.*



## FICHE AMENDEMENT

Proposition d'amendement à l'Article : 46

Déposée par Messieurs : Borrell (miembro), Carnero y López Garrido (suplentes)

*2. El Estado miembro que decida retirarse notificará su intención al Consejo. A partir de ese momento, la Unión negociará y celebrará con ese Estado un acuerdo que regulará la forma de su retirada, teniendo en cuenta el marco de sus relaciones futuras con la Unión. La Comisión negociará este acuerdo en nombre de la Unión y el Consejo lo aprobará por mayoría cualificada, previo dictamen conforme del Parlamento Europeo ... .*

*3. La presente Constitución y todo el Derecho de la Unión dejarán de aplicarse en el Estado de que se trate(... .*

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article 46 § 3, Titre X

Déposée par M. Olivier DUHAMEL

Qualité: - Membre

Déposée par Mme Elena PACIOTTI

Qualité: - Suppléante

Vers. ·IT

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### Articolo 46 § 3: Ritiro volontario dall'Unione

3. La presente Costituzione cessa di essere applicabile allo Stato interessato a decorrere dalla data di entrata in vigore dell'accordo di ritiro (***1 parola soppressa***). In mancanza di tale accordo, ***la Costituzione cessa di essere applicabile*** due anni dopo la notifica di cui al paragrafo 2 ***e il Consiglio, su proposta della Commissione e dopo il parere conforme del Parlamento europeo, adotta, se del caso, le misure necessarie.***

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### Motivazione:

*È opportuno prevedere, a garanzia dell'Unione, che si possano regolare le conseguenze giuridiche del ritiro, nel caso un accordo con lo Stato membro non fosse ottenuto.*

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article 46 § 3, Titre X

Déposée par M. Olivier DUHAMEL

Qualité: - Membre

Déposée par Mme Elena PACIOTTI

Qualité: - Suppléante Vers. FR

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#### Article 46 § 3: Le retrait volontaire de l'Union

3. La présente Constitution cesse d'être applicable à l'État concerné à partir de la date d'entrée en vigueur de l'accord de retrait (*un mot supprimé*). À défaut *d'un tel accord, la Constitution cesse d'être applicable* deux ans après la notification visée au paragraphe 2 *et le Conseil, sur proposition de la Commission et après l'avis conforme du Parlement européen, adopte, le cas échéant, les mesures nécessaires.*

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#### Justification:

*Il est opportun de prévoir, à garantie de l'Union, qu'on puisse réglementer les conséquences juridiques du retrait, au cas où un accord avec l'État membre ne serait pas obtenu.*

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article 46 § 1, Titre X

Déposée par M. Olivier DUHAMEL

Qualité: - Membre

Déposée par Mme Elena PACIOTTI

Qualité: - Suppléante

Vers. IT

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### Articolo 46 § 1: Ritiro volontario dall'Unione

1. Ogni Stato membro può (*7 parole soppresse*) decidere di ritirarsi dall'Unione europea.

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#### Motivazione:

*La frase "nel rispetto delle proprie norme costituzionali interne" è da un lato superflua e, dall'altro, dannosa: non può essere un problema dell'Unione valutare se il governo dello Stato membro che vuole abbandonare l'Unione rispetta la propria costituzione.*

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article 46 § 1, Titre X

Déposée par M. Olivier DUHAMEL

Qualité: - Membre

Déposée par Mme Elena PACIOTTI

Qualité: - Suppléante

Vers. FR

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### Article 46 § 1: Le retrait volontaire de l'Union

1. Tout Etat membre peut (*8 mots supprimés*) décider de se retirer de l'Union européenne.

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#### Justification:

*La phrase "dans le respect de ses règles constitutionnelles internes" est d'un côté superflue et, de l'autre, nuisible: il ne peut pas être un problème de l'Union d'évaluer si le gouvernement de l'État membre, qui veut abandonner l'Union, respecte sa propre constitution.*

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article : I- 59

Déposée par Madame ou Monsieur : **M. Louis Michel, 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**

Qualité : - Membre - Suppléant

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1. Tout État membre peut, ~~conformément à ses règles constitutionnelles, décider de se retirer~~ **demande son retrait** de l'Union européenne **lorsqu'une révision de la Constitution est entrée en vigueur alors qu'il n'a pas approuvé cette révision conformément à ses règles constitutionnelles internes.**
2. L'État membre qui **souhaite se retirer de l'Union** ~~décide de se retirer~~ notifie son intention au Conseil européen, qui se saisit de cette notification. A la lumière des orientations du Conseil européen, l'Union négocie et conclut avec cet État un accord régissant les modalités de son retrait, en tenant compte du cadre de ses relations futures avec l'Union. Cet accord est conclu au nom de l'Union par le Conseil, statuant à la majorité qualifiée, après approbation du Parlement européen.

**La décision de se retirer de l'Union doit, sur base de l'accord de retrait, être confirmée par l'Etat concerné selon la même procédure que celle qui est requise selon ses règles constitutionnelles pour une adhésion à l'Union.**

Le représentant de l'État membre qui ~~se retire~~ **demande son retrait** ne participe ni aux délibérations ni aux décisions du Conseil européen ou du Conseil le concernant.

3. La présente Constitution cesse d'être applicable à l'État concerné à partir de la date d'entrée en vigueur de l'accord de retrait ~~ou, à défaut, deux ans après la notification visée au paragraphe 2, sauf si le Conseil européen, en accord avec l'Etat membre concerné, décide de proroger ce délai.~~
4. Si l'Etat qui s'est retiré de l'Union demande d'adhérer à nouveau, cette demande est soumise à la procédure visée à l'article I-57.

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**Explication éventuelle :**