

## AMENDMENT FORM

Suggestion for amendment of Article :    **Part II, Title B, Article 32**

Suggestion for protocol :

By Ms / Mr : **Hain**

Status :        - Member                      - ~~Alternate~~

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32.1 The Union may commit itself through agreements concluded with one or more third countries or international organisations in cases where the provisions of the Constitution provide for the conclusion of such agreements and according to the procedures set out in the Constitution.

32.2 The Union may conclude association agreements with one or more third countries or international organisations. Such agreements shall establish an association with one or more third countries or international organisations involving reciprocal rights and obligations, common action and special procedure.

~~32.3 The Union may conclude international agreement where conclusion is necessary to achieve a Union objective, where there is provision for it in a Union legislative act, or where the agreements affect one of the Union's internal acts.~~

32.4 Agreements concluded by the Union are binding upon the institutions of the Union and on its Member States.

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### Explanation (if any) :

32.1 and 32.3: to make clear that different procedures apply to different types of agreements.

Comment: The proposed wording does not recognise the special nature of international agreements in the field of police and judicial co-operation as noted by the Working Group X and highlighted in the UK's amendments to Article 31, Part I of the draft Constitution. It will be necessary therefore to include appropriate language in Chapter 3 (Judicial co-operation in criminal matters) and Chapter 4 (Police Co-operation) of the Area of Freedom,

Security and Justice Title in Part II.

We will also need amendments to Chapter 2 of the Freedom, Security and Justice Title relating to agreements with third countries in the field of civil judicial co-operation.

We will propose Treaty language in due course.