

**AMENDMENT FORM**

**Suggestion for amendment of Article 35**

**By : TIMOTHY KIRKHOPE MEP**

**Status : MEMBER**

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<b>PRAESIDIUM</b>	<b>TIMOTHY KIRKHOPE MEP</b>
<b>Article 35</b>  1. The Union shall establish all appropriate forms of cooperation with the United Nations, the Council of Europe, the Organisation for Security and Cooperation in Europe and the Organisation for Economic Cooperation and Development.  It shall also maintain such relations as are appropriate with all international organisations.  2. The Union's Minister for Foreign Affairs and the Commission shall be instructed to implement the above paragraph.	<b>Article 35</b>  1. The <u>Community</u> shall establish all appropriate forms of cooperation with the United Nations, the Council of Europe, the Organisation for Security and Cooperation in Europe and the Organisation for Economic Cooperation and Development.  It shall also maintain such relations as are appropriate with all international organisations.  2. <i>DELETE</i>

**AMENDMENT FORM**

**Suggestion for amendment of Article : 35, Chapter 6**

**Suggestion for protocol :**

**By Mr : John Gormley**

**Status : Alternate**

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**Article 35.2 Delete 'Union's Minister for Foreign Affairs and'**

**AMENDMENT FORM**

**Suggestion for amendment of Article : 36, Chapter 6**

**Suggestion for protocol :**

**By Mr : John Gormley**

**Status : Alternate**

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**Article 36.1** Delete 'Union's Minister for Foreign Affairs' and insert '**Commissioner for External Affairs**'

**Explanation (if any) :**

## FICHE AMENDEMENT

### Titre B - Partie II

**Proposition d'amendement à l'Article : Artigo 35.º**

**Déposée par Monsieur Luís Queiró**

**Qualité: Suppléant**

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1. A União estabelecerá todas as formas úteis de cooperação com as Nações Unidas, o Conselho da Europa, a Organização para a Segurança e a Cooperação na Europa e a Organização de Cooperação e de Desenvolvimento Económicos.

Além disso, a União assegurará com todas as outras organizações internacionais as ligações que considere oportunas.

2. A aplicação do número anterior cabe ao **Representante Europeu para as Relações Externas** e à Comissão.

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**Explication éventuelle :**

## FICHE AMENDEMENT

### Titre B - Partie II

**Proposition d'amendement à l'Article : Artigo 36.º**

**Déposée par Monsieur Luís Queiró**

**Qualité: Suppléant**

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1. As delegações da União nos países terceiros e junto das organizações internacionais assegurarão a representação da União.

2. As delegações da União **funcionam** sob a autoridade **da Presidência ou, caso lhe seja cometida, do Representante Europeu para as Relações Externas**, e em estreita cooperação com as missões **diplomáticas e consulares** dos Estados-Membros.

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**Explication éventuelle :**

## AMENDMENT FORM

**Suggestion for amendment of Article : Article 35**

**Suggestion for protocol :**

**By: Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Matti Vanhanen, Riitta Korhonen**

**Status : Tiilikainen, Kiljunen, Vanhanen - Members  
Peltomäki, Korhonen - Alternates**

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### *Article 35*

1. The Union shall establish all appropriate forms of cooperation with the United Nations, the Council of Europe, the Organisation for Security and Cooperation in Europe and the Organisation for Economic Cooperation and Development.

It shall also maintain such relations as are appropriate with all international organisations.

The Member States shall coordinate their action in international organisations and conferences with the view of presenting the Union's common position.

The Union shall be represented in international organisations and conferences by the Commission or on matters falling under CFSP by the Union's Minister for Foreign Affairs.

The Union may accede to international organisations within the powers provided for it by this Constitution and without prejudice to the status of Member States within these organisations.

2. The Union's Minister for Foreign Affairs and the Commission shall be instructed to implement the above paragraph.

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**Explanation (if any) :**

Explanation 35(1): The scope of the Article should be extended following the recommendations by

the Working Group VII. The effectiveness and visibility of the Union's external representation should be enhanced.

## AMENDMENT FORM

**Suggestion for amendment of Article : Article 36**

**Suggestion for protocol :**

**By: Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Matti Vanhanen, Riitta Korhonen**

**Status :   Tiilikainen, Kiljunen, Vanhanen - Members  
Peltomäki, Korhonen - Alternates**

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### *Article 36*

1.    Union delegations in third countries and to international organisations shall represent the Union.
  2.    Union delegations shall operate under the authority of the Commission and the Union's Minister for Foreign Affairs and in close cooperation with Member States' missions.
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**Explanation (if any) :**

Explanation 36(2): The Delegations should continue to work under the authority of the Commission under matters not falling within the scope of CFSP.



## **FICHE AMENDEMENT**

### **Proposition d'amendement à l'Article 35**

**Déposée par Monsieur de Villepin**

**Qualité : - Membre**

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Article 35

1. L'Union établit toute coopération utile avec les Nations unies, le Conseil de l'Europe, l'Organisation pour la sécurité et la coopération en Europe, et l'Organisation de coopération et de développement économique.  
  
Elle assure en outre les liaisons opportunes avec toute autre organisation internationale.
2. Le Ministre des affaires étrangères de l'Union ~~et la Commission sont~~ est chargés de la mise en œuvre du paragraphe précédent.

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**Explication éventuelle**

## AMENDMENT FORM

### Suggestion for amendment of Article : 35

By Ms : Prof. Danuta Hübner

Status :Member

<i>Text of the Praesidium</i>	<i>Proposed Amendments</i>
<b>Article 35</b>  1. The Union shall establish all appropriate forms of cooperation with the United Nations, the Council of Europe, the Organisation for Security and Cooperation in Europe and the Organisation for Economic Cooperation and Development.  It shall also maintain such relations as are appropriate with all international organisations.  2. The Union's Minister for Foreign Affairs and the Commission shall be instructed to implement the above paragraph.	<b>Article 35</b>  1. The Union shall establish all appropriate forms of cooperation with the United Nations, the Council of Europe, the Organisation for Security and Cooperation in Europe, <u>the North Atlantic Treaty Organisation</u> and the Organisation for Economic Cooperation and Development.  It shall also maintain such relations as are appropriate with all international organisations.  2. The Union's Minister for Foreign Affairs and the Commission shall be instructed to implement the above paragraph.

### Explanation :

Since the UE envisages to play more active global role not only as economic but also as a political power it is absolutely vital and indispensable for the Union to further develop its relations with NATO. The preservation of the transatlantic links should be one of the cornerstones of the Union's foreign policy.

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article : 35

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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#### Ajouter les paragraphes suivants :

- « 3. Les États membres déploient tous les efforts nécessaires pour que l'Union puisse devenir membre à part entière des organisations internationales.
4. Lorsque l'Union est membre d'une organisation internationale, la position de l'Union est présentée par la Commission ou, pour la politique extérieure et de sécurité commune, par le Ministre des affaires étrangères de l'Union.

Lorsque l'Union n'est pas membre d'une organisation internationale ou ne participe pas à une conférence internationale, les Etats membres qui y participent défendent les décisions de l'Union. Ils font en sorte que la Commission ou, pour la politique extérieure et de sécurité commune, le Ministre des affaires étrangères de l'Union puissent exprimer la position de l'Union.

Les États membres représentés dans des organisations internationales ou des conférences internationales auxquelles l'Union ou tous les États membres ne participent pas tiennent en tout état de cause la Commission et le Ministre des affaires étrangères de l'Union informés de toute question présentant un intérêt commun. »

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#### Explication éventuelle :

*Le groupe de travail sur l'action externe a recommandé l'adhésion de l'Union aux organisations internationales les plus pertinentes pour l'exercice de ses compétences.*

*En outre, il serait utile d'élargir le régime prévu à l'article 14 pour la PESC à l'ensemble des organisations internationales.*

## AMENDMENT FORM

### Suggestion for amendment of Article : 36

By Ms : Prof. Danuta Hübner

Status : Member

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<i>Text of the Praesidium</i>	<i>Proposed Amendments</i>
<b>Article 36</b>  1. Union delegations in third countries and to international organisations shall represent the Union.  2. Union delegations shall operate under the authority of the Union's Minister for Foreign Affairs and in close cooperation with Member States' missions.	<b>Article 36</b>  1. Union delegations in third countries and to international organisations shall represent the Union <u>and its citizens</u> .  2. Union delegations shall operate under the authority of the Union's Minister for Foreign Affairs and in close cooperation with Member States' missions.

#### Explanation:

Any citizen of the Member State should enjoy the right of the diplomatic representation and protection in third countries by the embassies of the Member States as well as the delegations of the Union if a diplomatic mission of its own country has not been established.

## AMENDMENT FORM

### Suggestion for amendment of Article : Chapter 6

By Member of the Convention Mr Jens-Peter Bonde

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#### CHAPTER 6: RELATIONS WITH INTERNATIONAL ORGANISATIONS AND THIRD COUNTRIES AND UNION DELEGATIONS

##### *Article 35*

1. The Union shall establish all appropriate forms of cooperation with the United Nations, the Council of Europe, the Organisation for Security and Cooperation in Europe and the Organisation for Economic Cooperation and Development.

It shall also maintain such relations as are appropriate with all international organisations.

2. The [**DELETE**: Union's Minister for Foreign Affairs and the Commission] **PRESIDENCY** shall be instructed to implement the above paragraph.

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**Explanation (if any) :**

**AMENDMENT FORM**

**Suggestion for amendment of Article : Chapter 6**

**By Member of the Convention Mr Jens-Peter Bonde**

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**CHAPTER 6: RELATIONS WITH INTERNATIONAL ORGANISATIONS  
AND THIRD COUNTRIES AND UNION DELEGATIONS**

*Article 36*

1. Union delegations in third countries and to international organisations shall represent the Union.
2. Union delegations shall operate under the authority of the [**DELETE:** Union's Minister for Foreign Affairs] **PRESIDENCY** and in close cooperation with Member States' missions.

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**Explanation (if any) :**

## **FICHE AMENDEMENT**

**Proposition d'amendement : Capítulo 6, Artículo 35**

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

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### **Artículo 35**

#### ***Añadir al punto 1:***

1. La Unión establecerá todo tipo de cooperación adecuada con las Naciones Unidas, el Consejo de Europa, la Organización para la Seguridad y la Cooperación en Europa y la Organización de Cooperación y Desarrollo Económicos. *Podrá solicitar el ingreso en cualquiera de ellas, de acuerdo con los procedimientos establecidos en la Constitución, aplicándose en ese caso lo contemplado en el artículo 33 de este Título.*

Mantendrá también relaciones apropiadas con cualesquiera otras organizaciones internacionales.



## AMENDMENT FORM

**Suggestion for amendment of Article : Article 35**

**Suggestion for protocol :**

**By Ms / Mr : David Heathcoat-Amory, the earl of Stockton MEP**

**Status : X - Member                      - Alternate X**

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### ***Article 35***

1. The Union shall establish all appropriate forms of cooperation with the United Nations, the Council of Europe, the Organisation for Security and Cooperation in Europe and the Organisation for Economic Cooperation and Development.

It shall also maintain such relations as are appropriate with all international organizations, **but shall not assume in so doing the status of statehood.**

2. *[Delete: The Union's Minister for Foreign Affairs and]* The Commission shall be instructed to implement the above paragraph **where mandated.**

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**Explanation (if any) : For a number of organisations, such as the UN, only states may be participants. Reference to the Commission operating under instructions clarifies that it is not acting independently of Member States or on its own initiative.**

## AMENDMENT FORM

**Suggestion for amendment of Article : Article 36**

**Suggestion for protocol :**

**By Ms / Mr : David Heathcoat-Amory**

**Status : X - Member        - Alternate**

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Article 36

1. Union delegations in third countries and to international organisations shall represent the Union **where mandated**.

2. Union delegations shall operate [*Delete : under the authority of the Union's Minister for Foreign Affairs and*] in close cooperation with Member States' missions.

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**Explanation (if any) : The amendment to the first indent clarifies that Member States retain all right of initiative. The second deletes reference to any EU Minister for Foreign Affairs, as undemocratic.**

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article : 35 de la Partie II

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

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#### *Article 35*

1. L'Union établit toute coopération utile avec les Nations unies, le Conseil de l'Europe, l'Organisation pour la sécurité et la coopération en Europe, et l'Organisation de coopération et de développement économique.

Elle assure en outre les liaisons opportunes avec toute autre organisation internationale.

2. Le Ministre des affaires étrangères de l'Union et la Commission sont chargés de la mise en œuvre du paragraphe précédent.

3. L'Union établit avec l'Organisation du Traité de l'Atlantique Nord une coopération institutionnelle dans le domaine de la gestion de crises.

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#### **Explication éventuelle :**

Cet ajout a pour objet de traduire dans le texte de la Constitution les accords intervenus dans le cadre de "Berlin +"

**AMENDMENT FORM**

**Suggestion for amendment of Article 36**

**By : TIMOTHY KIRKHOPE MEP**

**Status : MEMBER**

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<b>PRAESIDIUM</b>	<b>TIMOTHY KIRKHOPE MEP</b>
<b>Article 36</b>  1. Union delegations in third countries and to international organisations shall represent the Union.  2. Union delegations shall operate under the authority of the Union's Minister for Foreign Affairs and in close cooperation with Member States' missions.	<b>Article 36</b>  1. <u>Community</u> delegations in third countries and to international organisations shall represent the <u>Community</u> .  2. <u>Community</u> delegations shall operate under the authority of the <u>European Council</u> .

## FICHE AMENDEMENT

### Proposition d'amendement à l'article 37 (nouveau) partie II

Déposée par : Pervenche Berès

Qualité : - Membres et Suppléants

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#### *Article 37 (bis : nouveau)*

**1. L'Union économique et monétaire établit toute coopération utile avec les institutions financières internationales.**

**Elle assure en outre les liaisons opportunes avec toute autre organisation internationale.**

**2. Le Ministre des affaires économiques et sociales de l'Union est chargé de la mise en œuvre du paragraphe précédent.**

## **AMENDMENT FORM**

**Suggestion for amendment of Article : 35, Part II**

**Suggestion for protocol :**

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

**Status :    Members**

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1.    The Union shall establish all appropriate forms of cooperation with the United Nations, the Council of Europe, the North Atlantic Treaty Organization, the Organisation for Security and Cooperation in Europe and the Organisation for Economic Cooperation and Development.

It shall also maintain such relations as are appropriate with all international organisations.

2.    The Union's Minister for Foreign Affairs and the Commission shall be instructed to implement the above paragraph.

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**Explanation (if any) :        NATO is an essential partner on ESDP and CFSP matters.**

## AMENDMENT FORM

**Suggestion for amendment of Article : 35 and 36 of Part II, Title B**

**Suggestion for protocol :**

**By Mr : Dick Roche**

**Status : - Member**

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1. The Union shall establish all appropriate forms of cooperation with the United Nations, the Council of Europe, the Organisation for Security and Cooperation in Europe and the Organisation for Economic Cooperation and Development.

It shall also maintain such relations as are appropriate with all international organisations.

2. The Union's Minister for Foreign Affairs and the Commission shall ~~be instructed to~~ implement the above paragraph.

### **~~Article 36~~**

3. Union delegations in third countries and to international organisations shall represent the Union. **Union delegations shall operate under the authority of the Union's Minister for Foreign Affairs and in close cooperation with Member States' missions.**

~~2. Union delegations shall operate under the authority of the Union's Minister for Foreign Affairs and in close cooperation with Member States' missions.~~

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**Explanation (if any) :** The inclusion of a separate article 36 would appear unnecessary, and the Praesidium commentary refers to one article. The amendments proposed are intended to simplify the presentation of the content of both articles 35 and 36 in a single article.

## AMENDMENT FORM

**Suggestion for amendment of Article :**     **Part II, Title B, Article 35**

**Suggestion for protocol :**

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

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

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35.1 The Union shall establish all appropriate forms of co-operation with the United Nations, the Council of Europe, the Organisation for Security and Co-operation in Europe and the Organisation for Economic Co-operation and Development.

It shall also maintain such relations as are appropriate with all international organisations.

35.2 The Union's Minister for Foreign Affairs and the Commission shall be instructed to implement the above paragraph [as appropriate](#).

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**Explanation (if any) :**

To make clear that Member States retain the right to speak in their own right at international organisations.



## AMENDMENT FORM

Suggestion for amendment of Article :    **Part II, Title B, Article 36**

Suggestion for protocol :

By Ms / Mr : **Hain**

Status :        - Member                      - ~~Alternate~~

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36.1 [Where appropriate](#), Union delegations in third countries and to international organisations shall represent the Union.

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**Explanation (if any) :**

36.1 To allow for cases where the Union is not permitted to be a member of an international organisation (eg because its statute only allows countries to be members), or a third country where there is no Union delegation.

**AMENDMENT FORM**

**Suggestion for amendment of Article : 35 (PART TWO – TITLE B)**

**Suggestion for protocol :**

**By Mr : Ingvar SVENSSON**

**Status : - Alternate**

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*Article 35*

1. The Union shall establish all appropriate forms of cooperation with the United Nations, the Council of Europe, the Organisation for Security and Cooperation in Europe and the Organisation for Economic Cooperation and Development.

It shall also maintain such relations as are appropriate with all international organisations.

2. ~~The Union's Minister for Foreign Affairs and t~~ The Commission shall be instructed to implement the above paragraph.

## AMENDMENT FORM

**Suggestion for amendment of Article : 36 (PART TWO – TITLE B)**

**Suggestion for protocol :**

**By Mr : Ingvar SVENSSON**

**Status : - Alternate**

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### *Article 36*

1. Union delegations in third countries and to international organisations shall represent the Union.
2. Union delegations shall operate under the authority of the ~~Union's Minister for Foreign Affairs~~ **Commission** and in close cooperation with Member States' missions.

**AMENDMENT FORM**

**Suggestion for amendment of Chapter 6**

**By : TIMOTHY KIRKHOPE MEP**

**Status : MEMBER**

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<b>PRAESIDIUM</b>	<b>TIMOTHY KIRKHOPE MEP</b>
<b><u>CHAPTER 6: RELATIONS WITH INTERNATIONAL ORGANISATIONS AND THIRD COUNTRIES AND UNION DELEGATIONS</u></b>	<b><u>CHAPTER 6: RELATIONS WITH INTERNATIONAL ORGANISATIONS AND THIRD COUNTRIES AND <i>COMMUNITY</i> DELEGATIONS</u></b>

## FICHE AMENDEMENT

**Proposition d'amendement à l'Article : 35**

**Proposition d'amendement au protocole:**

**Déposée par Madame ou Monsieur : Gianfranco FINI – Francesco SPERONI**

**Qualité : - Membre - Suppléant**

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### *Articolo 35*

1. L'Unione attua ogni utile forma di cooperazione con le Nazioni Unite, **la Nato**, il Consiglio d'Europa, l'Organizzazione per la sicurezza e la cooperazione in Europa e l'Organizzazione per la cooperazione e lo sviluppo economici.

L'Unione **può altresì attuare forme di cooperazione** ~~assicura inoltre i collegamenti che ritiene opportuni~~ con qualsiasi altra organizzazione internazionale.

2. Il ministro degli affari esteri dell'Unione e la Commissione sono incaricati dell'attuazione del paragrafo precedente.

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**Explication éventuelle :**

AMENDMENT FORM

**Suggestion for amendment of PART II – TITLE B, Chapter 6, Article 36**

**By: Ms Marietta GIANNAKOU**

**Status :**        - Member

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*Article 36*

1. Union delegations in third countries and to international organisations shall represent the Union.
2. Union delegations shall operate under the authority of the Union's Minister for Foreign Affairs and ~~in close cooperation with~~ ***after consulting the*** Member States' missions.

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**Explanation (if any):**

## AMENDMENT FORM

### Suggestion for amendment of Article 36

By Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives and Mr Sören Lekberg, Mr Göran Lennmarker and Mr Kenneth Kvist, national parliament representatives.

Status :       - Member: Hjelm-Wallén, Lekberg and Lennmarker  
                  - Alternate: Petersson and Kvist

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### Article 36

1. Union delegations in third countries and to international organisations shall represent the Union **and shall work in cooperation with Member States missions.**<sup>1</sup>
2. ~~Union delegations shall operate under the authority of the Union's Minister for Foreign Affairs and in close cooperation with Member States' missions.~~<sup>2</sup>

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<sup>1</sup> The exact forms of co-operation between Union delegations and Member States' missions in international organisations will be determined according to the role and function of each organisation.

<sup>2</sup> Unnecessary, see suggested Article 36.1 and comment above. Instructions to missions should, whenever relevant, be issued after consultations between the Commission and the Foreign Minister.

## AMENDMENT FORM

### Suggestion for amendment of Article 35 of Part II

By Mr : O'Sullivan and Ponzano

Status : Alternates

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1) Modify the title of Chapter 6 as follows :

« Relations with international organisations and third countries, **external representation of the Union** and Union delegations ».

2) Add the following paragraphs.

« 3. *The Member States shall make all necessary efforts to ensure that the Union becomes a full member of the international organisations.*

4. *The Union shall be represented by the Minister for Foreign Affairs for all matters relevant to common foreign and security policy and by the Commission for other areas, without prejudice to the representation tasks that the European Council may confer on its President.*

*The Commission may delegate to the Minister for Foreign Affairs its powers to represent the Union on issues that do not fall under the common foreign and security policy.*

5. *The Commission represents the Union in international financial organisations, without prejudice to the tasks of the European System of Central Banks. The Commission shall act in close concert with the Council and the European Central Bank.*

*In institutions of which the Union is not a member, the Union's position shall be closely co-ordinated and shall be expressed by the Member State on which the Council has conferred that task. The Member State concerned shall be assisted by the Commission.*

6. *When the Union is a member of an international organisation, the Union's position is expressed by the Commission or, for common foreign and security policy, by the Minister for Foreign Affairs.*

*When the Union is not a member of an international organisation or does not participate in an international conference, the Member States which are members of that international organisation or participate to that international conference defend the Union's positions. They keep the Commission and the Minister for Foreign Affairs informed of any matter of common interest and act so that the Commission or, for common foreign and security policy, the Minister for Foreign Affairs, can express the Union's position. If that is not possible, the Council may confer this task on a Member State.*



*The Commission and the Minister for Foreign Affairs shall keep the Member States that are not members of an international organisation or that do not participate in an international conference informed of any matter of common interest.”*

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**Explanation :**

*Working Party VII has recommended the accession of the Union to those international organisations that are the most relevant to the exercise of its competences.*

*Furthermore, it would be useful to include a single, specific provision establishing the principles under which the Union is represented in the world (in the proposed text, this question is only dealt with for CFSP, in draft Article 5 paragraph 2). Such a provision has been considered in the preliminary draft Constitutional Treaty (Article 41 of Part I), but it seems more logical to insert it in Part II.*

*Finally, it would seem useful to extend the system provided for CFSP in Article 14 to all international organisations.*

## FICHE AMENDEMENT

### Proposition d'amendement à l'article 35 de la partie II

Déposée par M. O'Sullivan et M. Ponzano

Qualité :      Suppléants

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1) Le titre du chapitre 6 est modifié comme suit : « Relations avec les organisations internationales et les pays tiers, **représentation externe de l'Union** et délégations de l'Union ».

2) Les paragraphes suivants sont ajoutés.

« 3. *Les États membres déploient tous les efforts nécessaires pour que l'Union puisse devenir membre à part entière des organisations internationales.*

4. *L'Union est représentée pour les matières relevant de la politique étrangère et de sécurité commune par le Ministre des Affaires étrangères et pour les autres matières par la Commission, sans préjudice des tâches de représentation que le Conseil européen peut confier à son président.*

*La Commission peut habiliter le Ministre des Affaires étrangères à représenter l'Union dans des matières qui ne relèvent pas de la politique étrangère et de sécurité commune.*

5. *La Commission représente l'Union dans les institutions financières internationales, sans préjudice des missions qui sont confiées au Système Européen des Banques Centrales. La Commission se consulte étroitement avec le Conseil et la Banque centrale européenne.*

*Dans les institutions dont l'Union n'est pas membre, la position de l'Union fait l'objet d'une étroite coordination et est exprimée par l'Etat membre auquel le Conseil a confié cette tâche. L'Etat membre en question est assisté par la Commission.*

6. *Lorsque l'Union est membre d'une organisation internationale, la position de l'Union est présentée par la Commission ou, pour la politique extérieure et de sécurité commune, par le Ministre des affaires étrangères de l'Union.*

*Lorsque l'Union n'est pas membre d'une organisation internationale ou ne participe pas à une conférence internationale, les Etats membres qui sont membres de cette organisation internationale ou qui participent à cette conférence y défendent les positions de l'Union. Ils informent pleinement la Commission et le Ministre des Affaires étrangères de toute question d'intérêt commun et agissent afin que la Commission ou, pour la politique extérieure et de sécurité commune, le Ministre des affaires étrangères de l'Union puissent exprimer la position de l'Union; si cela n'est pas possible, le Conseil peut confier cette tâche à un Etat membre.*

*La Commission ou le Ministre des Affaires étrangères informent les Etats membres qui ne sont pas membre d'une organisation internationale ou qui ne participent pas à une conférence internationale de toute question d'intérêt commun. »*

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**Explication :**

*Le groupe de travail sur l'action externe a recommandé l'adhésion de l'Union aux organisations internationales les plus pertinentes pour l'exercice de ses compétences.*

*En outre, il serait utile de prévoir une disposition spécifique et unique établissant les principes selon lesquels l'Union est représentée dans le monde (dans le texte proposé, cette question n'est réglée que pour la PESC, à l'article 5 paragraphe 2). Une telle clause générale avait été envisagée dans l'avant-projet de traité constitutionnel (article 41 de la Partie I).*

*Enfin, il serait utile d'élargir le régime prévu à l'article 14 pour la PESC à l'ensemble des organisations internationales.*

## AMENDMENT FORM

### Suggestion for amendment of Article 36 of Part II

By Mr : O'Sullivan and Ponzano

Status : Alternates

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Modify the second paragraph of Article 36 as follows :

*« Union delegations, **which are part of the services of the Commission,** shall operate under the authority of the Union's Minister for Foreign Affairs. **These delegations and Member States' missions in third countries shall cooperate closely.** ~~and in close cooperation with Member States' missions~~ »*

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### Explanation :

*The purpose of the amendment is to clarify that the 128 delegations of the Commission, which will become Union delegations, will continue to be managed administratively by the Commission (see also Article 19§3 as proposed in the institutional amendments).*

*It also indicates that cooperation is a two-way street, following the language used in Article 15 for CFSP.*

## FICHE AMENDEMENT

### Proposition d'amendement à l'article 36 de la partie II

Déposée par M. O'Sullivan et M. Ponzano

Qualité :      Suppléants

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Modifier le second paragraphe de l'article 36 comme suit :

« Les délégations de l'Union, **qui font partie des services de la Commission**, opèrent sous l'autorité du Ministre des affaires étrangères de l'Union. **Ces délégations et les missions des Etats membres dans les pays tiers agissent** en étroite coopération avec ~~les missions des Etats membres.~~ »

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#### Explication :

*L'amendement a pour but de clarifier que les 128 délégations de la Commission, qui devenir les délégations de l'Union, vont continuer à être gérées administrativement par la Commission (voir également l'article 19§3 tel que proposé dans les amendements sur les institutions).*

*Il indique également que la coopération est réciproque, suivant le langage utilisé dans l'article 15 pour la PESC.*

## AMENDMENT FORM

### Title B - Part II

#### Suggestion for amendment of Article : 35

**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 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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## CHAPTER 6: RELATIONS WITH INTERNATIONAL ORGANISATIONS AND THIRD COUNTRIES AND UNION DELEGATIONS

### *Article 35*

1. The Union shall establish all appropriate forms of cooperation with the United Nations, the Council of Europe, the Organisation for Security and Cooperation in Europe and the Organisation for Economic Cooperation and Development.

It shall also maintain such relations as are appropriate with all international organisations.

2. The [*Minister of Foreign Affairs/Secretary of the Union*] and the Commission shall be instructed to implement the above paragraph.
3. *Member States will deploy all efforts required in order to ensure that the Union can become a full member of international organisations.*

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### **Explanation:**

*Member States should assist the Union in attaining membership of relevant international organisation.*

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## **AMENDMENT FORM**

### **Suggestion for amendment of Article : 35, Part II**

**By Ms / Mr : Jan Kohout**

**Status : - Member**

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#### **35.1**

The Union shall establish all appropriate forms of cooperation with the United Nations, the Council of Europe, **the North Atlantic Treaty Association**, the Organisation for Security and Cooperation in Europe and the organisation for Economic Cooperation and Development.

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#### **Explanation (if any) :**

If a reference to OSCE in view of the relations connected to the development of ESDP, NATO shall be mentioned as well.

## AMENDMENT FORM

### Suggestion for amendment to PART TWO, Title B, Article 36

By Mr Hannes Farnleitner

Status : - Member

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#### *Article 36*

1. The Union shall have at its disposal a diplomatic service of its own composed of officials of the Commission and of the Council Secretariat as well as of staff seconded from national diplomatic services.
2. The Union shall have at its disposal diplomatic representations [delegations] in third countries and to international organisations and delegations to international conferences ~~shall represent the Union.~~
3. Union **representations and** delegations shall operate under the **joint** authority of the Union's Minister for Foreign Affairs **and the Commission** and in close cooperation with Member States' missions.
4. These representations and delegations may also provide for the representation of those Member States which so desire.

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#### **Explanation :**

The provisions of this Article should be strengthened by reflecting more faithfully the recommendations of the Working Group on External Action.

The Union's diplomatic service should rely on a network of existing Diplomatic Academies which should contribute to the development of a European diplomatic culture. This might eventually lead to the establishment of a European Diplomatic Academy.



## AMENDMENT FORM

Suggestion for amendment of Article : III-225 (ex Article 36)

Mr : Farnleitner

Status : - Member

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### Article III-225 (ex Article 36)

1. The Union shall have at its disposal a diplomatic service of its own composed of officials of the Commission and of the Council Secretariat as well as of staff seconded from national diplomatic services.
2. The Union shall have at its disposal diplomatic representations [delegations] in third countries and to international organisations and delegations to international conferences ~~shall represent the Union.~~
3. Union **representations and** delegations shall operate under the **joint** authority of the Union's Minister for Foreign Affairs **and the Commission** and in close cooperation with Member States' missions.
4. These representations and delegations may also provide for the representation of those Member States which so desire.

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article : III- 224

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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#### Article III- 224 (ex-Article 35)

1. L'Union établit toute coopération utile avec les Nations unies, le Conseil de l'Europe, l'Organisation pour la sécurité et la coopération en Europe, et l'Organisation de coopération et de développement économique.
2. Elle assure en outre les liaisons opportunes avec d'autres organisations internationales.
3. Le Ministre des Affaires étrangères de l'Union et la Commission sont chargés de la mise en œuvre du paragraphe précédent.
4. **Les États membres déploient tous les efforts nécessaires pour que l'Union puisse devenir membre à part entière des organisations internationales.**
5. **Lorsque l'Union est membre d'une organisation internationale, la position de l'Union est présentée par la Commission ou, pour la politique extérieure et de sécurité commune, par le Ministre des affaires étrangères de l'Union.**

**Lorsque l'Union n'est pas membre d'une organisation internationale ou ne participe pas à une conférence internationale, les Etats membres qui y participent défendent les décisions de l'Union. Ils font en sorte que la Commission ou, pour la politique extérieure et de sécurité commune, le Ministre des affaires étrangères de l'Union puissent exprimer la position de l'Union.**

**Les États membres représentés dans des organisations internationales ou des conférences internationales auxquelles l'Union ou tous les États membres ne participent pas tiennent en tout état de cause la Commission et le Ministre des affaires étrangères de l'Union informés de toute question présentant un intérêt commun. »**

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Explication éventuelle :

## AMENDMENT FORM

### Suggestion for amendment of Article III-225

**By: Prof. Danuta Hübner**

**Status : Member**

<i>Text of the Praesidium</i>	<i>Proposed Amendments</i>
1. Union delegations in third countries and to international organisations shall represent the Union.	1. Union delegations in third countries and to international organisations shall represent the Union <u>and its citizens</u> .
2. Union delegations shall operate under the authority of the Union's Minister for Foreign Affairs and in close cooperation with Member States' missions.	2. Union delegations shall operate under the authority of the Union's Minister for Foreign Affairs and in close cooperation with Member States' missions.

#### **Explanation:**

Any citizen of the Member State should enjoy the right of the diplomatic representation and protection in third countries by the embassies of the Member States as well as the delegations of the Union if a diplomatic mission of its own country has not been established.

## AMENDMENT FORM

**Suggestion for amendment of Article: III-225 (ex Article36)**

**By Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives and Mr Sören Lekberg, national parliament representative.**

**Status : - Member: Hjelm-Wallén and Lekberg  
- Alternate: Petersson**

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1. Union delegations in third countries and to international organisations shall represent the Union **and shall work in cooperation with Member States missions.**<sup>1</sup>
2. ~~Union delegations shall operate under the authority of the Union's Minister for Foreign Affairs and in close cooperation with Member States' missions.~~<sup>2</sup>

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<sup>1</sup> The exact forms of co-operation between Union delegations and Member States' missions in international organisations will be determined according to the role and function of each organisation.

<sup>2</sup> Instructions to missions could also be issued by the Commission, in its area of competence.

## AMENDMENT FORM

Suggestion for amendment of Article : Part III, Title V, Article 225 (ex Art. 36)

Suggestion for protocol :

By Ms / Mr : Hain

Status :        - Member                      - ~~Alternate~~

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1.     Where appropriate, Union delegations in third countries and to international organisations shall represent the Union.
2.     *Okay*

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**Explanation (if any) :**

*To allow for cases where the Union is not permitted to be a member of an international organisation (e.g. because its statute only allows countries to be members), or a third country where there is no Union delegation.*

## AMENDMENT FORM

**Suggestion for amendment of Article : 224 (ex Article 35), part III of the Constitution**

**By Ms / Mr : Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Jari Vilén, Hannu Takkula and Esko Helle**

**Status :      Tiilikainen, Kiljunen, Vilén - Members  
                 Peltomäki, Takkula and Helle - Alternates**

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### **Article III-224 (ex Article 35)**

1.            The Union shall establish all appropriate forms of cooperation with the United Nations, the Council of Europe, the Organisation for Security and Cooperation in Europe and the Organisation for Economic Cooperation and Development.

2.        It shall also maintain such relations as are appropriate with other international organisations.

**The Union shall be represented in international organisations and conferences by the Commission, or on matters falling under the common foreign and security policy, by the Union's Minister for Foreign Affairs.**

3.            The Union's Minister for Foreign Affairs and the Commission shall be instructed to implement the preceding paragraph.

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### **Explanation (if any) :**

*The division of functions between the Commission and the Union's Minister for Foreign Affairs should be clearly stated.*

## AMENDMENT FORM

**Suggestion for amendment of Article III-224:** Relations with international organisations and third countries and union delegations

**By Member Mr Göran Lennmarker**

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Article III-224.1 (ex Article 35)

1. The Union shall establish all appropriate forms of cooperation with the United Nations, the Council of Europe, the Organisation for Security and Cooperation in Europe, the North Atlantic Treaty Organization (NATO) and the Organisation for Economic Cooperation and Development.

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**Explanation:**

The European Union must have good relations with NATO. Particularly crisis management operations are dependent on close co-operation with NATO. The EU shares the fundamental values of NATO, as well as with the other organizations mentioned in article III-224.1.

AMENDMENT FORM

Suggestion for amendment of Article: III-224

By: Prof. Danuta Hübner

Status: Member

<i>Text of the Praesidium</i>	<i>Proposed Amendments</i>
<p>1. The Union shall establish all appropriate forms of cooperation with the United Nations, the Council of Europe, the Organisation for Security and Cooperation in Europe and the Organisation for Economic Cooperation and Development.</p> <p>2. It shall also maintain such relations as are appropriate with other international organisations.</p> <p>3. The Union's Minister for Foreign Affairs and the Commission shall be instructed to implement the preceding paragraph.</p>	<p>1. The Union shall establish all appropriate forms of cooperation with the United Nations, the Council of Europe, the Organisation for Security and Cooperation in Europe, <u>the North Atlantic Treaty Organisation</u> and the Organisation for Economic Cooperation and Development.</p> <p>2. It shall also maintain such relations as are appropriate with other international organisations.</p> <p>3. The Union's Minister for Foreign Affairs and the Commission shall be instructed to implement the preceding paragraph.</p>

***Explanation:***

This is a proposal of a description of mechanism adopting the Modified Brussels Treaty to the EU format. The Treaty offers ready-to-use tool, which can be easily adapted to the current membership pattern.



## AMENDMENT FORM

Suggestion for amendment of Article : Part III, Title V, Article 224 (ex Art. 35)

Suggestion for protocol :

By Ms / Mr : Hain

Status :        - Member                      - ~~Alternate~~

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1.        Without prejudice to the right of the Member States to be members of and participate in the following organisations, the Union shall establish all appropriate forms of cooperation with the United Nations, the Council of Europe, the Organisation for Security and Cooperation in Europe and the Organisation for Economic Cooperation and Development.

2.        It shall also maintain such relations as are appropriate with other international organisations without prejudice to the right of the Member States to be members of or participate in those organisations.

3.        *Okay*

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**Explanation (if any) :**

*To make clear that Member States retain the right to speak in their own right at international organisations.*

## AMENDMENT FORM

**Suggestion for amendment of Article : 225 (ex Article 36), part III of the Constitution**

**By Ms / Mr : Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Jari Vilén, Hannu Takkula and Esko Helle**

**Status :      Tiilikainen, Kiljunen, Vilén - Members  
                 Peltomäki, Takkula and Helle - Alternates**

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### **Article III-225 (ex Article 36)**

1.                Union delegations in third countries and to international organisations shall represent the Union.
  2.                Union delegations shall operate under the authority of **the Commission and** the Union's Minister for Foreign Affairs and in close cooperation with Member States' missions.
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### **Explanation (if any) :**

*The delegations should continue to work under the authority of the Commission under matters not falling within the scope of CFSP.*

**Proposal by Mr Giuliano Amato, Mr Elmar Brok and Mr Andrew Duff**

**OPTION 1 <sup>1</sup>**

**DECLARATION ON THE CREATION OF  
A EUROPEAN EXTERNAL ACTION SERVICE**

*To strengthen the coherence and efficiency of the Union's action in the world, the Convention agrees on the need to establish a joint administration (European External Action Service) within the Commission including officials from the relevant units from the General Secretariat of the Council and foreign ministries of the Member States. The administration shall work as mandated by the Council as far as it does not interfere in the competences of the Commission.*

The staff of the Union's delegations, as defined in Article III-225, shall be provided from this joint service.

The Convention is of the view that the necessary arrangements for the establishment of the joint service should be made within the first year after entry into force of the Constitutional Treaty.

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<sup>1</sup> Option 1 is our preferred option.

**Proposal by Mr Giuliano Amato, Mr Elmar Brok and Mr Andrew Duff**

**OPTION 2**

**DECLARATION ON THE CREATION OF  
A EUROPEAN EXTERNAL ACTION SERVICE**

*To strengthen the coherence and efficiency of the Union's action in the world,* the Convention agrees on the need to establish *as an integral part of the Commission administration,* one joint service (European External Action Service) composed of relevant Council of Ministers and *Commission officials* and staff seconded from national Diplomatic Services. *The administration shall work as mandated by the Council without prejudice to the competences of the Commission.*

The staff of the Union's delegations, as defined in Article III-225, shall be provided from this joint service.

The Convention is of the view that the necessary arrangements for the establishment of the joint service should be made within the first year after entry into force of the Constitutional Treaty.