

AMENDMENT FORM

**Suggestion for amendment of: PART III OF THE CONSTITUTION:
Article III-278**

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On behalf of the EPP Convention Group

Status : - Member - Alternate

Suggestion

Article III-278 (ex Article 240a)

~~The Court of Justice shall not have jurisdiction with respect to Articles I-39 and I-40 of Part One and the provisions of Chapter II of Title V of Part Three concerning the common foreign and security policy.~~

Explanation (if any) :

The rule of law is an integral part of the Union's values (Article I-2 of the Constitution). Under the rule of law, no field of policy can be exempt a priori from judicial control. The Union's Constitution must therefore be entirely subject to the jurisdiction of the ECJ. This must also apply in CFSP matters if one really intends to end the "pillar structure" of the Union. Otherwise, also the procedural rights and duties under the CFSP provisions (e.g. consultation of the European Parliament) would not be enforceable. The vagueness of the substantive provisions on CFSP will in any event prevent a judicial scrutiny of the substance CFSP decisions. In this respect, the situation will not be different to that in all Member States.