

AMENDMENT FORM

Suggestion for amendment of Article : 278 (ex Article 240), 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
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Article III-278(ex Article 240a)

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

- 1. The European Court of Justice shall not have jurisdiction with regard to Articles I-39 and I-40 and the provisions under Chapter II of Title V of Part Three on common foreign and security policy.**
 - 2. By way of derogation from paragraph 1, the European Court of Justice shall have jurisdiction to:**
 - review the legality of decisions on implementation of actions and positions affecting directly the rights and obligations of natural and legal persons, subject to conditions and in accordance with the procedures set out in Articles III-266 and III-268;**
 - give preliminary rulings on the validity and interpretation of decisions on implementation of actions and positions affecting directly the rights and obligations of natural and legal persons, subject to conditions and in accordance with the procedures set out in Article III-271.**
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Explanation (if any) :

The complete exclusion of the Court's jurisdiction in the field of the common foreign and security policy is not justified. Due account of the rule of law principles require that the legality of certain CFSP decisions and acts be reviewed by the Court. This applies to decisions on implementation of actions and positions directly affecting the rights and obligations of natural and legal persons.

Efficiency and homogeneity of the EU law implementation require that the validity and interpretation of foreign and security policy decisions on implementation of actions and positions directly affecting the rights and obligations of natural and legal persons be reviewed by the Court in preliminary rulings if requested by a court or tribunal of a Member State.