

AMENDMENT FORM

Part Three: General and final provisions

Suggestion for amendment of Article : IV-6

By Members: Mr Andrew Duff

Status : Members and alternate members.

Article IV-6: Procedure for revising the Treaty establishing the Constitution

1. The government of any Member State, the European Parliament or the Commission may submit to the Council proposals for the amendment of Treaty establishing the Constitution. The national Parliaments of the Member States shall be notified of these proposals.

2. If the European Council, after consulting the European Parliament and the Commission, adopts by a simple majority a decision in favour of examining the proposed amendments, the President of the European Council shall convene a Convention composed of representatives of the national Parliaments of the Member States, of the Heads of State or Government of the Member States, of the European Parliament and of the Commission. The European Central Bank shall also be consulted in the case of institutional changes in the monetary area. The European Council may decide by a simple majority not to convene the Convention should the scope of the amendments not warrant this. In the latter case, the European Council shall define the terms of reference for the conference of representatives of the governments of the Member States.

The Convention shall examine the proposals for amendments and shall adopt by consensus a recommendation to the conference of representatives of the governments of the Member States provided for in paragraph 3.

3. The conference of representatives of the governments of the Member States shall be convened by the President of the Council for the purpose of determining by common accord the amendments to be made to the Treaty establishing the Constitution.

In cases where the competences of the Union and the Member States are not affected, the conference shall decide by a five-sixths majority of the Member States.

4. The amendments shall enter into force after being ratified by all the Member States in accordance with their respective constitutional requirements.

In cases where the competences of the Union and the Member States are not affected, the European Council shall decide the modalities of bringing the amendments into force. The European Council shall act by a five-sixths majority of the Member States, after having received the opinion of the Court of Justice, and after having received the assent of the European Parliament acting by a two-thirds majority of the votes cast representing a majority of its Members.

Explanation:

For a wider discussion of the issue of constitutional revision, see Mr Duff's contribution 'How to bring the Constitution into force', CONV 764/03.

Here we propose to lighten the revision procedure for amendments where a shift in the competences of the Union is not intended. This would therefore be the normal practice for revisions of institutional procedures and for the reform of the policies in areas where competence is already conferred on the Union by the Constitution.