

AMENDMENT FORM

Part Three: General and final provisions

Suggestion for amendment of Article : IV-7 (DECLARATION)

By Members: Mr Andrew Duff

Status : Members.

DECLARATION to Article IV-7:

Adoption, ratification and entry into force of the Constitution

- 1. If, two years after the signature of the Treaty establishing the Constitution, four fifths of the Member States have ratified it and one or more Member States have encountered insurmountable difficulties in proceeding with ratification, the matter shall be referred to the European Council.*
 - 2. The European Council shall call a conference of representatives of the governments of the Member States. This conference shall revise only the provisions of Article 48 of the Treaty on European Union in order to enable the Constitution to enter into force. The conference shall consult the European Parliament, the Commission and the Court of Justice.*
 - 3. All Member States shall commit themselves to the intergovernmental conference in good faith, as well as to using their best endeavours to ensure the ratification of any consequential amendment.*
-

Explanation:

Ratification of the Constitution by twenty-five member states might prove impossibly difficult. It is highly desirable, therefore, to commit the European Council at this stage to a contingency plan to resolve the problem caused by the dual lock imposed by Article 48 TEU. The obvious solution is a short and decisive IGC to amend Article 48.

For a wider discussion of these issues, see my contribution 'How to bring the Constitution into force', CONV 764/03.