

AMENDMENT FORM

Part Three: General and final provisions

Suggestion for amendment of Article : IV-6

By Members: Mr Giuliano Amato, Mr Elmar Brok, Alain Lamassoure and Mr Andrew Duff

Status : 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.

4. The conference shall decide by a five-sixths majority of the Member States the amendments concerning certain provisions of Part Three in cases where the competences of the Union and its Member States are not affected. These provisions are:-

.....*

5. The amendments ***determined under paragraph 3*** shall enter into force after being ratified by all the Member States in accordance with their respective constitutional requirements.

6. With respect to the amendments determined under paragraph 4, 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.

The European Council shall take account of reasoned opinions issued by Member States' national parliaments on non-compliance with the principle of subsidiarity. Where reasoned opinions are issued from more than one-third of national parliaments, the European Council shall amend or withdraw the amendment.

Explanation:

To take account of the comments made in the debates on our original amendment, and to galvanise a consensus, we make an amended proposal for the modification of Article IV-6.

The changes achieve the following:

- *use of the softer procedure is restricted to certain, specified provisions of Part Three of the Constitution;*
- *one-third of national parliaments will be able to block the change on the grounds of a breach of subsidiarity;*

National parliaments are therefore heavily involved in the process.

We would aim to make a precise proposal about the relevant provisions of Part III in time for the Convention plenary on 4 July.

The reference to the Court of Justice is in order to verify that competences are not affected. This procedure, and the assent procedure of the European Parliament, are drawn directly from the Treaty establishing the Coal and Steel Community.

**The list of the pertinent sections of the constitution will be completed at a later stage.*