

## AMENDMENT FORM

### Part Three: General and final provisions

#### Suggestion for amendment of Article : G

**By Members:** Mr Andrew Duff, Mr Lamberto Dini, Mr Paul Helminger, Mr Karel de Gucht, Mr Peeter Kreitzberg, Mr Algirdas Gricius, Mr Puiu Hasotti, Mr Jelko Kacin, Mr Zekeriya Akçam and Mr Eugenijus Maldeikis; **and Alternate Members:** Ms Lone Dybkjaer, Mr Willem Van Eekelen, Mr Valdo Spini, Lord MacLennan of Rogart, Mr Nesrin Uzun, Mr Marios Matsakis, Mrs Androula Vassiliou, Mr Istvan Szent-Ivanyi, Mr Péter Eckstein-Kovacs, Mr Ibrahim Ozal and Mr Gintautas Sivickas.

**Status :** Members and alternate members.

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#### Article G: Adoption, ratification and entry into force of the *Constitution*

1. The *Constitution* shall be ratified by the High Contracting Parties in accordance with their respective constitutional requirements. The instruments of ratification shall be deposited with the Government of the Italian Republic.
  2. The *Constitution* shall enter into force *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, and on the first day of the month following the deposit of the instruments of ratification from five-sixths of the Member States.*
  3. *In the case where a Member State declares that it declines to ratify the Constitution, the European Council, on a proposal of the Commission and after having consulted the European Parliament, shall open negotiations with that Member State for associate membership of the Union, in accordance with Article 46 bis.*
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#### Explanation:

1. Article 48 TEU imposes the well-known constraint of unanimity upon this year's IGC.
2. As far as the entry into force of the new Constitution is concerned, however, the arguments for a modified procedure advanced in our amendments to Article F (above) also apply here. The European Parliament, therefore, is asked to give its approval to the new Constitution, voting by a high threshold. And the Constitution would enter into force once having been ratified by five-sixths of the Member States.
3. As the Praesidium acknowledges in its own proposal, there has to be a contingency plan to cater for the recalcitrant Member State, whose government and parliament or people in a referendum decline to accept the constitutional package negotiated by their prime minister.

Our option is to offer that state a form of associate or partner membership of the Union. This association would encapsulate the essential mutual obligations in respect of the four freedoms but

*dissociate the country in question from the constitutional advance made by the majority.*

*A Member State that for domestic political reasons chose merely to delay its own ratification would not be subject to that imperative - hence the need for a formal declaration of the rejection by the Member State concerned.*

*[Another option that might be considered is to draft a constitutional treaty separate from the Constitution whose purpose would be to repeal the current EU Treaties and act as a passerelle between the old and the new regimes. This would have the advantage of allowing Member States to make a two-phased commitment to the Constitution, the first to admit its possibility and the second to entrench it. It would likely to be a lengthy business, however.]*

*Another, more final way out is figured in the Praesidium's draft Article 46 on secession.*