

AMENDMENT FORM

Suggestion for amendment of Article :G (part 3)

Suggestion for protocol :

By Mr David Heathcoat-Amory, Mr Bonde

Status :X - Member - Alternate

N.B. ‘()’ denote text deleted ‘ _____ ’denotes text added

Article G: Adoption, ratification and entry into force of the Constitutional Treaty

1. The Constitutional Treaty 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 Constitutional Treaty shall enter into force on ..., provided that all the instruments of ratification have been deposited *(or, failing that, on the first day of the month following the deposit of the instrument of ratification by the last signatory State to take this step.)* **by all existing members.**
3. If, two years after the signature of the Constitutional Treaty, *(four fifths of the Member States have ratified it and)* one or more Member States have encountered difficulties in proceeding with ratification, the matter shall be referred to the European Council.

NEW 4. Provisions may be made by national governments for a referendum or plebiscite on the Treaty, to be held on 9 May 2004 or as near to such date as national law permits. The referenda shall be organized and run in a spirit of fair and open debate, with equal and balanced funding and exposure in state media outlets for both campaigns.

Explanation (if any) :

The amendment in paragraph 2 modifies the text, so that the existing Treaties do not cease to exist before all member states have either ratified this Treaty, or negotiated a settlement under paragraph 3.

The present draft allows for the Constitutional Treaty to enter into force without the unanimous approval of member states, because it refers to the “last signatory state”,

which does not take into account the possibility of an existing member state refusing to sign and ratify.

Paragraph 3 is meanwhile simplified: if any member state has encountered difficulties in ratification, the Council will need to convene regardless.

The additional reference to a referendum – or in countries where legally-binding referendums do not exist in national law, to a plebiscite – is intended to fulfill the Laeken mandate of bringing Europe closer to its citizens, while respecting the constitutional rights and practices of member states. If this Treaty is made in the name of the citizens, they should at least be asked their opinion, in a full and fair debate.