

AMENDMENT FORM

Suggestion for amendment of Article :B – Part III

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Status : - Member and Alternate

Article B: Legal continuity in relation to the European Community and the European Union

The European Union shall succeed to all the rights and obligations of the European Communities and of the Union, whether internal or resulting from international agreements, which arose before the entry into force of the Constitutional Treaty by virtue of previous treaties, protocols and acts, including all the assets and liabilities of the Communities and of the Union, and their archives.

The provisions of the acts of the Institutions of the Union, adopted by virtue of the treaties and acts mentioned in the first paragraph, shall remain in force insofar as they are compatible with the Constitution. The case-law of the Court of Justice of the European Communities shall be maintained as a ~~preferential~~ source of interpretation of the ~~Constitution and acts prior to its entry into force.~~ Union Law

Explanation: the current drafting on the role of the ECJ may be cause of confusion. Moreover, we believe our draft proposal makes unnecessary a protocol with the enumeration of the acts, which, besides being a lengthy work , would raise some problems: CFSP common positions and actions are to be considered as “juridical patrimony” of the (old) Union? We think it is preferable a simple declaration stating that the acts shall remain in force under the condition of their conformity with the Constitution. The ECJ will be competent to verify that conformity.