

AMENDMENT FORM

Suggestion for amendment of Article F: (Part Three: General and final provisions)

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Article F: Procedure for revising the Constitutional Treaty

The government of any Member State or the Commission may submit to the Council proposals for the amendment of the Constitutional Treaty. The national Parliaments shall be notified of these proposals.

If the Council, after consulting the European Parliament and, where appropriate, the Commission, delivers an opinion in favour of calling a conference of representatives of the governments of the Member States, the conference shall be convened by the President of the Council for the purpose of determining by common accord the amendments to be made to the Constitutional Treaty. The Council of the European Central Bank shall also be consulted in the case of institutional changes in the monetary area.

The amendments shall enter into force after being ratified by all the Member States in accordance with their respective constitutional requirements.

Explanation:

We do not support the suggestion, made in the Praesidium's comments, on inserting an express provision to draft Article F on the possibility of convening a preparatory Convention. In our view it would not be appropriate to lay down in the Constitution one particular method that might be used for preparing for an Intergovernmental Conference. The system should rather be kept as flexible as possible, which of course in no way rules out the possibility that in future recourse is also had to a preparatory Convention. In that case, however, the Convention should be convened by the European Council and not by its "President", as suggested by the commentary. The reference to "Council" is also inappropriate as it is representatives of the Heads of State or Government of the Member States, and not representatives of the Council, that are members of the Convention.

We welcome the invitation to the Convention to consider a procedure other than that referred to in Article 48 TEU for amending those parts of the Constitution that are not constitutional in nature. This could, for instance, mean that such amendments could be approved by a common accord of representatives of the Governments of the Member States, rather than ratification. Or, as an alternative, amendments could be approved by Union institutions or by representatives of Member States' Governments by a reinforced qualified majority, and then ratified by each Member State. However, it is clear that before any definite view can be taken in this respect, we need to know precisely to which provisions such a simplified procedure would apply.

As to the question of what to do if any Member State fails to ratify a Treaty revision, we think that this is a political question that should be dealt with along the lines proposed in draft Article G, paragraph 3.