

## AMENDMENT FORM

### Suggestion for amendment of Part III

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PRAESIDIUM	TIMOTHY KIRKHOPE MEP
<b><u>PART THREE: GENERAL AND FINAL PROVISIONS</u></b>	<b><u>PART THREE: GENERAL AND FINAL PROVISIONS</u></b>
<b><u>Article A: Repeal of earlier Treaties</u></b>  The Treaty establishing the European Community of 25 March 1957, the Single Act of 17 February 1986, the Treaty on European Union of 7 February 1992, the Treaty of Amsterdam of 2 October 1997 and the Treaty of Nice of 26 February 2001 shall be repealed as from the date of entry into force of the Constitutional Treaty. The acts and treaties listed in the Annex shall also be repealed.	<b><u>Article A: Repeal of earlier Treaties</u></b>  The Treaty establishing the European Community of 25 March 1957, the Single Act of 17 February 1986, the Treaty on European Union of 7 February 1992, the Treaty of Amsterdam of 2 October 1997 and the Treaty of Nice of 26 February 2001 shall be repealed as from the date of entry into force of the <i>simplifying</i> Treaty. The acts and treaties listed in the Annex shall also be repealed.
<b><u>Article B: Legal continuity in relation to the European Community and the European Union</u></b>  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.	<b><u>Article B: Legal continuity in relation to the <i>previous</i> European Community and the European Union</u></b>  The European <i>Community</i> shall succeed to all the rights and obligations of the <i>previous</i> European Communities and of the Union, whether internal or resulting from international agreements, which arose before the entry into force of the <i>simplifying</i> 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 <i>Community</i> , adopted by virtue of the treaties and acts mentioned in the first paragraph, shall remain in force insofar as they are compatible with the <i>simplifying Treaty</i> . The case-law of the Court of Justice of the European Communities shall be maintained as a preferential source of interpretation of the <i>simplifying Treaty</i> and acts prior to its entry into force.

	<p><b>Explanation: If the European Union were to revert back to being the European Community (the option presented by the Convention Chairman which I support), the simplifying Treaty would need to differentiate between the <i>previous</i> Community and the <i>new</i> Community.</b></p>
<p><b><u>Article C: Scope</u></b></p> <p>1. The Constitutional Treaty shall apply to the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland, ...</p> <p>2. The Constitutional Treaty shall apply to the French overseas departments, the Azores, Madeira and the Canary Islands in accordance with Article ... of Part Two.</p> <p>3. The special arrangements for association set out in Part [Four of the TEC] of the Constitutional Treaty shall apply to the overseas countries and territories listed in [Annex II to the TEC].</p> <p>The Constitutional Treaty shall not apply to overseas countries and territories having special relations with the United Kingdom of Great Britain and Northern Ireland which are not included in that list.</p> <p>4. The Constitutional Treaty shall apply to the European territories for whose external relations a Member State is responsible.</p> <p>5. The Constitutional Treaty shall apply to the Åland Islands in accordance with the provisions set out in Protocol 2 to the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden.</p>	<p><b><u>Article C: Scope</u></b></p> <p>1. The <i>simplifying</i> Treaty shall apply to the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland, ...</p> <p>2. The <i>simplifying</i> Treaty shall apply to the French overseas departments, the Azores, Madeira and the Canary Islands in accordance with Article ... of Part Two.</p> <p>3. The special arrangements for association set out in Part [Four of the TEC] of the <i>simplifying</i> Treaty shall apply to the overseas countries and territories listed in [Annex II to the TEC].</p> <p>The <i>simplifying</i> Treaty shall not apply to overseas countries and territories having special relations with the United Kingdom of Great Britain and Northern Ireland which are not included in that list.</p> <p>4. The <i>simplifying</i> Treaty shall apply to the European territories for whose external relations a Member State is responsible.</p> <p>5. The <i>simplifying</i> Treaty shall apply to the Åland Islands in accordance with the provisions set out in Protocol 2 to the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden.</p>

<p>6. Notwithstanding the preceding paragraphs:</p> <p>(a) the Constitutional Treaty shall not apply to the Faeroe Islands;</p> <p>(b) the Constitutional Treaty shall not apply to the sovereign base areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus;</p> <p>(c) the Constitutional Treaty shall apply to the Channel Islands and the Isle of Man only to the extent necessary to ensure the implementation of the arrangements for those islands set out in the Treaty concerning the accession of new Member States to the European Economic Community and to the European Atomic Energy Community, signed on 22 January 1972.</p>	<p>6. Notwithstanding the preceding paragraphs:</p> <p>(a) the <i>simplifying</i> Treaty shall not apply to the Faeroe Islands;</p> <p>(b) the <i>simplifying</i> Treaty shall not apply to the sovereign base areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus;</p> <p>(c) the <i>simplifying</i> Treaty shall apply to the Channel Islands and the Isle of Man only to the extent necessary to ensure the implementation of the arrangements for those islands set out in the Treaty concerning the accession of new Member States to the European Economic Community and to the European Atomic Energy Community, signed on 22 January 1972.</p>
<p><b><u>Article D: Regional unions</u></b></p> <p>The Constitutional Treaty shall not preclude the existence or completion of regional unions between Belgium and Luxembourg, or between Belgium, Luxembourg and the Netherlands, to the extent that the objectives of these regional unions are not attained by application of the Constitutional Treaty.</p>	<p><b><u>Article D: Regional unions</u></b></p> <p>The <i>simplifying</i> Treaty shall not preclude the existence or completion of regional unions between Belgium and Luxembourg, or between Belgium, Luxembourg and the Netherlands, to the extent that the objectives of these regional unions are not attained by application of the <i>simplifying</i> Treaty.</p>
<p><b><u>Article E: Protocols</u></b></p> <p>The protocols annexed to this Treaty shall form an integral part thereof.</p>	<p><b><u>Article E: Protocols</u></b></p> <p>The protocols annexed to this Treaty shall form an integral part thereof.</p>
<p><b><u>Article F: Procedure for revising the Constitutional Treaty</u></b></p> <p>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.</p> <p>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</p>	<p><b><u>Article F: Procedure for revising the Constitutional Treaty</u></b></p> <p>The government of any Member State or the <i>European Parliament</i> may submit to the Council proposals for the amendment of the <i>simplifying</i> Treaty. The national Parliaments shall be notified of these proposals.</p> <p>If the Council, after consulting the European Parliament, <i>agrees by unanimity to open the simplifying Treaty for renegotiation, a Convention of representatives from the Member States and the Accession States shall be convened.</i> The Council of</p>

<p>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.</p> <p>The amendments shall enter into force after being ratified by all the Member States in accordance with their respective constitutional requirements.</p>	<p>the European Central Bank shall also be consulted in the case of institutional changes in the monetary area.</p> <p>The amendments shall enter into force after being ratified by all the Member States in <i><u>national referenda, where permitted by national constitutions</u></i>.</p> <p><b>Explanation: As the directly elected institution of the Community, the European Parliament should have the power to propose amendments to the simplifying Treaty to the Council.</b></p>
<p><b><u>Article G: Adoption, ratification and entry into force of the Constitutional Treaty</u></b></p> <p>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.</p> <p>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.</p> <p>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.</p>	<p><b><u>Article G: Adoption, ratification and entry into force of the <i>simplifying</i> Treaty</u></b></p> <p>1. The <i>simplifying</i> Treaty shall be ratified by the High Contracting Parties <i><u>through national referenda, where permitted by national constitutions</u></i>. The instruments of ratification shall be deposited with the Government of the Italian Republic.</p> <p>2. The <i>simplifying</i> 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.</p> <p>3. If, two years after the signature of the <i>simplifying</i> 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 <i><u>which shall act on a unanimous basis</u></i>.</p> <p><b>Explanation: Unanimity is important because Member States should not proceed without the full support of other Member States, unless they are doing so on a bilateral or multilateral basis.</b></p>

<p><b><u>Article H: Duration</u></b></p> <p>The Constitutional Treaty is concluded for an unlimited period.</p>	<p><b><u>Article H: Duration</u></b></p> <p>The <i>simplifying</i> Treaty is concluded for an unlimited period. <i>If, however, an amending Convention has not been convened for more than ten years since the date of ratification, a new Convention shall be automatically convened to review the simplifying Treaty.</i></p> <p><b>Explanation: The simplifying Treaty should be reviewed every ten years, thus keeping the scrutiny of the purposes and principles of the Community under regular review.</b></p>
<p><b><u>Article I: Languages</u></b></p> <p>The Constitutional Treaty, drawn up in a single original in the Danish, Dutch, English, Finnish, French, German, Greek, Irish, Italian, Portuguese, Spanish, Swedish and ... languages, the texts in each of these languages being equally authentic, shall be deposited in the archives of the Government of the Italian Republic, which will transmit a certified copy to each of the governments of the other signatory States.</p>	<p><b><u>Article I: Languages</u></b></p> <p>The <i>simplifying</i> Treaty, drawn up in a single original in the Danish, Dutch, English, Finnish, French, German, Greek, Irish, Italian, Portuguese, Spanish, Swedish and ... languages, the texts in each of these languages being equally authentic, shall be deposited in the archives of the Government of the Italian Republic, which will transmit a certified copy to each of the governments of the other signatory States.</p>