

CHECK AGAINST DELIVERY!

**DRAFT GENERAL AND FINAL PROVISIONS
OF THE FUTURE CONSTITUTIONAL TREATY**

**Intervention by Mrs. Meglena Kuneva,
Representative of the Bulgarian Government to
the European Convention
Brussels, 24-25 April 2003**

Ladies and Gentlemen,

Let me briefly draw your attention to our considerations on the draft general and final provisions:

Concerning article F: we consider that the procedure for revising the constitutional treaty should be different for its two composite parts. Our main argument in favour of such an option is based on the assumption that we should achieve flexibility and avoid in the future constant IGCs and ratification procedures for issues, which are not of primary importance. Our view is that the **first part of the Constitution**, if subject to amendments, should be **preceded by an IGC**, and where appropriate, by a **Constitutional Convention**, following a decision of the Council, and should require ratification by all Member States. As for the **second part** – functional or technical provisions - dealing predominantly with common policies, it should be subject to an easier amendment procedure. That procedure would require solely a **unanimity decision of the Council** taken after consultation with the European Parliament and, where appropriate – the Commission. It would be up to each Member State to decide how to involve its National Parliament in the process of revision.

Concerning article G “Adoption, ratification and entry into force of the Constitutional Treaty” we consider that in view of the above suggestion the provision should refer **to that particular Constitutional Treaty**. The argument here is connected with our previous proposal. If it is accepted, the entry into force of the constitutional treaty in future will depend on the revision procedure applicable to the first and second part, respectively. This means that the present provision of article G should consider solely the ratification/entry into force of the Constitution, as it will be adopted by the forthcoming IGC.

Finally, concerning the ratification procedure we do not see the need for introducing the four-fifth threshold of compliant Member states, since even one case of non-ratification would suffice in order to refer the matter to the European Council.

Thank you for your attention.