

THE EUROPEAN CONVENTION

THE SECRETARIAT

Brussels, 26 February 2003 (04.03)
(OR. de,en,fr)

CONV 574/1/03
REV 1

COVER NOTE

from : Secretariat

to : Convention

Subject : **Reactions to draft Articles 1 to 16 of the Constitutional Treaty**
– Analysis

Members will find in the attached Annex a revised version of the summary sheets of the proposed amendments to Articles 1 to 16 (CONV 528/03).

**SUMMARY SHEET OF THE PROPOSALS FOR AMENDMENTS
TO ARTICLE 1(1)**

ARTICLE 1(1): ESTABLISHMENT OF THE UNION

"Reflecting the will of the peoples and the States of Europe to build a common future, this Constitution establishes a Union [entitled ...], within which the policies of the Member States shall be coordinated, and which shall administer certain common competences on a federal basis."

I. THEMATIC EXAMINATION OF AMENDMENTS:

- **Stress that the decision to establish a Union is the result of the will of the States and the peoples/citizens of Europe.**
Haenel + Badinter + Andiukaitis + Hain + Abitbol + Farnleitner + Puwak + Kaufmann
- **Replace "peoples" by "citizens"/add "citizens" to "peoples".**
Palacio + Follini + Korčok + Arabadjiev + Fischer + Katiforis + Szajer (+ reference to "nations") + Paciotti + Spini
- **Delete reference to "on a federal basis"**
Hain + Kohout + Farnleitner + Hololei + Kirkhope + Hübner ("in the joint interest" instead) + Fini + Vanhanen + Kiljunen + Olesky + Costa + 3 Portuguese members of the Convention + Korčok + Würmeling + Altmaier + Kacin + Horvat + Schlüter + Queiró + Rupel + Tomlinson + Muscardini + Oguz + Hololei + Kelam + 3 members of the Convention + Schlüter (exercise of competences in common) + Voggenhuber + Lichtenberger + Nagy
- **Include reference to "High Contracting Parties"**
Lopes + Hain + Hjelm–Wallén + 5 Swedish members
- **Replace Constitution by "Treaty" or "Constitutional Treaty"**
Heathcoat–Amory + Korčok + Kalniete + 5 Lithuanian members of the Convention + Schlüter + Queiró
- **Retain the phrase "an ever closer Union"**
de Villepin + Michel + 5 Belgian members of the Convention + Lopes + Van Lancker + Meyer + Fini + Hübner + Lequiller + Kuneva + Fischer + Severin (1a/6) + Brok + 12 EPP members of the Convention
- **New formulation/definition of the Union as a "Federation of Nation States"**
de Villepin + Fischer + Kuneva
- **Numerous views on the name. Following in favour of retaining the name "European Union"**
Fini + Kiljunen + 3 Finns + Korčok + 3 Slovaks + 6 Lithuanians + Duff + Queiró + Muscardini + Katiforis + Attalides + de Villepin + Avgerinos + Voggenhuber + Lichtenberger + Nagy

- **Insert a reference to the need for decisions to be taken as closely as possible to the citizen**
Tiilikainen + 3 Finns

II. LIST AND BREAKDOWN OF THE AMENDMENTS

1(1)/1 DUHAMEL + 7 members of the Convention

- European Union of States and citizens
- Redraft the end of the sentence while preserving the meaning

1(1)/2 SÖDERMAN (observer)

- Insistence on cooperation between Member States + taking decisions "as closely as possible to the citizen"

1(1)/3 BORRELL + 2 members of the Convention

- Deletion of "common future" and minor redrafting of Article 1

1(1)/4 KROUPA

- Replace "federal" by "supranational"

1(1)/5 VAN LANCKER + 6 members of the Convention

- Insert "an ever closer Union"
- Put the reference to administering competences on a federal basis first and coordinating policies second.

1(1)/6 ROCHE

- Delete the second part of the sentence (the reference to administering on a federal basis)

1(1)/7 FARNLEITNER

- Delete "on a federal basis"

1(1)/8 AVGERINOS

- name: European Union

1(1)/9 PUWAK

- Citizen + European Union

1(1)/10 PACIOTTI + SPINI

- name: European Union + add "citizens"

1(1)/11 ZIELENIEC

- Citizen

1(1)/12 ANDRIUKAITIS

- Add that the allocation of powers derives from the Member States and their citizens

1(1)/13 PIETERS

- Linguistic amendment

1(1)/14 ABITBOL

- Redraft

1(1)/15 HAENEL + BADINTER

- Recast the Article

1(1)/16 HAIN

- Recast Article 1 to stress that the establishment of a European Union is a decision of the peoples and States
- Delete the reference to "on a federal basis"

1(1)/17 KAUFMANN

- Stress that "establishing the Union is the work of the citizens and the States of Europe"

1(1)/18 de VILLEPIN

- Retain "an ever closer Union"

1(1)/19 MICHEL + 5 Belgian members of the Convention

- An ever closer Union

1(1)/20 LOPES

- Insert "High Contracting Parties"

1(1)/21 KOHOUT

- Delete "on a federal basis"

1(1)/22 KELAM + 3 members of the Convention

- Delete "on a federal basis " and recast end of sentence

1(1)/23 SEPPANEN

- Recast paragraph

1(1)/24 MEYER

- "Citizens" instead of "peoples"
- An ever closer Union

1(1)/25 HOLOLEI

- Delete "on a federal basis"

1(1)/26 KIRKHOPE

- Replace "Union" by "Community".

1(1)/27 VOGGENHUBER + LICHTENBERGER + NAGY

- Recast Article + delete "on a federal basis"
- Recast Article: "With this Constitution the citizens and States of Europe establish a European Union"

1(1)/28 PALACIO

- Replace "peoples" by "citizens"

1(1)/29 HÜBNER

- "An ever closer Union" + "in the joint interest" instead of "on a federal basis"

1(1)/30 FINI

- An ever closer Union
- Name = European Union

1(1)/31 KILJUNEN + VANHANEN

- "European Union"
- "Decisions taken as closely as possible to the citizen"
- Delete "on a federal basis"

1(1)/32 OLESKY

- Delete "on a federal basis"

1(1)/33 TIILIKANEN + PELTOMÄKI

- Insert a reference to "decisions taken as closely as possible to the citizen"
- European Constitution marks "a new stage"
- European Union

1(1)/35 MacCORMICK

- Reminder that the Union already exists
- Insert a reference to "freedom of information"

1(1)/36 HEATHCOAT-AMORY

- Use the term "treaty"
- Union should be "Europe of Democracies"
- Substantial redrafting

1(1)/37 BELOHORSKA + 3 Slovak members of the Convention

- European Union

1(1)/38 COSTA + 3 Portuguese members of the Convention

- Delete "on a federal basis"

1(1)/39 KORČOK

- Replace "peoples" by "citizens"

1(1)/40 KALNIETE + 5 Lithuanian members of the Convention

- "Constitutional treaty"

1(1)/41 WÜRMELING + ALTAMAIER

- Delete "on a federal basis"

1(1)/42 LEQUILLER

- Insert "an ever closer Union"

1(1)/43 KACIN + HORVAT

- "Union of citizens, peoples and states"
- Delete "on a federal basis"

1(1)/44 KUNEVA

- An ever closer Union
- An ever closer federation

1(1)/45 ARABADJIEV

- Citizens

1(1)/46 DUFF + 4 members of the Convention

- European Union
- Drafting amendments

1(1)/47 NAGY

- Redraft Article

1(1)/48 SCHLÜTER

- Treaty
- Delete "on a federal basis"

1(1)/49 QUEIRÓ

- Use the word "Treaty"
- Name: "European Union"
- Delete "on a federal basis"

1(1)/50 HJELM–WALLÉN + 5 Swedish members of the Convention

- Use the word "Treaty"
- High Contracting Parties

1(1)/51 BONDE + 9 members of the Convention

- Redraft the Article: "Europe of Democracies"

1(1)/52 WITTBRODT

- Minor redrafting of the end of the Article

1(1)/53 RUPEL

- Delete "on a federal basis"

1(1)/54 de VRIES + 5 Netherlands members of the Convention

- Redraft the end of the Article without changing the meaning

1(1)/55 FISCHER

- Add "citizens"
- An ever closer Union
- Federation of nation States

1(1)/56 Lord TOMLINSON

- Delete "on a federal basis"

1(1)/57 BROK + 12 EPP members of the Convention

- Citizens
- Redraft the end of the Article

1(1)/58 MUSCARDINI

- Delete "on a federal basis"

1(1)/59 KATIFORIS

- Replace "peoples and States of Europe" by "European citizens"
- Reference to a "Union of peoples and States", entitled "European Union"

1(1)/60 ATTALIDES

- Name: "European Union"

1(1)/61 OGUZ

- Delete "on a federal basis"

1(1)/62 HOLOLEI

- Delete "on a federal basis"

1(1)/63 SZAJER

- Reference to citizens and nations

1(1)/64 KELAM + 3 members of the Convention

- Delete "on a federal basis"

1(1)/65 SCHLÜTER

- Delete "on a federal basis"
- Replace "Constitution" by "Constitutional Treaty"

1(1)/67 PACIOTTI + SPINI

- "Union of States and citizens"
- Name: "European Union"
- Recast end of Article

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SUMMARY SHEET OF THE PROPOSALS FOR AMENDMENTS
TO ARTICLE 1(2)

ARTICLE 1(2): ESTABLISHMENT OF THE UNION

"The Union shall respect the national identities of its Member States."

I. THEMATIC EXAMINATION OF AMENDMENTS

- **Make clear (with sometimes slightly different wordings) that national identity comprises, as appropriate, the Constitutional "structures"/organisation of public authorities at local and regional level/selection of languages/local autonomy/status of churches**
- Mr Michel + 5 Belgian members of the Convention + observers + Lopes + Hübner + Einem + Kiljunen + Vanhanen + Cushman + Olesky + Tiilikainen + Peltomäki + Costa + 3 Portuguese + Santer + 2 Luxembourgers + Lequiller + Frenco + Bonde + 8 members of the Convention + Wittbrodt + Fogler + Brok + 12 EPP members of the Convention + Katiforis + Serracino-Inglott (+ Inguanes) + Chabert (observer) + 5 members of the Convention (observers)
- **Add respect for "sovereignty"**
Andriukaitis + Lithuanian members of the Convention + Roche + Abitbol + Kirkhope + Queiró + Bonde + 8 members of the Convention
- **Insistence on cultural diversity/cultural heritage**
Kohout + Lopes + Santer + 2 Luxembourgers + Chabert (observer) + 5 members of the Convention (observers)
- **Add respect for the identity of the peoples or nations**
Fini + Balázs + Szajer

II. LIST AND BREAKDOWN OF THE AMENDMENTS

1(2)/1 ECKSTEIN-KOVÁCS

- Autonomous administration

1(2)/2 LAMASSOURE

- Substantial recasting with incorporation of Article 9(6). Insert concept of regional voting + "ever closer" solidarity

1(2)/3 MacCORMICK

- Autonomy of regions and local authorities

1(2)/4 ANDRIUKAITIS + 3 members of the Convention

- Add that the Union shall respect the identity and sovereignty of its Member States

1(2)/5 ROCHE

- *Idem* previous amendment

1(2)/6 CHABERT + 5 members of the Convention

- Linguistic diversity and local and regional diversity

1(2)/7 PIETERS

- Linguistic amendment

1(2)/8 ABITBOL

- Recasting of the Article

1(2)/9 HAENEL + BADINTER

- Drafting amendment

1(2)/10 KAUFMANN

- The Member States shall also exercise their competences on a federal basis

1(2)/11 MICHEL + 5 members of the Convention

- Regional, cultural and linguistic diversity

1(2)/12 LOPES

- Numerous additions relating to national identity, promotion of the richness of cultural diversity

1(2)/13 KOHOUT

- Diversity

1(2)/14 KIRKHOPE

- Respect for sovereignty

1(2)/16 BALÁZS

- Respect for the national identity of the peoples and the Member States

1(2)/17 HÜBNER

- Respect for national and constitutional structures

1(2)/18 FINI

- Respect for the national identity of the peoples

1(2)/19 EINEM

- Insert an elaboration of the constituents of identity

1(2)/20 KILJUNEN + VANHANEN

- Clarification of the concept of national identity

1(2)/21 CUSHNAHAN

- Clarification of the concept of national identity

1(2)/22 OLESKY

- *Idem*, slightly different wording

1(2)/23 TIILIKAINEN + PELTOMÄKI

- Clarification of the concept of national identity

1(2)/25 HEATHCOAT-AMORY

- Redrafting of the Article

1(2)/26 COSTA + 3 Portuguese members of the Convention

- Clarification of the concept of national identity

1(2)/27 SANTER + 2 Luxembourg members of the Convention

- Different wording on cultural diversity

1(2)/28 LEQUILLER

- Clarification of the substance of national identity

1(2)/29 KUNEVA

- Clarification of the concept of national identity

1(2)/30 DUFF + 4 members of the Convention

- Inappropriate to the establishment of the Union and should be deleted

1(2)/32 SCHLÜTER

- Addition on taking decisions as closely as possible to the citizen

1(2)/33 QUEIRÓ

- Sovereignty + equality between Member States

1(2)/34 FRENDÓ + 2 Maltese members of the Convention

- Reference to Article 9(6)

1(2)/35 BONDE + 8 members of the Convention

- Clarification of the concept of national identity (*idem* in substance)

1(2)/36 WITTBRODT + FOGLER

- Clarification of the concept of national identity + "status of churches and religious communities"

1(2)/37 RUPEL

- Addition of regional identities

1(2)/38 CRISTINA

- Clarification of the concept of national identity + "status of churches and religious communities"

1(2)/39 BROK + 12 EPP members of the Convention

- Reference to political and constitutional structures, languages, status of churches and non-confessional organisations

1(2)/40 KATIFORIS

- Merge with Article 9(6) of the Constitutional Treaty

1(2)/41 SZAJER

- Reference to the nations

1(2)/42 SERRACINO-INGLOTT + INGUANEZ

- Clarify national identity in accordance with Article 9(6) of the Constitutional Treaty

1(2)/43 CHABERT + 5 members of the Convention (observers)

- Reference to cultural and linguistic diversity and to the principle of local and regional autonomy

1(2)/44 SCHLÜTER

- Reference to transparency and the principle of proximity (see Article 1 TEU)

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SUMMARY SHEET OF THE PROPOSALS FOR AMENDMENTS
TO ARTICLE 1(3)

ARTICLE 1(3): ESTABLISHMENT OF THE UNION

"The Union shall be open to all European States whose peoples share the same values, respect them and are committed to promoting them together."

I. THEMATIC EXAMINATION OF AMENDMENTS

➤ **Delete the reference to "peoples"**

– de Villepin + Lopes + Hain + Tomlinson

➤ **Relax the conditions of admission/Refer to no condition for accession other than being a European State**

– Heathcoat-Amory + Belohorska + 8 members of the Convention + Hain (doubts about the end of the sentence) + Voggenhuber + Lichtenberger + Nagy

➤ **Recast to reinforce/spell out the commitments to be entered into by States wishing to join the Union**

– Vanderlinden + 3 Netherlands members of the Convention + Korčok + Balázs + Lopes + Wittbrodt + Katiforis + Attalides

➤ **Add the possibility of leaving the Union**

– Lamassoure + Queiró (the latter would put that provision in an Article 2a)

➤ **Many drafting amendments**

– Haenel + Badinter + Berger + Pieters + Borell + 2 members of the Convention

II. BREAKDOWN OF THE AMENDMENTS

1(3)/1 LAMASSOURE

Insert the possibility of leaving the Union

1(3)/2 BORRELL + 2 members of the Convention

- a amendment
- specify that the values are those "set out in the Constitution"

1(3)/3 PIETERS

- drafting amendment

1(3)/4 ABITBOL

Association status for States whose territory lies only partly in Europe.

1(3)/5 HAENEL + BADINTER

- Drafting amendment which does not change the meaning: "The Union shall be open to European States whose peoples share and respect the same values."

1(3)/6 HAIN

- Deletion of "peoples"; doubts about the last part of the sentence.

1(3)/7 KAUFMANN

- Delete paragraph 3

1(3)/8 de VILLEPIN

- Delete the reference to "peoples"

1(3)/9 LOPES

- Strengthening of the commitment conditions for third countries wishing to join the Union.

1(3)/10 VOGGENHUBER + LICHTENBERGER + NAGY

- Recast Article: "in order to end of the historic division of Europe, the European Union shall be open to European States which are willing and able to be part of it."

1(3)/11 BALÁZS

Reference to the Copenhagen criteria.

1(3)/12 EINEM

Delete paragraph

1(3)/13 KILJUNEN + VANHANEN

Drafting

1(3)/16 BERGER

- Recast Article: "Any European State which respects the values set out in Article 2 may apply to join the European Union."

1(3)/17 HEATHCOAT-AMORY

- Delete end of sentence and read "The Union shall be open to all European States."

1(3)/18 COSTA + 3 members of the Convention

- For "values" read "principles"

1(3)/19 KORČOK

- Add "whose peoples share the same values and the same aims"

1(3)/20 TEUFEL

- Tone down the wording: "may apply to become members of the Union"

1(3)/21 KACIN + HORVAT

- Add "citizens and peoples"

1(3)/22 QUEIRÓ

- Insert an Article 2a establishing "a procedure for withdrawal at a Member State's request"

1(3)/23 HJELM-WALLÉN + 5 members of the Convention

- Deletion of "peoples"

1(3)/24 BELOHORSKA + 8 members of the Convention

- Relax the admission criteria

1(3)/25 VANDERLINDEN + 3 Netherlands members of the Convention

- At the end of the sentence read "who undertake to promote and defend these values"

1(3)/26 WITTBRODT

- Add "principles"

1(3)/27 FISCHER

- Delete "peoples"

1(3)/28 Lord TOMLINSON

- Delete "peoples"
- Reference to the values set out in Article 2 of the Constitution

1(3)/29 KATIFORIS

- Reference to the democratic principle and the rule of law

1(3)/30 ATTALIDES

- "... same values and objectives"

1(3)/31 OGUZ

- Reference to the values set out in Article 2 of the Constitution

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SUMMARY SHEET OF THE PROPOSALS FOR AMENDMENTS
TO ARTICLE 1a

ARTICLE 1a

(new)

I. THEMATIC EXAMINATION OF AMENDMENTS

Drafting of a new paragraph specifying, as appropriate,

- the emblem
- the motto
- Europe Day
- the anthem
- the capitals (Brussels, Luxembourg, Strasbourg)
- the Union's currency
- miscellaneous

II. BREAKDOWN OF THE AMENDMENTS

1a/1 LAMASSOURE

Insert the capitals of the Union (Brussels, Luxembourg, Strasbourg) + flag + currency (euro) + anthem + Europe Day (9 May).

1a/2 BERÈS + 5 members of the Convention

Insert emblem + anthem + motto ("peace, equality, freedom") + Europe Day (9 May).

1a/3 PIETERS

Linguistic amendment

1a/4 HAENEL + BADINTER

Insert motto + emblem + anthem

1a/5 SKAARUP

Only a reference to Christianity

1a/6 BROK + 17 members of the Convention

Headquarters in Brussels + flag + currency (euro) + anthem + Europe Day (9 May)

1a/6 SEVERIN

- Add reference to "ever closer Union"

1a/7 EARL OF STOCKTON

- Referendum in all the Member States whose constitution so permits

1a/8 HEATHCOAT-AMORY

- Reference to the WTO (World Trade Organisation)

1a/9 HJELM-WALLÉN + 5 members of the Convention

- Reference to transparency and subsidiarity (Article 1 TEU)

1a/10 LEQUILLER

- Motto + emblem, anthem, currency and public holiday

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SUMMARY SHEET OF THE PROPOSALS FOR AMENDMENTS TO ARTICLE 2

ARTICLE 2: THE UNION'S VALUES

"The Union is founded on the values of respect for human dignity, liberty, democracy, the rule of law and respect for human rights, values which are common to the Member States. Its aim is a society at peace, through the practice of tolerance, justice and solidarity."

I. THEMATIC EXAMINATION OF AMENDMENTS

- **Add equality to the values in the first sentence**
 - Duhamel + 9 members of the Convention + Andiukaitis + Michel + 5 Belgian members of the Convention + Pacioti + Spini + Portuguese members of the Convention + Katiforis + Voggenhuber + Lichtenberger + Giannakou + Einem + Tiilikainen + Peltomäki (inclusion in the 2nd sentence) + Kiljunen + Vanhanen + Svensson + Palacio + Kaufmann
- **Add "equality between men and women"**
 - Dybkjaer + Gabaglio (observer) + Vassiliou + Cristina + Costa + Puwak + 3 Portuguese members of the Convention + McAvan + Einem + Wittbrodt + Fogler+ Hjelm-Wallén + 4 Swedish members of the Convention
- **Inclusion of all or some of the values in the 2nd sentence ("peace, tolerance, justice, solidarity") among the values in the first sentence and deletion of the second sentence**
 - Michel + 5 Belgian members of the Convention + Lopes + Puwak+ Pacioti + Spini + Katiforis + Voggenhuber + Lichtenberger + Costa + 3 Portuguese members of the Convention + McAvan + Frendo + Serracino + Inguanez + Hübner
- **Add "pluralism" (Lequiller), "diversity" (Würmeling + Altmaier), "cultural and linguistic diversity" (MacCormick + Figel) "respect for the rights of disabled people and minorities" (Kiljunen + Vanhanen) "social justice" (Voggenhuber + Lichtenberger + Einem) + Gabaglio (observer), "openness" (Kiljunen + Vanhanen + Svensson), "cultural diversity" (Duff + 3 members of the Convention + MacLennan), "national and regional identities" (Duff + 3 members of the Convention + MacLennan), "national minorities" (Balázs)**
- **Add or replace human rights by "fundamental rights" or "fundamental freedoms"**
 - de Villepin + Roche + Puwak+ Tiilikainen + Peltomäki + Tiilikainen + Peltomäki + Berès + Socialist Group + Kuneva + Tiilikainen + Peltomäki + Rupel + Duff + 3 members of the Convention + MacLennan + Palacio

- **Keep the 2nd sentence but delete "at peace"**
 - de Villepin + Haenel + Badinter + Dini
- **Specify "universal values" or "universal and indivisible values"**
 - Duhamel + 9 members of the Convention + Lenmarker
- **Replace "values" by "principles" or state "on the principles of respect for"**
 - de Villepin + Kuneva
- **Different proposals for including a reference to religion: reference to God (modelled on the Polish Constitution)/reference to Christianity/mention of Judaeo-Christian roots/reference to the Graeco-Roman, Judaeo-Christian, secular and liberal traditions**
 - Kroupa + Skaarup + Fini + Teufel + Korčok + 3 members of the Convention + Muscardini + Wittbrodt + Fogler + Teufel + Brok + 16 members of the Convention
- **Separation of Church and State**
 - Berès + Di Rupo

II. DETAILS OF THE AMENDMENTS:

(II)/1 DUHAMEL + 9 members of the Convention

Add "equality, solidarity and justice" to the common values.

(II)/2 ABITBOL

Completely recast Article 2 and include many new concepts, such as a ban on interference in the expression of the Member States' universal suffrage.

(II)/3 BORRELL + 2 members of the Convention

Add "equality, promotion of dignity" and "universal and indivisible" values

(II)/4 DUHAMEL

Drafting amendment

(II)/5 DYBKJAER

Add "equality, in particular between men and women"

(II)/6 ECKSTEIN

Add after human rights "including the rights of national minorities"

(II)/7 GABAGLIO – Observer

Add "social justice" and "equality between men and women"

(II)/8 HAENEL + BADINTER

Add "solidarity", "equality" + promotion of these values throughout the world. Deletion of 2nd sentence

(II)/9 KROUPA

Add new paragraph with the reference to God from the Polish Constitution

(II)/10 MacCORMICK

The 2nd sentence should mention respect for cultural and linguistic diversity

(II)/11 LENMARKER

Add universal values

(II)/12 ANDRIUKAITIS + 3 members of the Convention

Add equality

(II)/13 ROCHE

Add "and fundamental freedoms" after "human rights".

(II)/14 HAIN

Delete 2nd sentence, which could be included in the preamble.

(II)/15 BERÈS + 17 members of the Convention

Add "human dignity", replace "human rights" by "fundamental rights"

(II)/16 CRAVINHO

Add pluralism

(II)/17 VASSILIOU

Add equality between men and women

(II)/18 PACIOTTI + SPINI

Add "quality", delete "second sentence and include "solidarity" and "justice" in first sentence.

(II)/19 LOPES

Delete reference to values

New wording of second sentence to include tolerance, justice, solidarity and equality between Member States.

(II)/20 MICHEL + 5 Belgian members of the Convention

Deletion of 2nd sentence (ditto Hain)

Inclusion of values of solidarity, equality, tolerance and justice in the first sentence.

(II)/21 de VILLEPIN

Replace values by principles
add reference to fundamental freedoms

(II)/22 PUWAK

fundamental rights + solidarity + equality between men and women

(II)/23 FRENDÓ

Add solidarity + justice

(II) 24 BERÈS + Di RUPO

Separation of Church and State

(II) 25 KIRKHOPE

Replace "Union" by "Community"

(II) 26 KOHOUT

Delete second sentence

(II) 27 SKAARUP

Include a reference to "Christianity, embedded in European history and the lives of its people" (amendment proposed for a new Article 1a, but deemed more appropriate in Article 2, under religion)

(II) 28 ZIELENIEC

Amendment of the second sentence to include a link to values.

(II) 29 FINI

Refer to the Union's Judaeo-Christian roots

(II) 30 FAYOT

Extend 2nd sentence to add non-discrimination, equality between men and women and sustainable development

(II) 31 FOLLINI

Refer to religious tradition

(II) 32 TIILIKAINEN + PELTOMÄKI

Add "fundamental values"

(II) 33 BERÈS + OTHER members of the Convention (Corrigendum)

Human dignity + fundamental rights

(II) 34 FIGEL

Mention national characteristics

(II) 35 HEATHCOAT-AMORY

Delete dignity (subjective term) + reference to human rights "as set out in national laws"

(II) 36 AZEVEDO + 3 Portuguese members of the Convention

Add "equality between men and women" + "solidarity"

(II) 37 KORČOK + FIGEL + MIGAS + MARTINAKOVA

Refer to Polish Constitution

(II) 38 FISCHER

– Include Article 6 of TEU

(II) 39 CRISTINA

Recast the Article + include equality between men and women and solidarity

(II) 40 KATIFORIS

Transfer some values from the second to the first sentence

(II) 41 VOGGENHUBER + LICHTENBERGER

Delete second sentence and include corresponding values in first + "social justice", "plurality" and "equality"

(II) 42 GIANNAKOU

Add "equality" + "fundamental rights"

(II) 43 MUSCARDINI

Add reference to "Graeco-Roman, Judaeo-Christian, secular and liberal" tradition

(II) 44 COSTA + 3 Portuguese members of the Convention

Add "solidarity" + "equality between men and women"

(II) 45 McAVAN

Add "equality between men and women" + "solidarity and justice" and delete 2nd sentence.

(II) 46 EINEM

Add "social justice", "equality, in particular between men and women", "solidarity" in the first sentence while letting the second stand.

(II) 47 BONDE + 8 members of the Convention

Add in the beginning a reference to "the Europe of democracies" + "and in particular democracy" to the end of the second sentence. Remainder unchanged.

(II) 48 FIGEL

Refer to culture and sovereignty

(II) 49 KUNEVA

Add "fundamental freedoms" and "principles"

(II) 50 FRENDÓ

Delete second sentence and include corresponding content in first sentence

(II) 51 LEQUILLER

Include the value of "pluralism"

(II) 52 TIILIKAINEN + PELTOMÄKI

Include "equality" in the second sentence + add "fundamental rights"

(II) 53 SERRACINO-INGLOTT + INGUANEZ

Deletion of second sentence and inclusion of content in first sentence

(II) 54 KILJUNEN + VANHANEN

"Equality" + "minority rights" + "disabled people" + "openness"

(II) 55 SVENSSON

Add "openness", "equality", "truth", "knowledge"

(II) 56 WITTBRODT + FOGLER

Add "equality between men and women"

Add a paragraph referring to God (modelled on Polish Constitution)

Add a paragraph on the principle of solidarity between the Member States.

(II) 57 TEUFEL

Add a paragraph referring to God (modelled on Polish Constitution)

(II) 58 RUPEL

Add "fundamental freedoms"

(II) 59 DUFF + RUPEL + HELMINGER + SZENT-IVÁNYI

Reference to "shared" values, "fundamental" rights and cultural diversity

Add a second paragraph referring to national and regional identities

(II) 60 BALÁZS

Reference to the protection of national minorities

(II) 61 BROK + 15 members of the Convention

Reference to God (modelled on Polish Constitution)

(II) 62 HÜBNER

Add "tolerance, justice and solidarity" in the first sentence

(II) 63 PALACIO

Reference to equality and to "fundamental" rights

(II) 64 WÜRMELING + ALMAIER

Reference to diversity

(II) 65 KAUFMANN

Reference in particular to equality and values shared by the Member States

(II) 66 MACLENNAN

Reference to "shared" values, "fundamental" rights and cultural diversity

Add a second paragraph referring to national and regional identities

(II) 67 OLEKSY

Reference to the spiritual dimension

(II) 68 HJELM-WALLEN + 4 Swedish members of the Convention

Add "equality between men and women" to the values

(II) 69 FLOCH

Add a paragraph referring in particular to "the struggles down the ages against all Nazi, fascist, authoritarian, totalitarian, racist and xenophobic regimes"

(II) 70 DINI

Delete any reference to "at peace" in the second sentence

(II) 71 QUEIRÓ

Specify "the fundamental values of the Union"

Add "the sanctity of life" to the values

Add the concept of "equality between the States and peoples of the Union" in the second sentence

(II) 72 LOPEZ GARRIDO

Add "principle of respect"

Drafting amendment

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SUMMARY SHEET OF PROPOSALS FOR AMENDMENTS
TO ARTICLE 3(1)

Article 3(1)

"The Union's aim is to promote peace, its values and the well-being of its peoples"

I. EXAMINATION OF AMENDMENTS BY MAJOR TOPIC

- **Add a reference to the preservation of the European achievement**

Palacio, Lequiller, de Villepin and Kuneva

- **Replace "peoples" with "citizens"**

MacCormick, Nagy, Würmeling and Altmæir

- **Delete the paragraph**

Hain, Tomlinson (by transferring it to the preamble), Duff and Fini

- **Add cultural diversity and sustainable development**

De Villepin and Kuneva

- **Other amendments set out below**

II. BREAKDOWN OF THE AMENDMENTS

III(1)/1 BORRELL + 2 Convention members

Addition complementary to Article 1

Change order, to put values in first place.

Add "the Union renounces war",

indicate in a new subparagraph that the Union renounces war.

III(1)/2 ABITBOL

Recast the Article.

III(1)/3 HAENEL + BADINTER

Restrict paragraph to peace "it works to ensure peace throughout the world".

III(1)/4 HAIN

Delete and insert in the preamble.

III(1)/5 ZIELENIEC

Add "European way of life".

III(1)/6 VOGGENHUBER

Replace "peoples" with "citizens".

III(1)/7 de VILLEPIN

Add the concepts "cultural diversity", "sustainable development" and "preservation of the achievements of European integration".

III(1)/8 MICHEL + 5 Convention members

Add "security".

III(1)/9 LOPES

Replace "values" by "principles" and add "economic and social well-being".

III(1)/10 KAUFMANN

Add on the basis of its values. Add maintain peace and guarantee the well-being.

III(1)/11 FINI

Recast the Article. Paragraph 1 would be deleted.

III(1)/12 KIRKHOPE

Replace "Union" with "Community".

III(1)/13 COSTA + D'OLIVEIRA

Recast the Article.

III(1)/14 KVIST

Add support

III(1)/15 MUSCARDINI

Add protection (before well-being), and add respect for the individual and human life

III(1)/16 LEQUILLER

Add while preserving the achievements of European integration

III(1)/17 CRISTINA

Add: respect for fundamental values, a society at peace with itself and peace among nations

III(1)/18 DUFF

Delete paragraph 1.

III(1)/19 MacCORMICK

Replace "peoples" with citizens

III(1)/20 KUNEVA

Delete "its values and the well-being of its peoples" and add: the values on which it is based, cultural diversity and sustainable development, while preserving the achievements of European integration.

III(1)/21 NAGY

Replace "peoples" with "citizens"

III (1)/22 QUEIRÓ

"international" peace

III (1)/23 HEATHCOAT-AMORY

Delete "its values"

III (1)/24 DINI

Add: "to safeguard its [the Union's] own independence and integrity"

III (1)/25 WÜRMELING AND ALTMAIER

Replace "peoples" with "citizens".

III (1)/26 KOHOUT

The "values" should be respected and developed

III (1)/27 PALACIO

Add: "by preserving the European achievement".

III (1)/28 Lord TOMLINSON

Delete the paragraph and transfer to preamble.

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SUMMARY SHEET OF PROPOSALS FOR AMENDMENTS
TO ARTICLE 3(2)

Article 3(2): The Union's objectives

"The Union shall work for a Europe of sustainable development based on balanced economic growth and social justice, with a free single market, and economic and monetary union, aiming at full employment and generating high levels of competitiveness and living standards. It shall promote economic and social cohesion, equality between women and men, and environmental and social protection, and shall develop scientific and technological advance including the discovery of space. It shall encourage solidarity between generations and between States, and equal opportunities for all."

I. EXAMINATION OF AMENDMENTS BY MAJOR TOPIC

• **Reformulation/strengthening of "environmental protection"**

Hjelm-Wallén + 3 Convention members, Michel + 5, Voggenhuber + Lichtenberger, Tiilikainen + Peltomäki, Fischer, Svensson, Duff, MacCormick, Thorning-Schmidt, Kaufmann, Santer + 2 Convention members, Timmermans, Palacio, Skaarup and Dybkjær

• **Deletion of the discovery of space**

Hjelm-Wallén + 3 Convention members, Kristensen, Hain, Hololei, Lopes, Svensson, de Vires + 4 Convention members, Kiljunen + Vanhannen, Duff, Einem, Wittbrodt, Queiró, Heathcoat-Amory, Kohout, Meyer, Muscardini and Fogler

• **Add "social market economy"/"European social model"**

de Villepin, Farnleitner, Santer + 2, Voggenhuber + Lichtenberger, Duhamel + 9, Nagy, Fischer, Kuneva, MacCormick, Arabajiev, Paciotti + Spini, Kaufmann, Floch, Meyer, Lopez-Garrido, Brok + 23 Convention members

• **Add market economy/free competition**

Teufel and Heathcoat-Amory

• **Add non-inflationary growth**

Brok + 23, Korčok + 3 and Tomlinson

- **"High level" of employment instead of "full employment"**

De Vries + 4, Teufel, Oleksy, Brok + 23, Korčok + 3, Hübner

- **Add territorial cohesion**

Borrell + 2, Cravinho, Chabert, de Villepin, Frendo, Cristina, Kacin, Horvat, Lequiller, Einem, Paciotti + Spini, Serracino-Inglot + Inguanez

- **Develop a reference to non-discrimination**

Kristensen, Dybkjær, Carnero, Vassiliou, Michel + 5, Muscardini, Svensson, Lequiller, Duff, Rupel + Lenarcic, Hjelm-Wallén + 3, Queiró, Cushnahan, Tomlinson

- **Add the fight against poverty/fight against social exclusion**

Fayot, Borrell + 2, Michel + 5, Lequiller, Einem, Kaufmann and Palacio

- **References to services of general interest**

Cravinho, Puwak, Michel + 5, de Villepin, Voggenhuber + Lichtenberger, Duhamel + 9, Nagy, Fayot, Lequiller, MacCormick, Kaufmann, Floch and Lopez-Garrido

- **Reference to health**

Michel + 5, Voggenhuber + Lichtenberger, Duhamel + 9, de Vries + 4, Lequiller, MacCormick, Hjelm-Wallén + 3, Nagy, Kaufmann, Floch, Palacio and Lopez-Garrido

- **Social protection**

Michel + 5, Duhamel + 9, de Vries + 4, Lequiller, Einem (Social Union), Paciotti + Spini, Altmaier + Würmeling, Floch, Nagy and Lopez-Garrido

- **Rights of children/future generations**

Brok + 23, Timmermans, Hjelm-Wallén +3, Skaarup, Dybkjær, Kaufmann, Puwak, Muscardini and Queiró

- **Add cross-border cooperation**

Teufel, Brok + 23, Chabert + 5, Haenel + Badinter

- **Other amendments set out below**

II. DETAILS OF AMENDMENTS:

III(2)/1 KRISTENSEN

Add numerous examples of non-discrimination on the basis of race.
Delete reference to "space".

III(2)/2 DUHAMEL

Add "high standard of living".

III(2)/3 DYBKJÆR + revised version

Reproduce and extend cases of non-discrimination arising from current Article 13 TEU; environmental protection; rights of future generations; a society accessible to all.

III(2)/4 FAYOT

"Eradication of extreme poverty, promotion of social inclusion and full employment".

III(2)/5 GABAGLIO Observer

Re-write.

III(2)/6 SÖDERMAN Observer- in three language versions

Include "good administration" among the objectives.

III(2)/7 BORRELL + 2 CONVENTION MEMBERS

Add "territorial cohesion" – fight against poverty – public service – protection of the ambient environment.

III(2)/8 CARNERO

Add non-discrimination relating to nationality, social and ethnic origin, sexual orientation.

III(2)/9 CRAVINHO – Observer

Services of general interest – territorial cohesion.

III(2)/10 HAIN

Recast and delete reference to space.

III(2)/11 HAENEL + BADINTER

Add "inter-regional and cross-border cooperation".

III(2)/12 ABITBOL

Re-write paragraph.

III(2)/13 VASSILIOU

Idem Carnero's amendment.

III(2)/14 ROCHE

Drafting amendment.

III(2)/15 HOLOLEI

Delete reference to discovery of space.

III(2)/16 LOPES

Delete reference to scientific and technical advance and discovery of space.

Drafting amendments.

III(2)/17 PUWAK

Shorter wording. Reference to services of general interest and child protection.

III(2)/18 CHABERT + 5 Convention members

Add reference to territorial cohesion, inter-regional and cross-border cooperation and solidarity between regional and local authorities.

III(2)/19 MICHEL + 5 Convention members

Add references to environmental protection, the convergence of economic performance, social protection and public health, quality of work, the fight against poverty and social exclusion, as well as to all forms of discrimination, services of general interest, and the promotion of equality between men and women.

III(2)/20 de VILLEPIN

Reference to the European social model, the objectives listed by the Working Group on Social Europe, including services of general interest and territorial cohesion.

III(2)/21 FARNLEITNER

Drafting amendment and reference to a social market economy.

III(2)/22 VOGGENHUBER + LICHTENBERGER

Add reference to environmental protection, a social market economy, public health, social services and services of general interest, consumer protection and animal protection.

III(2)/23 ZIELENIEC

New, very short article.

III(2)/24 DUHAMEL + 9 Convention members

Add reference to a social market economy, social protection, quality in work, public health, services of general interest, etc.

III(2)/25 Earl of STOCKTON

Delete (equality) "between men and women".

III(2)/26 TIILIKAINEN + PELTOMÄKI

Add reference to the quality of the environment and to the richness of cultural diversity.

III(2)/27 FAYOT

Add reference to the development of high-quality services of general interest.

III(2)/28 FISCHER

Reference to a social market economy and improvement of the quality of environment, etc.

III(2)/29 MUSCARDINI

Reference to non-discrimination on grounds of disability, to child protection and to respect for the elderly. Delete reference to the discovery of space.

III(2)/30 SVENSSON

Delete reference to the discovery of space. References to environmental protection, quality in work and child protection. Extend non-discrimination to other criteria (religion, ethnic origin, etc.).

III(2)/31 de VRIES + 4 Convention members

Delete reference to the discovery of space. References to environmental protection, public health and social protection. High level of employment.

III(2)/32 FRENDÓ

Reference to territorial cohesion.

III(2)/33 KUNEVA

New article. Reference to the European social model.

III(2)/34 CRISTINA

Reference to territorial cohesion.

III(2)/35 KACIN + HORVAT

References to social development, territorial cohesion and solidarity between regions.

III(2)/36 LEQUILLER (3 Amendments)

Add references to a high level of social protection, the fight against poverty and social exclusion and against all forms of discrimination and services of general interest. Add references to quality in work, public health and life-long learning. Reference to territorial cohesion.

III(2)/37 BELOHORSKA + 8 Convention members

Reference to a Europe of democracies.

III(2)/38 KILJUNEN + VANHANEN

Delete reference to the discovery of space. Reference to the richness of its cultural diversity.

III(2)/39 DUFF + 4 Convention members

Reference to environmental protection as an element of sustainable development. Extend non-discrimination to other criteria (religion, ethnic origins, etc.). Reference to the promotion of education and culture. Delete reference to the discovery of space, etc.

III(2)/40 MacCORMICK

Add references to environmental protection, to a social market economy, to public health, to social services and services of general interest, to consumer protection and to animal protection.

III(2)/41 THORNING-SCHMIDT

Reference to environmental protection as an element of sustainable development.

III(2)/42 ARABADJIEV

Reference to a social market economy.

III(2)/43 SIGMUND + BRIESCH + FRERICHS (Observers)

New article.

III(2)/44 RUPEL + LENARCIC

Extension of non-discrimination to other criteria (religion, ethnic origin, etc.).

III (2)/45 HJELM-WALLÉN + 3 Convention members

Protection and improvement of the quality of the environment, quality in work, high standard of health; children's rights, specific references to the prohibition of certain types of discrimination.

III (2)/46 EINEM

Add social peace, a social Union, eradication of poverty, territorial cohesion, dignified work and life-long training. Delete the discovery of space.

III (2)/47 TEUFEL

Principle of open market economy, with free competition. High level of employment.

III (2)/48 PACIOTTI and SPINI

Add: a social market economy, a market without internal frontiers, social protection and quality in work, territorial cohesion, development of public services and food safety.

III (2)/49 OLEKSY

"High level of employment"

III (2)/50 NAGY

cf. subjects proposed by Mr Duhamel

III(2)/51 WITTBRODT + FOGLER

Delete the discovery of space

III(2)/52 KAUFMANN

Add protection of the environment and of the rights of future generations, quality in work, a social market economy, services of general interest, the fight against social exclusion and public health.

III (2)/53 QUEIRÓ

Add child protection and respect for the elderly, non-discrimination against the disabled. Delete the discovery of space.

III (2)/54 HEATHCOAT-AMORY

Replace "free single market" with "free and competitive market"; insert, after "economic and monetary Union", "for participating States"; replace "discovery of space" with "discovery of democracy".

III (2)/55 BROK + 23 Convention members

Include a social market economy, non-inflationary growth, "an economic and monetary union based on a stable currency and sound public finances". Replace full employment with "high level of employment", include the rights of future generations and include cross-border cooperation.

III (2)/56 SANTER + 2 Convention members

Add the "principle of an open social market economy"; environmental protection.

III (2)/57 TIMMERMANS

Add the protection and improvement of the environment, and the rights of future generations.

III (2)/58 KOHOUT

Request for reformulation of the paragraph and for deletion of the "discovery of space".

III (2)/59 KORČOK

"high level of employment"; include "contribution to the safe and peaceful use of nuclear energy".

III (2)/60 KORČOK + 3 Convention members

Include "non-inflationary growth" and "high level of employment".

III (2)/61 CUSHNAHAN

Refer to respect for human rights, add promotion of non-discrimination in various aspects; add environmental, social and health protection, and consumer rights.

III (2)/62 FLOCH

cf. elements proposed by Duhamel.

III (2)/63 PALACIO

Include environmental protection, the fight against poverty and health protection.

III (2)/64 HÜBNER

"high level of employment".

III (2)/65 SERRACINO-INGLOTT and INGUANEZ

Include territorial cohesion.

III(2)/66 MEYER

Include "social market economy "; delete the discovery of space.

III (2)/67 SKAARUP

Include the protection and improvement of the environment, future generations, animal rights.

(III) (2)/68 Lord TOMLINSON

Add "non inflationary" growth and "convergence of economic preference". Add specific references to various aspects of non discrimination.

III (2)/69 ALTMAIER and WÜRMELING

Replace "social justice" with "social protection"; later on replace "social protection" with "minimal social standards"; delete "scientific and technical progress" and "solidarity between generations".

III (2)/70 LOPEZ GARRIDO

cf. elements proposed by Duhamel.

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SUMMARY SHEET OF PROPOSALS FOR AMENDMENTS
TO ARTICLE 3(3)

Article 3(3): The Union's objectives

"The Union shall constitute an area of freedom, security and justice, in which its shared values are developed and the richness of its cultural diversity is respected."

I. EXAMINATION OF AMENDMENTS BY MAJOR TOPIC

- **Add linguistic diversity**

MacCormick, Borrell + 2, Haenel + Badinter, Abitbol, Farnleitner, Muscardini, Lequiller, Rupel + Lenarcic, Cushnahan and Queiró

- **Specify an area of freedom, security and justice through the free movement of persons + depending on the case: asylum, immigration, access to justice, fight against crime**

Tiilikainen + Peltomäki, Kiljunen + Vanhanen, Einem, Duhamel + 9, Paciotti + Spini and Tomlinson

- **Add fight against racism and xenophobia**

Lopes, Duff, Azevedo + Pereira, Costa + Oliveira Martins, Paciotti + Spini and Lopez Garrido

- **Delete "in which its shared values are developed and the richness of its cultural diversity is respected"**

Hübner, Duff, Farnleitner, de Vries + 4 and Oleksy

- **Delete "and the richness of its cultural diversity is respected"**

de Villepin, Kuneva, Santer + 2

- **Add "in the citizen's interest"**

Brok + 12 and Teufel

- **Other amendments set out below**

II. EXAMINATION OF AMENDMENTS

III(3)/1 MacCORMICK

Add linguistic diversity.

III(3)/2 BORRELL + 2 Convention members

Idem MacCormick.

III(3)/3 ECKSTEIN-KOVÁCS

Idem MacCormick + "religious diversity".

III(3)/4 VASTAGH

Add "respect for and protection of its cultural diversity and minorities".

III(3)/5 ROCHE

Add "richness of its cultural, historic and legal diversity".

III(3)/6 HAIN

Rewrite the paragraph to centre it on the issues involved in creating an area of security and justice.

III(3)/7 HAENEL + BADINTER

Cultural and linguistic diversity, language learning, preservation of heritage and promotion of culture.

III(3)/8 ABITBOL

Linguistic diversity + defence of cultural diversity at global level.

III(3)/9 TIILIKAINEN and PELTOMÄKI

Replace "in which its shared values are developed and the richness of its cultural diversity is respected" by the free movement of persons in conditions of high level of security and justice accessible to all.

III(3)/10 ATTALIDES

Add common heritage.

III(3)/11 LOPES

Replace "in which its shared values are developed and the richness of its cultural diversity is respected" by the fight against racism and xenophobia, the development of common principles and a high degree of security.

III(3)/12 MICHEL + 5 Convention members

Delete "developed and the richness of its cultural diversity", add promoted to the end of the sentence.

III(3)/13 DUFF + 4 Convention members

Idem Hübner + Add a reference to the fight against racism and xenophobia.

III(3)/14 de VILLEPIN

Delete "and the richness of its cultural diversity is respected".

III(3)/15 FARNLEITNER

Delete "in which its shared values are developed". Add a reference to development of linguistic and regional diversity.

III(3)/16 VOGGENHUBER + LICHTENBERGER

In addition to respect, add promotion.

III(3)/17 FRENDÓ

Recast the Article.

III(3)/18 de VRIES + 4 Convention members

Reformulation of the paragraph: to maintain and to develop the Union as an area of freedom, security and justice is an objective of the Union.

III(3)/19 KILJUNEN + VANHANEN

Idem Ms Tiilikainen and Mr Peltomäki

III(3)/20 KUNEVA

Recast the Article. Paragraph 3 becomes paragraph 4 which becomes idem de Villepin.

III(3)/21 EINEM

Recast the Article. Insert a 3rd paragraph: the Union shall combat all forms of discrimination, promote a high standard of health and esteem services of general interest.

Paragraph 3 becomes paragraph 4. Replace "constitute" with offer citizens. Add reference to free movement of persons and asylum.

III(3)/ 22 GIANNAKOU

Idem Mr Attalides

III(3)/ 23 KATIFORIS

Recast the Article. Paragraph 3 becomes paragraph 2. Delete the reference to shared values and add enhanced at the end of sentence.

III(3)/24 MacCORMICK

Idem Voggenhuber and Lichtenberger

III(3)/25 CRISTINA

Idem Frendo

III(3)/26 BELOHORSKA + 8 Convention members

Making the Union a Europe of Democracies. Addition of fully respected.

III(3)/27 MUSCARDINI

Add reference to linguistic diversity and all specific national features and traditions.

III(3)/28 LEQUILLER

Add reference to linguistic diversity, and after "respected" add promoted.

III(3)/29 KAUFMANN

Recast the paragraph.

III(3)/30 BROK + 12 Convention members

Add in the citizen's interest.

III(3)/31 SANTER + 2 Convention members

Delete the reference to cultural diversity, which is contained in Article 1.

III(3)/32 TEUFEL

Idem Brok

III(3)/33 KIRKHOPE

Delete the paragraph.

III(3)/34 AZEVEDO + PEREIRA

Recast the Article. Recast the paragraph with addition of a reference to the fight against racism and xenophobia, the development of common values, and a high level of security.

III(3)/35 COSTA + D'OLIVERIA MARTINS

Idem Azevedo + addition of reference to a high level of quality in the administration of justice.

III(3)/36 FINI

Recast the Article. Paragraph 3 becomes the 4th indent.

III(3)/37 HÜBNER

Delete "in which its shared values are developed and the richness of its cultural diversity is respected", and replace "constitute" with promote.

III(3)/38 RUPEL + LENARCIC

Add reference to linguistic diversity.

III(3)/39 CUSHNAHAN

Idem Rupel

III(3)/40 TIMMERMANS

Add a reference to the Union promoting the well-being of its people.

III(3)/41 DUHAMEL + 9 Convention members

Add a reference to the free movement of persons, external border control, asylum, immigration, crime prevention and the fight against xenophobia and racism.

III(3)/42 HAENEL + BADINTER

Recast the Article.

III(3)/43 SERRACINO-INGLOTT

Recast the Article.

III(3)/44 PACIOTTI + SPINI

Recast the paragraph. Addition of a reference to the free movement of persons, external border control, asylum, immigration, crime prevention, the fight against xenophobia and racism, and access to justice.

III(3)/45 VASTAGH

Add respect for and protection of minorities.

III(3)/46 DUFF

Idem Hübner + Add a reference to the fight against racism and xenophobia.

III(3)/47 OLEKSY

Delete "in which its shared values are developed and the richness of its cultural diversity is respected".

III (3)/48 NAGY

Add "promoted" (like Michel)

III (3)/49 QUEIRÓ

Add linguistic diversity.

III (3)/50 HÜBNER

Ditto, but with a request that the phrase on values and cultural and linguistic diversity should be in paragraph 2 instead of here.

III (3)/51 Lord TOMLINSON

Add freedom of movement, external borders, immigration, asylum, and preventing and combatting crime.

III (3)/52 LOPEZ GARRIDO

Add "fight against racism and xenophobia, the development of common values and a high level of security".

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SUMMARY SHEET OF PROPOSALS FOR AMENDMENTS
TO ARTICLE 3(4)

Article 3(4): The Union's objectives

"In defending Europe's independence and interests, the Union shall seek to advance its values in the wider world. It shall contribute to the sustainable development of the earth, solidarity and mutual respect among peoples, eradication of poverty and protection of children's rights, strict observance of internationally accepted legal commitments, and peace between States."

I. EXAMINATION OF AMENDMENTS BY MAJOR TOPIC

- **Add protection/promotion of human/individual rights**

Farnleitner, Voggenhuber + Lichtenberger, Michel + 5, Lequiller, Duff, MacCormick, Serracino-Inglott, Hjelm-Wallén + 3, Nagy, Kaufmann and Tomlinson

- **Reference to the CFSP and, depending on the case, Union security**

Barnier, Demiralp, Hain (also defence), Figel, Giannakou, Brok + 13, Palacio, Michel + 5, Roche, de Villepin and Kelam

- **Reference to the United Nations Charter/the United Nations**

Lopes, Michel + 5, Svensson, Hjelm-Wallén + 3, Paciotti + Spini and Dini

- **Reference to identity**

Michel +5, Giannakou, Brok + 13 and Palacio

- **Other amendments set out below**

II. EXAMINATION OF AMENDMENTS

III(4)/1 BORRELL + 2 Convention members

Reference to establishing a fair and democratic world order.

III(4)/2 LENNMARKER

Europe's openness to the outside world

Universal values

Cooperation and free trade

III(4)/3 HAIN

Promotion/protection of human rights
Insert a reference to the CFSP and defence policy.

III(4)/4 HAENEL + BADINTER

Advances in knowledge, scientific research and technology.

III(4)/5 ABITBOL

New wording

III(4)/6 ROCHE

Re-writing based on the conclusions of the Working Group on External Action.

III(4)/7 VASSILIOU

Insert a reference to partnerships with countries, and regional and global organisations.

III(4)/8 FARNLEITNER

Add respect for human rights and fundamental freedoms including.

III(4)/9 ZIELENIEC

Delete "advance its values in the wider world", replace "children's rights" with human rights, delete "strict observance of internationally accepted commitments" and "between States".

III(4)/10 VOGGENHUBER + LICHTENBERGER

Delete the first sentence. Add a reference to among States (after "mutual respect"), and replace "children's rights" with human rights.

III(4)/11 BARNIER

Delete "the Union shall seek to", replace with and, and add a reference the common foreign and security policy and the common defence policy.
Insert also before sustainable development.

III(4)/12 FIGEL

Add a reference to CFSP instruments.

III(4)/13 LOPES

Reformulation of the paragraph. Add references to common values, fundamental interests, and integrity. Replace "values" with principles. Add a reference to the United Nations Charter and the promotion of international cooperation.

III(4)/14 de VILLEPIN

Add a reference to solidarity and mutual assistance between Member States in the face of threats to their common security.

III(4)/15 KELAM + 3 Convention members

Replace "independence" with security.

III(4)/16 MICHEL + 5 CONVENTION MEMBERS

Reformulation of the paragraph. Add a reference to identity and security, to the United Nations Charter, human rights, consolidation of democracy and the rule of law, (peace) between peoples, the harmonious and gradual integration of developing countries into the world economy.

III(4)/17 LEQUILLER

Add a reference to human rights.

III(4)/18 VAN DER LINDEN + 3 Convention members

Add that the Union contributes to building international justice.

III(4)/19 DUFF

Reformulation of the paragraph. Replace "defending" with "promoting". Add and disease after "poverty". Replace "children's rights" with "human rights". Add "and the development of international law".

III(4)/20 MUSCARDINI

Add promotion as well as protection, and insert a reference to the Convention on the Rights of the Child.

III(4)/21 MacCORMICK

Idem Voggenhuber

III(4)/22 GIANNAKOU

Add a reference to identity. Add a reference to a common external relations policy, in particular a common foreign and security policy based on solidarity and mutual loyalty. Add extreme poverty. Add promotion of social inclusion.

III(4)/23 CRISTINA

Recast the Article. Paragraph 4, unchanged, becomes paragraph 3.

III(4)/24 SERRACINO-INGLOTT

Recast the order of the paragraph + replace "seek to" with endeavour to. Add reference to human rights.

III(4)/25 SVENSSON

Recast the paragraph. Add a reference to the Union being open to the world, delete the reference to commitments. Add references to human rights, global peace, the United Nations Charter, and fundamental values.

III(4)/26 FRENDÓ

Idem Cristina

III(4)/27 BELOHORSKA + 8 Convention members

Delete the first sentence. Replace reference to the Union with cooperation between Member States.

III(4)/28 FISCHER

Add a reference to tackling global and regional environmental problems.

III(4)/29 BROK

Add a reference to identity. Add a reference to a common external relations policy, in particular a common foreign and security policy based on solidarity and mutual loyalty (Idem Giannokou). + Add: free trade.

III(4)/30 EINEM

Recast the Article. Paragraph 4, with very slight changes, becomes paragraph 5.

III (4)/31 HJELM-WALLÉN + 3 Convention members

Strict observance of international law, including human rights; reference to the principles of the UN Charter; openness to the world.

III (4)/32 WITTBRODT + FOGLER

Delete "independence"

III (4)/33 PACIOTTI and SPINI

Rejection of war, compliance with the United Nations Charter.

III (4)/34 NAGY

Add: protection of Human Rights

III (4)/35 KAUFMANN

Add: eradication of hunger, protection of human rights, rejection of offensive wars.

III (4)/36 QUEIRÓ

Drafting amendments.

III (4)/37 HEATHCOAT-AMORY

Rewording of the first sentence.

III (4)/38 THORNING-SCHMIDT

Add: "contribute to a sustainable economic and social development in the world"

III (4)/39 Lord TOMLINSON

Replace "children's rights" with "human rights".

III (4)/40 DINI

"Union shall support the United Nations".

III (4)/41 SANTER + 2 Convention members

Rewording of the paragraph.

III (4)/42 DEMIRALP

Reference to the CFSP and to common defence policy.

III (4)/43 PALACIO

"The Union shall affirm its identity on the world stage..."; reference to the integrity of the Union and the common security of its members.

III (4)/44 EARL of STOCKTON

Add a reference to the promotion of free trade in the wider world.

SUMMARY SHEET OF PROPOSALS FOR AMENDMENTS
TO ARTICLE 3(5)

Article 3(5): The Union's objectives

"These objectives shall be pursued by appropriate means, depending on the extent to which the relevant competences are attributed to the Union by this Constitution."

I. EXAMINATION OF AMENDMENTS

III(5)/1 DUHAMEL

Drafting change

III(5)/2 HAENEL + BADINTER

Deletion

III(5)/3 MICHEL + 5 Convention members

Unchanged, with addition of a paragraph 6.

III(5)/4 MUSCARDINI

Add a reference to respect for Member States' competences.

III(5)/5 BELOHORSKA + 8 Convention members

Recast the paragraph. Replace "the Union" with a Europe of Democracies, and replace "this Constitution" with this agreement based on international law.

III(5)/6 KUNEVA

Paragraph 5, unchanged, becomes paragraph 6.

III(5)/7 EINEM

Paragraph 5, unchanged, becomes paragraph 6.

III(5)/8 GIBERYEN

Replace the reference to "the Constitution" with one to the Constitutional Treaty.

III(5)/9 DUFF

Add a reference to compliance with the practice of openness and good governance.

III (5)/10 ATTALIDES

Add a new paragraph listing the values which the Union should promote on the world stage.

III (5)/11 PACIOTTI and SPINI

Add regard for transparency.

III (5)/12 KAUFMANN

Replace the paragraph by "mainstreaming" clauses: All policies must take account of equality between men and women, environmental protection, etc.

III (5)/13 QUEIRÓ

Add "with due regard for Member States' competencies".

III (5)/14 KILJUNEN and VANHANEN

Add a new Article 3a, based on current Article 3 TEC.

III (5)/15 KOHOUT

Delete the paragraph.

III (5)/16 KATIFORIS

Add: "the Union shall provide itself with the means necessary to attain its objectives and carry through its policies."

III (5)/17 DUHAMEL

Linguistic amendment.

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SUMMARY SHEET OF PROPOSALS FOR AMENDMENTS

ARTICLE 4

ARTICLE 4: Legal personality

"The Union shall have legal personality."

I. THEMATIC EXAMINATION OF AMENDMENTS:

– **The Union "shall have" legal personality**

Amendment IV/1 (Abitbol)

Amendment IV/9 (de Villepin)

Comment: amendment already accepted

– **Article accepted subject to the examination of provisions relating to the CFSP**

Amendment IV/2 (Hain)

– **Deletion of article (without explanation)**

Amendment IV/3 (Kirkhope)

– **Deletion of article in order not to confer legal personality**

Amendment IV/6 (Heathcoat-Amory)

– **Add "which in no way supplants the existing legal and treaty obligations of the Member States"**

Amendment IV/7 (Earl of Stockton)

– **Transfer of this article to Part Two of the Treaty, to be merged with Articles 281 and 282 of the TEC**

Amendment IV/5 (Olesky)

– **Include this provision in Article 1 of the Constitutional Treaty**

Amendment IV/4 (Hübner)

– **Replace this article with "The Europe of Democracies may negotiate international agreements, if provided with a mandate by the Member States"**

Amendment IV/8 (Belohorska + 9 members of the Convention)

II. LIST OF AMENDMENTS

IV/1 (ABITBOL)

IV/2 (HAIN)

IV/3 (KIRKHOPE)

IV/4 (HÜBNER)

IV/5 (OLESKY)

IV/6 (HEATHCOAT-AMORY)

IV/7 (EARL OF STOCKTON)

IV/8 (BELOHORSKA + 9 MEMBERS OF THE CONVENTION)

IV/9 (DE VILLEPIN)

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SUMMARY SHEET OF PROPOSALS FOR AMENDMENTS

ARTICLE 4a (4b, etc.)

NEW PROVISION

I. THEMATIC EXAMINATION OF AMENDMENTS:

– **Provision on the supremacy of Union law (independent principle which is not limited to the conferral of competences)**

Amendment IV a/8 (Brok + 15 EPP Convention members)

Amendment IV a/2 (Kiljunen and Vanhanen)

Amendment IV a/3 (Tiilikainen and Peltomäki)

Amendment IV a/4 (Figel)

Amendment IV a/5 (Rupel)

Amendment IV a/6 (Wittbrodt, Fogler)

Amendment IV a/11 (Follini)

See also: Amendment III (Belgian members of the Convention)

– **Provision on the principle of loyal cooperation (independent principle which is not limited to the conferral of competences)**

Amendment IV a/9 (Brok + 15 EPP Convention members)

Amendment IV a/3 (Tiilikainen and Peltomäki)

Amendment IV a/4 (Figel)

Amendment IV a/6 (Wittbrodt, Fogler)

Amendment IV a/12 (Follini)

– **New solidarity clause (collective defence or other circumstances)**

Amendment IV a/10 (Brok + 15 Convention EPP members)

Amendment IV a/4 (Figel)

Amendment IV a/6 (Wittbrodt, Fogler)

Amendment IV a/7 (Costa, Eduarda Azevedo, d'Oliveira Martins, Nazaré Pereira)

Amendment IV a/13 (Follini)

– **Include a new article on a legal basis laying down the rules governing the languages of the Institutions**

Amendment IV-a/1 (Lopes)

See also: Amendment VII (2)/7 (Pieters)

II. LIST OF AMENDMENTS

IV a/1 (LOPES)

IV a/2 (KILJUNEN AND VANHANEN)

IV a/3 (TIILIKAINEN AND PELTOMÄKI)

IV a/4 (FIGEL)

IV a/5 (RUPEL)

IV a/6 (WITTBRODT, FOGLER)

IV a/7 (COSTA, EDUARDA AZEVEDO, D'OLIVEIRA MARTINS, NAZARÉ PEREIRA)

IV a/8 (BROK + 15 EPP CONVENTION MEMBERS)

IV a/9 (BROK + 15 EPP CONVENTION MEMBERS)

IV a/10 (BROK + 15 EPP CONVENTION MEMBERS)

IV a/11 (FOLLINI)

IV a/12 (FOLLINI)

IV a/13 (FOLLINI)

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SUMMARY SHEET OF PROPOSALS FOR AMENDMENTS

ARTICLE 5(1)

ARTICLE 5: Fundamental rights

Article 5(1) "The Charter of Fundamental Rights shall be an integral part of the Constitution. The Charter is set out [in the second part of/in a Protocol annexed to] this Constitution."

I. THEMATIC EXAMINATION OF AMENDMENTS:

– **Include the content of the Charter in Title I or II of the first part of the Constitution**

Amendment V (1)/8 (Lithuanian members of the Convention: Andriukaitis, Gricius, Jusys, Martikonis)

Amendment V (1)/18 (Teufel) + add a new paragraph specifying that the fundamental rights shall not modify competences.

Amendment V (1)/29 (Meyer): (including the preamble)

Amendment V (1)/38 (Brok + 15 EPP Convention members)

Amendment V (1)/41 (Santer, Helminger, Fayot)

Amendment V (1)/44 (Severin)

– **Incorporate the Charter as the first part of the Constitution**

Amendment V(1)/9 (Farnleitner)

Amendment V(1)/11 (Muscardini)

Amendment V (1)/14 (Kaufmann)

Amendment V (1)/ 34 (Fischer)

Amendment V (1)/49 (Paciotti, Spini)

– **Incorporate the Charter as the second part of the Constitution (the part on policies becoming the third part)**

Amendment V(1)/1 (Borrell + 2 Conv. members)

Amendment V(1)/4 (Socialist Members of the European Parliament: Duhamel, McAvan, Marinho, Van Lancker, Hänsch, Berès, Carnero, Paciotti, Thorning-Schmidt)

Amendment V (1)/11 a (Puwak)

Amendment V (1)/12 (Belgian members of the Convention: Michel, de Gucht, di Rupo, Van Lancker, Chevalier, Nagy)

Amendment V (1)/16 (Olesky)

Amendment V (1)/17 (Voggenhuber, Lichtenberger)

Amendment V (1)/22 (Palacio)

Amendment V (1)/28 (Cushnahan)

Amendment V (1)/30 (Hübner), + more formal wording

Amendment V (1)/35 (Giannakou)

Amendment V (1)/42 (Lequiller): deletion of redundant provisions

Amendment V (1)/45 (Dini)

Amendment V (1) 46 (Duff, Rupel, Helminger, MacLennan, Szent-Iványi, Dini, + Almeida-Garret): second chapter of part one.

Amendment V (1)/47 (Chabert, Dammeyer, Dewael, du Granrut, Martini, Valcarceliso)
Amendment V (1)/48 (Avgerinos)
Amendment V (1)/52 (Nagy)

– **Incorporate the Charter in a Protocol annexed to the Treaty**

Amendment V (1)/2 (Kroupa)
Amendment V (1)/10 (Roche)
Amendment V (1)/13 (Kiljunen and Vanhanen)
Amendment V (1)/15 (Tiilikainen and Peltomäki)
Amendment V (1)/20 (Schlüter)
Amendment V (1)/25 (Latvian members of the Convention: Kalniete, etc.)
Amendment V (1)/27 (Hjelm-Wallén, Lekberg, Lennmarker, Petersson and Kvist)
Amendment V (1)/24 (Korčok)
Amendment V (1)/31 (Fini)
Amendment V (1)/33 (Oguz)

– **Incorporate the Charter in an Annex to the Treaty**

Amendment V (1)/50 (Queiró)

– **The Charter "is" an integral part of the Constitution (without specifying position)**

Amendment V (1)/3 (Haenel, Badinter)
Amendment V (1)/19 (Figel: "shall be an integral part")
Amendment V (1)/23 (Svensson)

– **Alternative wording: "The fundamental rights of the European Union are set out in the Charter ..."**

Amendment V (1)/4 (Socialist Members of the European Parliament: Duhamel, McAvan, Marinho, Van Lancker, Hänsch, Berès, Carnero, Paciotti, Thorning-Schmidt)

– **Alternative wording: "The Union shall comply with the Charter of Fundamental Rights annexed to this Treaty and the ECHR"**

Amendment V (1) and (2)/5 (Abitbol)

– **Alternative wording: "The Constitutional Treaty refers to the Charter of Fundamental Rights"**

Amendment V (1)/6 (Muscardini)

– **Alternative wording: include Article 51(1) of the Charter**

Amendment V (1)/32 (Katiforis)

– **Alternative wording: "The Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights ..."**

Amendment V (1)/39 (Costa, Eduarda Azevedo, d'Oliveira Martins, Nazaré Pereira)
Amendment V (1)/20 (Schlüter): "The Union respects ..."

- **Remove the phrase "shall be an integral part of the Constitution"**
Amendment V (1)/7 (Hain)
Amendment V (1)/37 (Tomlinson)
Amendment V (1)/20 (Schlüter): "The Union respects ..."
- **Lay down a referral for a preliminary ruling based on the Charter**
Amendment V (1)/21 (Giberyen)
- **Replace the reference to the "Constitution" with "Constitutional Treaty"**
Amendment V (1)/25 (Latvian members of the Convention: Kalniete, etc.)
Amendment V (1)/21 (Giberyen)
Amendment V (1)/24 (Korčok). See also Amendment V (2)/24
Amendment V (1)/20 (Schlüter)
- **Delete (so as not to give the Charter legal value)**
Amendment V (1)/26 (Heathcoat-Amory)
Amendment V (1)/40 (Kirkhope)
- **Incorporation of the Charter provided that it does not procure rights vis-à-vis their governments**
Amendment V (1)/36 (de Bruin, van Dijk)
Amendment V (1)/43 (Fini): application insofar as compatible with the Member States' legal systems.
- **Stipulate that the Charter is only binding on the Institutions. Replace "European Union" with "Europe of Democracies". It must respect the ECHR and the fundamental rights of the national constitutions.**
Amendment V (1)/51 (Belohorska + 8 members of the Convention)
- **Question of the compatibility of the various catalogues of rights mentioned in this article**
Amendment V (1)/53 (Pieters)

II. LIST OF AMENDMENTS

V (1)/1 (BORRELL + 2 CONV.)

V (1)/2 (KROUPA)

V (1)/3 (HAENEL, BADINTER)

V (1)/4 (SOCIALIST MEMBERS OF THE EUROPEAN PARLIAMENT: DUHAMEL, MCAVAN, MARINHO, VAN LANCKER, HÄNSCH, BERÈS, CARNERO, PACIOTTI, THORNING-SCHMIDT)

V (1) AND (2)/5 (ABITBOL)

V (1)/6 (MUSCARDINI)

V (1)/7 (HAIN)

V (1)/8 (LITHUANIAN MEMBERS OF THE CONVENTION: ANDRIUKAITIS, GRICIUS, JUSYS, MARTIKONIS)

V (1)/9 (FARNLEITNER)

V (1)/10 (ROCHE)

V (1)/11 (MUSCARDINI)

V (1)/11 A (PUWAK)

V (1)/12 (BELGIAN MEMBERS OF THE CONVENTION: MICHEL, DE GUCHT, DI RUPO, VAN LANCKER, CHEVALIER, NAGY)

V (1)/13 (KILJUNEN AND VANHANEN)

V (1)/14 (KAUFMANN)

V (1)/15 (THILIKAINEN AND PELTOMÄKI)

V (1)/16 (OLESKY)

V (1)/17 (VOGGENHUBER, LICHTENBERGER)

V (1)/18 (TEUFEL)

V (1)/19 (FIGEL)

V (1)/20 (SCHLÜTER)

V (1)/21 (GIBERYEN)

V (1)/22 (PALACIO)

V (1)/23 (SVENSSON)

V (1)/24 (KORČOK)

V (1)/25 (LATVIAN MEMBERS OF THE CONVENTION: KALNIETE, ETC.)

V (1)/26 (HEATHCOAT-AMORY)

V (1)/27 (HJELM-WALLÉN, LEKBERG, LENNMARKER, PETERSSON AND KVIST)

V (1)/28 (CUSHNAHAN)

V (1)/29 (MEYER)

V (1)/30 (HÜBNER)

V (1)/31 (FINI)

V (1)/32 (KATIFORIS)

V (1)/33 (OGUZ)

V (1)/34 (FISCHER)

V (1)/35 (GIANNAKOU)

V (1)/36 (DE BRUIN, VAN DIJK)

V (1)/37 (TOMLINSON)

V (1)/38 (BROK + 15 EPP CONVENTION MEMBERS)

V (1)/39 (COSTA, EDUARDA AZEVEDO, D'OLIVEIRA MARTINS, NAZARÉ PEREIRA)
V (1)/40 (KIRKHOPE)
V (1)/41 (SANTER, HELMINGER, FAYOT)
V (1)/42 (LEQUILLER)
V (1)/43 (FINI)
V (1)/44 (SEVERIN)
V (1)/45 (DINI)
V (1)/46 (DUFF, RUPEL, HELMINGER, MACLENNAN, SZENT-IVÁNYI, DINI, +
ALMEIDA-GARRET)
V (1)/47 (CHABERT, DAMMEYER, DEWAELE, DU GRANRUT, MARTINI, VALCARCELSISO)
V (1)/48 (AVGERINOS)
V (1)/49 (PACIOTTI, SPINI)
V (1)/50 (QUEIRÓ)
V (1)/51 (BELOHORSKA + 8 MEMBERS OF THE CONVENTION)
V (1)/52 (NAGY)
V (1)/53 (PIETERS)

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SUMMARY SHEET OF PROPOSALS FOR AMENDMENTS

ARTICLE 5(2)

ARTICLE 5: Fundamental rights

Article 5(2) "The Union may accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Accession to that Convention shall not affect the Union's competences as defined by this Constitution."

I. THEMATIC EXAMINATION OF AMENDMENTS:

- **Extend the Union's competence to conclude other international agreements in the field of human rights (or accede to international organisations)**
Amendment V (2)/2 (Söderman)
Amendment V (2)/7 (Belgian members of the Convention: Michel, de Gucht, di Rupo, Van Lancker, Chevalier, Nagy)
Amendment V (2)/8 (Paciotti)
Amendment V (2)/10 (Kaufmann) + invert paragraphs 2 and 3
Amendment V (2)/11 (Voggenhuber, Lichtenberger)
Amendment V (2)/21 (MacCormick)
Amendment V (2)/30 (Duff, Rupel, Helminger, MacLennan, Szent-Iványi, Dini, + Almeida-Garret)
Amendment V (2)/31 (Paciotti, Spini)
Amendment V (2)/32 (Nagy)
 - **Add a new paragraph enabling the Union to accede to other Council of Europe conventions**
Amendment V (2)/1 (Eckstein-Kovács)
Amendment V (2)/22 (Szajer)
 - **Delete as the legal personality of the Union suffices**
Amendment V (2)/3 (Haenel and Badinter)
Amendment V (2)/4 (Socialist Members of the European Parliament: Duhamel, McAvan, Marinho, Van Lancker, Hänsch, Berès, Carnero, Paciotti, Thorning-Schmidt)
- Comment: Court of Justice case-law requires an explicit attribution of competence for the Union to accede to the ECHR
- **Specify in a separate paragraph that neither the Charter nor accession to the ECHR shall affect the Union's competences**
Amendment V (2)/5 (Lennmarker)

See also: Amendment V (1)/10 (Roche)
Amendment V (1)/18 (Teufel)

Comment: Such a provision is already contained in Article 51(1) of the Charter

- **Replace "affect" (modifier) with "extend" ("étendre")**
Amendment V (2)/6 (Hain)
Amendment V (2)/28 (Tomlinson)
- **Add or replace with "shall not affect the division of competences between the Union and its Member States"**
Amendment V (2)/12 (Teufel)
Amendment V (2)/27 (Oguz)
- **Legal basis to be incorporated into Part Two of the Constitutional Treaty or into the final provisions**
Amendment V (2)/8 a (de Villepin)
Amendment V (2)/23 (Hübner)
- **More compelling, alternative, wording: "The Union shall take the necessary steps to accede ..."; etc.**
Amendment V (2)/9 (Kiljunen and Vanhanen)
Amendment V (2)/14 (Svensson)
Amendment V (2)/20 (Hjelm-Wallén, Petersson, Lekberg, Lennmarker, Kvist): "The Union shall seek accession ..."
Amendment V (2)/16 (Van der Linden, Timmermans, Van Eekelen, van Dijk): "The Union wants to accede ..."
Amendment V (2)/17 (Tiilikainen and Peltomäki)
Amendment V (2)/18 (Arabadjiev): "The Union shall accede ..."
Amendment V (2)/26 (Brok + 15 EPP Convention members): "The Union shall request to accede ..."
- **Delete**
Amendment V (2)/19 (Giberyen)
Amendment V (2)/25 (Heathcoat-Amory)

See: Amendment V (1)/40 (Kirkhope – without explanation)
- **Linguistic amendment**
Amendment V (2)/29 (Duhamel)
Amendments V (2)/13 (Schlüter) and V (2)/24 (Korčok): "Constitution" becomes "Constitutional Treaty".

II. LIST OF AMENDMENTS

V (2)/1 (ECKSTEIN-KOVÁCS)
V (2)/2 (SÖDERMAN)
V (2)/3 (HAENEL AND BADINTER)
V (2)/4 (SOCIALIST MEMBERS OF THE EUROPEAN PARLIAMENT: DUHAMEL, MCAVAN, MARINHO, VAN LANCKER, HÄNSCH, BERÈS, CARNERO, PACIOTTI, THORNING-SCHMIDT)
V (2)/5 (LENNMARKER)
V (2)/6 (HAIN)
V (2)/7 (BELGIAN MEMBERS OF THE CONVENTION: MICHEL, DE GUCHT, DI RUPO, VAN LANCKER, CHEVALIER, NAGY)
V (2)/8 (PACIOTTI)
V (2)/8 A (DE VILLEPIN)
V (2)/9 (KILJUNEN AND VANHANEN)
V (2)/10 (KAUFMANN)
V (2)/11 (VOGGENHUBER, LICHTENBERGER)
V (2)/12 (TEUFEL)
V (2)/13 (SCHLÜTER)
V (2)/14 (SVENSSON)
V (2)/16 (VAN DER LINDEN, TIMMERMANS, VAN EEKELEN, VAN DIJK)
V (2)/17 (THILIKAINEN AND PELTOMÄKI)
V (2)/18 (ARABADJIEV)
V (2)/19 (GIBERYEN)
V (2)/20 (HJELM-WALLÉN, PETERSSON, LEKBERG, LENNMARKER, KVIST)
V (2)/21 (MacCORMICK)
V (2)/22 (SZAJER)
V (2)/23 (HÜBNER)
V (2)/24 (KORČOK)
V (2)/25 (HEATHCOAT-AMORY)
V (2)/26 (BROK + 15 EPP CONVENTION MEMBERS)
V (2)/27 (OGUZ)
V (2)/28 (TOMLINSON)
V (2)/29 (DUHAMEL)
V (2)/30 (DUFF, RUPEL, HELMINGER, MACLENNAN, SZENT-IVÁNYI, DINI + ALMEIDA-GARRET)
V (2)/31 (PACIOTTI, SPINI)
V (2)/32 (NAGY)

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SUMMARY SHEET OF PROPOSALS FOR AMENDMENTS

ARTICLE 5(3)

ARTICLE 5: Fundamental rights

Article 5(3) "Fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms, and as they result from the constitutional traditions common to the Member States, shall constitute general principles of the Union's law."

I. THEMATIC EXAMINATION OF AMENDMENTS:

- **Delete as no longer necessary given the Charter's incorporation into the Treaty**

Amendment V (3) / 2 (Haenel and Badinter)

Amendment V (3) / 3 (Socialist Members of the European Parliament: Duhamel, McAvan, Marinho, Van Lancker, Hänsch, Berès, Carnero, Paciotti, Thorning-Schmidt)

Amendment V (3) / 5 (Muscardini)

Amendment V (3) / 15 (Brok + 15 EPP Convention members)

Amendment V (3) / 10-11 (Hübner)

Amendment V (3) / 18 (Paciotti, Spini)

See also Amendment V (1) / 16 (Olesky)

- **Delete: do not formalise these Community case-law principles to prevent their extension to the CFSP**

Amendment V (3) / 4 (Hain)

- **Delete: "general principles of"**

Amendment V (3) / 1 (Borrell + 2 members of the Conv.)

- **Replace "the Union's law" with "the Union's constitutional law" (Verfassungsrechts der Union)**

Amendment V (3) / 6 (Kaufmann): + invert paragraphs 2 and 3 of Article 5.

- **Add a reference to the Charter of Fundamental Rights (while deleting the reference to Article 5(1))**

Amendment V (3) / 17 (de Bruin, van Dijk)

- **Amend by reproducing the terms of Article 6(2) of the TEU**

Amendment V (3) / 16 (Fischer): + invert the second and third paragraphs of Article 5 of the Constitutional Treaty

- **Delete**
Amendment V (3) / 12-13 (Heathcoat-Amory)

See Amendment V (1) / 40 (Kirkhope)
- **Invert paragraphs**
Amendment V (3) / 7 (Teufel): see V (2) / 12 (Teufel)
Amendment V (3) / 8 (Giberyen)
- **Add a fourth paragraph on children's rights**
Amendment V (3) / 14 (Muscardini)
Amendment V (3) / 19 (Queiró)
- **Specify relationship between the Court of Justice and the European Court of Human Rights**
Amendment V (3) / 9 (Balázs)

Comment: This provision is based to a considerable degree on Article 6(2) of the current TEU.

II. LIST OF AMENDMENTS

V (3) / 1 (BORRELL + 2 MEMBERS OF THE CONVENTION)
V (3) / 2 (HAENEL AND BADINTER)
V (3) / 3 (SOCIALIST MEMBERS OF THE EUROPEAN PARLIAMENT: DUHAMEL, MCAVAN, MARINHO, VAN LANCKER, HÄNSCH, BERÈS, CARNERO, PACIOTTI, THORNING-SCHMIDT)
V (3) / 4 (HAIN)
(V) (3) / 5 (MUSCARDINI)
V (3) / 6 (KAUFMANN)
V (3) / 7 (TEUFEL)
V (3) / 8 (GIBERYEN)
V (3) / 9 (BALÁZS)
V (3) / 10-11 (HÜBNER)
V (3) / 12-13 (HEATHCOAT-AMORY)
V (3) / 14 (MUSCARDINI)
V (3) / 15 (BROK + 15 EPP MEMBERS OF THE CONVENTION)
V (3) / 16 (FISCHER)
V (3) / 17 (DE BRUIN, VAN DIJK)
V (3) / 18 (PACIOTTI, SPINI)

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SUMMARY SHEET OF PROPOSALS FOR AMENDMENTS
ARTICLE 6

ARTICLE 6: Non-discrimination on grounds of nationality

"In the field of application of this Constitution and without prejudice to any of its specific provisions, any discrimination on grounds of nationality shall be prohibited."

I. THEMATIC EXAMINATION OF AMENDMENTS:

- **Add, as prohibited discrimination criteria, "sex, race, ethnic or social origin, belief, religion, sexual orientation, disability or age"**
Amendment VI / 1 (Kristensen)
- **Add a similar new paragraph or new sentence concerning other prohibited grounds for discrimination, "sex, race or ethnic origin, religion or beliefs, disability, age or sexual orientation"**
Amendment VI / 2 (Eckstein-Kovács)
Amendment VI / 17 (Cushnahan)
Amendment VI / 18 (MacCormick)
Amendment VI (26) (Sigmund, Briesch and Frerichs – Observers)
Amendment VI (32) (Tajani)
- **Add sex as a prohibited criterion for discrimination**
Amendment VI / 3 (Dybkjær)
- **Add "or disability"**
Amendment VI / 7 (Muscardini)
- **Delete Article 6 as it is already contained in the Charter of Fundamental Rights (Article 21(2) of the Charter). Erroneous impression that the Treaty prohibits only one type of discrimination**
Amendment VI / 28 (Brok + 15 PPE members of the Convention)
Amendment VI / 5 (Socialist Members of the European Parliament: Duhamel, McAvan, Marinho, Van Lancker, Hänsch, Berès, Carnero, Paciotti, Thorning-Schmidt)
Amendment VI / 12 (Belgian members of the Convention: Michel, de Gucht, di Rupo, Van Lancker, Chevalier, Nagy)
Amendment VI / 4 (Haenel and Badinter)
Amendment VI / 9 (Farnleitner)
Amendment VI / 13 (Paciotti)
Amendment VI / 15 (Kaufmann)
Amendment VI / 16 (Hübner)
Amendment VI / 19 (Oleksy)
Amendment VI / 20 (Voggenhuber, Lichtenberger)
Amendment VI / 23 (Figel)
Amendment VI / 25 (Serracino-Inglott, Inguañez)

Amendment VI / 27 (Frendo)

Amendment VI / 29 (Cristina)

Amendment VI / 30 (Fischer)

Amendment VI / 31 (Katiforis): consequence of possible incorporation of the articles of the Charter in Title II of the Constitutional Treaty)

– **Delete the Article (without explanation)**

Amendment VI / 34 (Nagy)

Amendment VI / 35 (Belohorska + 8 members of the Convention)

– **Delete the Article ("unconsidered consequences")**

Amendment VI / 22 (Heathcoat-Amory)

– **Conversely, one member of the Convention insists on maintaining Article 6**

Amendment VI / 11 (Vassiliou)

– **Specify in Article 6 that it relates solely to non-discrimination between Member States' nationals, or incorporate that Article into Article 7 on citizenship**

Amendment VI / 8 (Hain)

Amendment VI / 10 (Roche)

Amendment VI / 21 (Palacio): Article 7(2)

– **New Article 6: reference to the rights established by European citizenship**

Amendment VI / 6 (Abitbol)

– **Add: "all persons shall be equal before the law" (rather than including it in Article 7(1))**

Amendment VI / 14 (Kiljunen and Vanhanen): the principle of equality before the law does not concern citizens only

– **Specify at the end of the Article: "... except for the exercise of rights linked directly to the sovereignty of the Member State concerned"**

Amendment VI / 33 (Giberyen)

– **Replace "Constitution" with "simplifying Treaty", and add "wherever reasonable and possible"**

Amendment VI / 24 (Kirkhope)

II. LIST OF AMENDMENTS

VI / 1 (KRISTENSEN)

VI / 2 (ECKSTEIN-KOVÁCS)

VI / 3 (DYBKJÆR)

VI / 4 (HAENEL AND BADINTER)

VI / 5 (SOCIALIST MEMBERS OF THE EUROPEAN PARLIAMENT: DUHAMEL, MCAVAN, MARINHO, VAN LANCKER, HÄNSCH, BERÈS, CARNERO, PACIOTTI, THORNING-SCHMIDT)

VI / 6 (ABITBOL)

VI / 7 (MUSCARDINI)

VI / 8 (HAIN) VI / 9 (FARNLEITNER)

VI / 10 (ROCHE)

VI / 11 (VASSILIOU)
 VI / 12 (BELGIAN MEMBERS OF THE CONVENTION: MICHEL, DE GUCHT, DI RUPO,
 VAN LANCKER, CHEVALIER, NAGY)
 VI / 13 (PACIOTTI)
 VI / 14 (KILJUNEN AND VANHANEN)
 VI / 15 (KAUFMANN)
 VI / 16 (HÜBNER)
 VI / 17 (CUSHNAHAN)
 VI / 18 (MacCORMICK)
 VI / 19 (OLEKSY)
 VI / 20 (VOGGENHUBER, LICHTENBERGER)
 VI / 21 (PALACIO): ARTICLE 7(2)
 VI / 22 (HEATHCOAT-AMORY)
 VI / 23 (FIGEL)
 VI / 24 (KIRKHOPE)
 VI / 25 (SERRACINO-INGLOTT, INGUANEZ)
 VI / 26 (SIGMUND, BRIESCH and FRERICHS – OBSERVERS)
 VI / 27 (FRENDON)
 VI / 28 (BROK + 15 EPP CONVENTION MEMBERS)
 VI / 29 (CRISTINA)
 VI / 30 (FISCHER)
 VI / 31 (KATIFORIS)
 VI / 32 (TAJANI)
 VI / 33 (GIBERYEN)
 VI / 34 (NAGY)
 VI / 35 (BELOHORSKA + 8 MEMBERS OF THE CONVENTION)

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SUMMARY SHEET OF PROPOSALS FOR AMENDMENTS
ARTICLE 7(1)

ARTICLE 7: Citizenship of the Union

Article 7(1) "Every national of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to national citizenship; it shall not replace it. All citizens of the Union, women and men, shall be equal before the law."

I. THEMATIC EXAMINATION OF AMENDMENTS:

– Delete the entire paragraph as rendered superfluous by the Charter

Amendment VII (1) / 3 (Farnleitner): Specify otherwise that all citizens, women and men, shall be equal "in the field of application of the Constitution"
Amendment VII (1) / 23 (Oleksy)

– Delete the second sentence

Amendment VII (1) / 10-11 (MacIennan)
Amendment VII (1) / 24 (Duff, Rupel, Helminger, Szent-Ivanyi)

– Delete the third sentence (in particular as it rendered superfluous by Article 20 of the Charter)

Amendment VII (1) / 2 (Socialist Members of the European Parliament: Duhamel, McAvan, Marinho, Van Lancker, Hänsch, Berès, Carnero, Paciotti, Thorning-Schmidt)
Amendment VII (1) / 5 (Paciotti)
Amendment VII (1) / 6 (Kiljunen and Vanhanen)
Amendment VII (1) / 7 (Kaufmann)
Amendment VII (1) / 19 (Kiljunen, Vanhanen)
Amendment VII (1) / 20 (Figel)
Amendment VII (1) / 21 (Fischer)
Amendment VII (1) / 22 (Brok + 13 members of the Convention)
Amendment VII (1) / 24 (Duff, Rupel, Helminger, Szent-Iványi, Dini)

– Specify "... equal before all the laws of the Union and its Member States"

Amendment VII (1) / 4 (Lamassoure)

– Specify the concept of "equality before the law": national law or European laws (in the fields of application of the Constitution)?

Amendment VII (1) / 8-9 (Kohout)

- **Replace the reference to all citizens, women and men, by "All citizens"**
Amendment VII (1) / 10-11 (MacLennan)
Amendment VII (1) / 12 (Korčok)
Amendment VII (1) / 15 (Tiilikainen and Peltomäki)

- **Add a paragraph incorporating proposed Article 6 on non-discrimination on grounds of nationality**

See: *Amendment VII (2) 13 (Palacio)*
 Amendment VII (2) / 5 (Roche)

- **Add the possibility of European citizenship after five years of residence**
Amendment VII (1) / 5 (Paciotti)
Amendment VII (1) / 7 (Kaufmann)
Amendment VII (1) / 18 (Ben Fayot, Di Rupo)

See also: *Amendment VII (2) / 6 (Berès, Duhamel, Floch, Paciotti, Van Lancker)*
 Amendment VII (2) / 12 (Borrell + 2 members of the Convention): new
 Article 7(4).

- **Extend citizenship to refugees and stateless persons**
Amendment VII (1) / 13 (Voggenhuber, Lichtenberger)
Amendment VII (1) / 26 (Nagy)

- **Delete the article (citizenship is an attribute of statehood)**
Amendment VII (1) / 16 (Heathcoat-Amory)
Amendment VII (1) / 17 (Gyberyén)

- **Drafting amendments**
Amendment VII (1) / 1 (Haenel and Badinter: (closer to Article 17 of the current TEC)
Amendment VII (1) / 14 (Kirkhope)

- **Replace the entire paragraph with "The Europe of Democracies respects the national citizenship"**
Amendment VII (1) 25 (Belohorska + 8 members of the Convention)

II. LIST OF AMENDMENTS

VII (1) / 1 (HAENEL AND BADINTER)
VII (1) / 2 (Socialist members of the European Parliament: DUHAMEL, MCAVAN, MARINHO, VAN LANCKER, HÄNSCH, BERÈS, CARNERO, PACIOTTI, THORNING-SCHMIDT)
VII (1) / 3 (FARNLEITNER)
VII (1) / 4 (LAMASSOURE)
VII (1) / 5 (PACIOTTI)
VII (1) / 6 (KILJUNEN AND VANHANEN)
VII (1) / 7 (KAUFMANN)
VII (1) / 8-9 (KOHOUT)
VII (1) / 10-11 (MacLENNAN)

VII (1) / 12 (KORČOK)
VII (1) / 13 (VOGGENHUBER, LICHTENBERGER)
VII (1) / 14 (KIRKHOPE)
VII (1) / 15 (TIILIKAINEN AND PELTOMÄKI)
VII (1) 16 (HEATHCOAT-AMORY)
VII (1) 17 (GYBERYEN)
VII (1) / 18 (BEN FAYOT, DI RUPO)
VII (1) / 19 (KILJUNEN, VANHANEN)
VII (1) / 20 (FIGEL)
VII (1) / 21 (FISCHER)
VII (1) / 22 (BROK + 13 MEMBERS OF THE CONVENTION)
VII (1) / 23 (OLEKSY)
VII (1) / 24 (DUFF, RUPEL, HELMINGER, MACLENNAN, SZENT-IVANYI, DINI)
VII (1) / 25 (BELOHORSKA + 8 MEMBERS OF THE CONVENTION)
VII(1) / 26 (NAGY)

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SUMMARY SHEET OF PROPOSALS FOR AMENDMENTS
ARTICLE 7(2)

ARTICLE 7: Citizenship of the Union

Article 7(2) "Citizens of the Union shall enjoy the rights and be subject to the duties provided for in this Constitution. They shall have:

- the right to move and reside freely within the territory of the Member States;*
- the right to vote and to stand as a candidate in elections to the European Parliament and in municipal elections in their Member State of residence under the same conditions as nationals of that State;*
- the right to enjoy, in the territory of a third country in which the Member State of which they are a national is not represented, the protection of the diplomatic and consular authorities of any Member State on the same conditions as the nationals of that State;*
- the right to petition the European Parliament, to apply to the Ombudsman, and to write to the institutions and advisory bodies of the Union in any of the Union's languages and to obtain a reply in the same language."*

I. THEMATIC EXAMINATION OF AMENDMENTS:

– Delete as overlapping with the Charter

Amendment VII (2) / 2 (Haenel and Badinter)

Amendment VII (2) / 4 (Farnleitner)

Amendment VII (2) / 10 (Kaufmann)

Amendment VII (2) / 17 (Fischer)

Amendment VII (2) / 19 (Tiilikainen, Peltomäki): in the form of a question

Amendment VII (2) / 23 (Voggenhuber, Lichtenberger)

Amendment VII (2) / 22 (Figel)

Amendment VII (2) / 24 (Katiforis): assuming that the articles of the Charter are incorporated into the Constitutional Treaty

Amendment VII (2) / 25 (Brok + 13 members of the Convention)

Amendment VII (2) / 26 (Duff, Rupel, Helminger, Szent-Iványi, Dini)

Amendment VII (2) / 28 (Nagy)

See also: Amendment VII (1) / 23 (Oleksy)

– Delete as overlapping with the Charter, but refer to the Charter or, where appropriate, to Part Two of the Constitutional Treaty

Amendment VII (2) / 3 (Socialist Members of the European Parliament: Duhamel, McAvan, Marinho, Van Lancker, Hänsch, Berès, Carnero, Paciotti, Thorning-Schmidt)

Amendment VII (2) / 6 (Berès, Duhamel, Floch, Paciotti, Van Lancker)

Amendment VII (2) / 8 (Belgian members of the Convention: Michel, de Gucht, di Rupo, Van Lancker, Chevalier, Nagy)

Amendment VII (2) / 9 (Paciotti)

- **Replace with a paragraph enabling progress towards the concept of "citizenship" of residence**

Amendment VII (2) / 6 (Berès, Duhamel, Floch, Paciotti, Van Lancker)

Similarly, see:

Amendment VII (2) / 12 (Borrell + 2 members of the Convention): new Article 7(4)

Amendment VII (1) / 5 (Paciotti);

Amendment VII (1) / 7 (Kaufmann)

- **Add the right to a "European referendum" and "popular legislative initiative"**

Amendment VII (2) / 1 (Borrell + 2 members of the Convention)

- **Add the right to good administration, in line with Article 41 of the Charter**

Amendment VII (2) / 5 (Roche)

- **Add the right to legal protection (+ reference to the Charter and linguistic amendments)**

Amendment VII (2) / 14 (MacLennan)

- **Specify the right to petition in the languages of translation of the Treaty (Article 314)**

Amendment VII (2) / 5 (Roche)

- **Replace the fourth indent so as to extend the right to apply to the institutions and to have access to documents in all the official languages of the Union**

Amendment VII (2) / 7 (Pieters)

See also: Amendment IV a / 1 (Lopes):

- **What does the reference to citizens' "duties" mean?**

Amalgamate paragraphs 2 and 3.

Amendment VII (2) / 11 (Kohout)

- **Add a paragraph incorporating proposed Article 6 on non-discrimination on grounds of nationality**

Amendment VII (2) / 13 (Palacio)

- **Delete the terms "citizens of the Union" and "Constitution"**

Amendment VII (2) / 20 (Heathcoat-Amory)

- **Specify that the right to move freely is subject to observance of Member States' national legislation. Replace "Union" with "Europe of Democracies"**

Amendment VII (2) / 27 (Belohorska + 8 members of the Convention)

– **Linguistic amendments**

Amendment VII (2) / 15-16 (Fini)

Amendment VII (2) / 18 (Kirkhope): replace "Union" with "Community", and "Constitution" with "simplified treaty"

Amendment VII (2) / 21 (Giberyen): replace "Constitution" with "constitutional treaty"

II. LIST OF AMENDMENTS

VII(2) / 1 (BORRELL + 2 MEMBERS OF THE CONVENTION)

VII (2) / 2 (HAENEL AND BADINTER.)

VII (2) / 3 (Socialist Members of the European Parliament) : DUHAMEL, MCAVAN, MARINHO, VAN LANCKER, HÄNSCH, BERÈS, CARNERO, PACIOTTI, THORNING-SCHMIDT)

VII (2) / 4 (FARNLEITNER)

VII (2) / 5 (ROCHE)

VII (2) / 6 (BERÈS, DUHAMEL, FLOCH, PACIOTTI, VAN LANCKER)

VII (2) / 7 (PIETERS)

VII (2) / 8 (BELGIAN MEMBERS OF THE CONVENTION): MICHEL, DE GUCHT, DI RUPO, VAN LANCKER, CHEVALIER, NAGY

VII (2) / 9 (PACIOTTI)

VII (2) / 10 (KAUFMANN)

VII (2) / 11 (KOHOUT)

VII (2) / 12 (BORRELL + 2 Members of the Convention)

VII (2) / 13 (PALACIO)

VII (2) / 14 (MacLENNAN)

VII (2) / 15-16 (FINI)

VII (2) / 17 (FISCHER)

VII (2) / 18 (KIRKHOPE)

VII (2) / 19 (TIILIKAINEN, PELTOMÄKI): IN THE FORM OF A QUESTION

VII (2) / 20 (HEATHCOAT-AMORY)

VII (2) / 21 (GIBERYEN)

VII (2) / 22 (FIGEL)

VII (2) / 23 (VOGGENHUBER, LICHTENBERGER)

VII (2) / 24 (KATIFORIS)

VII (2) / 25 (BROK + 13 MEMBERS OF THE CONVENTION)

VII (2) / 26 (DUFF, RUPEL, HELMINGER, SZENT-IVÁNYI, DINI)

VII (2) / 27 (BELOHORSKA + 8 MEMBERS OF THE CONVENTION)

VII (2) / 28 (NAGY)

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SUMMARY SHEET OF PROPOSALS FOR AMENDMENTS
ARTICLE 7(3)

ARTICLE 7: Citizenship of the Union

Article 7(3) "These rights shall be exercised in accordance with the conditions and limits defined by this Constitution and by the measures adopted to give it effect."

I. THEMATIC EXAMINATION OF AMENDMENTS:

– **Delete as overlapping with the Charter**

Amendment VII (3) / 1 (Haenel and Badinter)

Amendment VII (3) / 2 (Socialist Members of the European Parliament: Duhamel, McAvan, Marinho, Van Lancker, Hänsch, Berès, Carnero, Paciotti, Thorning-Schmidt)

Amendment VII (3) / 3 (Belgian members of the Convention: Michel, de Gucht, di Rupo, Van Lancker, Chevalier, Nagy)

Amendment VII (3) / 4 (Paciotti)

Amendment VII (3) / 5 (Kaufmann)

Amendment VII (3) / 6 (Palacio): assuming the articles of the Charter are incorporated into the Constitutional Treaty

Amendment VII (3) / 7 (MacLennan)

Amendment VII (3) / 10 (Voggenhuber, Lichtenberger)

Amendment VII (3) / 15 (Figel)

Amendment VII (3) / 16 (Fischer)

Amendment VII (3) / 17 (Brok + 13 members of the Convention)

Amendment VII (3) / 18 (Duff, Rupel, Helminger, Szent-Iványi, Dini)

Amendment VII (2) / 19 (Nagy)

See also: Amendment VII (1) / 23 (Oleky)

– **Non-exhaustive list of citizens' rights (add "inter alia")**

Amendment VII (3) / 6 (Palacio)

– **Reference to European law to establish limits to rights**

Amendment VII (3) / 8-9 (Fini)

– **Add "... at European and national level"**

Amendment VII (3) / 14 (Earl of Stockton)

– **Other**

Amendment VII (3) / 11-12 (Kirkhope): replace "Constitution" with "simplifying Treaty"

Amendment VII (3) / 13 (Giberyen): replace "Constitution" with "constitutional treaty"

II. LIST OF AMENDMENTS:

VII (3) / 1 (HAENEL AND BADINTER.)

VII (3) / 2 (Socialist Members of the European Parliament: DUHAMEL, MCAVAN, MARINHO, VAN LANCKER, HÄNSCH, BERÈS, CARNERO, PACIOTTI, THORNING-SCHMIDT)

VII (3) / 3 (Belgian members of the Convention: MICHEL, DE GUCHT, DI RUPO, VAN LANCKER, CHEVALIER, NAGY)

VII (3) / 4 (PACIOTTI)

VII (3) / 5 (KAUFMANN)

VII (3) / 6 (PALACIO)

VII (3) / 7 (MacLENNAN)

VII (3) / 8-9 (FINI)

VII (3) / 10 (VOGGENHUBER, LICHTENBERGER)

VII (3) / 11-12 (KIRKHOPE)

VII (3) / 13 (GIBERYEN)

VII (3) / 14 (EARL OF STOCKTON)

VII (3) / 15 (FIGEL)

VII (3) / 16 (FISCHER)

VII (3) / 17 (BROK + 13 MEMBERS OF THE CONVENTION)

VII (3) / 18 (DUFF, RUPEL, HELMINGER, MACLENNAN, SZENT-IVANYI, DINI)

VII (3) / 19 (NAGY)

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SUMMARY SHEET OF PROPOSALS FOR AMENDMENTS TO ARTICLE 8

TITLE III: The Union's competences

"Article 8: Fundamental principles

1. *The limits and use of Union competences are governed by the principles of conferral, subsidiarity, proportionality and loyal cooperation.*
2. *In accordance with the principle of conferral, the Union shall act within the limits of the competences conferred upon it by the Constitution to attain the objectives the Constitution sets out. Competences not conferred upon the Union by the Constitution remain with the Member States.*
3. *In accordance with the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and insofar as the objectives of the intended action cannot be sufficiently achieved by the Member States, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level.*
4. *In accordance with the principle of proportionality, the scope and form of Union action shall not exceed what is necessary to achieve the objectives of the Constitution.*
5. *In accordance with the principle of loyal cooperation, the Union and the Member States shall, in full mutual respect, assist each other to carry out tasks which flow from the Constitution."*

1. THEMATIC EXAMINATION OF AMENDMENTS

1. Amendments concerning the whole Article

Add a reference to the principle of primacy of Union law over the law of the Member States:
Oleksy, Palacio, Lopes, Fischer, Kaufmann.

Add a reference to the Protocol on subsidiarity and proportionality: Oleksy, Fischer, Tiilikainen and Peltomäki

2. Amendments concerning Paragraph 1:

Delete the whole paragraph: Lopes

Replace the whole paragraph with:

- "The Union shall only act in instances where Member States can demonstrably achieve more through acting together than by acting alone. These actions must pass the test of subsidiarity, proportionality and cost-effectiveness": Heathcoat-Amory
- "The use of Union competences is limited by the principles of conferred powers, subsidiarity, proportionality and loyal cooperation of the Union with the Member States in carrying out their tasks": Hain
- "This Constitution and the Union law based on it take precedence over the laws of the Member States. Uniform application throughout the Union must be ensured". Kaufmann.

Delete "and loyal cooperation" (as well as paragraph 5): Tiilikainen and Peltomäki, Kiljunen and Vanhanen

Add:

- "primacy" before "subsidiarity": Palacio
- before "and loyal cooperation":
 - "primacy of Union law": Fischer
 - "integration": Fayot, Skaarup
 - "consistency, integration": MacCormick, Voggenhuber, Lichtenberger, Nagy
 - "solidarity": Katiforis

Replace:

- "The limits and use of Union competences" with
 - "The use": Duff and others
 - "competences": Abitbol
- "the Union" with "the Community": Kirkhope
- "loyal cooperation" with
 - "loyalty": Duff and others
 - "solidarity": Serracino-Inglott and Inguanez

3. Amendments concerning paragraph 2

Replace the whole paragraph: Hain

Delete the final sentence: Katiforis

Add after "conferred": "by the Member States": Roche

Add to the end of the text:

- "the Union's actions must be completely covered by this conferral of powers"(!?):Teufel
- "Union competence to conclude international agreements where it has internal competence in the matter": Tiilikainen and Peltomäki, Kiljunen and Vanhanen.
- "All aspects of the Union's actions must be covered by these competences": Teufel
- "The Member States shall be competent for applying Union law except where this constitution provides otherwise": Würmeling and Altmeier.

4. Amendments concerning paragraph 3:

Replace the whole paragraph: Hain

Delete:

- the reference to exclusive competence and the word "sufficiently": Heathcoat-Amory
- "only" : Duhamel and others

Add after

- "Member States": "including [or] their regional and local authorities": Teufel, Cushnahan, Duff and others, MacCormick, Farnleitner
- "intended action": "popular support": Earl of Stockton

Replace "in areas which do not fall within its exclusive competence" with "in areas of shared competence": Fini

Replace "better" with

- "more effectively": Teufel, Brok and others, Korčok and others
- "only": Heathcoat-Amory.

Add a subparagraph:

- referring to the Protocol on subsidiarity: Oleksy, Fischer
- authorising the Member States to take more far-reaching measures in the area of environmental protection: MacCormick, Voggenhuber and Lichtenberger, Nagy

5. Amendments concerning paragraph 4:

Add a reference to the Protocol on subsidiarity and proportionality:

Oleksy and Fischer.

6. Amendments concerning paragraph 5:

New text: Cristina, Frendo, Serracino-Inglott and Ingunez

Delete the paragraph: Heathcote-Amory, Kiljunen and Vanhanen, Kaufmann

Add: obligation for the Member States to facilitate the Union's objectives and refrain from any action which puts them at risk: Olesky, Fischer, Farnleitner, Roche, Paciotti and Spini

7. Addition of new paragraphs:

- on the principle of consistency: MacCormick, Voggenhuber, Lichtenberger, Nagy
- on the principle of integration: MacCormick, Voggenhuber, Lichtenberger, Nagy, Skaarup
- on the principle of solidarity: Katiforis
- on respect for national identities: Fischer, Fini
- on environmental protection: Fischer
- on the Protocol on subsidiarity and proportionality: Tiilikainen and Peltomäki

8. Other amendments:

- On the structure of the Article: Lopes
- Replace "Constitution" with:
 - "constitutional treaty": Lux. ADR party (members:?)
 - "treaty": Hololei
 - "simplifying Treaty": Kirkhope

Replace "conferral" with "conferred powers": Tiilikainen and Peltomäki

In para. 1: Tomlinson put the principle of loyal cooperation in first place: Korčok

In para. 2: Würmeling and Altmaier, Duff and others, Lopes, Kaufmann, Tomlinson

In para. 3: add "by unanimous agreement in each case": Kirkhope

In para. 4: Queiró, Würmeling and Altmaier, Kirkhope

In para. 5: Einem, Teufel.

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SUMMARY SHEET OF PROPOSALS FOR AMENDMENTS
TO ARTICLE 9

Article 9: Application of fundamental principles

- "1. The Constitution, and law adopted by the Union Institutions in exercising competences conferred on it by the Constitution, shall have primacy over the law of the Member States.*
- 2. In exercising the Union's non-exclusive competences, the Institutions shall apply the principle of subsidiarity as laid down in the Protocol on the application of the principles of subsidiarity and proportionality annexed to the Constitution. The procedure set out in the Protocol shall enable national parliaments to ensure compliance with the principle of subsidiarity.*
- 3. In exercising the Union's competences, the Institutions shall apply the principle of proportionality as laid down in the same Protocol.*
- 4. Member States shall take all appropriate measures, general or particular, to ensure fulfilment of the obligations flowing from the Constitution or resulting from actions taken by the Union Institutions.*
- 5. In accordance with the principle of loyal cooperation, Member States shall facilitate the achievement of the Union's tasks and refrain from any measure which could jeopardise the attainment of the objectives set out in the Constitution. The Union shall act loyally towards the Member States.*
- 6. The Union shall respect the national identities of its Member States, inherent in their fundamental structures and essential State functions, especially their political and constitutional structure, including the organisation of public administration at national, regional and local level."*

I. THEMATIC EXAMINATION OF AMENDMENTS

2. Amendments concerning the whole Article

(a) Delete the Article:

Lux. ADR party, Tiilikainen and Peltomäki, Fischer (in accordance with their amendments to Article 8).

(b) Reduce the Article to an obligation on the part of the Member States to take the measures necessary to fulfil their obligations arising from the Constitution:

Oleksy

(c) Complete rewriting:

Cristina, Frendo, Serracino-Inglott and Inguanez, Seppänen

2. **Amendments concerning paragraph 1: primacy of Union law**

- (a) **Complete rewrite to delete the concept of primacy:** Kirkhope
- (b) **Delete paragraph: Palacio, Farnleitner (in keeping with amendment to Article 8), Heathcoat-Amory, Kohout, Hain, Lopes.**
- (c) **Delete the reference to secondary legislation:**
Lord Tomlinson
- (d) **Delete the words "par celle-ci"** (not applicable to English version, which has "by the Constitution")
Duhamel, Paciotti and Spini
- (e) **Replace the whole paragraph with:**
 - **"Union law prevails over national law":**
Brok and others, Santer, Helminger and Fayot, Korčok.
 - **"The scope of the competences conferred on the Union shall be determined by the provisions in Part III":**
Michel and others.
 - **new text**
Kaufmann
- (f) **Replace**
 - **"over the law" with "over the legislation":**
Muscardini
 - **"The procedure" with "The political early-warning procedure":**
Brok and others
 - **Add at the end "insofar as they do not contravene national constitutional requirements":**
Muscardini
- (g) **Add a preliminary phrase on the primacy of the Constitution over secondary law and the accession treaties:**
Berger

3. **Amendments concerning paragraph 2: principle of subsidiarity**

(a) **Delete the paragraph:**

Kiljunen and Vanhanen, Hain, Kaufmann

(b) **New text:**

Heathcoat-Amory

(c) **Delete the words "in exercising the Union's non-exclusive competences":**

Duff and others, Paciotti and Spini

(d) **Delete the last sentence:**

Michel and others

(e) **Replace "to ensure compliance" with: "to convey early in the legislative process their view on the compliance of a legislative proposal":**

Attalides

(f) **Delete:**

– **the last sentence:**

Giannakou

– **the limitation to *national* parliaments:**

MacCormick

(g) **Add**

– **the Committee of the Regions next to national parliaments in the last sentence:**

McAvan

– **the European Parliament next to national parliaments in the last sentence:**

Berès and others

– **"the right to" before "ensure":**

Azevedo and others.

(h) **Merge paragraphs 2 and 3:**

Kohout, Kiljunen and Vanhanen

4. **Amendments concerning paragraph 3: principle of proportionality**

(a) **Delete the paragraph:** Kiljunen and Vanhanen, Hain, Paciotti and Spini, Kaufmann

5. Amendments concerning paragraph 4: implementation of Union law

- (a) **Delete the paragraph:** Kiljunen and Vanhanen, Hain.
- (b) **New text replacing paragraphs 4 and 5:**
Kaufmann
- (c) **Add a reservation to cover the situation in which Union acts contravene constitutional requirements of the Member States:**
Muscardini
- (d) **Add:**
 - **a reference to the principle of loyal cooperation:**
Lopes.
 - **last part of the sentence:**
 - **no additional administrative burdens for the Member States:**
Earl of Stockton
 - **"under the scrutiny of joint committees of national MPs and MEPs":** Kirkhope
 - **"and within the time limits laid down by them:"** Lamassoure

6. Amendments concerning paragraph 5: principle of loyal cooperation

- (a) **Delete the paragraph:**
Lord Tomlinson, Hain, Paciotti and Spini, Lopes.
- (b) **Confine the text to the obligation to refrain:**
Kiljunen and Vanhanen
- (c) **Delete the part concerning the Member States' obligation to refrain:**
Earl of Stockton
- (d) **Add that the Member States have the right not to participate in decisions or initiatives that could clash with their legitimate national interests:**
Muscardini
- (e) **Add an exception for Member States voting against:**
Heathcoat-Amory
- (f) **Add at the end an obligation on the Union to respect the vital interests of the Member States, etc:**
Queiró
- (g) **Delete the final sentence**
Lamassoure
- (h) **Delete the last sentence and replace it with a new text:**
Heathcoat-Amory

7. **Amendments concerning paragraph 6: respecting national identities**

(a) **Delete the paragraph:**

Kiljunen and Vanhanen

(b) **Replace the paragraph with "the Union shall respect the political and constitutional structures of the Member States, including the organisation of public administration at national, regional and local level":**

Duff and others, Paciotti and Spini.

(c) **New texts:**

reference to languages, status of the Churches and non-denominational organisations.

Brok and others:

Heathcoat-Amory,

Kaufmann.

(d) **Move it and make it the first paragraph:**

Hjelm-Wallén

(e) **Delete:**

- **"inherent in their fundamental structures and essential State functions":**

Haenel and Badinter

- **"inherent in" and replace "especially" with "in particular":**

Fini

- **"national":**

Sjazer

- **"especially their political and constitutional structure":**

Giannakou

(f) **Add**

- **"their sovereignty" after "inherent in". Lord Tomlinson,**

Muscardini, Hain.

- **a reference to regional and local competences:**

Teufel

- **respect for the cultural, linguistic and territorial diversity of the Member States:**

McAvan, Figel

- **respect for territorial integrity:**

Korčok and others.

- **obligation of the Union to respect the principle of subsidiarity in cultural and ethical matters:**

Figel

- **respect for the constitutional law of the Member States.:**
Costa and others
- **"at territorial level" (?):**
Muscardini
- **at the end: "and their responsibilities for the maintenance of law and order and for national security":**
Hain

8. Add new paragraphs:

- **Regarding respect on the part of the Union for Churches and religions:**
Einem
- **Yellow and red cards for national parliaments:**
Heathcoat-Amory

II. OTHER AMENDMENTS

- **Replace the words "the Constitution" with "the Treaty":**
Hololei.
- **Replace the word "Constitution" with "the Constitutional Treaty":**
Korčok.
- **Replace the word "Constitution" with "the simplifying Treaty":** Kirkhope
- **Replace the word "Union" with "the Community":** Kirkhope
- **Replace the word "institutions" with "Union institutions":** Brok and others, Korčok and others.
Para.1: *Roche*
Para. 2: *Paciotti and Spini, Roche*
Para. 5: *Vander Linden and others, Michel and others*
Para. 6: *Queiró, Haenel and Badinter*
Paras. 2, 3 and 5: *Berès and others.*

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SUMMARY SHEET OF PROPOSALS FOR AMENDMENTS
TO ARTICLE 10

Article 10: Categories of competence

- "1. When the Constitution confers on the Union exclusive competence in a specific area, only the Union may legislate and adopt legally binding acts, the Member States being able to do so themselves only if so empowered by the Union.*
- 2. When the Constitution confers on the Union a competence shared with the Member States in a specific area, the Union and the Member States shall have the power to legislate and adopt legally binding acts in this area. The Member States shall exercise their competence only if and to the extent that the Union has not exercised its.*
- 3. The Union shall have competence to coordinate the economic policies of the Member States.*
- 4. The Union shall have competence to define and implement a common foreign and security policy, including the progressive framing of a common defence policy.*
- 5. In certain areas and in the conditions laid down in the Constitution, the Union shall have competence to carry out actions to coordinate, supplement or support the actions of the Member States, without thereby superseding their competence in these areas.*
- 6. The Union shall exercise its competences to implement the policies defined in Part Two of the Constitution in accordance with the provisions specific to each area which are there set out."*

I. THEMATIC EXAMINATION OF THE AMENDMENTS

1. General amendments

- (a) **Addition of a new explanatory paragraph specifying that competences are conferred on the Union by the Member States, that the Union exercises its competences to the extent laid down in the Constitution and that the Union's exercise of these powers shall not restrict the powers of the Member States, except in the area of exclusive competence.**
Hain, Tomlinson, Heathcoat-Amory

- (b) **Addition of a new paragraph on competence in the area of freedom, security and justice**
De Vries and others (Netherlands)
- (c) **Replace "exclusive" competence with "own" competence**
Lamassoure
- (d) **Add a new paragraph referring to regional and local authorities**
Chabert and others

2. Paragraph 1. Definition of exclusive competence

- (a) **Delete the paragraph**
Heathcoat-Amory
- (b) **Specify that exclusive competence is conferred on the Union by the Member States**
Roche, Heathcoat-Amory
- (c) **Delete the reference to Union empowerment being necessary before the Member States are able to act**
Katiforis, McAvan
- (d) **Specific reference to Union empowerment, making it clear that its objectives, content and scope shall be laid down in the empowerment instrument**
Palacio
- (e) **Reference to empowerment in accordance with the applicable Union procedures**
Tiilikainen and Peltomäki
- (f) **Prior consultation of the Member States before the Union legislates in these areas**
Muscardini

3. Paragraph 2 amendments: Definition of shared competence

- (a) **The final sentence to be replaced by a statement that when the Union has exercised its competence, the Member States shall respect the obligations imposed on them by the Constitution or by acts adopted by the Union**
Tiilikainen and Peltomäki, Kuneva, Kiljunen and Vanhanen, Balázs, de Villepin
- (b) **Reference to the conclusion of international agreements**
Giannakou, Brok and others (EPP)

- (c) **Replace "legislate and adopt legally binding acts" by "lay down the general rules or coordinate the policies of the Member States"**
Berès and others, Michel and others (Belgium), Lamassoure
- (d) **Reference to the Member States' competence where the Union has ceased to exercise its competence**
Brok and others (EPP)
- (e) **Delete the second sentence concerning Member States' exercise of their competence**
Balázs
- (f) **Reference to the subsidiarity principle**
Fini, Queiró
- (g) **Replace the last sentence with: "Insofar as and provided that the Union does not exercise a competence, it shall be for the Member States"**
Teufel, Würmeling and Altmaier

4. Paragraph 3 amendments: coordination of economic policies

- (a) **Delete the paragraph**
Tiilikainen and Peltomäki, Kohout, Berès and others, Hain, Ernani, Duff and others, Earl of Stockton, Svensson, Kiljunen and Vanhanen, Nagy
- (b) **Reference to the Member States' competence to coordinate economic policies together with the Union**
De Vries and others (Netherlands)
- (c) **Add social and employment policy**
Duhamel and others (Socialists), Borrell and others, Gabaglio, Michel and others (Belgium), Paciotti and Spini (also want taxation policy to be added), Lequiller (not social policy), Santer and others (employment)
- (d) **Replace "the Union shall have competence to coordinate" by "the Member States shall coordinate within the Union"**
Roche, Teufel, Heathcoat-Amory, Fischer
- (e) **The Union shall establish guidelines to assist the Member States in coordinating their economic policies**
Tomlinson, Queiró

5. Paragraph 4 amendments: common foreign and security policy

- (a) **Delete the paragraph**
Ernâni, Earl of Stockton, Svensson, Nagy, Heathcoat-Amory, Duff and others

- (b) **More detailed wording partly reproducing the existing text of the Treaty**
Hain; Farnleitner
- (c) **Reference to the principles and objectives of the Treaty**
Roche
- (d) **Reference to the mutual solidarity clause**
Farnleitner
- (e) **Add common defence policy**
Dini, Brok and others (EPP), Borrell and others, Santer and others, Figel, de Villepin
- (f) **Delete the reference to Union competence**
Tomlinson, Kiljunen, Vanhanen
- (g) **Add the need for a unanimous decision by the Member States**
Queiró
- (h) **Add the need for a European Council mandate**
Tomlinson

6. Paragraph 5 amendments: definition of areas of support

- (a) **Add a reference to harmonisation being excluded in these areas**
Tiilikainen and Peltomäki, Ernâni, Teufel, Kiljunen, Vanhanen
- (b) **Add a reference to regional authorities or territorial entities**
MacCormick
- (c) **Add a list of areas**
Nagy
- (d) **Replace "shall have competence to" with "may"**
Würmeling and Altmaier

7. Paragraph 6 amendments: reference to Part Two

- (a) **Add a reference to the forms and instruments of action laid down in Part Two**
Teufel
- (b) **Add the primacy of the rights of the nation state in the event of conflict between the two parts of the Treaty.**
Heathcoat-Amory

II. OTHER AMENDMENTS

- **Reference to Articles 11, 12, 13, 14 and 15 in paragraphs 1, 2, 3, 4 and 5 respectively**
Serracino-Inglot, Cristina, Frendo
- **Replace Constitution by "simplifying treaty" and "Union" by "Community"**
Kirkhope
- **Replace Constitution by "constitutional treaty" (ADR party) or by "Treaty"**
Hololei, Heathcoat-Amory
- **Drafting amendment for paragraph 2**
Lord Tomlinson, Teufel
- **Add a sentence specifying that the Union shall exercise three categories of competence: exclusive, shared and complementary**
McAvan
- **Replace "Union" by "Europe of democracies" (Berlorska and others)**
- **Delete "only if and" in paragraph 2**
- **Replace "disposera" by "dispose" in the French text:**
(Does not concern the English)
Borrell and others (translation problem)
- **Drafting amendment for paragraph 5**
Queiró
- **Replace "Constitution" by "Treaty"**
Heathcoat-Amory
- **Add reference to administrative costs**
Heathcoat-Amory
- **Add reference to the amending procedure being identical for Parts One and Two**
Heathcoat-Amory
- **Avoid duplication of Article 10(3) and (4) with Articles 13 and 14**
Kohout

SUMMARY SHEET OF PROPOSALS FOR AMENDMENTS
TO ARTICLE 11

Article 11: Exclusive competences

- "1. *The Union shall have exclusive competence to ensure the free movement of persons, goods, services and capital, and establish competition rules, within the internal market, and in the following areas:*
- customs union,*
 - common commercial policy,*
 - monetary policy for the Member States which have adopted the euro,*
 - the conservation of marine biological resources under the common fisheries policy.*
2. *The Union shall have exclusive competence for the conclusion of an international agreement when its conclusion is provided for in a legislative act of the Union, is necessary to enable the Union to exercise its competence internally, or affects an internal Union act."*

I. THEMATIC EXAMINATION OF AMENDMENTS

1. General amendments

(a) Delete the Article

Ernäni

(b) General reservation on the Article

Kuneva

2. Paragraph 1: Areas of exclusive competence

(a) Deletion of specific areas:

- free movement*
Hain, Farnleitner, Tiilikainen and Peltomäki, Hjelm-Wallén, Kaufmann
- competition within the internal market*
Hain, Farnleitner, Tiilikainen and Peltomäki, Hjelm-Wallén and others, Fischer, Kaufmann
- common commercial policy*
Kirkhope
- marine biological resources*
MacCormick, Kirkhope, Heathcoat-Amory, Haenel

- monetary policy
Belohorska and others, Kirkho and others (Sweden) Kiljunen and Vanhanen
- internal market, except for taxation policy
Duff and others
- agreements relating to trade in cultural and audiovisual services, educational services, as well as human health and investment services
de Villepin, Haenel
- free movement of the Union's citizens (as opposed to persons)
Fini

(b) Addition of new areas

- definition and implementation of foreign and defence policy
Voggenhuber and Lichtenberger, Borrell and others (Socialists, Spain), Marinho and others
- common area of freedom and security
Voggenhuber and Lichtenberger, Borrell and others Marinho and others, Nagy
- budget
Voggenhuber and Lichtenberger, Duhamel and others (Socialists) Marinho and others, Nagy, Lamassoure, Severin, Borrell and others, Brok and others
- external representation of the Union
Michel and others (Belgium), Voggenhuber and Lichtenberger
- obligations arising from citizenship
Michel and others (Belgium)
- access to Union territory
Michel and others (Belgium)
- common organisation of the market in agricultural products
Palacio, Lequiller
- structural and cohesion policies
Borrell and others, Marinho and others, Brok and others (EPP), Figel, Lamassoure
- Union statistics
Brok and others (EPP), Figel
- monetary law and exchange-rate policy through the ECB
Brok and others, Figel
- common agricultural and fisheries policy
Azevedo and others (Portuguese members of parliament)
- rules to ensure the functioning of the Institutions
Brok and others, Figel
- foreign and defence policy
Nagy, Voggenhuber and Lichtenberger
- internal market
Lamassoure
- European common security policy
Haenel

(c) Include a reference to Part Two of the Constitution

Tiilikainen and Peltomäki, De Vries and others (Netherlands), Roche, de Villepin

(d) Add "in principle"

Teufel, Belohorska and others

- (e) **After "euro" add "excepting those elements which impinge upon policies involving opt-out states"**
Heathcoat-Amory

3. Paragraph 2: Exclusive competence for the conclusion of international agreements

- (a) **Delete the paragraph**
Tomlinson
- (b) **Exclude from the scope of this paragraph agreements defined by Article 12(4) as those to which shared competence applies**
- (c) **Delete and replace by a paragraph stating that the Union shall act as a representative of the Member States where it is so mandated in the Treaty or when so authorised by common accord.**
Heathcoat-Amory

II. OTHER AMENDMENTS

- Replace "Union" by "Community"
Kirkhope
- Replace "in a legislative act" by "in this Constitution"
Borrell and others
- Replace "exclusive" by "appropriate"
Borrell and others, Marinho and others
- Replace "persons" by "citizens"
Fini
- Change the order of paragraph 2
Tiilikainen and Peltomäki, Kiljunen and Vanhanen
- Replace "Union" by "Europe of democracies"
- Add reference to Article 10(1)
Duff and others
- Add "orientated towards international free trade" after "customs union"
Kirkhope
- Change the title of the Article ("Areas of exclusive competence")
de Villepin
- Change the title of the Article ("Competences attributed to the Union")
Lamassoure

SUMMARY SHEET OF PROPOSALS FOR AMENDMENTS
TO ARTICLE 12

Article 12: Shared competences

- "1. *The Union shall share competence with the Member States where the Constitution confers on it a competence which does not relate to the areas referred to in Articles 11 and 15.*
2. *The scope of shared competences is determined by the provisions of Part Two.*
3. *Where the Union has not exercised or ceases to exercise its competence in an area of shared competence, the Member States may exercise theirs.*
4. *Shared competence applies in the following principal areas:*
- *internal market*
 - *area of freedom, security and justice*
 - *agriculture and fisheries*
 - *transport*
 - *trans-European networks*
 - *energy*
 - *social policy*
 - *economic and social cohesion*
 - *environment*
 - *public health, and*
 - *consumer protection.*
5. *In the areas of research, technological development and space, the Union shall have competence to carry out actions, in particular to implement programmes; however, the exercise of that competence may not result in Member States being prevented from exercising their competence.*
6. *In the areas of development cooperation and humanitarian aid, the Union shall have competence to take action and conduct a common policy; however, the exercise of that competence may not result in Member States being prevented from exercising their competence."*

I THEMATIC EXAMINATION OF AMENDMENTS

3. General amendments

- (a) **Delete the Article**
Ernâni

- (b) **Add a new paragraph on social policy**
Haenel and Badinter
 - (c) **Add a paragraph detailing Member States' competences**
ADR
 - (d) **Need for unanimous agreement to carry out actions in these areas**
Kirkhope
 - (e) **Add a new paragraph on economic, social and employment policies**
Berès and others
- 4. Paragraph 1: Definition of cases in which shared competence applies**
- (a) **Delete the paragraph**
Brok and others (EPP), Kaufmann
 - (b) **Delete reference to Article 15**
Katiforis
 - (c) **Add reference to Articles 13 and 14**
Teufel
- 5. Paragraph 2: Reference to Part Two of the Constitution**
- (a) **Delete the paragraph**
Hain, Michel and others, Fini, Tomlinson, Duff and others, Kaufmann
 - (b) **Include the reference to Part Two in paragraph 4**
Roche
or as a final paragraph
Brok and others
- 6. Paragraph 3: Cases where the Union has not exercised or ceases to exercise its competence**
- (a) **Delete the paragraph**
Hain, Palacio, Kohout, Hübner, Tani, Hübner, Tomlinson, Belohorska and others, Kuneva, Brok and others, de Villepin, Duff and others, Kaufmann

(b) Change the wording

Fischer

(c) Incorporate the definition of the subsidiarity principle

Lux ADR party

7. Paragraph 4: Areas of shared competence

(a) Delete the paragraph

Hain, Michel and others, Hübner, Tiilikainen and Peltomäki, Tomlinson, Kuneva, de Villepin

(b) Add new areas:

- Taxation
Duhamel and others, Floch, Borrell and others, Paciotti and Spini, Haenel and Badinter
- Services of general interest
Duhamel and others, Floch, Borrell and others, Paciotti and Spini, Haenel and Badinter, Lamassoure
- Equal treatment of men and women
Duhamel and others, Floch, Borrell and others, Paciotti and Spini, Haenel and Badinter
- Industry
Duhamel and others, Floch, Borrell and others, Paciotti and Spini, Haenel and Badinter
- Employment
Duhamel and others, Floch, Borrell and others, Paciotti and Spini, Berès and others, Severin, Duff and others
- Territorial cohesion
Duhamel and others, Floch, Borrell and others, Paciotti and Spini, Haenel and Badinter
- Disaster protection
Borrell and others
- Health
Voggenhuber and Lichtenberger
- Safety and protection of the environment from nuclear installations, nuclear safeguards and non-proliferation, sustainable energy
Voggenhuber and Lichtenberger
- Coordination of economic, social and employment policies (new paragraph)
Berès and others
- The fight against discrimination
Cushnahan, McAvan
- Tourism
Cunhaban
- Scientific research, technological development and space
Fini, Severin, Duff and others
- Development cooperation and humanitarian aid
Fini, Severin, Duff and others
- Intellectual property
Giannakou, Brok and others

- Combating drugs
Giannakou, Lamassoure
- Preventing and combating fraud affecting the Union's financial interests
Giannakou
- Common foreign and security policy
Dini, Severin
- Harmonisation of laws in the internal market
Brok and others
- Replace "area of freedom, security and justice" by "visas, asylum, immigration and other policies relating to freedom of movement of persons" (Fischer) or more detailed content
Giannakou, Brok and others
- Economic and social policy
Severin
- Fiscal aspects of the internal market
Duff and others, Severin
- Nuclear energy
Teufel
- Competition within the internal market
Fischer

(c) Delete the following areas:

- Internal market
Voggenhuber and Lichtenberger
- Area of freedom security and justice
Kirkhope, Belohorska and others, De Vries and others
- Agriculture
Balázs
- Fisheries
Kirkhope
- Transport
Kirkhope, Belohorska and others
- Trans-European networks
Roche
- Public health
Roche, Belohorska and others, Teufel
- Energy
Kirkhope, Fischer, Belohorska and others
- Social policy
Kirkhope, Belohorska and others
- Economic and social cohesion
Kirkhope
- Exclude health services and medical care from public health
Hjelm-Wallén and Petersson
- Sport
Würmeling and Altmaier

(d) Limit the list

Fini

8. Paragraph 5: research, technological development and space

(a) Delete the paragraph

Fini, Hübner, Tiilikainen and Peltomäki, Roche, Kuneva, de Villepin, Teufel, Kaufmann

(b) Delete the reference to Member States' competence

Berès and others

(c) Add separate Article

Hain

9. Paragraph 6: development cooperation

(a) Delete the paragraph

Fini, Hübner, Tiilikainen and Peltomäki, Kuneva, Teufel, Kaufmann

(b) Delete reference to Member States' competence

Berès and others, de Villepin

(c) Add separate Article

Hain

IV. OTHER AMENDMENTS

- Replace "Union" by "Community"
Kirkhope
- Add "in particular" in the first line of paragraph 4
Palacio
- Replace "may" by "shall"
- Replace "Constitution" by "Constitutional Treaty"
ADR
or "Treaty"
Hololei
- Redraft paragraph 5
Cristina and Serracino-Inglott
- Redraft paragraphs 1 and 2
Tiilikainen and Peltomäki, Würmeling and Altmaier
- Put "area of freedom, security and justice" in a separate paragraph
Hjelm-Wallén and Petersson
- Paragraph 5: research "and" technological development
McAvan
- Replace "Union" by "Europe of democracies"
Belohorska and others
- Amplify the content of some of the areas of shared competence
Brok and others

- Amplify paragraph 5
De Vries and others
- Change the title of the Article ("Areas of shared competence")
de Villepin
- In paragraph 1, add "In accordance with Article 10(2),"
Duff and others
- Reformulation of paragraph 4
Kaufmann

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SUMMARY SHEET OF PROPOSALS FOR AMENDMENTS
TO ARTICLE 13

Article 13: The coordination of economic policies

- "1. *The Union shall coordinate the economic policies of the Member States, in particular by establishing broad guidelines for these policies.*
2. *The Member States shall conduct their economic policies, taking account of the common interest, so as to contribute to the achievement of the objectives of the Union.*
3. *Specific provisions shall apply to those Member States which have adopted the euro."*

I. THEMATIC EXAMINATION OF AMENDMENTS

1. Amendments concerning the whole article

(a) Delete the Article

Tiilikainen and Peltomäki, Lord Tomlinson, Berès, Duhamel and others
(with new paragraph 4a under Article 12: add this subject as an area for supporting action), Kaufmann, Roche, Voggenhuber and Lichtenberger.

(b) Amendment to title:

"Coordination of economic, social and employment policies":

Michel, De Gucht and others, Borrell and others, McAvan, Duhamel and others.

"Coordination of economic and employment policies":

Sigmund and others, Dini.

(c) Replace the entire Article by:

"The Union and the Member States shall coordinate the economic policies, taking account of the common interest, so as to contribute to the achievement of the objectives of the Union"

De Vries and others.

"Member States shall conduct their economic policies with a view to contributing to the achievement of the objectives of the Union and coordinate them in accordance with procedures for multilateral surveillance established by the Council"

Hain, Hololei.

"With a view to achieving the objectives of the Constitution, the Union shall have the competence to assist the coordination by the Member States of their economic policies in accordance with agreed guidelines"

MacLennan.

- (d) **Add a new paragraph 2a: "The Member States shall regard employment as a common concern and coordinate their policies on the basis of common guidelines, so as to contribute to the achievement of the objectives of the Union"**

Siegmund and others.

2. Amendments concerning paragraph 1:

- (a) **Delete**

De Vries and others

- (b) **Add at the end of the text:**

- **"on the basis of the provisions set out in Part Two of the Constitution"**
Fini,
- **"and the Employment Guidelines".**
- **"and by closely supervising compliance with the requirement of sound public finances"**

Brok and others.

- (c) **Replace:**

- **the entire paragraph by "With a view to achieving the objectives of the Constitution, the Union shall have the competence to assist the coordination by the Member States of their economic policies in accordance with agreed guidelines":**
MacLennan
- **"economic policies" by: "economic policies, including the employment policies":**
Katiforis

- **"economic, social and employment policies":**
Einem, McAvan, Michel and others, Duhamel and others, Borrell and others, Haenel and Badinter
- **"economic, tax and employment policies":**
Paciotti and Spini
- **"The Union shall coordinate the economic policies of the Member States" by**
 - **"The Union shall have competence to coordinate the economic policies of the Member States":** *Lopes*
 - **"The Union shall promote the coordination of the economic policies of the Member States":** *Quiero*
 - **"The Union shall coordinate and harmonise the economic policies of the Member States":** *Follini*
 - **"The Member States shall coordinate their economic policies within [or within the context of] the Union":** *Fischer, Hjelm-Wallén and others, Kuneva (but inverting paragraphs 1 and 2), de Villepin*
 - **"The Member States shall coordinate their economic, social and employment policies through the Union":** *McAvan*
 - **"The Member States shall coordinate their economic policies in accordance with the provisions of Part Two":** *Teufel*
 - **"The Member States cooperate concerning the economic policies":**
Belohorska and others
- **"by establishing" by "by proposing":**
Muscardini

3. Amendments concerning paragraph 2:

- (a) **Delete the paragraph:** *MacLennan*
- (b) **Replace the paragraph by:**
 - **"The Member States shall regard their economic policies as a matter of common concern and shall coordinate them so as to contribute to the achievement of the objectives of the Union":** *Roche*
- (c) **Replace "economic policies" by "economic, social and employment policies"**
Michel and others, Duhamel and others, Borrell and others, Haenel and Badinter, McAvan, Einem
"economic, tax and employment policies":
Paciotti and Spini
"the common interest" by "the common interest and social justice":
Brok and others, Giannakou
- (d) **Add at the end of the text:**
"in accordance with the principles of subsidiarity and an open market economy with free competition":
Lennmarker, Brok and others

4. Amendments concerning paragraph 3:

- (a) **Delete the paragraph:** *MacLennan, Roche*
- (b) **Add at the beginning: "In the context of coordination of economic policies"**
Borrell and others

II. OTHER AMENDMENTS

Paragraph 3: replace "have adopted" by "adopt"
Paciotti and Spini

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SUMMARY SHEET OF PROPOSALS FOR AMENDMENTS
TO ARTICLE 14

Article 14: The common foreign and security policy

"Member States shall actively and unreservedly support the Union's common foreign and security policy in a spirit of loyalty and mutual solidarity. They shall refrain from action contrary to the Union's interests or likely to undermine its effectiveness."

I. THEMATIC EXAMINATION OF AMENDMENTS

(a) Deletion of Article 14

Lamassoure; Voggenhuber and Lichtenberger; Kirkhope; Nagy; Earl of Stockton; Belohorska; Zahradil; Bonde, Heathcoat-Amory, Abitbol, Skaarup, Dalgaard, Seppänen, Lord Tomlinson

(b) Proposals for alternative texts to replace the current text

Hain; Roche; Heathcoat-Amory; MacLennan; Abitol

(c) Inclusion of the CFSP in the shared competences with specific provisions

Dini

(d) Addition: reference to "defence"

Fini; Borrell, Carnero and Lopez Garrido; MacLennan; Duff, Rupel and Szent-Iványi; Costa, Azevedo, d'Oliveira Martins and Nazaré Pereira; Roche; Lopez; Katiforis; McAvan

(e) Addition: definition (of the objectives) of the CFSP

Lequiller; Hain; Roche; Zieleniec; Farnleitner

(f) Addition: the CFSP covers all the areas of foreign and security policy

Duhamel, Marinho, Van Lancker, Hänsch, Berès, Berger, Carnero and Thorning-Schmidt; de Villepin; Kuneva

(g) Addition: The MS shall work together to enhance and develop their mutual solidarity

de Villepin; Kuneva

(h) Delete: "actively and unreservedly"

Muscardini; Queiró; Kvist

- (i) **Addition: obligation for the MS to consult each other at European level before defining their national positions**
Van der Linden, Timmermans and Van Eeckelen
- (j) **Addition: the exercise by the Union of its competence in the CFSP shall exclude action by a Member State if such action is contrary to the Union's interests or if the Council so decides**
Brok, Szajer, Teufel, Van der Linden, Kroupa, Santer, Cushnahan, Almeida Garrett, Altmaier, Figel, Kauppi, Maij-Weggen, Rac, Würmeling
- (k) **Addition: the exercise by the Union of its competence in the CFSP shall not prevent the MS from exercising their competence**
Roche; Heathcoat-Amory
- (l) **Addition: the exercise by the Union of its competence in the CFSP shall exclude action by the MS only if the European Council so decides**
Korčok, Figel, Migaš and Martináková (Slovak Members)
- (m) **Addition: the MS may not take action in areas where the Union has exclusive competence**
Duhamel, Marinho, Van Lancker, Hänsch, Berès, Berger, Carnero and Thorning-Schmidt
- (n) **Addition: the Union shall have competence with regard to the CFSP**
Kaufmann; Balázs
- (o) **Addition: Article 10(4) amended**
McAvan
- (p) **Addition: exception concerning military action**
Gibergen

II. OTHER AMENDMENTS

- **Drafting proposal**
Cushnahan; Duff, Rupel and Szent-Iványi

One person (Vassiliou) was in favour of the Article as it stood.

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SUMMARY SHEET OF PROPOSALS FOR AMENDMENTS
TO ARTICLE 15

Article 15: Areas for supporting action

- "1. *The Union may take coordinating, complementary or supporting action. The scope of this competence is determined by the provisions of Part Two.*
2. *The areas for supporting action are:*
employment
– *industry*
– *education, vocational training and youth*
– *culture*
– *sport*
– *protection against disasters.*
3. *The Member States shall coordinate their national employment policies within the Union.*
4. *Legally binding acts adopted by the Union on the basis of the provisions specific to these areas in Part Two cannot entail harmonisation of Member States' laws or regulations."*

I. THEMATIC EXAMINATION OF AMENDMENTS

1. General amendments

- (a) **Delete Article**
Voggenhuber and Lichtenberger; Ernâni; Nagy
- (b) **Replace "supporting action" by "complementary competences"**
Borrell and others; Giannakou; Haenel; Santer and others; Azevedo and others; Lamassoure Zielenic; Santer and others; Duhamel and others
- (c) **Replace "supporting action" by "subsidiary competences"**
Dini
- (d) **Replace "supporting action " by "coordinating, complementary or supporting action"**
de Villepin; Lequiller

2. Amendments to paragraph 1: Definition and scope of areas for supporting action

- (a) **Delete the paragraph**
Kaufman

(b) Add reference to Member States' competence in areas of supporting action

Hain; Tomlinson

(c) Replace "may take " by "shall have competence for"

Michel and others

(d) Delete reference to Part Two

Hain; Michel and others

3. Amendments to paragraph 2: list of areas for supporting action

(a) Delete paragraph

Tomlinson

(b) Areas to be added:

- Protection against terrorist attacks

Hain

- Trans-European networks

Hain; Roche; de Villepin

- Police cooperation

Hain; Roche

- Consumer protection

Hain; Roche

- Research

Roche

- Media

Borrell and others; Duhamel and others

- Tourism

Palacio; Lequiller; Borrell and others; Paciotti and Spini; Dini; Duhamel and others; Duff and others; Lamassoure

- Protection of Union's cultural, linguistic and religious diversity

Eckstein – Kovács

- Means of communication

Paciotti and Spini

- Coordination of economic policies

Kiljunen and Vanhanen; Tiilikainen and Peltomäki

- Public health

Kiljunen and Vanhanen; Tiilikainen and Peltomäki; Heathcoat-Amory; Pigel and others; Roche

- Research and technological development

Kiljunen and Vanhanen; Tiilikainen and Peltomäki; Teufel; Roche

- Development cooperation

Kiljunen and Vanhanen; Tiilikainen and Peltomäki; Teufel

- Civil protection (instead of "protection against disasters")

Fini; de Villepin; Teufel; Brok and others; Palacio

- Customs cooperation

de Villepin

- Coordination of economic policies

Tiilikainen and Peltomäki

- Combating drugs

Brok and others

- Well-being of children and young persons
De Vries and others; Van Dijk and Timmermans
 - Territorial cohesion
De Vries and others
 - Energy
Kirkhope
 - Transport
Kirkhope
 - Cross-border cooperation
Duff and others; Lamassoure
 - Aid in exceptional circumstances
Svensson
 - Coordination of employment policies (instead of employment)
Teufel
 - Protection against disasters within the Union (instead of protection against disasters)
Roche
 - Pensions
van Dijk and Timmermans
 - Social protection
van Dijk and Timmermans
- (c) Areas to be deleted**
- Employment
Palacio; Gabaglio; Borrell and others; Paciotti and Spini; Michel and others; Dini (if employment is added to Article 13); Heathcoat-Amory
 - Industry
Paciotti and Spini; Haenel
 - Sport
Hjelm-Wallén and others; Svensson
 - Education
Heathcoat-Amory
 - Vocational training
Heathcoat-Amory
 - Youth
Heathcoat-Amory
 - Culture
Heathcoat-Amory
 - Sport
Heathcoat-Amory
- (d) Non-restrictive list**
Cristina; Duff and others; Serracino-Inglott; de Villepin; Katiforis

4. Amendments to paragraph 3: coordination of employment policies

(a) Delete paragraph

Hain; Roche; Duhamel and others; Farnleitner; Paciotti and Spini; de Villepin; Michel and others; Tiilikainen and Peltomäki; Tomlinson; Teufel; Gabaglio; Santer and others; de Villepin

(b) Add a reference to the Union's objectives, promotion of employment as a matter of common interest and the drawing up of a common strategy in this area

Palacio

(c) Add "within the framework of the strategy for employment"

Hjelm-Wallén and others

(d) Replace by "There shall be an obligation on the Member States to share good employment practice"

Heathcoat-Amory

(e) Replace "coordinate" by "may coordinate"

Earl of Stockton; Würmeling and Altmaier

(f) Add "or some of them" and "may coordinate other national policies within the union"

Lamassoure

5. Amendments to paragraph 4: exclusion of harmonisation

(a) Delete paragraph

Borrell and others

(b) Specific reference to maintaining Member States' competences

Roche

(c) Add "unless exceptions are provided for by Part Two"

de Villepin; Kuneva; Lequiller

(d) Move to Article 10(5)

Tiilikainen and Peltomäki; Kohout

II. OTHER AMENDMENTS

- Replace "Union" by "Community"

Kirkhope

- Add reference to Part Two at beginning of paragraph 1

Kiljunen and Vanhanen; Fini; Tiilikainen and Peltomäki

- Rearrange paragraph 2

Cristina

- Indicate more clearly the names of all or some areas for supporting action

Teufel; Brok and others; Kirkhope; Svensson

- Replace "Union" by "Europe of Democracies"

Belohorska and others

- Merge paragraphs 1 and 2 and put reference to Part Two in separate paragraph

Tiilikainen and Peltomäki; Svensson

New wording of paragraph 4

Brok and others; De Vries

- Add reference to Article 10(5) in paragraph 1

Duff and others

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SUMMARY SHEET OF PROPOSALS FOR AMENDMENTS **TO ARTICLE 16**

Article 16: Flexibility clause

- "1. *If action by the Union should prove necessary within the framework of the policies defined in Part Two to attain one of the objectives set by this Constitution, and the Constitution has not provided the necessary powers, the Council, acting unanimously on a proposal from the Commission and after obtaining the assent of the European Parliament, shall take the appropriate measures.*
2. *Using the procedure for monitoring the subsidiarity principle referred to in Article 9, the Commission shall draw Member States' national parliaments' attention to proposals based on this Article.*
3. *Provisions adopted on the basis of this Article may not entail harmonisation of Member States' laws or regulations in cases where the Constitution excludes such harmonisation."*

I. THEMATIC EXAMINATION OF AMENDMENTS

1. General amendments

- (a) **Delete whole article**
Belohorska, Zahradil, Bonde, Heathcoat-Amory, Skaarup, Dalgaard, Seppänen, Gormley
- (b) **Add new paragraph: "The European Court of Auditors shall be consulted on all proposals based on this Article in order to ensure that action by the Union takes place with full budget transparency and there is no administrative duplication at Union and Member State levels".**
Brok + 14
- (c) **New wording**
Abitbol

2. Paragraph 1. Scope and procedure

- (a) **Delete "within the framework of the policies defined in Part Two"**
De Vries (+ de Bruijn, van Dijk); Fini, Giannakou, Brok + 14 Conv. members (Szajer, Teufel, Van der Linden, Kroupa, Tajani, Cushnahan, Santer, Almeida Garrett, Altmaier, Figel, Kauppi, Maij-Weggen, Rack); Farnleitner

similarly Fischer, who does not want this part deleted but would like to be sure that it will not deprive the Union of the necessary flexibility.
- (b) **Delete "on a proposal from the Commission and after obtaining the assent of the European Parliament" and add new paragraph: "Where the Commission has an exclusive right of initiative, the Council shall act only on the basis of a proposal from the Commission and after obtaining the assent of the European Parliament".**
Roche; Hain;

- (c) **Replace the words "shall take the appropriate measures" by "shall decide to make use of this flexibility clause "**
Giannakou; Brok + 14

- (d) **Insert new paragraph: "On the basis of that decision, the European Parliament and the Council shall, following the rules of the legislative procedure, take the appropriate measures"**
Giannakou, Figel; Brok and others; Vassiliou

similarly Katiforis, who wants a reference to codecision, and Michel + 5 Belgian Conv. members (de Gucht, di Rupo, Van Lancker, Chevalier, Nagy): "in codecision with the European Parliament acting by a majority of ..."

- (e) **Add following to end of paragraph: "This provision shall also apply to the restitution of European Union competences at Member State level"**
Meyer

- (f) **Replace "after obtaining the assent of the European Parliament " by "the Council acting unanimously and the European Parliament shall take the appropriate measures"**
Borrell, Cisneros, López Garrido

- (g) **Replace "after obtaining the assent of the European Parliament " by "after consulting the European Parliament "**
Hjelm-Wallén, Lekberg, Petersson, Kvist

- (h) **Replace "the assent of the European Parliament " by "assent"**
Queiró; Palacio; Hjelm-Wallén and others (Swedish)

- (i) **Add after " after obtaining the assent of the European Parliament": "through an absolute majority of all members"**
Heathcoat-Amory

- (j) **Replace "acting unanimously" by "acting by a qualified majority"**
Kuneva; Katiforis; Duhamel + Marinho, Van Lancker, Berès, Berger, Carnero, Paciotti; Follini; Haenel and Badinter; Spini, Ernâni Lopes; Voggenhuber, Lichtenberger; Einem

- (k) **Replace "acting unanimously" by: "acting by a strengthened majority"**
Michel + de Gucht, di Rupo, Van Lancker, Chevalier, Nagy; Costa + Azevedo, d'Oliveira Martins, Pereira; Voggenhuber and Lichtenberger
- (l) **Delete "unanimously"**
Duff + Maclellan, Szent-Iványi
- (m) **Add after "on a proposal from the Commission": "or the Council"**
Muscardini
- (n) **Add after "after obtaining the assent of the European Parliament": "and after consulting the national Parliaments"**
Muscardini
- (o) **Add after "after obtaining the assent of the European Parliament": "and after consulting the Committee of the Regions and the Economic and Social Committee"**
Farnleitner; Einem
- (p) **Add after "after obtaining the assent of the European Parliament": "and, where appropriate, by referendum"**
Earl of Stockton
- (q) **Add after "after obtaining the assent of the European Parliament": "where permitted by national Constitutions or national referenda providing such actions will not curtail any Member State from acting unilaterally to promote its interests"**
Kirkhope
- (r) **Replace "If action by the Union should prove necessary within the framework of the policies defined in Part Two to attain ..." by "If, within the framework of the common market, the Economic and Monetary Union or the implementation of common policies or activities [referred to in Article 3a of this Constitution], action by the Union should prove necessary to attain ..."**
Kiljunen + Vanhanen; Tiilikainen + Peltömäki;
- (s) **Replace "If action by the Union should prove necessary within the framework of the policies defined in Part Two" by "If action by the Union should prove necessary to complete one of its competences within the framework of the internal market and the Economic and Monetary Union or repeal an act which is obsolete"**
Teufel
- (t) **Add "The authorisation for such actions shall automatically lapse after one year"**
Heathcoat-Amory
- (u) **Add "Such action shall be valid for three years. During that period the necessary competences shall be transferred to the Union"**
Würmeling +Altmaier
- (v) **Redraft paragraph 1 to state that the allocation of areas between the categories of competences defined in Articles 8 to 15 may give rise to an amendment under a simplified constitutional review procedure.**
Lamassoure

3. Paragraph 2: Monitoring of subsidiarity

- (a) **Replace "for monitoring the subsidiarity principle" by "for monitoring the subsidiarity and proportionality principle"**
Fini; Hain; McAvan
- (b) **Replace "shall draw Member States' national Parliaments' attention" by "shall draw Member States' national Parliaments and the Committee of the Regions' attention"**
McAvan
- (c) **Delete paragraph**
Kuneva, Katiforis, Duhamel + Marinho, Van Lancker, Berès, Berger, Carnero, Paciotti, Spini, Kaufmann; Farnleitner; Earl of Stockton
- (d) **Add after "Commission": "or the Council of Ministers"**
Muscardini
- (e) **Add after "shall draw": "the European Council's and"**
Muscardini
- (f) **Add before "draw": "immediately" and at the end "and shall provide them with the opportunity of giving their opinion"**
Teufel
- (g) **Add after "Member States' national parliaments' attention to proposals based on this Article": "and shall provide them with the opportunity of giving their opinion"**
Teufel
- (h) **Add: "The action will be annulled if a national Parliament withholds its consent"**
Heathcoat-Amory

4. Paragraph 3: Exclusion of harmonisation

- (a) **Delete paragraph**
Kuneva, Katiforis, Duhamel + Marinho, Van Lancker, Berès, Berger, Carnero, Paciotti, Spini; de Villepin
- (b) **Add after "Provisions adopted on the basis of this Article": "may not result in widening the scope of Union powers beyond the general framework of this Constitution or, in substance, in an amendment thereto, nor"**
Kiljunen + Vanhanen; Tiilikainen + Peltömäki
- (c) **Add after "Provisions adopted on the basis of this Article": "may not affect the Union's competences and"**
Lennmarker

- (d) **Delete after "may not entail harmonisation of Member States' laws or regulations ": "in cases where the Constitution excludes such harmonisation"**
Würmeling + Altmaier

II. OTHER AMENDMENTS

- **Replace "within the framework of the policies defined in Part Two" by "Part Three" in Article 16(1)**
Michel + 5 Belgians; Voggenhuber, Lichtenberger
- **Before "Constitution": replace "the" by "this " in Article 16(3)**
Kaufman
- **Replace "may not entail" by "cannot ensure" in Article 16(3)**
(This seems to be more a linguistic problem in English: the French version reads "ne peuvent pas")
Earl of Stockton; Kirkhope
- **Clarify the words "shall draw Member States' national Parliaments' attention"**
(no suggestions made)
Kohout
-