

**THE EUROPEAN CONVENTION**

THE SECRETARIAT

**Brussels, 21 February 2003 (25.02)**  
**(OR. de,en,fr)**

**CONV 574/03**

**COVER NOTE**

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from :	Secretariat
to :	Convention
Subject :	<b>Reactions to draft Articles 1 to 16 of the Constitutional Treaty</b> <b>– Summary sheets</b>

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Members will find in the attached Annex summary sheets of suggestions on draft Articles 1 to 16 as circulated in CONV 528/03.

**SUMMARY SHEET OF 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
- **Replace "peoples" by "citizens"/add "citizens" to "peoples".**  
Palacio + Follini + Korčok + Arabadjiev + Fischer + Katiforis + Szajer (+ reference to "nations")
- **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 Convention members + Korčok + Wuermeling + Altmaier + Kacin + Horvat + Schlüter + Queiró + Rupel + Tomlinson + Muscardini + Oguz + Hololei + Kelam + 3 Convention members + Schlüter (exercise of competences in common)
- **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 Convention members + Schlüter + Queiró
- **Retain the phrase "an ever closer Union"**  
Villepin + Michel + 5 Belgian Convention members + Lopes + Van Lancker + Meyer + Fini + Hübner + Lequiller + Kuneva + Fischer + Severin (1a/6)

- **New formulation/definition of the Union as a "Federation of Nation States"**  
Villepin + Fischer + Kuneva
- **Numerous views on the name. In favour of retaining the name "European Union"**  
Fini + Kiljunen + 3 Finns + Korčok + 3 Slovaks + 6 Lithuanians + Duff + Queiró +  
Muscardini + Katiforis + Attalides
- **Inserting 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 Convention members

- 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 Convention members

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

1(1)/4 KROUPA

- Replace "federal" by "supranational"

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

- 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

1(1)/9 PUWAK

- Citizen + European Union

1(1)/10 PACIOTTI + SPINI

- European Union + deletion of "on a federal basis"

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

1(1)/18 de VILLEPIN

- Retain "an ever closer Union"

1(1)/19 MICHEL + 5 Convention members

- 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 Convention members

1(1)/23 SEPPANEN

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

- Recast Article + delete "on a federal basis"

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)/34 FOLLINI

- Replace "peoples" by "citizens"
- Redraft the end of the paragraph while preserving the meaning

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 Convention members

- European Union

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

- Delete "on a federal basis"

1(1)/39 KORČOK

- Replace "peoples" by "citizens"

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

- "Constitutional treaty"

1(1)/41 WUERMELING + ALTAMAIER

- Delete "on a federal basis"

1(1)/42 LEQUILLER

- 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 Convention members

- European Union
- Drafting amendments

1(1)/47 NAGY

- Redraft

1(1)/48 SCHLÜTER

- Treaty
- Delete "on a federal basis"

1(1)/49 QUEIRÓ

- European Union
- Delete "on a federal basis"

1(1)/50 HJELM–WALLÉN + 5 Swedes

- Treaty
- High Contracting Parties

1(1)/51 BONDE + 9 Convention members

- 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 Convention members

- 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 PPE Convention members

- 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 Convention members

- Delete "on a federal basis"

1(1)/65 SCHLÜTER

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

1(1)/SEPPÄNEN

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## **SUMMARY SHEET OF 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 Convention members + observers + Lopes + Hübner + Einem + Kiljunen + Vanhanen + Cuschnahan + Olesky + Tiilikainen + Peltomäki + Follini + Costa (+ 3 Portuguese) + Santer + 2 Luxembourgers + Lequiller + Frendo + Bonde + 8 Convention members + Wittbrodt + Fogler + Brok + 12 PPE Convention members + Katiforis + Serracino-Inglott (+ Inguanez) + Chabert + 5 Convention members
- **Add respect for "sovereignty"**  
Andriukaitis + Lithuanian Convention members + Roche + Abitbol + Kirkhope + Queiró + Bonde + 8 Convention members
- **Insistence on cultural diversity/cultural heritage**  
Kohout + Lopes + Santer + 2 Luxembourgers + Chabert + 5 Convention members
- **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 Convention members

- 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 Convention members

- Linguistic diversity and local and regional diversity

1(2)/7 PIETERS

1(2)/8 ABITBOL

- Recasting of the Article

1(2)/9 HAENEL + BADINTER

- Drafting amendment

1(2)/10 KAUFMANN

1(2)/11 MICHEL + 5 CONVENTION MEMBERS

- Regional, cultural and linguistic diversity

1(2)/12 LOPES

- Substantial addition 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)/15 VOGGENHUBER + LICHTENBERGER

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)/24 FOLLINI

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

1(2)/25 HEATHCOAT-AMORY

- Redrafting of the Article

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

- Clarification of the concept of national identity

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

- 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 Convention members

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

1(2)/31 NAGY

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

- Reference to Article 9(6)

1(2)/35 BONDE + 8 Convention members

- 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 CHRISTINA

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

1(2)/39 BROK + 12 PPE Convention members

- 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 Convention members

- 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 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"**  
Villepin + Lopes + Hain + Tomlinson

**II. BREAKDOWN OF THE AMENDMENTS**

1(3)/1 LAMASSOURE

Insert the possibility of leaving the Union

1(3)/2 BORRELL + 2 Convention members

Drafting amendment

1(3)/3 PIETERS

1(3)/4 ABITBOL

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

1(3)/5 HAENEL + BADINTER

1(3)/6 HAIN

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

1(3)/7 KAUFMANN

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

1(3)/11 BALÁZS

Reference to the Copenhagen criteria.

1(3)/12 EINEM

Deletion

1(3)/13 KILJUNEN + VANHANEN

Drafting

1(3)/14 CUSHNAHAN

1(3)/15 FOLLINI

1(3)/16 BERGER

1(3)/17 HEATHCOAT-AMORY

1(3)/18 COSTA + 3 Convention members

1(3)/19 KORČOK

1(3)/20 TEUFEL

1(3)/21 KACIN + HORVAT

1(3)/22 QUEIRÓ

– Deletion of "the Union"

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

– Deletion of "peoples"

1(3)/24 BELOHORSKA + 8 Convention members

– Relax the admission criteria

1(3)/25 VANDERLINDEN + 3 Convention members

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 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 + anthem + Europe Day (9 May).

1a / 2 BERÈS + 5 Convention members

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

1a / 3 PIETERS

1a / 4 HAENEL + BADINTER

Insert motto + emblem + anthem

1a / 5 SKAARUP

- Only a reference to Christianity

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 Convention members

- 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 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 Conventionists + Dybkjaer + Gabaglio + Andiukaitis + Vassiliou + Michel + 5 Belgian Conventionists + Puwak + Pacioti + Spini + Portuguese Conventionists + Katiforis + Voggenhuber + Lichtenberger + Giannakou + Einem + Tiilikainen + Peltomäki (inclusion in the 2nd sentence) + Kiljunen + Vanhanen + Svensson + Palacio + Kaufmann
- **Add "equality between men and women"**
  - Cristina + Costa + 3 Portuguese Conventionists + McAvan + Einem + Wittbrodt + Fogler
- **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 Conventionists + Lopes + Puwak + Pacioti + Spini + Katiforis + Voggenhuber + Lichtenberger + Costa + 3 Portuguese Conventionists + McAvan + Frendo + Serracino + Inguanez + Hübner
- **Add "pluralism" (Lequiller), "diversity" (Wurmeling + Altmaier), "cultural and linguistic diversity" (MacCormick + Figel) "respect for the rights of disabled people and minorities" (Kiljunen + Vanhanen) "social justice" (Voggenhuber + Lichtenberger + Einem), "openness" (Kiljunen + Vanhanen + Svensson), "cultural diversity" (Duff + 3 Conventionists + MacLennan), "national and regional identities" (Duff + 3 Conventionists + MacLennan), "national minorities" (Balázs)**
- **Different proposals for including a reference to religion: reference to God (modelled on the Polish Constitution) / reference to Christianity/mention of Judaeo-Christian roots / Graeco-Roman, Judaeo-Christian, secular and liberal traditions**
  - Kroupa + Skaarup + Fini + Follini + Teufel + Korčok + Muscardini + Brok + Wittbrodt + Fogler + Teufel + 16 Conventionists, Brok + Conventionists PPE

- **Add or replace human rights by fundamental rights or fundamental freedoms**
  - Villepin + Roche + Puwak+ Tiliikainen+ Peltomäki + Tillikainen + Peltomäki + Berès + Socialist Group + Kuneva + Tiilikainen + Peltomäki+ Rupel+ Duff + 3 Conventionists + MacLennan + Palacio
- **Specify "universal values" or "universal and indivisible values"**
  - Duhamel + 9 Conventionists + Lenmarker
- **Replace "values" by "principles" or state "on the principles of respect for"**
  - Villepin + Kuneva
- **Separation of Church and State**
  - Bérès + Di Rupo

## **II. DETAILS OF THE AMENDMENTS:**

### **(II)/1 Socialist delegation – DUHAMEL+ 9 Conventionists**

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 Conventionists**

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 in 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 Conventionists**

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 Conventionists**

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 (Portuguese Government)**

Delete reference to values

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

**(II)/20 MICHEL + 5 Belgian Conventionists**

Deletion of 2nd sentence (ditto Hain)

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

**(II)/21 de VILLEPIN (French Government)**

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 KIKHOPE**

Replace "Union" by "Community"

**(II) 26 KOHOUT**

Delete second sentence

**(II) 27 SKAARUP**

Include a reference to "Christianity, rooted in European history"

**(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 TILIIKAINEN+ PELTOMÄKI**

Add "fundamental values"

**(II) 33 BERÈS + OTHER CONVENTIONISTS. 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 CONVENTIONISTS**

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 Representatives of Portuguese National Assembly**

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 Conventionists**

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 and others on behalf of EPP Convention Group**

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 WUERMELING + 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

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**SUMMARY SHEET OF PROPOSALS FOR AMENDMENTS**  
**TO ARTICLE III§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**

**III§1/1 Mr 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 Mr ABITBOL**

Recast the Article.

**III§1/3 Mr HAENEL + Mr BADINTER**

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

**III§1/4 Mr HAIN**

Delete and insert in the preamble.

**III§1/5 Mr ZIELENIEC**

Add "European way of life".

**III§1/6 Mr VOGGENHUBER**

Replace "peoples" by "citizens".

**III§1/7 Mr de VILLEPIN**

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

**III§1/8 Mr MICHEL + 5 Convention members**

Add "security".

**III§1/9 Mr LOPES**

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

**III§1/10 Mr KAUFMANN**

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

**III§1/11 Mr FINI**

Total recast of Article 1.



**III§1/12 Mr KIRHOPE**

Replace "Union" by "Community".

**III§1/13 Mr COSTA+ Mr D'OLIVEIRA**

Recast the Article.

**III§1/14 Mr KVIST**

Add support.

**III§1/15 Ms MUSCARDINI**

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

**III§1/16 Mr LEQUILLER**

Add while preserving the achievements of European integration.

**III§1/17 Ms CRISTINA**

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

**III§1/18 Mr DUFF**

Delete paragraph 1.

**III§1/19 Mr MacCORMICK**

Replace "peoples" by citizens.

**III§1/20 Ms 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.

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**SUMMARY SHEET OF PROPOSALS FOR AMENDMENTS**  
**TO ARTICLE III§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:**

**III§2/1 Mr KRISTENSEN**

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

**III§2/2 Mr DUHAMEL**

Add "high living standard".

**III§2/3 Ms DYBKJAER + revised version**

Reproduce and extend cases of non-discrimination arising from current Article 13 TEC.

**III§2/4 Mr FAYOT**

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

**III§2/5 Mr GABAGLIO Observer**

Re-write.

**III§2/6 Mr SODERMAN 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 Mr CARNERO**

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

**III§2/9 Mr CRAVINHO – Observer**

Services of general interest – territorial cohesion.

**III§2/10 Mr HAIN**

Recast and delete reference to space.

**III§2/11 Mr HAENEL+ Mr BADINTER**

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

**III§2/12 Mr ABITBOL**

Re-write paragraph.

**III§2/13 Mr VASSILIOU**

Idem Carnero's amendment.

**III§2/14 Mr ROCHE**

Drafting amendment.

**III§2/15 Mr HOLOLEI**

Delete reference to discovery of space.

**III§2/16 Mr LOPES**

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

Drafting amendments.

**III§2/17 Mr PUWAK**

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

**III§2/18 Mr 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 Mr 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 Mr de VILLEPIN**

New article referring, in particular, to the European social model.

**III§2/21 Mr FARNLEITNER**

Drafting amendment and reference to social market economy.

**III§2/22 Mr VOGGENHUBER + Ms LICHTENBERGER**

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

**III§2/23 Mr ZIELENIEC**

New, very short article.

**III§2/24 Mr DUHAMEL+ 9 Convention members**

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

**III§2/25 Earl of STOCKTON**

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

**III§2/26 Ms TIILIKAINEN + Mr PELTOMÄKI**

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

**III§2/27 Mr FAYOT**

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

**III§2/28 Mr FISCHER**

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

**III§2/29 Ms MUSCARDINI**

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

**III§2/30 Mr SVENSSON**

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

**III§2/31 Mr de VRIES + 4 Convention members**

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

**III§2/32 Mr FRENDÓ**

Reference to territorial cohesion.

**III§2/33 Mr KUNEVA**

New article. Reference to European social model.

**III§2/34 Ms CRISTINA**

Reference to territorial cohesion.

**III§2/35 Mr KACIN + HORVAT**

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

**III§2/36 Mr 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, services of general interest. Add reference to quality of work, public health, life-long learning. Reference to territorial cohesion.

**III§2/37 Ms BELOHORSKA + 8 Convention members**

Reference to a Europe of democracies.

**III§2/38 Mr KILJUNEN + Mr VANHANEN**

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

**III§2/39 Mr 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 Mr MacCORMICK**

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

**III§2/41 Mr THORNING-SCHMIDT**

Reference to environmental protection as an element of sustainable development.

**III§2/42 Mr ARABADJIEV**

Reference to the social market economy.

**III§2/43 Mr SIGMUND + BRIESCH + FRERICHS (Observers)**

New article.

**III§2/44 Mr RUPEL + Mr LENARCIC**

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

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## **SUMMARY SHEET OF PROPOSALS FOR AMENDMENTS**

### **TO ARTICLE III§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. THEMATIC EXAMINATION OF AMENDMENTS**

**III§3/1 Mr MacCORMICK**

Add linguistic diversity.

**III§3/2 Mr BORRELL + 2 Convention members**

Idem MacCormick.

**III§3/3 Mr ECKSTEIN-KOVÁCS**

Idem MacCormick + "religious diversity".

**III§3/4 Mr VASTAGH**

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

**III§3/5 Mr ROCHE**

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

**III§3/6 Mr HAIN**

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

**III§3/7 Mr HAENEL+ BADINTER**

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

**III§3/8 Mr ABITBOL**

Linguistic diversity + defence of cultural diversity at global level.

**III§3/9 Ms TIILIKAINEN Mr 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 Mr ATTALIDES**

Add common heritage.

**III§3/11 Mr 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 Mr MICHEL+ 5 Convention members**

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

**III§3/13 Mr DUFF + 4 Convention members**

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

**III§3/ 14 Mr de VILLEPIN**

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

**III§3/15 Mr FARNLEITNER**

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

**III§3/16 Mr VOGGENHUBER + Ms LICHTENBERGER**

In addition to respect, add promotion.

**III§3/17 Mr FRENDÓ**

Recast the Article.

**III§3/18 Mr 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 Mr KILJUNEN + Mr VANHANEN**

Idem Ms Tiilikainen and Mr Peltomäki

**III§3/20 Ms KUNEVA**

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

**III§3/ 21 Mr EINEM**

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

**III§3/ 22 Ms GIANNAKOU**

Idem Mr Attalides

**III§3/ 23 Mr 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** Mr MacCORMICK  
Idem Mr Voggenhuber and Ms Lichtenberger

**III§3/25** Ms CRISTINA  
Idem Mr Frendo

**III§3/26** Ms BELOHORSKA + 8 Convention members  
Making the Union a Europe of Democracies. Addition of fully respected.

**III§3/27** Ms MUSCARDINI  
Add reference to linguistic diversity and all specific national features and traditions.

**III§3/28** Mr LEQUILLER  
Add reference to linguistic diversity, and after "respected" add promoted.

**III§3/29** Ms KAUFMANN  
Recast the paragraph.

**III§3/30** Mr BROK + 12 Convention members  
Add for the sake of its citizens.

**III§3/31** Mr SANTER + 2 Convention members  
Delete the reference to cultural diversity, which is contained in Article 1.

**III§3/32** Mr TEUFEL  
Idem Mr Brok

**III§3/33** Mr KIRKHOPE  
Delete the paragraph.

**III§3/34** Ms AZEVEDO + Mr 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** Mr COSTA + Mr D'OLIVERIA MARTINS  
Idem Ms Azevedo + addition of reference to a high level of quality in the administration of justice.

**III§3/36** Mr FINI  
Recast of the Article. Paragraph 3 becomes the 4th indent.

**III§3/ 37** Mr 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** Mr RUPEL+ Mr LENARCIC  
Add reference to linguistic diversity.



**III§3/39 Mr CUSHNAHAN**  
Idem Mr Rupel

**III§3/40 Mr TIMMERMANS**  
Add a reference to the Union promoting the well-being of its people.

**III§3/41 Mr 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 Mr HAENEL + Mr BADINTER**  
Recast the Article.

**III§3/43 Mr SERRACINO-INGLOTT**  
Recast the Article.

**III§3/44 Mr PACIOTTI + Mr 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 Mr VASTAGH**  
Add respect for and protection of minorities.

**III§3/46 Mr DUFF**  
Idem Ms Hübner + Add a reference to the fight against racism and xenophobia.

**III§3/47 Mr OLEKSY**  
Delete "in which its shared values are developed and the richness of its cultural diversity is respected".

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**SUMMARY SHEET OF PROPOSALS FOR AMENDMENTS**  
**TO ARTICLE III§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. THEMATIC EXAMINATION OF AMENDMENTS**

**III§4/1 Mr BORRELL+ 2 Convention members**  
Reference to establishing a fair and democratic world order.

**III§4/2 Mr LENNMARKER**  
Europe's openness to the outside world  
Universal values  
Cooperation and free trade

**III§4/3 Mr HAIN**  
Promotion/protection of human rights  
Insert a reference to the CFSP and defence policy.

**III§4/4 Mr HAENEL+ Mr BADINTER**  
Advances in knowledge, scientific research and technology.

**III§4/5 Mr ABITBOL**  
New wording

**III§4/6 Mr ROCHE**  
Re-writing based on the conclusions of the Working Group on External Action.

**III§4/7 Ms VASSILIOU**  
Insert a reference to partnerships with countries, and regional and global organisations.

**III§4/8 Mr FARNLEITNER**  
Add respect for human rights and fundamental freedoms including.

**III§4/9 Mr 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 Mr VOGGENHUBER + Ms 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 Mr 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 Mr FIGEL**

Add a reference to CFSP instruments.

**III§4/13 Mr 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 Mr 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 Mr KELAM + 3 Convention members**

Replace "independence" with security.

**III§4/16 Mr 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 Mr LEQUILLER**

Add a reference to human rights.

**III§4/18 Mr VAN DER LINDEN + 3 Convention members**

Add that the Union contributes to building international justice.

**III§4/19 Mr 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 Ms MUSCARDINI**

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

**III§4/21 Mr MacCORMICK**

Idem Mr Voggenhuber

**III§4/22** Mme 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** Ms CRISTINA

Recast the Article. Paragraph 4 unchanged becomes paragraph 3.

**III§4/24** Mr SERRACINO-INGLOTT

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

**III§4/25** Mr 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** Mr FREDO

Idem Ms CRISTINA

**III§4/27** Ms BELOHORSKA+ 8 Convention members

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

**III§4/28** Mr FISCHER

Add a reference to tackling global and regional environmental problems.

**III§4/29** Mr 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 Ms Giannokou). + Add: free trade.

**III§4/30** Mr EINEM

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

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**SUMMARY SHEET OF PROPOSALS FOR AMENDMENTS**  
**TO ARTICLE III§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. THEMATIC EXAMINATION OF AMENDMENTS**

**III§5/1 Mr DUHAMEL**

Drafting change

**III§5/2 Mr HAENEL+ Mr BADINTER**

Deletion

**III§5/3 Mr MICHEL + 5 Convention members**

Unchanged, with addition of a paragraph 6.

**III§5/4 Ms MUSCARDINI**

Add a reference to respect for Member States' competences.

**III§5/5 Ms 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 Ms KUNEVA**

Paragraph 5 unchanged becomes paragraph 6.

**III§5/7 Mr EINEM**

Paragraph 5 unchanged becomes paragraph 6.

**III§5/8 Mr GIBERYEN**

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

**III§5/9 Mr DUFF**

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

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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)*  
  
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: against 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)*

#### **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)*

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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)*

*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)*

– **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)*

– **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)*

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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 Constitution**

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

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

*Amendment V (1)/14 (Kaufmann)*

*Amendment V (1)/ 34 (Fischer)*

– **Incorporate the Charter as the second part of the Constitution (= Part 1a)**

*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, MacIennan, Szent-Iványi): second chapter of part one.*

- **Incorporate the Charter as a Protocol**  
*Amendment V (1)/2 (Kroupa)*  
*Amendment V (1)/10 (Roche)*  
*Amendment V (1)/13 (Kiljunen and Vanhanen)*  
*Amendment V (1)/15 (Tiliikainen 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)*
- **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.*

## **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 (TILIIKAINEN 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)*

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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**  
*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)*
  - **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 (Tomlinsson)*
- **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 (Tiliikainen and Peltomäki)*  
*Amendment V (2)/18 (Arabadjiev): "The Union shall accede ..."*  
*Amendment V (2)/26 (Brok + EPP 15 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 (TILIIKAINEN 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 (TOMLINSSON)*  
*V (2)/29 (DUHAMEL)*  
*V (2)/30 (DUFF)*

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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)*

*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)*
- **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 (DUFF)*

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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 (Dybkaer)*
- **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-Schmid)*  
*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, Inguanez)*

*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)*

- **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)*

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

*Amendment VI / 22 (Heathcoat-Amory)*

- **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 (DYBKJAER)*

*VI / 4 (HAENEL AND BADINTER)*

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

*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)

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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 second 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-Schmid)*  
*Amendment VII (1) / 5 (Paciotti)*  
*Amendment VII (1) / 6 (Kiljunen and Vanhanen)*  
*Amendment VII (1) / 7 (Kaufmann)*  
*Amendment VII (1) / 10-11 (MacLennan)*  
*Amendment VII (1) / 12 (Korčok)*  
*Amendment VII (1) / 24 (Duff, Rupel, Helminger, Szent-Iványi)*
- **Delete 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)*
- **Specify "... equal before all the laws of the Union and its Member States"**  
*Amendment VII (1) / 4 (Lamassoure)*
- **Specify "equality before the law": national law or European laws (in the fields of application of the Constitution)?**  
*Amendment VII (1) / 8-9 (Kohout)*
- **Delete the whole of the third sentence**  
*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)*
- **Replace the reference to all citizens, women and men, by "All citizens"**  
*Amendment VII (1) / 10-11 (MacLennan)*  
*Amendment VII (1) / 15 (Tiliikainen and Peltomäki)*

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

*See also:* 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)

- **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)

## **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-SCHMID)

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 (TILIIKAINEN 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)*

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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)*

*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-Schmid)*

*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 (MacIennan)*
- **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)*
- **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-SCHMID)

VII (2) / 4 (FARNLEITNER)

VII (2) / 5 (ROCHE)

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

VII (2) / 7 (PIETERS)

VII (2) / 8 (*BELGAIN 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)

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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-Schmid)*

*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) / 10 (Voggenhuber, Lichtenberger)*

*Amendment VII (3) / 7 (MacLennan)*

*Amendment VII (3) / 15 (Figel)*

*Amendment VII (3) / 16 (Fischer)*

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

*Amendment VII (2) / 18 (Duff, Rupel, Helminger, Szent-Iványi)*

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

– **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-SCHMID*

*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)*

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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. **EXAMINATION OF AMENDMENTS**

**VIII(1)/1 HAIN:** delete "the limits"

**KIRKHOPE:** replace "Union" with "Community"

**VOGGENHUBER AND LICHTENBERGER:** add the principles of consistency and integration.

**ERNANI:** delete

**VIII(2)/1 HAIN:** add sentence indicating that the powers of the Union flow from the transfer of competences by the Member States.

In the same vein: **ROCHE** (VIII(2)/2)

**ERNANI:** add sentence to beginning: "The limits of Union competences are governed by the principle of conferral".

**KILJUNEN AND VANHANEN:** add reference to the external competence of the Union.

**VIII(3)/1 (BORRELL + 2 Conv. members):** change to definition of the principle of subsidiarity.  
Unacceptable. Substantially different from the present definition.

**VIII(3)/2 (HAIN):** reference to regional and local authorities  
In the same vein: **MacCORMICK** (VIII(3)/3), Farnleitner (VIII(3)/4).

**VIII(3)/5 (Soc. Del.: DUHAMEL and 8 others):** delete "only if and".

**VILLEPIN:** replace "but can" with "and can therefore".

**VOGGENHUBER AND LICHTENBERGER:** add sentence on the possibility for Member States to take measures concerning the environment.

**ERNANI:** add a sentence to the beginning: "The exercise of Union competences is governed by the principles of subsidiarity, proportionality and loyal cooperation".  
Add a new paragraph on the primacy of Union law.

**VOGGENHUBER AND LICHTENBERGER:** add definition of the principles of consistency and integration.

**VIII(5)/1-ROCHE:** more detailed drafting of the principle of loyal cooperation.  
Unnecessary. Political choice.  
In the same vein: **FARNLEITNER**

**PACIOTTI AND SPINI:** add a new sentence: The Member States shall refrain from taking measures against the objectives of the Union.

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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**

**1. Amendments concerning the whole Article**

**(a) Delete the Article:**

*Lux. ADR party, Tiliikainen 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:**

*Olesky*

**(c) Complete rewriting:**

*D. Cristina, Frendo, Serracino-Inglott and Inguanez*

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

- (a) **Delete paragraph: Palacio, Farnleitner** (in keeping with amendment to Article 8),  
*Heathcoat-Amory, Kohout, Hain, Lopes.*
- (b) **Delete** the reference to secondary legislation:  
*Lord Tomlinson:*
- (c) **Delete the words "par celle-ci"** (not applicable to English version, which has "by the Constitution")  
*Duhamel, Paciotti and Spini.*
- (d) **Replace the whole paragraph with:**
- **"Union law prevails over national law":**  
*Brok and others, 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:*
- (e) **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*
- (f) **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 1st paragraph:** Kiljunen and Vanhanen, Hain, Paciotti and Spini, Kaufmann

**5. Amendments concerning paragraph 4: implementation of Union law**

- (a) **Delete 1st 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*

**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 first 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,**

*Musccardini, 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 "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)*

## **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 et 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*
- (b) Reference to the conclusion of international agreements**  
*Giannakou Brok and others (PPE)*
- (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)*
- (d) Reference to the Member States' competence where the Union has ceased to exercise its competence**  
*Brok and others (PPE)*
- (e) Delete the second sentence concerning Member States' exercise of their competence**  
*Balázs*
- (f) Reference to the subsidiarity principle**  
*Fini, Queiró*

**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**

*Ernani, 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 defence policy**

*Dini, Brok and others (PPE), Borrell and others, Santer and others, Figel*

**(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, Ernani, Teufel, Kiljunen, Vanhanen*

(b) **Add a reference to regional authorities or territorial entities**  
*MacCormick*

(c) **Add a list of areas**  
*Nagy*

**7. Paragraph 6 amendments: reference to Part II**

(a) **Add a reference to the forms and instruments of action laid down in Part II**  
*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"**  
*Henrik 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 I and II**  
*Heathcoat-Amory*
- **Avoid duplication of Article 10(3) and (4) with Articles 13 and 14**  
*Kohout*

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## **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 who 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**

*Ernani*

**(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*
- competition within the internal market  
*Hain, Farnleitner, Tiilikainen and Peltomäki, Hjelm-Wallén and others, Fischer*
- common commercial policy  
*Kirkhope*
- marine biological resources  
*MacCormick, Kirkhope, Heathcoat-Amory*
- monetary policy  
*Berlohorská and others, Kirkho and others (Sweden) Kiljunen and Vanhanen*
- internal market, except for taxation policy  
*Duff and others*

**(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, 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 (PPE), Figel*
- Union statistics  
*Brok and others (PPE), 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*

**(c) Include a reference to Part II of the Constitution**

*Tiilikainen and Peltomäki, De Vries and others (Netherlands), Roche*

**(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*

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**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**

**1. General amendments**

- (a) Delete the Article  
*Ernani*

- (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*

**2. Paragraph 1: Definition of cases in which shared competence applies**

- (a) **Delete the paragraph**

*Brok and others (PPE)*

- (b) **Delete reference to Article 15**

*Katiforis*

**3. Paragraph 2: Reference to Part II of the Constitution**

- (a) **Delete the paragraph**

*Hain, Michel and others, Fini, Tomlinson*

- (b) **Include the reference to Part II in paragraph 4**

*Roche*

**or as a final paragraph**

*Brok and others*

**4. 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*

- (b) **Change the wording**

*Fischer*

- (c) **Incorporate the definition of the subsidiarity principle**

*Lux ADR party*

**5. Paragraph 4: Areas of shared competence**

- (a) **Delete the paragraph**

*Hain, Michel and others, Hübner, Tiilikainen and Peltomäki, Tomlinson, Kuneva*

**(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*
- 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*
- 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  
*Cunhaban, McAvan*
- Tourism  
*Cunhaban*
- Scientific and space research  
*Fini*
- Development cooperation and humanitarian aid  
*Fini*
- Intellectual property  
*Giannakou, Brok and others*
- Combating drugs  
*Giannakou*
- Preventing and combating fraud affecting the Union's financial interests  
*Giannakou*
- Common foreign and security policy  
*Dini*
- 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*

**(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*
- 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*

**(d) Limit the list**

*Fini*

**6. Paragraph 5: research, technological development and space**

**(a) Delete the paragraph**

*Fini, Hübner, Tiilikainen and Peltomäki, Roche, Kuneva*

**(b) Delete the reference to Member States' competence**

*Berès and others*

**(c) Add separate Article**

*Hain*

**7. Paragraph 6: development cooperation**

**(a) Delete reference to Member States' competence**

*Berès and others*

**(b) Delete**

*Fini, Hübner, Tiilikainen and Peltomäki, Kuneva*

**(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*
- 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*

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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**

*Tiliikainen and Petltomäki, Lord Tomlinson, Berès, Duhamel and others*  
**with new paragraph 4a under Article 12: add this subject as an area for supporting action**  
**Kaufmann,**  
*Roche.*

**(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*

**(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.*

- (g) **Replace:**

- **"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 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)*
- **"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) **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*

(b) **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*

(c) **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:**

**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 and others*

**(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 (Portuguese Members of Parliament); 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 "and unreservedly"**

*Muscardini, Queiró, McAvan, 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 (Dutch Members of Parliament)*
- (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, Wurmeling*
- (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 Martiňáková (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*

## **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 undermined 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; Ernani; Nagy
- (b) **Replace "supporting action" by "complementary competences"**  
Borrell and others; Giannakou; Haenel; Santer and others; Azevedo 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) **Add reference to Member States' competence in areas of supporting action**  
Hain; Tomlinson
- (b) **Replace "may take " by "shall have competence for"**  
Michel and others
- (c) **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; Duhainel and others*
- Tourism  
*Palacio; Lequiller; Borrell and others; Paciotti and Spini; Dini; Duhamel and others; Duff and others*
- 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*
- Research and technological development  
*Kiljunen and Vanhanen; Tiilikainen and Peltomäki; Teufel*
- 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*
- Territorial cohesion  
*De Vries and others*



- Energy  
*Kirkhope*
- Transport  
*Kirkhope*
- Cross-border cooperation  
*Duff and others*
- Aid in exceptional circumstances  
*Svensson*

**(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*

**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*

**(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*

**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 all or some areas for supporting action**  
*Teufel; Brok and others; Kirkhope; Svensson*
- **Replace "Union" by "Europe of Democracies"**  
*Belohrská 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**  
*Belohorská, Zahradil, Bonde, Heathcoat-Amory, Abitbol, 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*

**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 (Szájer, Teufel, Van der Linden, Kroupa, Tajani, Cushnahan, Santer, Almeida Garrett, Altmaier, Figel, Follini, 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".**  
*Dick 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*  
  
*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*
- (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, Lichtenberg; 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*

- (l) **Delete "unanimously"**  
*Duff + MacLennan, 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"**  
*Wuermeling +Altmaier*

### **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*
- (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"**  
*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*
- (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 modify 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"**  
*Wuermeling + Altmaier*

## **II. OTHER AMENDMENTS**

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